

**BEFORE THE INDEPENDENT HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of Intensification Planning Instrument (**IPI**)  
Proposed Plan Change 78: Intensification to  
the Auckland Unitary Plan Operative in Part  
(**AUP**)

**AND**

**IN THE MATTER** of Topic 001D Plan Making and Procedural –  
(Central Government process)

---

**PRIMARY STATEMENT OF EVIDENCE OF REBECCA HELEN  
GREAVES ON BEHALF OF AUCKLAND COUNCIL**

**PLANNING – TOPIC 001D PLAN MAKING AND PROCEDURAL  
(CENTRAL GOVERNMENT PROCESS)**

**Date: 6 MARCH 2023**

---

## 1 SUMMARY

1.1 Hearing Topic 001D Plan Making and Procedural (Central Government process) (**the topic**) relates to submissions:

- questioning central government's mandate to impose intensification on Auckland, and
- the response to intensification by Auckland Council (**Council**).

1.2 Submissions on the topic do not relate to any particular proposed district plan provisions in the Council's Plan Change 78 – Intensification (**Plan Change 78**) to the Auckland Unitary Plan Operative in part (**AUP**). Plan Change 78 is the Council's Intensification Planning Instrument (**IPI**).

1.3 My planning evidence acknowledges the hierarchical relationship between planning documents requiring district plans to give effect to national policy statements, including the National Policy Statement on Urban Development 2020 (**NPS UD**), and the statutory tests for an IPI required by the Resource Management (Enabling Housing and Other Matters) Amendment Act 2021 (**Amendment Act**).

1.4 My evidence demonstrates the Council was obliged to notify an IPI to:

- implement Policy 3 NPS UD intensification requirements, as amended by the Amendment Act, and
- incorporate Medium Density Residential Standards (**MDRS**) in relevant residential zones.

1.5 I do not support the relief sought by submitters in this topic but do recommend several submission points be transferred to other, more relevant, hearing topics.

## 2 INTRODUCTION

2.1 My full name is Rebecca Helen Greaves. I am employed as a Lead Planner by the Council within the Plans and Places department.

2.2 I hold the qualifications of Bachelor of Planning and Master of Environmental Legal Studies, both with first class honours. I

have worked in policy and regulatory planning roles in the Auckland local government sector since 1999. I am a full member of the New Zealand Planning Institute.

2.3 I am part of the project team responsible for overseeing the development of Plan Change 78. I have provided planning technical support to colleagues and was part of the team responsible for peer-reviewing section 32 evaluations and proposed plan change provisions prior to notification. I wrote metadata for the Plan Change 78 map viewer and worked with the Lead Geospatial Analyst in devising the content for the plan change map viewer. I was also an author of the Council's submission to the Environment Select Committee on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

2.4 The most relevant section 32 evaluation for this hearing topic is *Overview Evaluation Report*<sup>1</sup> to which I contributed as a peer-reviewer.

2.5 I am authorised by the Council to provide planning evidence for Hearing Topic 001D Plan Making and Procedural (Central Government process).

### **3 CODE OF CONDUCT**

3.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts of which I am aware that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

---

<sup>1</sup> Listed as [PC78- IPI Overall Evaluation Report](#) on Auckland Council's website

## 4 SCOPE

4.1 My planning evidence on behalf of the Council responds to submissions and further submissions for the topic. I have chosen to respond to topic submissions in my evidence by grouping submissions into themes. My evidence therefore addresses the following topic themes the wording of which I suggest based on the submissions' commonality:

- Opposition to government-required intensification
- Reject Plan Change 78
- No decision requested to Plan Change 78
- Other.

4.2 In preparing my evidence I have considered the following:

- Submissions I identified from the Council's summary of decisions requested report (**SDR**), including errata, which I used to identify the submission points within the topic
- Further submissions I identified from the Council's Further Submission Report (**FSR**) as being in the topic
- The draft parties and issues report<sup>2</sup> (**PIR**) which I used to check the foregoing information when the PIR was issued by the Independent Hearings Panel (**Panel**) on 1 March 2023
- The principal section 32 evaluation for Plan Change 78: *Overview Evaluation Report*.<sup>3</sup>

4.3 I have also read and considered the strategic planning evidence of Mr David Mead dated 20 February 2023 filed on behalf of the Council for the pre-hearing conference on 6 March 2023 in which the Council's overall approach to the IPI - Plan Change 78 is set out.

---

<sup>2</sup> Hearing Topic 001D Plan making and procedural – central government process draft parties and issues report, National Policy Statement Urban Development Independent Hearings Panel Auckland, 1 March 2023

<sup>3</sup> Listed as [PC78- IPI Overall Evaluation Report](#) on Auckland Council's website

## **5 STATUTORY TESTS**

- 5.1 The PIR describes the hearing topic as questioning central government's mandate to impose intensification on Auckland, including submissions relating to the Council's response and Christchurch City Council's response in comparison.
- 5.2 The hearing topic concerns submission points on central government's intensification requirements, including:
- mandatory implementation of Policy 3 NPS UD intensification requirements, as amended by the Amendment Act, and
  - mandatory incorporation of MDRS in relevant residential zones
- for Auckland's urban environment within an IPI notified on 18 August 2022.
- 5.3 The hearing topic relates to the Council's overall response in Plan Change 78 to these mandatory requirements. The topic does not relate to any particular proposed district plan provisions (although submissions often include additional points germane to other topics in which relief is requested for various zones, objectives, policies, rules or other methods, including qualifying matters. Those points will be considered in later hearings).
- 5.4 A summary of the relevant statutory tests for changes to district plans is included in Attachment A to my evidence. However in my view given the subject matter of this topic, a narrower range of RMA provisions is relevant to the topic than in some topics the Panel will consider in later hearings. In my opinion the RMA provisions particularly relevant to this topic include sections 31-32, 72-76, 77G, 77N, 80E and 80G of the RMA. I discuss a number of these provisions in further detail below.

