

# Creating improved housing outcomes: Liveable medium-density housing legislation and regulation review

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### Abstract

Medium-density housing (MDH) is an increasingly common housing typology as New Zealand's towns and cities respond to growth challenges, yet little is known about the success or otherwise of past and present MDH developments. Specifically, opportunities exist to better understand the degree of liveability being achieved by MDH developments and how this contributes to the wellbeing of residents, neighbours and wider communities.

This report reviews current New Zealand legislation and regulation to determine whether, what and how such statutes may influence the delivery of liveable MDH. Findings are intended to inform the building and construction industry, developers and policy makers at the national and local levels, enabling the settings necessary to design and deliver liveable MDH.

### Keywords

Medium-density housing, MDH, liveability, dwelling liveability, neighbourhood liveability, urban liveability, liveable cities, liveability regulation, local government.



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## Executive summary

This report presents the findings of the second of five research reports (Allen & O'Donnell, 2020a, 2020b, 2020c, 2020d) commissioned by BRANZ to understand the degree of liveability currently being achieved by medium-density housing (MDH) developments across New Zealand. These reports also identify how the liveability of medium-density housing could be improved. Specifically, this report reviews current New Zealand legislation and regulation to determine whether, what and how such statutes may influence the delivery of liveable MDH. Key insights from this review of MDH-related legislation and regulation can be summarised as follows:

### Insight 1: New Zealand's current legislative and regulatory framework may not be in step with the transition towards higher-density housing typologies such as MDH

It would be useful to obtain a deeper understanding of specifically how provisions of MDH-relevant legislation and regulation correlate to the achievement of good liveability outcomes for MDH and ensure that all liveability criteria are adequately addressed (not some more than others), where appropriate.

### Insight 2: Specific liveability requirements do not exist in one place

Rather, they are fragmented across New Zealand's current legislative and regulatory framework.

### Insight 3: Building and planning legislation and regulation appear to have the greatest influence on MDH liveability

This includes the Building Code alongside unitary, district and city plans implemented under the Resource Management Act.

### Insight 4: There are differences between how territorial authorities address MDH liveability within their unitary, district and city plans

The impact of these differences on the ability of those who design, build and regulate MDH to achieve good liveability outcomes would be a useful topic for further investigation.

These key insights provide direction as to how a liveability agenda for MDH could be progressed in New Zealand. Understanding such liveability considerations provides a starting point from which the building and construction industry, developers and policy makers at the national and local levels can understand and create the settings necessary to design and deliver liveable MDH across New Zealand.

# 1. Introduction

In 2017, BRANZ commenced a research programme focused on medium-density housing (MDH). This programme was designed to provide background information regarding MDH in the New Zealand development context, along with a suite of tools to enable the construction industry to build liveable MDH. It also sought to ensure that MDH in New Zealand would meet the needs of the people who live in it and be accepted by wider communities as an alternative to traditional stand-alone housing (BRANZ, n.d.).

In order to ascertain whether MDH is meeting the needs of its inhabitants, it is important to gauge the liveability of current MDH developments across the country. This will enable an understanding of the ability of this form of development to contribute to wider social, economic, environmental and cultural wellbeing. This is particularly topical given the strong focus of the current government on achieving wellbeing for all New Zealanders, as evidenced by initiatives such as the Wellbeing Budget 2019 (The Treasury, 2019), the Living Standards Framework (The Treasury, 2018) and the reinstatement of wellbeing into the purpose of local government (Local Government Act 2002).

To this end, BRANZ commissioned an MDH liveability project to answer two questions: How liveable is the MDH we are building? How can we do better?

The MDH liveability project was then divided into four separate phases to address the above research questions. These included:

- a national and international **literature review** of opportunities and challenges for MDH to improve liveability and enhance the wellbeing of residents and communities
- a review of current **legislation and regulation** applicable to MDH in New Zealand to understand any impacts of such on liveability and wellbeing (this report)
- **focus groups** conducted with representatives from New Zealand's most populous territorial authorities (Auckland, Christchurch and Wellington) to obtain insight into opportunities and challenges to achieving the consistent delivery of liveable MDH
- completion of a **residents' survey** to understand the experiences and preferences of existing MDH residents and how they perceive liveability and wellbeing.

