

Auckland Unitary Plan

# Practice and Guidance note

## Integrated Residential Developments

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# 1 Introduction

The [Auckland Unitary Plan \(Operative in Part\)](#) (AUP(OP)) provides for Integrated Residential Development (IRD) within most residential and business zones. The definition of an IRD may relate to a range of land uses such as a retirement village, managed accommodation (such as student housing /nursing hostels) or an apartment complex with supporting communal facilities.

This practice and guidance note (PGN) provides guidance on the definition of an IRD, the activity status of residential land uses that fall within the definition and whether other separately defined activities elsewhere within the zone activity lists may apply.

Confirming the correct activity status is particularly important for “residential activities” which may fall within the notification preclusion provisions or other notification requirements in the [Resource Management Act 1991](#) (RMA) (ss 95 – 95G), if the application was lodged prior to the Resource Management Amendment Act 2020 coming into force on 30 September 2020.

This PGN will help inform:

1. What development may fall within the definition of an IRD.
2. What the activity status under the AUP(OP) may be.
3. Retirement villages.
4. The notification assessment required.

Please note: An appeal currently before the Courts, Box Properties, relating to 30 and 40 Sandspit Road, Shelley Beach considers the Council's approach to the activity status of IRDs in the Single House Zone. - This PGN may need to be reviewed following determination of this issue.

## 2 Background

The Independent Hearings Panel (Panel) recommended the introduction of a new activity called an IRD in its report on the AUP(OP) July 2016. The Panel considered that in terms of built form on larger sites, retirement villages and larger scale residential developments with supporting communal facilities were likely to have similar effects. Therefore, the IRD activity could include all forms of residential development on sites over 2000m<sup>2</sup> that included supporting communal facilities within the recommended definition of IRD.

Auckland Council accepted the recommendation from the Panel without change. The AUP(OP) plan provisions regarding the assessment of an IRD focus on:

- the size and scale of buildings and site development
- how that development responds to its surrounds, and
- the planned character of the zone in which it lies.

## 3 What development falls within the definition of IRD?

### 3.1 Definition

An Integrated Residential Development is defined in [Chapter J Definitions](#) of the AUP(OP) as:

*“A residential development on sites greater than 2000m<sup>2</sup> which includes supporting communal facilities such as recreation and leisure facilities, supporting residential care, welfare and medical facilities (inclusive of hospital care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village.”*

For a development to fall within the definition of IRD, the development must:

- be a residential development,
- be on a site greater than 2000 m<sup>2</sup>, and
- include supporting communal facilities, such as:
  - recreation and leisure facilities,
  - supported residential care,
  - welfare and medical facilities (inclusive of hospital care), and
  - other non-residential activities accessory to the primary residential use.

Where a retirement village is proposed on a site greater than 2,000m<sup>2</sup>, it will be an IRD.

### 3.2 Communal facilities

A proposed development must include 'communal facilities' to be considered as an IRD. 'Communal facilities' is not separately defined in the AUP(OP), however the non-exclusive list of examples within the IRD definition gives a flavour of what is expected. While not restricted to those facilities mentioned, the facilities still need to be of a similar type as those listed.

The supporting communal facilities will need to be genuinely communal and be more than standard areas commonly used by all residents in passing, such as a lobby, amenity landscaping and shared pedestrian access, internal roadways or a garage facility associated with an apartment block. Council will need to assess these facilities on a case by case basis, relative to the activity that they support and their quality and range. That is, a swimming pool or gym supporting a large apartment complex should be more than that typical of a single dwelling on its own site. Likewise, a student hostel should include recreation / leisure facilities commensurate with the number of residents it is designed to accommodate.

A residential development does not need to provide 'onsite' management to qualify in terms of the IRD definition. Communal facilities will likely need to be covered by a legal mechanism that ensures they remain available to all.



**Communal facilities are structured with a defined purpose**



**The scale of facilities is relative to the scale and nature of the development**



**Carlaw Park Student Village - The University of Auckland**

**E.g., A functional communal facility associated with a student village.**

## **4 What will the activity status under the AUP(OP) be?**

A residential development that meets the IRD definition may also be captured by another rule within the activity table for the zone in which it is located. Both rules, as opposed to the more specific rule only, apply to the activity. This approach is consistent with Council's assessment requirements following the decisions of the Environment Court in the [\*Auckland Council v Budden\*](#)<sup>1</sup> declaration proceedings. There is often more than one trigger for resource consent. An application and assessment under all relevant rules in a zone activity table will be required.