## **6 THE COUNCIL'S OBLIGATION AND APPROACH TO IMPLEMENTING INTENSIFICATION IN PLAN CHANGE 78**

- 6.1 As discussed by Mr Mead in his strategic planning evidence, the Amendment Act inserted new sections into Part 5 of the RMA, which sets out the purpose and content of, and relationships between, RMA policy documents at all levels, to include:

- mandatory intensification requirements in residential and non-residential urban zones (sections 77G(1) and (2) and section 77N(2) of the RMA), and
- the mandatory requirement for a tier 1 territorial authority to notify an IPI the first time it incorporates the MDRS and implements Policy 3 into the AUP (section 77G(3) and section 77N(1)).

6.2 The Amendment Act also inserted a new Part 6 into Schedule 1 of the RMA which provides for an intensification stream-lined planning process (**ISPP**) for the hearing of submissions on an IPI.

6.3 In my view these provisions of the RMA are of particular relevance to this topic. I also consider that the following provisions of the RMA are relevant to this topic:

- section 80E defining an IPI as a district plan change that
  - a. must incorporate MDRS and give effect to Policy 3 and Policy 4 NPS UD
  - b. may amend/include provisions on financial contributions, enable papakāinga, and related provisions that support or are consequential on incorporation of MDRS or giving effect to Policy 3 and Policy 4 NPS UD
- section 80G preventing an IPI being used for any other purpose other than the uses specified in section 80E
- section 80F requiring an IPI to be notified on or before 20 August 2022.

6.4 The Council is a tier 1 local authority.<sup>4</sup> It is the only tier 1 local authority that is a unitary authority<sup>5</sup> with a combined plan incorporating regional policy statement, regional coastal plan, regional plan and district plan. The AUP has been largely

---

<sup>4</sup> See NPS UD Appendix: table 1.

<sup>5</sup> Auckland Council was established as a unitary authority. The Council is a territorial authority that also has the functions of a regional council: see section 6 Local Government (Auckland Council) Act 2009.

operative since 2016 and its provisions are now settled except in relation to one matter.<sup>6</sup>

- 6.5 The provisions that I have discussed above establish that the Council was obliged to notify an IPI. Consistent with my understanding that an IPI can only be a plan change to a district plan,<sup>7</sup> and is limited in its mandatory and discretionary content,<sup>8</sup> Plan Change 78 proposes changes to the AUP district plan provisions, including spatial provisions (such as zones and the spatial extent of some overlays and spatially applied methods). Preparing the IPI has also required proposed amendments to many separate chapters and spatial data sets within the combined Plan. A more detailed overview of the changes proposed by Plan Change 78 to the AUP is set out in Mr Mead's strategic planning evidence dated 20 February 2023. As discussed by Mr Mead, a separate, complementary, change is proposed to the regional policy statement within the AUP.<sup>9</sup>

## **7 OUTSTANDING ISSUES, SUBMISSIONS AND THEMES**

- 7.1 I have identified 77 submission points from 75 primary submitters and 318 further submission points allocated to the hearing topic from the Council's SDR and FSR.
- 7.2 The topic falls within the category of submissions generally in opposition to Plan Change 78 described by the Panel in Procedural Minute 1, of 6 December 2022, that is to be heard before hearings on particular topics and provisions.
- 7.3 This general category of submissions in opposition to Plan Change 78 has not been the subject of any mediation or expert witness conferencing.

---

<sup>6</sup> The remaining matter is the submission made by North Eastern Investments Ltd and Heritage Land Ltd regarding whether Albany 5 precinct should be adopted for the NEIL land in Oteha Valley Road, Albany

<sup>7</sup> Section 80E, and section 43AAC RMA

<sup>8</sup> Section 80E, and section 80G(1)(b) RMA

<sup>9</sup> Change 80 RPS Well-Functioning Urban Environment, Resilience to the Effects of Climate Change, and Qualifying Matters

7.4 After reviewing the topic's submission points I suggest that four themes be used being:

- Opposition to government-required intensification
- Reject Plan Change 78
- No decision requested to Plan Change 78
- Other.

## 8 EVALUATION OF SUBMISSIONS AND PROPOSED AMENDMENTS

8.1 I address the decisions requested in submissions by the themes listed above in my evidence using the submission point numbering set out in the Council's SDR. A full list and summary of decisions requested is included as Attachment B organised by submission points' thematic grouping. The table below sets out the number of submission points and further submission points for each of the four suggested topic themes.