Information from each of these four phases of the MDH liveability research project provides a comprehensive picture of MDH liveability and wellbeing from the perspectives of those planning for it, authorising it and living within it. It is intended to enable policy makers at the national and local levels to create the settings necessary to deliver liveable MDH. This research also provides a voice for the building and construction industry and for the residents of MDH developments nationwide to express their unique perspectives and lived experiences.

## 1.1 This report

This report represents the second phase of the wider MDH liveability project. It explores how the requirements of existing legislation and regulation in New Zealand shape the liveability of MDH. In this way, it provides a regulatory benchmark against which to contextualise and consider wider MDH liveability issues, as addressed in the other three phases of the research. For the purposes of this report, medium-density housing is defined as multi-dwelling units of up to 6 storeys (Bryson & Allen, 2017).

## 1.2 Methodology

The approach taken to complete this review of MDH-related legislation and regulation included the following steps:

- Developing a set of criteria to define the concept of liveability so that appropriate legislation and regulation could be identified and reviewed. The process for achieving this is described in section 2 of this report.
- Compiling a list of the legislation and regulation with the potential to impact the liveability of MDH typologies (section 3 of this report).
- Identifying an appropriate coding method to create a framework for reviewing the MDH-relevant legislation and regulation (section 4 of this report).
- Reviewing the compiled legislation and regulation to draw key insights about how it may impact the liveability of MDH currently being delivered in New Zealand (section 5 of this report).

This approach to undertaking the legislation and regulation review was given careful consideration to ensure that the majority of MDH-related statutes were identified and analysed consistently. It is considered that this process captured the majority of MDH-relevant legislation and regulation applicable in the New Zealand context, as now summarised in the following sections of this report.



## 2. Review criteria

To enable the identification of New Zealand legislation and regulation relevant to MDH, a set of searchable tangible criteria was needed. This research took the approach of determining specific criteria that can be used to exemplify the characteristics of liveability rather than applying a single definition of liveability. Such an approach recognises the multifarious nature of liveability as discussed in the literature review undertaken in the first phase of this wider research project (Allen & O'Donnell, 2020a). The criteria needed to be translatable into terms that are likely to exist within the New Zealand legislative and regulatory framework.

To ensure that due consideration was given to both built form and socio-health components of liveability, the criteria used to represent the characteristics of liveability in this research were derived from key sources identified in the literature review completed in the first phase of the wider research project. The work of Bennett (2010) was considered to be the most relevant to MDH liveability as it was developed for the New Zealand context and achieves a high degree of cross-over between high-density and medium-density housing typologies.

A coding table was developed (see Table 1) that grouped criteria into one of three overall categories: configuration, indoor environmental quality or build quality as identified by Bennett (2010). Additional sections and features based on commonly used terms arising from the literature review completed in the first phase of the wider research project were added to ensure that coding of legislation and regulation was as robust and relevant as possible.

**Table 1. Liveability criteria (Bennett, 2010).**

Criteria	Sections	Features	Extra information	
1. Configuration	1.1 Connections	1.1.1 High-rise living	Vertical location and communal areas	
		1.1.2 Personal and private space		
		1.1.3 Private outdoor access		
	1.2 Spatiality	1.2.1 Occupancy	Unit density, number of units/area	
		1.2.2 Shape and configuration		
		1.2.3 Size		
		1.2.4 Spatial organisation	The way the floor layout is designed	
		1.2.5 Storage		
	2. Indoor environmental quality	2.1 Acoustics	2.1.1 Internal control of sound	
			2.1.2 External control of sound	
2.2 Indoor air quality		2.2.1 Air quality		
		2.2.2 Ventilation		
		2.2.3 Insulation		
2.3 Thermal comfort		2.3.1 Comfort		
		2.3.2 Control		
		2.3.3 Insulation		
2.4 Visual aspects		2.4.1 Adequate task lighting		
		2.4.2 Natural lighting		
		2.4.3 Views		

Criteria	Sections	Features	Extra information
3. Build quality	3.1 Building quality	3.1.1 Airtightness	
		3.1.2 Communal areas	
		3.1.3 Landscaping	
		3.1.4 Safety	Fire safety, safety from falls, structural safety
		3.1.5 Security	
		3.1.6 Weathertightness	
	3.2 Building services and amenities	3.2.1 Drainage	
		3.2.2 Emergency escape	
		3.2.3 Facilities	Such as communal outdoor areas, eateries, exercise
		3.2.4 Lifts	
		3.2.5 Parking	
		3.2.6 Rubbish and recycling	
		3.2.7 Water	
		3.2.8 Utilities	Telecommunications, gas
	3.3 Materials quality	3.3.1 Deterioration and durability	
3.3.2 Emissions		Release of toxins from materials	
3.3.3 Toxic materials		Such as lead and asbestos	