<sup>1</sup> [Auckland Council v London Pacific Family Trust NZEnvC 030 \[2018\]](#)  
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For example, a residential development (that is not a retirement village) that meets the IRD definition will likely also fall within the definition of “dwellings” and be captured by the multiple dwelling rule within the activity table of a residential zone. Resource consent applicants will need to apply in terms of each relevant rule, and all relevant plan provisions need to be assessed as part of a bundled application.

## 5 Retirement villages

### 5.1 Retirement Village Definition

A retirement village is defined in [Chapter J Definitions](#) of the AUP(OP) as:

*“A managed comprehensive residential development used to provide accommodation for aged people.*

*Includes:*

*The use or development of any site(s) containing two or more units that provide accommodation, together with any services or facilities, predominantly for persons in their retirement, which may also include their spouses or partners; and*

*Recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities accessory to the retirement village.*

*Excludes:*

*Dwellings.”*

Where a retirement village is proposed on a site greater than 2,000m<sup>2</sup>, it will also be an IRD. This is clear from the express inclusion in the IRD definition that states, “*for the avoidance of doubt, [IRDs] include retirement villages*”.

However, unlike the residential apartment type IRDs that also constitute ‘dwellings’, the definition of retirement village expressly excludes dwellings. Retirement villages will therefore not trigger any rules applying to dwellings.

#### Residential zones

A retirement village is not provided for as a separate activity in any of the residential zones. It must always be considered as an IRD when it is proposed on a site in excess of 2000m<sup>2</sup>. Otherwise, if under this site size it will fall within “(A1) Activities not provided for” with a non-complying activity status.

## Business zones

In the Business - City Centre, a retirement village is included as a stand-alone permitted activity while an IRD is not provided for. While multi-dwelling activities are permitted irrespective of site size, they must meet the standard for minimum dwelling size. However, for a retirement village development its units are not subject to the minimum dwelling size.

For the other Business-centre zones IRD's are provided for on sites over 2000m<sup>2</sup> and retirement villages will be part of that activity. Otherwise on smaller sites they will be within the "(A1) Activities not provided for" as a non-complying activity.

The consenting requirements for retirement village IRDs relative to apartment-styled IRDs across the relevant zones are set out in [Attachment 1](#) below.

## 6 The notification assessment required

For the Residential – Mixed Housing and THAB zones there are non-notification clauses that cover the activities of IRD's and 'four or more dwellings' where the core standards as set out in the relevant activity table for both activities are met.

Otherwise where these core standards are not met, or there are other triggers for consent, or for the other residential zones the normal tests for notification will apply.

For applications lodged prior to 30 September 2020, the changes introduced by the RMA Amendment Act 2020 do not apply. That is, a development that qualifies as an IRD is likely to have been a 'residential activity' for the purpose of section 95A(5)(b)(ii) of the RMA in force prior to this date. A separate practice and guidance note "[Residential Activities in terms of s95A of the RMA](#)" outlines those types of residential activities that are precluded from public notification lodged during this 2017 to 2020 period.

These public notification preclusions for residential activities only applied to restricted discretionary or discretionary activities. If the overall activity status of an application is non-complying (for example, because it triggers a dwelling activity rule or includes a non-residential element then the preclusion provisions did not apply.

An example of this will have been an IRD within the Single House Zone where rule (A6) "More than one dwelling per site" is a Non-complying activity.

Regardless of either of the above preclusion circumstances, the Council must still consider whether special circumstances exist that would warrant notification.

## 7 Summary

In the preparation and assessment of an IRD application, consideration will need to be given to ensuring that the proposal falls within the IRD definition. The required communal facilities must be genuine in type, quality and extent. The zone in which an IRD is proposed, and/or whether it qualifies as a retirement village, can also affect the overall activity status. This will then determine what standards, assessment criteria, and objectives and policies will apply as part of an application's assessment.

The activity status can have important implications for whether public notification is to be precluded, or the normal notification tests apply. The zone framework may apply a different status for apartment styled IRDs from those that meet the AUP (OP) retirement village definition.



