

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 002 MDRS Response

AND

IN THE MATTER of the submissions and further submissions

**PRIMARY STATEMENT OF EVIDENCE OF DAVID WILLIAM ARTHUR
MEAD ON BEHALF OF AUCKLAND COUNCIL**

**PLANNING – HEARING TOPIC 002 Medium Density Residential
Standards (MDRS) response**

Date: 6 March 2023

SUMMARY

- 1 This evidence provides an analysis of submissions to Plan Change 78 (PC 78) in relation to Hearing Topic 002 Medium Density Residential Standards (MDRS) response. These submissions variously seek the rejection of MDRS; their modification or that they are not applied to specific areas of the urban environment.
- 2 77 primary submissions points and 27 further submission points are coded under this hearing topic.
- 3 Section 77G of the Resource Management Act (RMA) imposes an obligation on Council to incorporate MDRS into relevant residential zones unless qualifying matters are identified. Council has no scope to not implement the MDRS, neither is there scope to modify (make more restrictive) the standards where qualifying matters are not present. No qualifying matters support an across-the-board modification or abandonment of MDRS.
- 4 I recommend that the Independent Hearings Panel (IHP) reject the submissions on the basis that the Panel has no grounds upon which to accept the submissions. Submissions seeking a qualifying matter (from Channel Terminal Services) or additional controls on residential developments of more than 3 units (such as submissions 638.9 and 647.9) should be recoded to an appropriate hearing topic.

INTRODUCTION

- 5 My full name is David William Arthur Mead. I am currently operating as a sole trader under the banner David Mead Urban Planning. My CV is attached as Attachment One.
- 6 I have been engaged by the Council to provide planning evidence in relation to Hearing Topic 002.
- 7 I have previously prepared overview strategic planning evidence that is due to be presented to the IHP on 6 March 2023.

CODE OF CONDUCT

- 8 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.

SCOPE

- 9 My evidence responds to submissions for Hearing Topic 002 – MDRS response. Essentially, these submissions oppose implementation of MDRS. The submissions variously oppose the incorporation of the MDRS in all relevant residential areas, seek amendments to the standards or that they do not apply to specific areas.
- 10 In preparing my evidence I have considered the following documents:
- 10.1 The relevant sections of the RMA that require the council to implement MDRS
 - 10.2 Relevant PC 78 section 32 reports
 - 10.3 Council's strategic overview evidence.

MDRS

- 11 Schedule 3A of the RMA sets out the MDRS. These provide for 3 residential units on all residential sites, subject to standards, as a permitted activity.
- 12 The Council may impose additional standards to those of the MDRS, for a permitted activity, provided that the additional standards are not density standards. Section 80E of the RMA

enables the inclusion of related provisions including provisions relating to:

- 12.1 District-wide matters
 - 12.2 Earthworks
 - 12.3 Fencing
 - 12.4 Infrastructure
 - 12.5 Storm water management (including permeability and hydraulic neutrality)
 - 12.6 Subdivision of land.
- 13 The MDRS (and any related standard) are to be incorporated into all relevant residential zones. In the context of the Auckland Unitary Plan (AUP), the Council has proposed rezoning most Residential - Single House zoned sites and Residential - Mixed Housing Suburban zoned sites to Residential - Mixed Housing Urban. The standards in the Residential - Mixed Housing Urban zone are modified to accord with MDRS.
- 14 Section 77I enables the Council to modify the MDRS to be less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more qualifying matters, as specified in section 77I.
- 15 Managing developments of 4 or more residential units is a matter for the council to address in the AUP (for example additional standards and/or assessment matters if resource consent is triggered).

STATUTORY TESTS

- 16 A summary of the statutory tests for PC 78 is included in Attachment Two to my evidence. In the case of Hearing Topic

002, the ability to not implement or modify MRDS is significantly constrained by the RMA. In particular, Section 77G imposes a duty on the Council to incorporate MDRS into every relevant residential zone of the AUP. Sections 77J, K and L set out the matters that must be considered if a qualifying matter is to apply.