<b>Topic 001D Suggested themes</b>	<b>Number of submission points</b>	<b>Number of further submission points in support</b>	<b>Number of further submission points in opposition</b>
Oppose government-directed intensification	41	9	3
Reject Plan Change 78	23	2	0
No decision requested to PC78	10	6	197 plus 2 that oppose in part
Other	3	0	99 <sup>10</sup>

---

<sup>10</sup> All in relation to North Eastern Investments Limited (836.6) which I recommend be reallocated to another hearing topic for the reasons set out in my evidence.



<b>Topic 001D Suggested themes</b>	<b>Number of submission points</b>	<b>Number of further submission points in support</b>	<b>Number of further submission points in opposition</b>
TOTAL	77	17	301

8.2 The (summarised) section 32 objectives of Plan Change 78 are to incorporate the MDRS into relevant residential zones and to give effect to Policy 3 and Policy 4 of the NPS UD in the requisite locations within Auckland’s urban environment.

8.3 In my opinion there is very limited discretion to grant relief sought across the topic as the Council must incorporate MDRS into relevant residential zones in the AUP, and give effect to Policy 3 and Policy 4 of the NPS UD, as I set out in paragraphs 6.1 and 6.3.

Opposition to government-required intensification

8.4 The submission points in this theme express dissatisfaction with the Council having prepared and notified an IPI. Submissions urge the Council to oppose intensification and, in some cases, to adopt the approach of Christchurch City Council (that tier 1 authority did not notify an IPI by the mandatory deadline). Submitters commonly oppose a “one size fits all approach” to intensification being applied to Auckland such as Stuart Bode and Jan Hewitt (1614.1), John Sadler (1854.2) and Ronald Evan Young (2044.9).

8.5 The Council must, when changing its district plan, do so in accordance with a national policy statement<sup>11</sup> including the NPS UD. I understand that the district plan sits at the lowest tier of mandatory policy documents required by the RMA and must give

---

<sup>11</sup> And in accordance with the other matters also listed at section 74(1) RMA.

effect to all the higher order RMA plans and statements,<sup>12</sup> including the NPS UD. Simply put, while the Council did not support the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill it did not have the ability to oppose government-required intensification following the enactment of the Bill.

8.6 Based on my experience working across different Plan Change 78 workstreams and participating in peer-reviewing of the IPI prior to notification, I consider that the Council has taken an evidence-based approach in responding to the intensification directives of the Amendment Act, including the proposed use of qualifying matters.

8.7 I therefore recommend that the submission points in this theme be rejected.

#### Reject Plan Change 78

8.8 In relation to the second theme, various reasons are provided in 23 submission points that seek that Plan Change 78 be rejected. Concerns are articulated regarding the philosophy underpinning intensification requirements, procedural unfairness including immediate legal effect of MDRS, and likely built form outcomes. Submitter Soren Moller (at 129.2) additionally seeks alternative actions by central government to provide “more flexible and radical solutions such as infrastructure support or government funded kitset housing manufacturing”.

8.9 I acknowledge submitters’ concerns. Nevertheless, the RMA provides for implementation of national policy direction at the local level. A feature of the resource management system is its vertical policy cascade providing policy direction and consistency in the management of natural and physical resources in regional and district settings. The requirement for district plans to give effect to (regional policy statements and in turn) national policy statements, includes giving effect to the NPS UD as modified by the Amendment Act. Other hearing topics will consider the

---

<sup>12</sup> Section 75(3) RMA

efficacy and effectiveness of Plan Change 78's provisions, but the Council was obliged to promulgate Plan Change 78 for the reasons I outlined above in my evidence.

8.10 Therefore I recommend that these submission points be rejected.

No decision requested to Plan Change 78

8.11 Submission points in the third theme of this topic variously request changes to legislation, the timing of intensification requirements, express concerns with the Council's general response to intensification requirements but seek no specific changes to Plan Change 78. Alternatively submission points seek changes beyond Plan Change 78 such as development contributions in areas with infrastructure deficiencies as is sought by Raquel Francois (2150.3). Rebecca Macky seeks Government to put a hold on the NPS UD (2215.2); Judith Gayleen Mackereth seeks the legislation is repealed (976.1).

8.12 I consider that none of the relief sought by the submissions within this theme is on Plan Change 78. No changes are sought to the Plan Change 78 provisions as notified and the plan change purpose is mandatory as explained in the section 32 evaluation.

8.13 I therefore recommend that the submission points from Judith Gayleen Mackereth (976.1), Raquel Francois (2150.3), Gregory Lawrence Smith (2211.3), Rebecca Macky (2215.2, 2215.3), Shane Pratt (2362.4), and Wu Yong (2363.4) be rejected.

8.14 Three submitters refer to Policy 6(b) NPS UD but do not seek specific amendments to Plan Change 78: Classic Group (2033.3), Evans Randall Investors Ltd (2036.3) and Neilston Homes (2041.2). Policy 6 specifies:

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(i) are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

8.15 Decision-making on Plan Change 78 will affect Auckland's urban environment however in my opinion Policy 6(b) needs to be read in the context of Policy 6(a): the RMA planning documents identified in Policy 6(b) NPS UD are those that have already given effect to the NPS UD. As discussed above one of the objectives of Plan Change 78 is to give effect to Policy 3 and Policy 4 of the NPS UD in the requisite locations within Auckland's urban environment. As a result Policy 6(b) will be relevant once the AUP has given effect to the NPS UD.