### 3. Relevant legislation and regulation

In order to identify relevant statutes, a search of New Zealand’s legislation and regulation was completed using Westlaw NZ.<sup>1</sup> Search terms included ‘liveability’ as well as the criteria identified in Table 1. Results were cross-referenced with local government websites, and a list of MDH-relevant legislation and regulation was compiled, as listed in the first column of Table 2 below.

From this point, a review of each piece of MDH-relevant legislation and regulation was undertaken to identify those that may materially impact the delivery of liveable MDH. This further filtering exercise yielded the list of legislation and regulation included in the second column of Table 2.

Those statutes listed in the second column of Table 2 were then reviewed in greater detail against the criteria identified in Table 1 to understand the extent and nature of impact each statute may have on MDH liveability in New Zealand. The results of this are outlined in sections 4 and 5 of this report.

**Table 2. Legislation and regulation impacting MDH liveability.**

Legislation and regulation identified in search	Those reviewed against the criteria in Table 1
Building Act 2004	Building Act 2004
Building Amendment Act 2009	
Building Amendment Act 2013	
Building (Forms) Regulations 2004 – provides guidelines on applying for an annual WOF under section 108 of the Building Act 2004	
Housing Improvement Regulations 1947	Housing Improvement Act 1945
Housing Act 1955	Housing Act 1955
Healthy Homes Guarantee Act 2017	Healthy Homes Guarantee Act 2017
Housing Restructuring and Tenancy Matters Act 1992	Resource Management Act 1991
Residential Tenancies Act 1986	Residential Tenancies Act 1986
Residential Tenancies Amendment Act 2010	Residential Tenancies Amendment Act 2010
Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016	
Local Government Act 1974	Local Government Act 1974
Local Government Act 2002	Local Government Act 2002
Weathertight Homes Resolution Services Act 2006	Weathertight Homes Resolution Services Act 2006
Housing Accords and Special Housing Areas Act 2013	Housing Accords and Special Housing Areas Act 2013
Housing Restructuring and Tenancy Matters Act 1992	Housing Restructuring and Tenancy Matters Act 1992
Unit Titles Act 2010	Unit Titles Act 2010
Fire and Emergency New Zealand Act 2017	
Property Maintenance and Nuisance Bylaw 2015	
Fencing Act 1978	

<sup>1</sup> Westlaw NZ is a leading online law library and database providing legal research solutions to law professionals, corporations, governments and universities.



Legislation and regulation identified in search	Those reviewed against the criteria in Table 1
Health Act 1956	
Resource Management Act 1991	Auckland Unitary Plan
Resource Management (Simplification and Streamlining Amendment) Act 2009	Christchurch District (City) Plan
	Wellington District (City) Plan
	Hamilton District (City) Plan
	Tauranga City Plan
	Queenstown District Plan

Overall, 23 pieces of legislation were found to include provisions relevant to the liveability criteria listed in Table 1. Of these, 13 pieces of legislation were found to have the potential to materially impact the delivery of MDH in New Zealand alongside six unitary, district and city plans for New Zealand’s most populous territorial authorities, as developed and implemented under the Resource Management Act 1991.

Those statutes that were not considered likely to materially impact MDH liveability and therefore were not reviewed further included the Fire and Emergency New Zealand Act 2017, Property Maintenance and Nuisance Bylaw 2015, Fencing Act 1978 and Health Act 1956.

It should be noted that this research phase was limited to reviewing legislation and regulation that could be enforced by regulatory organisations and therefore does not consider the layers of strategy, design guides, non-regulatory measures or other information at a national, regional or local level that may be relevant to MDH liveability. A search for documents of this nature was outside the scope of this current research project. However, this could be considered as the topic of future MDH research should this be considered beneficial.

## 4. Liveability Index

To record the results of this review into how legislation and regulation may impact MDH in New Zealand, a Liveability Index was developed. This is provided as an Excel spreadsheet and should be considered in tandem with this report.