APPROACH TAKEN TO MDRS RESPONSE IN PC78

17 In implementing the requirements of Section 77G, Council has identified the relevant residential zones that the MDRS must apply within. Relevant residential zones in the AUP are:

17.1 Residential - Single House

17.2 Residential – Mixed Housing Suburban

17.3 Residential – Mixed Housing Urban

17.4 Residential – Terrace Housing and Apartment Buildings

18 As discussed in my strategic overview evidence, the Council has considered and applied a range of qualifying matters (as provided for in Section 77I) through a mixture of AUP Overlays, Precincts, spatially mapped controls and application of Residential – Low Density Residential zone. These qualifying matters amend aspects of the MDRS to the extent necessary to accommodate the specific qualifying matter. The qualifying matters are generally place or resource specific and most qualifying matters are the subject of existing provisions in the AUP.

OUTSTANDING ISSUES, SUBMISSIONS AND THEMES

19 77 submissions and 27 further submissions are allocated to Hearing Topic 002 (MDRS Response). I have reviewed the submissions and grouped them into four themes as follows:

19.1 Reject PC78

19.2 Amend / modify MDRS provisions

19.3 Do not provide for MDRS in specific locations

19.4 Other.

20 I have listed the number of submission points and further submission points in each of the themes I have identified in the table below.

Table 1 Topic 002 Submissions and Further Submissions

Topic 002 Topic themes	Number of submission points	Further submissions in support	Further submissions in opposition
Reject / do not provide for MDRS	38	4	3
Amend / modify MDRS provisions	28	7	1
Do not provide for MDRS in specific locations	10	11	1
Other	1	0	0
TOTAL	77	22	5

21 A full list of submitters and a summary of decisions requested for each theme that I discuss in my evidence, using the submission point numbering set out in the Council's Summary of Decisions Requested (SDR) Report, is included in Attachment Three.

EVALUATION OF SUBMISSIONS AND PROPOSED AMENDMENTS

Reject Plan Change 78

- 22 This theme addresses those submission points seeking rejection of PC78 in its entirety. For example, Don Oakly (1903.2) objects to the proposed blanket housing zone changes, while Rebecca Macky (2215.11) seeks the rejection of the '3x3' rule as it is a very blunt instrument with inadequate standards.
- 23 Specific reasons given by submitters for rejection include the effects of the MDRS on privacy, sunlight access and amenity of suburban sites; traffic and parking and impacts on infrastructure. Also raised is the limited public input into formulation of the MDRS and their mandatory status.
- 24 As previously noted, under the RMA, Council has to incorporate the MDRS into relevant residential zones. Council's scope to modify or not apply the MDRS are limited to qualifying matters. Qualifying matters are intended to be place or resource specific, not 'across-the-board' modifications or exemption of the MDRS. As a result, in my view, there is no ability to grant the relief sought and I recommend these submissions be rejected.

Amend / modify MDRS provisions

- 25 A range of submissions have sought that the MDRS be amended to be less enabling of development so as to reduce potential and actual built form outcomes. For example, a submission seeks to apply a 2.5m plus 45 degree height in relation to boundary rule for all boundaries of sites subject to the MDRS (Bernard Rex Sellar 644.1). MDRS provides for a 60° recession plane measured 4 metres vertically above ground level. Other MDRS standards identified for amendment include building height (2 storeys); outlook (use AUP standard of 6m x 4m outlook space) and increased yard setback requirement (for example approx. 6m along 'high traffic volume' arterial and collector roads to allow for front yard specimen trees). One submission (Grant Wackrow

1429.1) seeks reinstatement of the 'Height in Relation to Boundary adjoining lower intensity zones' (standard H5.6.7.) in the new low density residential zone.

26 Schedule 3A of the RMA sets out the standards that must be incorporated into every relevant residential zone. Section 77I of the RMA provides for the MDRS to be made less enabling of development to the extent necessary to accommodate a qualifying matter. Qualifying matters listed under section 77I (a) to (j) cover a range of issues, as follows:

- 26.1 Providing for a matter of national importance under section 6 of the RMA
- 26.2 Giving effect to a national policy statement (including the New Zealand Coastal Policy Statement 2010)
- 26.3 A matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008
- 26.4 Ensuring the safe or efficient operation of nationally significant infrastructure
- 26.5 Open space provided for public use, but only in relation to land that is open space
- 26.6 The need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order
- 26.7 A matter necessary to implement, or to ensure consistency with, iwi participation legislation
- 26.8 The requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand.