8.16 I therefore recommend that submissions points referring to Policy 6(b) are not accepted.

#### Other

8.17 The remaining three points address disparate matters that I evaluate in turn.

8.18 North Eastern Investments Limited's submission 836.6 is summarised as "Amend (inferred) any plan change text which is not in accordance with the mandatory directions of the National Planning Standards, with particular reference to 'height'."

8.19 The submitter states that the height required for a storey varies by building typology and building footprint, and opposes any restriction on the height of a six-storey building.

8.20 In my view this submission point would be better grouped in Hearing Topic 014 Height as it appears to relate to the Council's

proposed response to enabling six-storey building height in locations where Policy 3(b) or 3(c) applies.

- 8.21 Fluker Surveying Limited submission 1115.2 seeks clarification regarding Council's approach to immediate legal effect of MDRS when either (a) only part of a site is subject to a qualifying matter and/or (b) when only one density standard is infringed, coining this "AC's all or nothing approach".
- 8.22 I infer the submission addresses the Council's application of section 86BA of the RMA, a section introduced by the Amendment Act, which enables an MDRS rule to have immediate legal effect on notification of an IPI subject to narrow parameters.
- 8.23 I therefore recommend that submission 1115.2 be rejected as it is unrelated to any Plan Change 78 provision but is related to resource consent processing matters.
- 8.24 Civic Trust Auckland's submission 2286.8 seeks to "include in the AUP the policies necessary to achieve the purpose of RMA s.77L and in particular, s.77L(c)(iii) which seeks to accommodate the Government's prescribed intensification in so far as that is possible without unnecessarily destroying Auckland's heritage and character."
- 8.25 The submitter also seeks to reinstate the AUP Special Character Area Overlay – Residential prior to notification of Plan Change 78 (Submission 2286.7 in Topic 011 Qualifying Matters – Special Character).
- 8.26 I infer the submitter seeks amendments to Plan Change 78 as notified that accommodate the government's intensification as far as possible while recognising and providing for special character.
- 8.27 Given that submission point 2286.8 appears to relate to special character values which are identified as a qualifying matter in PC78, I recommend that it be grouped with the submission points allocated to Hearing Topic 011 Qualifying Matters – Special Character.

## **9 CONCLUSIONS**

- 9.1 Hearing Topic 001D relates to submissions questioning central government's mandate to impose intensification on Auckland, the council's intensification response in Plan Change 78 and comparisons with Christchurch City Council's intensification approach. The topic falls within a broader category of submission points opposing Plan change 78 in its entirety.
- 9.2 My evidence briefly discusses the relevant provisions inserted by the Amendment Act to the RMA requiring the Council to notify an IPI, Plan Change 78, by 20 August 2022 to implement mandatory intensification requirements, and propose qualifying matters within a constrained scope of mandatory and discretionary content.
- 9.3 In my view there is limited discretion to recommend acceptance of relief requested. I do not propose any amendments to Plan Change 78 resulting from the submission points I have discussed in my evidence but do recommend that several submission points be reallocated to other Hearing Topics.

**Rebecca Helen Greaves**

**6 March 2023**

## ATTACHMENT A - STATUTORY TESTS

### A. General requirements - district plan (change)

- 1 A district plan (change) should be designed to **accord with**<sup>13</sup> — and assist the territorial authority to **carry out** — its functions<sup>14</sup> so as to achieve the purpose of the Act.<sup>15</sup>
2. The district plan (change) must also be prepared in accordance with any regulation<sup>16</sup> and any direction given by the Minister for the Environment.<sup>17</sup>
3. When preparing its district plan (change) the territorial authority must give effect to any national policy statement (including Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (**NPS-UD**)), New Zealand Coastal Policy Statement, and any applicable national planning standard.<sup>18</sup>
4. When preparing its district plan (change) the territorial authority shall:
  - (a) **have regard to** any proposed regional policy statement (change);<sup>19</sup>
  - (b) **give effect** to any operative regional policy statement.<sup>20</sup>
5. In relation to regional plans:
  - (a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) or a water conservation order;<sup>21</sup> and
  - (b) the district plan (change) **must have regard** to any proposed regional plan (change) on any matter of regional significance.<sup>22</sup>
6. When preparing its district plan (change) the territorial authority must also:
  - **have regard to** any relevant management plans and strategies under other Acts, and to any relevant entry in the New Zealand Heritage List/ Rārangī Kōrero and to any relevant project area and project objectives (if section 98 of the Urban Development Act 2020 applies)<sup>23</sup> to the extent that their content has a bearing on resource management issues of the district; and to consistency with plans and proposed plans of adjacent

---

<sup>13</sup> RMA, section 74(1).

<sup>14</sup> As described in section 31 of the RMA.

<sup>15</sup> RMA, sections 72 and 74(1).

<sup>16</sup> RMA, section 74(1).

<sup>17</sup> RMA, sections 74(1)(c) and 80L.

<sup>18</sup> RMA, section 75(3).

<sup>19</sup> RMA, section 74(2)(a)(i).

<sup>20</sup> RMA, section 75(3)(c).