The Liveability Index (see Appendix B) uses the review criteria included in Table 1 to specifically identify how each piece of legislation and regulation listed in the second column of Table 2 impacts MDH liveability. In so doing, it also provides links to the relevant legislation and regulation so that further analysis may be undertaken if required. A guide for using the Liveability Index is provided in Appendix A.

Given the vast quantity and nature of information included in the Liveability Index, an overview of the legislative and regulatory pathway for MDH development in New Zealand and the Liveability Index itself are outlined briefly in the following subsections.

### 4.1 Legislative and regulatory pathway for MDH liveability

This review yielded a list of legislation and regulation that may impact the liveability of MDH development in New Zealand. This begins to create a picture of the legislative and regulatory pathway that new MDH development must currently navigate in respect to liveability. This is visualised in Figure 1, which highlights the complexity of the current pathway for achieving good liveability outcomes for MDH. It crosses multiple pieces of legislation and regulation, each typically implemented by a different authority (including central or local government or other organisations) with various application processes, monitoring and enforcement procedures.

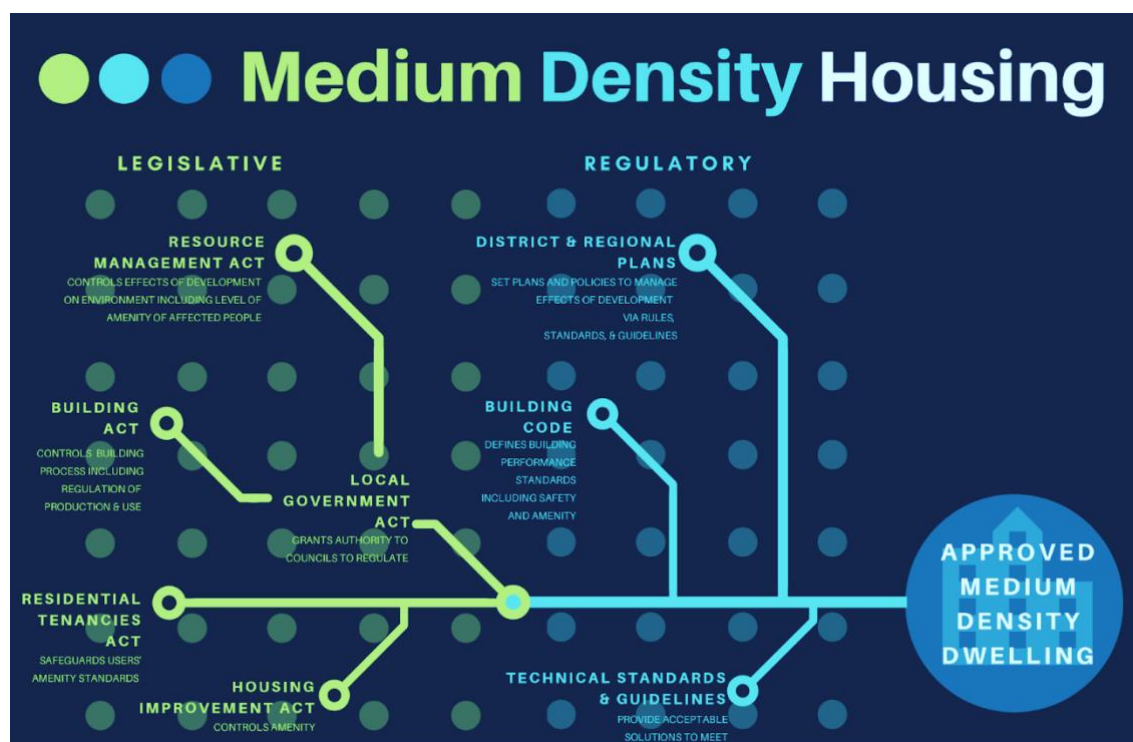


Figure 1. Legislative and regulatory pathway for liveable MDH.



It should be noted that this complexity relates to one component of MDH development only, being liveability. It is almost certain that the pathway would become much more complex when considering all components of MDH development including, for example, accessibility to transport, sustainability or even affordability.