- 27 These qualifying matters provide scope for the MDRS to be modified in relation to specific areas or resources (such as Outstanding Natural Landscapes or Significant Natural Areas). They do not provide for across-the-board modifications of the MDRS (for example a modified height in relation to boundary control that would apply to all sites in relevant residential zones).
- 28 Section 77I(j) provides scope for 'any other matter' that makes higher density, as provided for by the MDRS, inappropriate in an area but only if section 77L is satisfied. Section 77L imposes a number of tests as to whether "an other matter" may be introduced, including a requirement for a site-by-site assessment of why MDRS may be inappropriate in relation to a specific area or natural resource. PC 78 contains a number of proposed other matters, including special character, infrastructure and local amenity controls most of which are operative provisions in the AUP. These qualifying matters are place or resource specific. In my opinion an across-the-board type modification of the MDRS would not meet the statutory tests set out in Section 77L.
- 29 Some submissions (such as Bucklands and Eastern Beaches Ratepayers and Residents Association 1708.4) request that three storey developments must apply for resource consent to ensure amenity and daylight standards can be met. Clause 2 of Schedule 3A of the RMA provides for three units to be a permitted activity where the MDRS are complied with. Resource consents are triggered where the standards are infringed. There is no ability under the RMA to require resource consent where standards are met (unless an identified qualifying matter is present and the MDRS standard modified by the qualifying matter rule).
- 30 Other submissions (such as Angela Hughes 638.9; Camille van Diepenbrugge 647.9) request stricter controls/standards/rules where more than 3 units are being built on a site (such as height, yard and landscaping requirement controls). As notified PC 78 (and PC 79 dealing with transport related matters) contains a number of additional standards for developments of 4 or more units. These include communal open space, canopy trees, deep

soil areas, space for waste management and pedestrian access. These additional standards do not modify the MDRS density standards in Schedule 3A (e.g. building height, height in relation to boundary).

- 31 My recommendation is that submissions on this theme requesting change to the MDRS be rejected as the requested amendments to the MDRS cannot be supported by reference to a specific qualifying matter.
- 32 Submissions seeking additional or different standards when 4 or more units are proposed should be considered under the relevant Residential Hearing Topic as this is an area where Council does have some discretion as to what standards should apply.

Do not provide for MDRS in specific locations

- 33 This theme addresses submission points that request rejection of MDRS in a particular location or area. 8 submission points are of relevance to this theme.
- 34 Areas identified in the submissions include:
- 34.1 Restrict the application of the MDRS to properties on arterial roads or major roads, not minor residential roads (Owen Simon Woodhouse 1581.3)
 - 34.2 Remove the planned NPS-UD and MDRS zones for Herald Island (Ian McNeill 250.1)
 - 34.3 Reject the MDRS as unsuitable for Ellerslie and surrounding neighbourhoods (Michelle Green 2382.2)
 - 34.4 Reject proposed intensification in St Mary's Bay (Julie Inglis 1606.2)
 - 34.5 Not allow intensification in ridgeline areas with significant views (Barry Owen Gillard 290.1).

- 35 Under the RMA, Council can only modify the MDRS where specific qualifying matters apply. Geographic areas cannot be excluded on the basis of a general concern about the impact of the MDRS on an area. PC 78 does modify MDRS in specific areas, such as areas identified in Chapter D15 Ridgeline Protection Overlay, and Chapter D16 Local Public Views Overlay. These overlays are part of the AUP, and they are based on analysis of particular local features.
- 36 In addition to the above, Channel Terminal Services Ltd (submission point 1071.4) seek the removal of all MDRS from all properties within 40m of the nominal centreline of the high-pressure fuel Marsden Point to Auckland Pipeline, which runs from Marsden Point to the Wiri Oil terminal.
- 37 I consider their request suggests that they consider there is a qualifying matter which applies to properties in the vicinity of the high-pressure fuel pipeline. I am therefore of the view that this submission point should be considered as part of a hearing topic that considers the assessment of qualifying matters.
- 38 I recommend that these submissions be rejected, apart from Channel Terminal Services (whose submission should be considered alongside other requests to modify or expand qualifying matters).