<sup>21</sup> RMA, section 75(4).

<sup>22</sup> RMA, section 74(2)(a)(ii).

<sup>23</sup> RMA, section 74(2)(b).

territorial authorities;<sup>24</sup> and to any emissions reduction plan and any national adaptation plan made under the Climate Change Response Act 2002;<sup>25</sup>

- **take into account** any relevant planning document recognised by an iwi authority;<sup>26</sup> and
  - not have regard to trade competition or the effects of trade competition.<sup>27</sup>
7. The formal requirement that a district plan (change) must<sup>28</sup> also state its objectives, policies and the rules (if any) and may<sup>29</sup> state other matters.

#### B. Objectives [the section 32 test for objectives]

8. **Examine** the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act.<sup>30</sup>

#### C. Policies and methods (including rules) [the section 32 test for policies and rules]

9. The policies are to implement the objectives, and the rules (if any) are to **implement** the policies;<sup>31</sup>
10. Whether the provisions (the policies, rules or other methods) are the most appropriate way to achieve the purpose of the district plan change and the objectives of the Auckland Unitary Plan by:<sup>32</sup>
- (a) identifying other reasonably practicable options for achieving the objectives;<sup>33</sup> and
  - (b) assessing the efficiency and effectiveness of the provisions in achieving the objectives, including by:<sup>34</sup>
    - i. identifying and assessing the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
      - economic growth that are anticipated to be provided or reduced;<sup>35</sup> and

---

<sup>24</sup> RMA, section 74(2)(c).

<sup>25</sup> RMA, section 74(2)(d) and (e).

<sup>26</sup> RMA, section 74(2A).

<sup>27</sup> RMA, section 74(3).

<sup>28</sup> RMA, section 75(1).

<sup>29</sup> RMA, section 75(2).

<sup>30</sup> RMA, sections 74(1) and 32(1)(a).

<sup>31</sup> RMA, section 75(1)(b) and (c).

<sup>32</sup> See summary of tests under section 32 of the RMA for 'provisions' in *Middle Hill Limited v Auckland Council* Decision [2022] NZEnvC 162 at [30].

<sup>33</sup> RMA, section 32(1)(b)(i).

<sup>34</sup> RMA, section 32(1)(b)(ii).

<sup>35</sup> RMA, section 32(2)(a)(i).



- employment that are anticipated to be provided or reduced;<sup>36</sup>
- ii. if practicable, quantifying the benefits and costs;<sup>37</sup> and
- iii. assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.<sup>38</sup>

#### D. Rules

11. In making a rule the territorial authority must **have regard to** the actual or potential effect of activities on the environment.<sup>39</sup>
12. Rules have the force of regulations.<sup>40</sup>
13. Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive<sup>41</sup> than those under the Building Act 2004.
14. There are special provisions for rules about contaminated land.<sup>42</sup>
15. There must be no blanket rules about felling of trees<sup>43</sup> in any urban environment.<sup>44</sup>

#### E. Other statutes:

16. Finally territorial authorities may be required to comply with other statutes (which within the Auckland Region include the Hauraki Gulf Marine Park Act 2000).

#### F. Requirements relating to Medium Density Residential Standards (MDRS)

17. Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone<sup>45</sup> except to the extent that a qualifying matter is accommodated.<sup>46</sup>

#### G. Specific requirements relating to Policy 3 of the NPS-UD

18. Every residential zone in an urban environment of a tier 1 specified territorial authority must give effect to policy 3 in that zone,<sup>47</sup> and every tier 1 specified territorial authority must ensure that the provisions in its district plan for each urban non-residential zone within the authority's urban environment give effect to the changes

---

<sup>36</sup> RMA, section 32(2)(a)(ii).

<sup>37</sup> RMA, section 32(2)(b).

<sup>38</sup> RMA, section 32(2)(c).

<sup>39</sup> RMA, section 76(3).

<sup>40</sup> RMA, section 76(2).

<sup>41</sup> RMA, section 76(2A).

<sup>42</sup> RMA, section 76(5).

<sup>43</sup> RMA, section 76(4A).

<sup>44</sup> RMA, section 76(4B).

<sup>45</sup> RMA, section 77G(1).

<sup>46</sup> RMA, section 77G(6).

<sup>47</sup> RMA, section 77G(2).

required by policy 3<sup>48</sup> except to the extent that a qualifying matter is accommodated.<sup>49</sup>

#### H. Additional requirements for qualifying matters

19. In relation to a proposed amendment to accommodate a qualifying matter,<sup>50</sup> the specified territorial authority must:
  - (a) **demonstrate** why the territorial authority considers—
    - i. that the area is subject to a qualifying matter;<sup>51</sup> and
    - ii. in relevant residential zones that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A of the RMA) or policy 3 for that area<sup>52</sup> or in non-residential zones that the qualifying matter is incompatible with the level of development as provided for by policy 3 for that area;<sup>53</sup> and
  - (b) **assess** the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity;<sup>54</sup> and
  - (c) **assess** the costs and broader impacts of imposing those limits.<sup>55</sup>
  - (d) **describe** in relation to the provisions implementing the MDRS—
    - i. how the provisions of the district plan allow the same or a greater level of development than the MDRS;<sup>56</sup>
    - ii. how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—
      - any operative district plan spatial layers; and
      - any new spatial layers proposed for the district plan.<sup>57</sup>

---

<sup>48</sup> RMA, section 77N(2).