## Attachment 1: Consenting needs for Apartment and Retirement village styled IRD's in various relevant zones.

Zone	IRD - Apartment development and status	IRD - Retirement Village and status	Notes
<b>H1. Residential Large Lot Zone</b>	Discretionary	Discretionary	No standards apply. Assessment is primarily determined by the objectives and policies, and the standard set for permitted activities within the zone.
<b>Overall Status</b>	H1.4.1	H1.4.1	
<b>Relevant rules</b>	(A5) More than one dwelling per site (D)	(A8) Integrated Residential Development (D)	
	(A8) Integrated Residential Development (D)	(A32) New Buildings/ Additions (same as above)	
<b>H2. Residential – Rural and Coastal Settlement Zone</b>	Non-complying	Discretionary	No standards apply. Assessment is primarily determined by the objectives and policies, and the standard set for permitted activities within the zone.
<b>Overall Status</b>	H2.4.1	H2.4.1	
<b>Relevant rules</b>	(A6) More than one dwelling per site (NC)	(A9) Integrated Residential Development (D)	
	(A9) Integrated Residential Development (D)		
<b>H3. Residential -Single House Zone</b>	Non-complying	Discretionary	Assessment is primarily determined by the objectives and policies, and the standard set for permitted activities within the zone.
<b>Overall Status</b>	H3.4.1	H3.4.1	
<b>Relevant rules</b>	(A6) More than one dwelling per site (NC)	(A9) Integrated Residential Development (D)	
	(A9) Integrated Residential Development (D)		
<b>Residential Mixed Housing – Suburban Zone</b>	Restricted Discretionary	Restricted Discretionary	Will also be Restricted Discretionary under C1.9(2) if standards are not met.
<b>Overall Status</b>	H4.4.1	H4.4.1	
	(A4) Four or more dwellings per site (RD)	(A8) Integrated Residential Development (RD)	The non-notification clauses apply for both IRD's and Four or
	(A8) Integrated Residential Development (RD)		

Zone	IRD - Apartment development and status	IRD - Retirement Village and status	Notes
<b>Relevant rules</b>	- both subject to standards and assessment criteria (A34) New buildings and additions (same as above)	- subject to standards and assessment criteria (A34) New buildings and additions (same as above)	more dwellings where the core standards are met.
<b>H5. Residential Mixed Housing – Urban Zone</b>	Restricted Discretionary	Restricted Discretionary	Will also be Restricted Discretionary under C1.9(2) if standards are not met.
<b>Overall Status</b>	H5.4.1 (A4) four or more dwellings per site (RD)	H5.4.1 (A8) integrated Residential Development	The non-notification clauses apply for both IRD's and Four or more dwellings where the core standards are met.
<b>Relevant rules</b>	(A8) Integrated Residential Development (RD) - both subject to standards and assessment criteria (A34) New buildings and additions (same as above)	- subject to standards and assessment criteria (A34) New buildings and additions (same as above)	
<b>H6. Residential-Terrace House Apartment Building (THAB) Zone</b>	Restricted Discretionary	Restricted Discretionary	Will also be Restricted Discretionary under C1.9(2) if standards are not met.
<b>Overall Status</b>	H6.4.1 (A7) Integrated Residential Development (RD)	H6.4.1 (A7) Integrated Residential Development (RD)	
<b>Relevant rules</b>	- both subject to standards and assessment criteria (A35) New buildings and additions to buildings (same as above)	- subject to standards and assessment criteria (A35) New buildings and additions to buildings (same as above)	
<b>H8. Business - City Centre</b>	Restricted Discretionary	Restricted Discretionary	Permitted activities subject to standards. * A retirement village will not be caught by rule H8.6.33 Minimum dwelling size as not 'Dwellings'; The IRD 2000m <sup>2</sup> min. site size is N/A as there is no IRD activity provided for in this zone.
<b>Overall Status</b>	(A3) Dwellings (P)	* (A4) Retirement Villages(P)	
<b>Relevant rules</b>	(32) New Buildings (RD)	(32) New Buildings (RD)	

Zone	IRD - Apartment development and status	IRD - Retirement Village and status	Notes
<b>H9. - H10. – Business Metropolitan and Town Centre zones. Overall Status</b>	Restricted Discretionary (A2) Dwellings (P) (A4) Integrated Residential Development (P) (application unlikely as multiple(A2) Dwellings are permitted).	Restricted Discretionary (A4) Integrated Residential Development (P) (A35) New Buildings (RD)	Permitted activities subject to standards. * A retirement village IRD will not be caught by rule H9.6.10, H10.6.11, H11.6.9, H12.6.9 Minimum dwelling size as not 'Dwellings.'
<b>H11 - H12. Business Local and Neighbourhood Zone Overall Status</b>	Discretionary (A2) Dwellings (P) (A4) Integrated Residential Development (D) (A45) New Buildings (RD)	Discretionary *(A4) Integrated Residential Development (D) (A45) New Buildings (RD)	Permitted activities subject to standards. * A retirement village IRD will not be caught by rule H13.6.10 Minimum dwelling size as not 'dwellings'
<b>H13. Business - Mixed Use Zone Overall Status</b>	Restricted Discretionary (A2) Dwellings (P) (A4) Integrated Residential Development (P) (A45) New Buildings (RD)	Restricted Discretionary *(A4) Integrated Residential Development (P) (A45) New Buildings (RD)	Permitted activities subject to standards. * A retirement village IRD will not be caught by rule H13.6.10 Minimum dwelling size as not 'dwellings'
<b>Relevant rules</b>			