Other

- 39 A submission (Victoria and Philip Lowe 1120.9) requests an assessment be undertaken of effects of the MDRS and investigation into alternatives. The submitter says that the government and Auckland Council must consider and weigh alternatives.
- 40 As noted, the RMA requires that the MDRS be included in relevant residential zones. Council has limited discretion to modify or not introduce the MDRS. I therefore recommend that the submission be rejected.

CONCLUSIONS

- 41 This evidence has provided an analysis of submissions to PC 78 that variously seek the rejection of the MDRS, their modification or that they are not applied to specific areas of the urban environment.
- 42 I recommend that the IHP reject the submissions, except for those that should be reallocated, on the basis that the Panel has no grounds upon which to accept the submissions.
- 43 Section 77G of the RMA imposes an obligation on Council to incorporate MDRS into relevant residential zones unless qualifying matters are identified. Council has no scope to not implement the MDRS, neither is there scope to modify the standards where qualifying matters are not present. No qualifying matters support an across-the-board modification or abandonment of MDRS.

David Mead

6 March 2023

ATTACHMENT ONE - CV of David Mead

My full name is David William Arthur Mead. I am currently operating as a sole trader under the banner David Mead Urban Planning. Prior to July 2022, I was a Director at Hill Young Cooper Ltd, having been employed at Hill Young Cooper Ltd since 1998. Prior to joining Hill Young Cooper, I was a member of the strategic projects team at Waitakere City Council which was responsible for developing and implementing a range of integrated sustainable development projects, including urban growth strategies. I was also a member of the core team that prepared the inaugural Waitakere City District Plan.

I hold the qualifications of a Bachelor of Town Planning from Auckland University and am a full member of the New Zealand Planning Institute. In 2017, I received a Distinguished Service Award from the New Zealand Planning Institute. I am also an Independent Hearing Commissioner and have considered and made decisions on plan changes, resource consents and notices of requirement.

I have been employed in planning roles in private consultancy and local government for over 30 years. Recent experience relevant to this hearing includes being the section 42A reporting planner on plan changes in the Drury area of Auckland, as well as around Pokeno in Waikato District. I have also provided expert planning evidence on urban growth issues for several proposed Plan and Plan Change appeals to the Environment Court including Okura, Frankton Flats, Bayswater Marina, Omaha and Long Bay.

I have helped to prepare numerous plan changes relating to new urban developments, affordable housing, stormwater management and urban design. This has involved preparation of strategies and action plans, developing structure and precinct plans, development of RMA plan provisions, consideration of alternatives, submission analysis, section 42A reporting and negotiation and mediation post council-level hearings.

I prepared the section 32 overview report for PC78.

ATTACHMENT TWO - STATUTORY TESTS

A. General requirements - district plan (change)

- 1 A district plan (change) should be designed to **accord with**¹ — and assist the territorial authority to **carry out** — its functions² so as to achieve the purpose of the Act.³
- 2 The district plan (change) must also be prepared in accordance with any regulation⁴ and any direction given by the Minister for the Environment.⁵
- 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 national planning standard.⁶
- 4 When preparing its district plan (change) the territorial authority shall:
 - (a) **have regard to** any proposed regional policy statement (change);⁷
 - (b) **give effect** to any operative regional policy statement.⁸
- 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;⁹ and
 - (b) the district plan (change) **must have regard** to any proposed regional plan (change) on any matter of regional significance.¹⁰
- 6 When preparing its district plan (change) the territorial authority must also:
 - (a) **have regard to** any relevant management plans and strategies under other Acts, and to any relevant entry in the New Zealand Heritage List/ Rārangi Kōrero and to any relevant project area and project objectives (if section 98 of the Urban Development Act 2020 applies)¹¹ to the extent that their content has a bearing on resource management issues

¹ RMA, section 74(1).