<sup>49</sup> RMA, sections 77G(6) and 77N(3)(b).

<sup>50</sup> As defined in section 77I(a)-(i)/77O(a)-(i) of the RMA.

<sup>51</sup> RMA, section 77J(3)(a)(i)/77P(3)(a)(i).

<sup>52</sup> RMA, section 77J(3)(a)(ii).

<sup>53</sup> RMA, section 77P(3)(a)(ii).

<sup>54</sup> RMA, section 77J(3)(b)/77P(3)(b).

<sup>55</sup> RMA, section 77J(3)(c)/77P(3)(c).

<sup>56</sup> RMA, section 77J(4)(a).

<sup>57</sup> RMA, section 77J(4)(b).

I. Alternative process for existing qualifying matters

20. When considering existing qualifying matters,<sup>58</sup> the specified territorial authority may:

- (a) **identify** by location (for example, by mapping) where an existing qualifying matter applies;<sup>59</sup>
- (b) **specify** the alternative density standards proposed for the area or areas identified;<sup>60</sup>
- (c) **identify** why the territorial authority considers that 1 or more existing qualifying matters apply to the area or areas;<sup>61</sup>
- (b) **describe** in general terms for a typical site in those areas identified the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3 in residential zones<sup>62</sup> and by policy 3 in non-residential zones.<sup>63</sup>

J. Further requirements for 'other' qualifying matters under section 77I(j)/77O(j)

21. A matter is not a qualifying matter under section 77I(j)/77O(j) unless an evaluation report:

- (a) **identifies** for relevant residential zones the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 inappropriate in the area<sup>64</sup> or for non-residential zones **identifies** the specific characteristic that makes the level of urban development required within the relevant paragraph of policy 3 inappropriate;<sup>65</sup> and
- (b) **justifies** why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD;<sup>66</sup> and
- (c) includes a site-specific analysis that—
  - i **identifies** the site to which the matter relates;<sup>67</sup> and
  - ii **evaluates** the specific characteristic on a site-specific basis to determine the geographic

---

<sup>58</sup> Being a qualifying matter referred to in section 77I(a)-(i)/77O(a)-(i) that is operative in the relevant district plan when the IPI is notified.

<sup>59</sup> RMA, section 77K(1)(a)/77Q(1)(a).

<sup>60</sup> RMA, section 77K(1)(b)/77Q(1)(b).

<sup>61</sup> RMA, section 77K(1)(c)/77Q(1)(c).

<sup>62</sup> RMA, section 77K(1)(d).

<sup>63</sup> RMA, section 77Q(1)(d).

<sup>64</sup> RMA, section 77L(a).

<sup>65</sup> RMA, section 77R(a).

<sup>66</sup> RMA, sections 77L(b)/77R(b).

<sup>67</sup> RMA, sections 77L(c)(i)/77R(c)(i).

area where intensification needs to be compatible with the specific matter;<sup>68</sup> and

- iii **evaluates** an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A)<sup>69</sup> or as provided for by policy 3<sup>70</sup> while managing the specific characteristics.

---

<sup>68</sup> RMA, sections 77L(c)(ii)/77R(c)(ii).

<sup>69</sup> RMA, section 77L(c)(iii).

<sup>70</sup> RMA, section 77L(c)(iii)/77R(c)(iii).

## Attachment B – Topic themes and submission points

### Oppose government-directed intensification

Sub point number	Submitter Name	Summary of Decisions Requested
1040.2	Judy Day	Request plan changes be put on hold.
1280.1	Geoff Chamberlain	Reconsider the decision to accept the government's dictate for housing intensification, work towards a long term and sustainable solution with a degree of urgency that has not been displayed before.
1399.1	Alex Price	Decline the plan change and reject the intensification plans required by central Government.
1530.4	Nicholas William Rabjohns	Reject the undemocratic intensification imposed by Central Government and revert back to the operative AUP.
1575.3	Auckland Branch Committee, Te Kāhui Whaihanga New Zealand Institute of Architects	Reject MDRS intensification because it will dilute the intent of the NPS-UD which focuses development in appropriate areas.
1614.1	Stuart Bode and Jan Hewitt	[Inferred] Reject proposed intensification, concerns related to the government's application of a one size fits all approach with little thought to the will of the residents in our major cities.
1666.1	Alastair Irving	Reject intensification of housing as proposed by the government.
1684.3	Pieter Hopkins	Auckland Council reject this government edict.
1814.12	Ian Peter Cassidy	Opposes intensification directive by Central government.
185.2	Hugh Blackley	Concerns relating to intensification directive from Wellington politicians.
1851.1	Jennifer Scott	Reject intensification due to mandated legislation by central government.
1853.1	John Leonard Francis	Opposes the imposition of the NPS-UD on Auckland and the Unitary Plan.
1854.2	John Sadler	Opposes intensification because of the one-size-fits-all approach from Central government and failing of the democratic process.
1874.3	Simon Nicolaas Peter Onneweer	Reject the NPS-UD and MDRS as mandated by Central government.