## 4.2 Overview of the Liveability Index

The Liveability Index includes a vast wealth of information to a high level of detail (see Appendix B). This information is summarised in Table 3 below. Table 3 visually portrays which MDH liveability criteria are impacted by current legislation and regulation. This provides a visual gauge of the extent and fragmented nature of legislation and regulation that may impact MDH liveability. Such legislation and regulation is enforced by multiple organisations across various levels of government and external organisations. This further illustrates the complexity of the development pathway as applicable to MDH liveability.

**Table 3. A review of legislation and regulation against liveability criteria.**

Liveability Criteria from Bennett 2010			Building Act 2004 Building Regulations 1992 (Building Code)	Housing Improvement Act 1945 Housing Improvement Regulations 1947	Housing Act 1955	Residential Tenancies Act 1986	Auckland Unitary Plan	Christchurch District Plan	Wellington District Plan	Tauranga City Plan	Hamilton District Plan	Queenstown District Plan	
1.0 Configuration	1.1 Connections	1.1.1 High Rise Living											
		1.1.2 Personal & Private Space											
		1.1.3 Private Outdoor Access											
	1.2 Spatiality	1.2.1 Occupancy											
		1.2.2 Shape & Configuration											
		1.2.3 Size											
		1.2.4 Spatial Organisation											
1.2.5 Storage													
2.0 Indoor Environment Quality	2.1 Acoustics	2.1.1 Internal Control of Sound											
		2.1.2 External Control of Sound											
	2.2 Indoor Air Quality	2.2.1 Air Quality											
		2.2.2 Ventilation											
		2.2.3 Insulation											
	2.3 Thermal Comfort	2.3.1 Comfort											
		2.3.2 Control											
		2.3.3 Insulation											
	2.4 Visual Aspects	2.4.1 Adequate Task Lighting											
		2.4.2 Natural Lighting											
2.4.3 Views													
3.0 Quality	3.1 Building Quality	3.1.1 Airtightness											
		3.1.2 Communal Areas											
		3.1.3 Landscaping											
		3.1.4 Safety											
		3.1.5 Security											
		3.1.6 Weathertightness											
	3.2 Building Services and Amenities	3.2.1 Drainage											
		3.2.2 Emergency Escape											
		3.2.3 Facilities											
		3.2.4 Lifts											
		3.2.5 Parking											
		3.2.6 Rubbish & Recycling											
		3.2.7 Water											
		3.2.8 Utilities											
	3.3 Materials Quality	3.3.1 Deterioration & Durability											
		3.3.2 Emissions (release of toxins)											
3.3.3 Toxic Materials													

It is evident from Table 3 that the main pieces of legislation impacting MDH liveability are the Building Act and the Building Code across all three liveability categories (configuration, indoor environment quality and quality). The Housing Improvement Act and Housing Improvement Regulations are secondary in impact, alongside the



Residential Tenancies Act. The Housing Act has no impact on MDH liveability, with the exception of the safety criteria.

It is also evident that unitary, district and city plans in force under the Resource Management Act have a major impact on MDH liveability. This is particularly in relation to configuration, external acoustics, visual aspects, building quality, parking, and rubbish and recycling.

It can therefore be concluded from Table 3 that central government (through predominantly the Building Code and Housing Improvement Regulations) and local government (through unitary, district and city plans required under the Resource Management Act) have the most control and influence over the liveability of MDH in New Zealand at the current time.

## 5. Summary

This report has identified the outcomes of a review of current New Zealand legislation and regulation to identify which specific statutes impact the liveability of MDH developments and to what scale.

The main findings of this review can be distilled into the key insights summarised below. These insights provide a starting point from which policy makers at the national and local levels can understand and create the legislative and regulatory settings necessary to enhance the liveability of MDH across the country.

### Insight 1: New Zealand's current legislative and regulatory framework may not be in step with the transition towards higher-density housing typologies such as MDH

New Zealand's main centres are experiencing growing levels of residential intensification in response to urban growth pressure. This includes a transition from low-density stand-alone housing to medium-density and high-density typologies, including MDH. However, the current legislative and regulatory framework does not appear to be keeping pace with the need to ensure the liveability of MDH. This is evidenced by the fact that, throughout the legislative and regulatory framework in New Zealand, there is no specific reference to the term 'liveability' and few references to higher-density housing typologies.