² As described in section 31 of the RMA.

³ RMA, sections 72 and 74(1).

⁴ RMA, section 74(1).

⁵ RMA, sections 74(1)(c) and 80L.

⁶ RMA, section 75(3).

⁷ RMA, section 74(2)(a)(i).

⁸ RMA, section 75(3)(c).

⁹ RMA, section 75(4).

¹⁰ RMA, section 74(2)(a)(ii).

¹¹ RMA, section 74(2)(b).

of the district; and to consistency with plans and proposed plans of adjacent territorial authorities;¹² and to any emissions reduction plan and any national adaptation plan made under the Climate Change Response Act 2002;¹³

- (b) **take into account** any relevant planning document recognised by an iwi authority;¹⁴ and
- (c) not have regard to trade competition or the effects of trade competition.¹⁵

7 The formal requirement that a district plan (change) must¹⁶ also state its objectives, policies and the rules (if any) and may¹⁷ 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.¹⁸

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;¹⁹

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:²⁰

- (a) identifying other reasonably practicable options for achieving the objectives;²¹ and
- (b) assessing the efficiency and effectiveness of the provisions in achieving the objectives, including by:²²
 - (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:

¹² RMA, section 74(2)(c).

¹³ RMA, section 74(2)(d) and (e).

¹⁴ RMA, section 74(2A).

¹⁵ RMA, section 74(3).

¹⁶ RMA, section 75(1).

¹⁷ RMA, section 75(2).

¹⁸ RMA, sections 74(1) and 32(1)(a).

¹⁹ RMA, section 75(1)(b) and (c).

²⁰ 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].

²¹ RMA, section 32(1)(b)(i).

²² RMA, section 32(1)(b)(ii).

- economic growth that are anticipated to be provided or reduced;²³ and
 - employment that are anticipated to be provided or reduced;²⁴
- (ii) if practicable, quantifying the benefits and costs;²⁵ and
- (iii) assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.²⁶

D. Rules

- 11 In making a rule the territorial authority must **have regard to** the actual or potential effect of activities on the environment.²⁷
- 12 Rules have the force of regulations.²⁸
- 13 Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive²⁹ than those under the Building Act 2004.
- 14 There are special provisions for rules about contaminated land.³⁰
- 15 There must be no blanket rules about felling of trees³¹ in any urban environment.³²

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 zone³³ except to the extent that a qualifying matter is accommodated.³⁴

²³ RMA, section 32(2)(a)(i).

²⁴ RMA, section 32(2)(a)(ii).

²⁵ RMA, section 32(2)(b).

²⁶ RMA, section 32(2)(c).

²⁷ RMA, section 76(3).

²⁸ RMA, section 76(2).

²⁹ RMA, section 76(2A).

³⁰ RMA, section 76(5).

³¹ RMA, section 76(4A).

³² RMA, section 76(4B).

³³ RMA, section 77G(1).

³⁴ RMA, section 77G(6).

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,³⁵ 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 required by policy 3³⁶ except to the extent that a qualifying matter is accommodated.³⁷

H. Additional requirements for qualifying matters

19 In relation to a proposed amendment to accommodate a qualifying matter,³⁸ the specified territorial authority must:

- (a) **demonstrate** why the territorial authority considers—
 - (i) that the area is subject to a qualifying matter;³⁹ 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 area⁴⁰ 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;⁴¹ and
- (b) **assess** the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity;⁴² and
- (c) **assess** the costs and broader impacts of imposing those limits.⁴³
- (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;⁴⁴
 - (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

³⁵ RMA, section 77G(2).

³⁶ RMA, section 77N(2).

³⁷ RMA, sections 77G(6) and 77N(3)(b).

³⁸ As defined in section 77I(a)-(i)/77O(a)-(i) of the RMA.

³⁹ RMA, section 77J(3)(a)(i)/77P(3)(a)(i).

⁴⁰ RMA, section 77J(3)(a)(ii).