Sub point number	Submitter Name	Summary of Decisions Requested
1893.1	South Epsom Planning Group	<p>Concerns relating to the process by which PC78 has been promulgated including:</p> <ul style="list-style-type: none"> <li>-The RMA(Enabling Housing Supply and other Matters) Amendment Act ('the Act') lacks insight into Auckland's unique situation.</li> <li>-The Act is flawed and reactive.</li> <li>-Central government misdiagnosis-, lack of insight risks Auckland being a liveable city being destroyed</li> <li>-Density provisions over-riding elements in the Unitary Plan that are worthy of protection</li> <li>-Sufficient development capacity in the Unitary Plan</li> <li>-Auckland Council's response in acquiescing to central government.</li> <li>-Loss of rights to be notified and feedback on property development in the immediate neighbourhood.</li> <li>-MDRS provisions particularly boundary interface (i.e. shading, privacy)</li> <li>-lack of Council involvement in resource consent processing.</li> <li>-Constrained timeframes for developing PC78</li> </ul>
1900.6	Howick-Pakuranga Grey Power	Concerns relating to Central government mandatory directive to intensify without democratic public input into the process.
2044.9	Ronald Evan Young	Reject plan change as Auckland has very different needs from elsewhere in New Zealand and one-size-does-not-fit-all across the nation. Reject government mandates on Auckland as it will undermine the integrity of the built form and social and environmental wellbeing and erode heritage of the city.
2045.10	82-96 Arney Road and 2-4 Wharua Road	Reject plan change as Auckland has very different needs from elsewhere in New Zealand and one-size-does-not-fit-all across the nation. Reject government mandates on Auckland as it will undermine the integrity of the built form and social and environmental wellbeing and erode heritage of the city.
217.1	Brian Leslie O'Neill	Reject intensification. Council should say no to the government's intensification plans.
2186.1	Philip Goddard	The Council should reject the Government's carte blanche intensification legislation, the NPS-UD [see specific issues set out in the submission].
2220.1	Phillipa Goddard	Reject the Government's carte blanche intensification legislation.
2321.1	Peter McNee	Concerns relating to the unplanned imposition of the NPS-UD by the Government on councils, especially after the careful planning work of Auckland Council to produce the Auckland Unitary Plan.

<b>Sub point number</b>	<b>Submitter Name</b>	<b>Summary of Decisions Requested</b>
2338.3	Michael Davies	Request the plan change is pushed back on, as Christchurch Council has done, in favour of a reasoned and planned review of if further changes are needed and which areas to accommodate them.
2356.1	Matthew Olsen	Concerns related to the timing, nature and scale of the plan change, request Auckland Council stand up and decline to enact central government mandates.
2382.3	Michelle Green	Reject the plan change applied by central government.
2391.1	Robyn Floyd	Concerns relating to whether the Council could oppose the unsuitable aspects of the government's amendments to the RMA.
2394.7	Peter James Neighbours	Reject what has been imposed by central government upon the Auckland Council to prepare a Plan Change as it is anti-democratic.
256.7	Douglas John Wilson	Suggest Auckland Council oppose the policies of the NPS-UD.
392.2	Simon Yates	Concerns relating to central government and MDRS. Request Auckland Council to reject central government direction.
399.1	Mike Fox	[Inferred] Auckland Council should not intensify in accordance with Central Governments requirements.
567.1	Robin Metcalf	[Inferred] Reject intensification on the wider North Shore because of the undemocratic changes imposed, leading to poor outcomes.
570.1	Rosalie Hammond Hammond	Reject residential intensification and oppose plan change from government as Christchurch City did.
628.1	Carl Bergstrom	Decline the plan change and protest against central government enforced changes including seeking any legal avenues to challenge the government's action. In the meantime Council should do whatever possible to retain as many aspects of the current unitary plan as possible under the new laws.
655.1	Andrew Joughin	Reject central government's intensification act, as Christchurch has done.
704.1	Debra Tunnicliffe	Reject Central Government's interference in Auckland City's future - overruling the very Aucklanders that live in the city.
722.1	David King	Reject plan change as it has not been through due process as the Unitary Plan was. It is being forced on Local Government by Central Government.

<b>Sub point number</b>	<b>Submitter Name</b>	<b>Summary of Decisions Requested</b>
724.1	Graham Pearce	Reject plan change as it has not been forced on Local Government by Central Government.
725.1	Erik Pound	Reject increased density proposal as these decisions should be made in Auckland.
726.1	Ginny and Bruce Stainton	Reject the government's intensification legislation. The operative plan provides enough capacity.
793.1	Coralie van Camp	Reject the intensification law and government directives to intensify Auckland.
978.1	Noeline Walsh	Allow for full consultation processes before being implemented, not by arbitrary imposed plans issued with a short timeframe by central government.