Notwithstanding, various characteristics of liveability can be found throughout the legislative and regulatory framework. All of the criteria used to define MDH liveability (as contained in Table 1), for example, appear at least once in the legislation and regulation reviewed. This indicates that MDH liveability is being addressed to some extent. However, this is in a fragmented fashion (refer to Insight 2).

In addition, it appears that, of the liveability criteria addressed in the current legislative and regulatory framework, some are more well addressed than others. Aspects such as building quality and thermal and air quality, for example, are relatively well provided for. In comparison, ventilation and crowding are referenced far less throughout the legislation and regulation reviewed (see Table 3). It would therefore be useful to:

- obtain a deeper understanding of specifically how provisions of MDH-relevant legislation and regulation correlate to the achievement of good liveability outcomes for MDH
- ensure that all liveability criteria are adequately addressed (not some more than others), where appropriate.

Further research may be beneficial to enhance industry understanding on this topic and inform policy makers as the custodians of the legislative and regulatory framework applicable to MDH liveability.

### Insight 2: Specific liveability requirements do not exist in one place

The broad nature of the legislation and regulation identified as being relevant to MDH liveability highlights the fact that specific liveability requirements do not exist in one place. Application of the methodology outlined in section 1.2 of this report yielded a total of 23 legislative statutes of relevance to MDH liveability (as listed in Table 2). Of these, 13 were found to have the potential to materially impact the delivery of liveable MDH. This is in addition to applicable unitary, district and city plans (developed and implemented under the Resource Management Act) alongside other regulations, each





of which may be implemented and enforced by different central and local-level government organisations.

This results in a complex web of legislation and regulation likely to provide challenges to the building and construction industry (including property developers, architects and planners) and policy makers in terms of understanding, designing, building and regulating liveable MDH.

### Insight 3: Building and planning legislation and regulation appears to have the greatest influence on MDH liveability

The high-level analysis of legislation and regulation undertaken as part of this research indicates that the building and planning legislative and regulatory frameworks have by far the greatest influence on MDH liveability. This includes the Building Code and unitary, district and city plans prepared under the Resource Management Act.

In particular, the Building Code was found to impact 29 of the 36 liveability criteria identified in Table 1, as visually represented in Table 3. The next most relevant statute (and one outside both the building and planning regulatory frameworks) was the Housing Improvement Regulations, which were found to affect 17 of the 36 liveability criteria. The six unitary, district and city plans reviewed also had moderate levels of overlap with stated liveability criteria, particularly in relation to MDH configuration, external acoustics, visual aspects, building quality, parking, and rubbish and recycling.

Any future changes to the current legislative and regulatory framework affecting MDH liveability would therefore be best targeted at those organisations responsible for building and planning-related legislation and regulation. This includes the Ministry of Business, Innovation and Employment and territorial authorities responsible for unitary, district and city plans prepared under the Resource Management Act.

### Insight 4: There are differences between how territorial authorities address MDH liveability in their unitary, district and city plans

Reviewing the unitary, district and city plans of six of New Zealand's most populous territorial authorities indicates that there are differences between how these planning regulations address MDH liveability. It is possible that these differing approaches may also extend to territorial authorities beyond the six reviewed for the purpose of this research.

The high-level review undertaken (noting that a detailed analysis of territorial authority planning documents was outside the scope of this research) identified the following three key themes in relation to these differences:<sup>2</sup>

- Cities that have reviewed and updated their plans recently have generally been more prescriptive in their requirements regarding MDH liveability criteria, as demonstrated by Auckland and Christchurch. In contrast, Wellington's plan (which is currently under review) is principles-based and therefore more open to subjective interpretation on a case-by-case basis. Which approach is more effective in terms of achieving good MDH liveability outcomes is yet to be determined. While prescriptive planning enables more control, it can also be arduous from a

<sup>2</sup> The unitary, district or city plans of Auckland, Wellington, Christchurch, Hamilton, Tauranga and Queenstown-Lakes were reviewed against the liveability criteria identified in Table 1 of this report and the findings captured in Table 3 and the Liveability Index. An additional layer of subjective analysis of the major cities (Auckland, Wellington and Christchurch) was also undertaken to further inform understanding of planning provisions and how they may relate to MDH liveability.

compliance perspective and therefore could disincentivise developers to undertake such types of development. Plans that allow more interpretation arguably invite more innovation but also require a case-by-case approach to consenting, which can disincentivise development. The general theme occurring is that, as plans are reviewed and updated, more detail regarding MDH liveability is being included. It is yet to be seen whether this will improve MDH liveability.