⁴¹ RMA, section 77P(3)(a)(ii).

⁴² RMA, section 77J(3)(b)/77P(3)(b).

⁴³ RMA, section 77J(3)(c)/77P(3)(c).

⁴⁴ RMA, section 77J(4)(a).

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.⁴⁵

I. Alternative process for existing qualifying matters

20 When considering existing qualifying matters,⁴⁶ the specified territorial authority may:

- (a) **identify** by location (for example, by mapping) where an existing qualifying matter applies;⁴⁷
- (b) **specify** the alternative density standards proposed for the area or areas identified;⁴⁸
- (c) **identify** why the territorial authority considers that 1 or more existing qualifying matters apply to the area or areas;⁴⁹
- (d) **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 zones⁵⁰ and by policy 3 in non-residential zones.⁵¹

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 area⁵² 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;⁵³ and
- (b) **justifies** why that characteristic makes that level of development inappropriate in light of the national

⁴⁵ RMA, section 77J(4)(b).

⁴⁶ 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.

⁴⁷ RMA, section 77K(1)(a)/77Q(1)(a).

⁴⁸ RMA, section 77K(1)(b)/77Q(1)(b).

⁴⁹ RMA, section 77K(1)(c)/77Q(1)(c).

⁵⁰ RMA, section 77K(1)(d).

⁵¹ RMA, section 77Q(1)(d).

⁵² RMA, section 77L(a).

⁵³ RMA, section 77R(a).

significance of urban development and the objectives of the NPS-UD;⁵⁴ and

- (c) includes a site-specific analysis that—
 - (i) **identifies** the site to which the matter relates;⁵⁵ and
 - (ii) **evaluates** the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter;⁵⁶ and
 - (iii) **evaluates** an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A)⁵⁷ or as provided for by policy 3⁵⁸ while managing the specific characteristics.

⁵⁴ RMA, sections 77L(b)/77R(b).

⁵⁵ RMA, sections 77L(c)(i)/77R(c)(i).

⁵⁶ RMA, sections 77L(c)(ii)/77R(c)(ii).

⁵⁷ RMA, section 77L(c)(iii).

⁵⁸ RMA, section 77L(c)(iii)/77R(c)(iii).

Attachment Three – Themes and submission points

Reject / do not provide for MDRS		
Sub#/Point	Submitter Name	Summary of Decisions Requested
64.1	Craig Fraser	Seeks unspecified amendment [inferred rejects MDRS response].
146.3	Mark Powell	Decline the plan change, reject MDRS due to infrastructure constraints and lack of recognition of broader sustainability considerations.
163.1	Lesley Ward	Reject the MDRS allowing buildings up to 3 storeys high. Concerns relating to sunlight access and impact on property value.
305.4	Kathryn E Davies	Reject the use of the Mixed Housing Urban zone as a response to the MDRS.
535.1	Lesley Hollewand	Reject the intensification enabled by MDRS for the majority of Auckland properties.
638.1	Angela Hughes	Reject the proposed Medium Density Residential Standards
647.1	Camille van Diepenbrugge	Reject the proposed Medium Density Residential Standards.
686.1	Mark Andrew Croudace	Reject the MDRS 1m setback standard as it does not take into account height differences between sites and the impacts on sunlight access.
702.1	Cher Reynolds	Reject Medium Density Residential Standards as they will have significant adverse effects in terms of loss of sunlight and loss of privacy, on adjoining properties.
751.1	B Luff	Decline the plan change [requests Auckland Council do not apply MDRS and rejects the intensification of Auckland].
828.4	Jon Moses and Maryrose Morgan-Coakle	Reject MDRS minimum yard setbacks for front yards of 1.5m and rear yards of 1.5m.