### **Reject Plan Change 78**

<b>Sub point number</b>	<b>Submitter Name</b>	<b>Summary of Decisions Requested</b>
105.5	Angelique Ward	Reject plan change as it is not a fair legal process. Plan change should not have legal effect at the notification stage; the process is deficient; alternative methods have not been investigated under section 32, RMA.
643.1	Carl Raymond Saunders	Do not approve intensification as Unitary Plan is working well as intended and the changes proposed are undemocratic.
650.4	Charles Gordon Willmer	No specific decision requested (inferred that minimum parking standards should be retained).
2062.1	Claire Teirney	Reject the plan change.
584.2	Darren Grbic	Decline the plan change: Unfettered development by Government mandate not acceptable.
1993.1	Dawn Elvidge	Reject the plan change.
46.2	Donald Vickerman	Process is not democratic.
79.5	Drew Adams	Reject plan change as it is not a fair legal process. Plan change should not have legal effect at the notification stage. Disempowerment of the people.
598.1	Graham Paddon	Decline the plan change: Intensification is ill-considered, ideologically driven and spur of the moment politically motivated grandstanding, with particular reference to Te Atatu.
2211.5	Gregory Lawrence Smith	Reject the proposed reform entirely.



<b>Sub point number</b>	<b>Submitter Name</b>	<b>Summary of Decisions Requested</b>
1260.7	Howick Ratepayers and Residents Association	Pause the legislation indefinitely as it refers to Auckland, and let's look sensibly at the situation. Reject it. Throw it out completely.
27.1	HQH Fitness	Violation of residents rights within the Unitary Plan and will lead to poor development.
16.1	James Burton	Council avoiding its legislated duty to bring more people into quality housing close to already existing amenities. Concerns relating to racism and classism.
38.5	Jeffrey Robertson	Reject plan change as it is not a fair legal process. Plan change should not have legal effect at the notification stage. Disempowerment of the people.
662.1	Jennifer Clements	Reject the plan change as Christchurch Council has done.
47.5	Jessica Ward	Reject plan change as it is not a fair legal process. Plan change should not have legal effect at the notification stage. Disempowerment of the people.
34.5	Julia Neville	Reject plan change as it is not a fair legal process. Plan change should not have legal effect at the notification stage. Disempowerment of the people.
33.5	Oliver Moss	Reject plan change as it is not a fair legal process. Plan change should not have legal effect at the notification stage. Disempowerment of the people.
1573.2	Ross Kenneth McCarthy	Concerns with process being handled in an unconstitutional manner.
108.2	Ruth Ann Jackson	Require building design to provide real amenity; Government's actions will create slums.
129.2	Soren Moller	Decline the plan change; central government needs to provide more flexible and radical housing solutions (e.g. Government funded kitset housing factory, infrastructure support etc).
847.2	Vanessa Earles	Reject the new policy [plan change] as it was rushed and did not consider the consequences [of intensification].
824.1	Xanthe Jujnovich	Decline the plan change for intensification as Auckland council should be allowed to make it's own decision on intensification and concerns over impact on infrastructure, heritage, and the built and natural environment.

## **No decision requested to Plan Change 78**

<b>Sub point number</b>	<b>Submitter Name</b>	<b>Summary of Decisions Requested</b>
2033.3	Classic Group	Amend plan change as it ignores the intent of Policy 6(b) of the NPS UD in terms of that the planned urban built form may involve changes to an area that 'detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generation, including by providing increased and varied housing densities and types and are not, of themselves, an adverse effect'.
2036.3	Evans Randall Investors Ltd	Amend plan change as it ignores the intent of Policy 6(b) of the NPS UD in terms of that the planned urban built form may involve changes to an area that 'detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generation, including by providing increased and varied housing densities and types and are not, of themselves, an adverse effect'.
2041.2	Neilston Homes	Amend plan change as it ignores the intent of Policy 6(b) of the NPS UD in terms of that the planned urban built form may involve changes to an area that 'detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generation, including by providing increased and varied housing densities and types and are not, of themselves, an adverse effect'.
2150.3	Raquel Francois	Require developers constructing houses in areas with insufficient infrastructure to pay a premium to offset the cost of providing additional unplanned infrastructure. [See supporting information in the submission for more detailed request.]
2211.3	Gregory Lawrence Smith	Express concern with NPS UD trumping AUP and calling into question centralisation of local government rather than ad hoc removal of local functions.
2215.2	Rebecca Macky	Request Government to put a hold on the NPS UD.
2215.3	Rebecca Macky	Revoke the immediate legal effect of the Medium Density Residential Standards and postpone their effect until NPS UD and the plan change have been through a comprehensive and collaborative consultation process, having first determined the number of dwellings required in the Auckland Council rohe over the next 30 years.

2362.4	Shane Pratt	Concerns relating to the Council handling of the NPS-UD and Enabling Housing Act.
2363.4	Wu Yong	Concerns relating to the Council handling of the NPS-UD and Enabling Housing Act.
976.1	Judith Gayleen Mackereth	Repeal the Enabling Housing Supply legislation. Population have been denied right to appeal.

### Other

<b>Sub point number</b>	<b>Submitter Name</b>	<b>Summary of Decisions Requested</b>
836.6	North Eastern Investments Limited	Amend (inferred) any plan change text which is not in accordance with the mandatory directions of the National Planning Standards, with particular reference to 'height'.
1115.2	Fluker Surveying Limited	Clarify the infringement of an MDRS rule and application of other rules. E.g. if a development cannot be met why can't the development rely on other rules?
2286.8	Civic Trust Auckland	Include in the AUP the policies necessary to achieve the purpose of RMA s.77L, in particular, s.77L(c)(iii).