- The second key difference between the plans reviewed was the treatment of zones. While some cities, namely Tauranga and Wellington, are zoned based on geography and general land use (i.e. residential), cities with newer plans appear to include zones applicable to specific housing typologies or density. Further targeted research would be required to understand how the two differing approaches may impact MDH liveability outcomes specifically.
- The third key difference is that some cities have planned holistically with future growth in mind, while others respond to growth as it occurs. Auckland and Christchurch are examples of where MDH is planned for holistically, with consideration for future population growth and changing housing preferences. Again, further research would be required to fully understand the impact of each approach on MDH liveability.

Overall, these key insights provide a succinct summary of the findings of this review of MDH-related legislation and regulation and provide direction regarding the further research needed to effectively progress a liveability agenda for MDH in New Zealand. The next phase of this wider liveability research project builds on this information by describing the outcomes of focus groups conducted with representatives from New Zealand's most populous territorial authorities – Auckland, Christchurch and Wellington (Allen & O'Donnell, 2020b). These focus groups provide further valuable insight into the opportunities and challenges for achieving the delivery of liveable MDH across the country from a regulatory perspective.



## References

- Allen, N. & O'Donnell, G. (2020a). *Creating improved housing outcomes: Medium-density housing liveability and wellbeing literature review*. BRANZ Study Report SR431. Judgeford, New Zealand: BRANZ Ltd.
- Allen, N. & O'Donnell, G. (2020b). *Creating improved housing outcomes: Liveable medium-density housing focus groups*. BRANZ Study Report SR433. Judgeford, New Zealand: BRANZ Ltd.
- Allen, N. & O'Donnell, G. (2020c). *Creating improved housing outcomes: Liveable medium-density housing residents' survey*. BRANZ Study Report SR434. Judgeford, New Zealand: BRANZ Ltd.
- Allen, N. & O'Donnell, G. (2020d). *Creating improved housing outcomes: Liveable medium-density housing summary report*. BRANZ Study Report SR435. Judgeford, New Zealand: BRANZ Ltd.
- Auckland Council. (2012). *Auckland Plan*. Auckland, New Zealand: Auckland Council.
- Auckland Council. (2016). *Auckland Unitary Plan*. Auckland, New Zealand: Auckland Council.
- Auckland Council. (2017). *Auckland design manual*. Retrieved from <http://www.aucklanddesignmanual.co.nz>
- Auckland Council. (2018a). *Auckland Plan 2050*. Auckland, New Zealand: Auckland Council.
- Auckland Council. (2018b). *Developing the Auckland Plan 2050*. Auckland, New Zealand: Auckland Council.
- Bennett, J. (2010). *New Zealand apartment living: Developing a liveability evaluation index* (Master's thesis). Victoria University of Wellington, Wellington, New Zealand.
- BRANZ. (n.d.). *Medium-density housing*. [online] Branz.co.nz. Available at: <https://www.branz.co.nz/mdh> [Accessed 5 Aug. 2019].
- Bryson, K. & Allen, N. (2017). *Defining medium-density housing*. BRANZ Study Report SR376. Judgeford, New Zealand: BRANZ Ltd.
- Building Act 2004.
- Christchurch City Council. (2017). *Christchurch District Plan*. Christchurch, New Zealand: Christchurch City Council.
- Greater Christchurch Partnership Committee. (2016). *Greater Christchurch Urban Development Strategy*. Christchurch, New Zealand: Greater Christchurch Partnership. Retrieved from <http://greaterchristchurch.org.nz/strategy/>.
- Hamilton City Council. (2017). *Hamilton City District Plan*. Hamilton, New Zealand: Hamilton City Council.