Reject / do not provide for MDRS		
828.5	Jon Moses and Maryrose Morgan-Coakle	Reject MDRS outdoor living area size as inadequate.
828.6	Jon Moses and Maryrose Morgan-Coakle	Reject 1m space to boundary between buildings and 10 % net site permeable areas requirement as inadequate.
903.1	Franco Belgiorno-Nettis	Reject the blanket approach to intensification of the plan change.
1120.8	Victoria and Phillip Lowe	Reject further intensification of residential areas and the new medium density housing provisions.
1303.1	James Stuart Taylor	Oppose the MDRS because of the adverse effects they will create and due to the lack of consultation or planning.
1472.4	Charles Hadfield	MDRS are opposed.
1515.2	David Colin Stuteley	Reject the MDRS.
1516.1	Denise Cardy	[Inferred] Reject MDRS intensification.
1519.1	Gillian Wilma	Reject intensification and associated MDRS provisions.
1531.1	Robert Banks	Reject intensification and MDRS.
1621.8	Maureen Forrester	Oppose the MDRS setbacks proposed.
1638.2	Daniel Moore	Oppose the lack of provisions to control sunlight and privacy and to provide for outdoor space.

Reject / do not provide for MDRS		
1639.1	Sarah Sturge	Reject proposed plans for intensification and MDRS.
1718.1	Stuart Kirk	Reject the intensification standards for density, height in relation to boundary and setback to reduced light and privacy.
1721.3	Tom Pasley	Reject MDRS intensification due to loss of sunlight and privacy.
1728.2	Susan Wildermoth	Reject MDRS intensification.
1735.1	Jacqui Ellis	Reject MDRS intensification.
1745.6	Motu Design	Reject the blanket application of MDRS.
1857.1	Karin Galle	Opposes MDRS standards of 3 dwellings per site and 11m buildings.
1871.1	Ricky Tjahjadi	Reject intensification , particularly the MDRS standards.
1903.2	Don Oakly	Rejects the proposed blanket housing zone changes.
1927.1	Jacques Losken	Reject three storey buildings being built in suburban areas.
2077.3	David Mark Holton	Reject the new density rules as they allow too many dwellings per site.
2159.1	Ms Paula Vidovich	Reject PC 78 in its entirety, and instead rely on the Unitary Plan while streamlining the regulatory process and invest in the required infrastructure to support Auckland's Growth.
2215.11	Rebecca Macky	Reject the '3x3' rule as it is a very blunt instrument with inadequate standards.
2377.5	Rosemarie Gough	Reject MDRS for most sites in Auckland.
677.1	Helen Hickford	Decline the plan change.

Amend / Modify MDRS provisions		
Sub#/ Point	Submitter Name	Summary of Decisions Requested
6.3	Thomas Loo	Amend the plan to allow medium density residences within 400m of all public transport routes such as bus and train routes.
55.1	Simon Garner	Building too dense, heights too high for sun, not enough outdoor living space. Building poor living environments and not enough parking.
404.8	Simon Jeremy Kember	Amend the setback requirements of highrise development along Ponsonby Road as it relates to Freemans Bay. The standard results in reduced sunlight and shadows.
415.1	Ian Howat Steel	Amend the plan change to only allow 3 storey dwellings in area of predominantly 2 storey dwellings, and require adequate off-street parking for residents.
610.1	Jennifer McKay	[Inferred] Reject MDRS. Amend plan to not allow developers to build on small streets/cul de sacs.
635.2	Anne Gifford	Remove the MDRS provisions. Provide stricter controls/standards/rules when more than 3 units are being built on sites in terms of height, side and yard controls and landscaping requirements.
638.8	Angela Hughes	Classify building four or more dwellings per site as a Discretionary activity rather than a Restricted Discretionary activity.
638.9	Angela Hughes	Provide stricter controls/standards/rules where more than 3 units are being built on a site (height, yard and landscaping requirement controls).
644.1	Bernard Rex Sellar	Apply a 2.5m plus 45 degree height in relation to boundary rule for all boundaries except the north boundary of the development site.
647.8	Camille van Diepenbrugge	Classify building four or more dwellings per site as a Discretionary activity rather than a Restricted Discretionary activity.
647.9	Camille van Diepenbrugge	Provide stricter controls/standards/rules where more than 3 units are being built on a site (height, yard and landscaping requirement controls).
811.5	Michael Lowe	Increase front yard setback requirement (approx. 6m) along 'high traffic volume' arterial and collector roads to allow for front yard specimen trees.