- Hamilton City Council. (2010). *Hamilton Urban Growth Strategy: A compact and sustainable city*. Hamilton, New Zealand: Hamilton City Council.
- Healthy Homes Guarantee Act 2017.
- Housing Accords and Special Housing Areas Act 2013.
- Housing Act 1955.
- Housing Improvement Act 1945.
- Housing Restructuring and Tenancy Matters Act 1992.
- Local Government Act 1974.
- Local Government Act 2002.
- Pineo, H. & Rydin, Y. (2018) *Cities, health & well-being*. London, UK: Royal Institution of Chartered Surveyors (RICS).
- Queenstown-Lakes District Council. (2018). *District Plan*. Queenstown, New Zealand: Queenstown-Lakes District Council.
- Residential Tenancies Act 1986.
- Residential Tenancies Amendment Act 2010.
- Resource Management Act 1991.
- Tauranga City Council. (2017). *Tauranga City District Plan*. Tauranga, New Zealand: Tauranga City Council.
- The Treasury. (2018). *Our people, our country, our future: Living Standards Framework: Background and future work*. Wellington, New Zealand: The Treasury. Available at: <https://treasury.govt.nz/sites/default/files/2018-12/lsf-background-future-work.pdf> [Accessed 6 Aug. 2019].
- The Treasury. (2019). *The wellbeing budget 30 May 2019*. [online] Available at: <https://treasury.govt.nz/sites/default/files/2019-06/b19-wellbeing-budget.pdf> [Accessed 5 Aug. 2019].
- United Nations Committee on Economic, Social and Cultural Rights. (1991). *The right to adequate housing: Article 11(1) CESCR general comment No 4*. Geneva, Switzerland: United Nations.
- Unit Titles Act 2010.
- Weathertight Homes Resolution Services Act 2006.
- Wellington City Council. (2018). *Wellington City District Plan*. Wellington, New Zealand: Wellington City Council.
- Wellington City Council. (2014). *Wellington Urban Growth Plan: Urban Development and Transport Strategy 2014-2043*. Wellington, New Zealand: Wellington City Council.



## Appendix A: Guide to the Liveability Index

### Purpose

The Liveability Index uses the criteria established by Bennett (2010) for the purposes of assessing the level of liveability of medium-density housing (MDH) and provides an overview of how matters that affect these criteria are controlled in New Zealand using various Acts, regulations and rules. Its purpose is to provide a broad overview of each document that impacts each of the liveability criteria, and in doing so, it provides links to the relevant Acts, regulations and rules so that further investigations may be carried out if required.

### Description of the document

The information is presented in a spreadsheet format so that hyperlinks and tabs can be used to cross-reference. The document is organised into nine tabs, and these are laid out below with a description of the purpose of each tab.

### Function of hyperlinks

In some cases, legislation is organised online clause by clause in separate web pages, and links will take readers directly to the clause. In others, a multiple page PDF is the lowest granular level. In these cases, the clause reference is included in the Liveability Index to assist readers to locate the relevant section.

Tab name	Function/description
1. Acts & regulations index	A matrix to link liveability criteria to relevant regulations. Criteria are listed on the left-hand side. Subsequent columns for relevant Acts and regulations identify what is covered, with an underlined hyperlink to the web page source. Additional rows were added for each reference in cases where there was more than one reference within a document.
2. District plans index	A matrix to link liveability criteria to the relevant unitary, district or city plans. Criteria are listed on the left-hand side. Subsequent columns for relevant Acts and regulations provide references with an underlined hyperlink to the web page source. Additional rows were added for each reference in cases where there was more than one reference within a document.
3. Liveability criteria vs all controls	A diagrammatic matrix showing which liveability criteria are covered in which Act, regulation or plan. Note that the RMA column refers to all district plans (Auckland, Wellington, Christchurch, Hamilton, Tauranga, Queenstown-Lakes).
4. Liveability criteria vs legislation	A diagrammatic matrix showing which liveability criteria are covered in which Act(s).
5. Liveability criteria vs district plans	A diagrammatic matrix showing which liveability criteria are covered in which district plan(s).
6. List of NZ statutes & regulations	A compiled list of regulation including several in relation to the non-physical occupation of dwellings, such as tenancy and rent matters. Note that more Acts and regulations are listed here than were searched for the Liveability Index, which deals largely with the physical environment.
7. List of criteria from Bennett, 2010	Includes interpretation used when single-word criteria may be ambiguous.

8. List of typologies from Bryson & Allen, 2017	For reference in future documents – for example, when comparing what built form is provided for under the planning zone rules.
9. List of NZ-wide MDH guides	A compiled list of documents available online providing guidance on design and compliance for the development of MDH in New Zealand, generally published by territorial authorities to accompany unitary, district and city plans.



## Appendix B: Liveability Index

[Click here to view the Liveability Index](#)