Amend / Modify MDRS provisions		
811.6	Michael Lowe	Have a minimum requirement for 1 front yard specimen tree per ground level dwelling frontage, with a minimum tree pit/unobstructed root zone of min ~4m ² .
828.3	Jon Moses and Maryrose Morgan-Coakle	Reject the increased building coverage and impermeable area limits/standards.
833.15	Waterchild Ltd	Amend standard H5.6.21(c)(ii) to enable bins to stored in garages so long as there is a demarcated area of 1.4m ² .
1120.10	Victoria and Phillip Lowe	Require developers to consult with neighbours for first approval when intensifying under new MDRS, so people can protect themselves from risk of adverse effects from development and with right of appeal to Env. Ct.
1128.2	Darcy Lange	Change the proposed MDRS response of Mixed Housing Urban zoning to Mixed Housing Suburban zoning.
1156.3	Ross Stevenson	Confine MDRS to areas outside Special Character and with adequate infrastructure services
1202.8	Brad Allen	Amend the zone provisions (deep soil, waste management, lighting requirements etc.) to provide more clarity.
1429.1	Grant Wackrow	Reinstate the 'Height in Relation to boundary adjoining lower intensity zones' (standard H5.6.7.) in the new residential zones, and yard setbacks, to protect amenity of lower intensity zones such as Low Density Residential zone where Special Character Areas overlay applies. Wherever a zone adjoins another zone of lower intensity, and yard setbacks and particularly the Height in Relation to Boundary (HIRB) of the lower intensity zone should apply to BOTH sides of the boundary. (Refer to submission for detail).
1621.7	Maureen Forrester	Oppose loss of views, privacy and sunlight due to intensification. Any shadowing from new developments should require approval from neighbours.

Amend / Modify MDRS provisions		
1708.4	Buckland and Eastern Beaches Ratepayers and Residents Association	Require that three storey development apply for resource consent to ensure amenity and daylight standards can be met.
1727.2	Susan Frances Ward	Reject intensification, limit heights to two storeys.
1908.2	Erin Lawn	Amend MDRS height in relation to boundary standard to make in explicit that effects on daylight on immediate neighbours should be considered.
1908.3	Erin Lawn	Amend assessment of non-compliance of height in relation to boundary the same consideration to daylighting impacts is applied as would be for buildings within the same site (by H5.6.13 and H6.6.14).
1960.1	Olivier Lawer	Reject plan to allow up to 3 dwellings of up to 3 storeys on the boundary [requests] more space between houses to avoid noise and fire propagation.
2084.4	Urban Auckland	Amend the MDRS standards to use the existing unitary plan standard of a 6m x 4m outlook space as a minimum.
2391.2	Robyn Floyd	Approve changes to the MDRS to take into account impacts on sunlight on adjoining properties; standards to provide for daylight; retain the height in relation to boundary of 45 degrees at 2.5m where the neighbouring house is located less than 3m from the adjoining site boundary; and already approved inadequate setbacks.

Do not provide for MDRS in specific locations		
Sub#/Point	Submitter Name	Summary of Decisions Requested
250.1	Ian McNeill	Remove the planned NPS-UD and MDRS zones for Herald Island.
290.1	Barry Owen Gillard	Change MDRS provisions to disallow intensification in ridgeline areas with significant views.
453.4	Christoph Soltau	Reject effects of intensification from MDRS on views and privacy particularly in relation to 61 Marina View Drive, West Harbour.
800.2	Sarah McEntee	Reject the development of three, three storey properties on a section [inferred this relates to application of MDRS in MHU zone] at 61 Queen Street, Northcote Point and neighbouring properties.
1071.4	Channel Terminal Services Ltd	Remove all MDRS from all properties within 40m of the nominal centreline of the high-pressure fuel Marsden Point to Auckland Pipeline, which runs from Marsden Point to the Wiri Oil terminal. [Refer to maps 1, 2 and 3 appended to the submission for pipeline location and corridor from the pipeline centreline].
1581.3	Owen Simon Woodhouse	Restrict the application of the MDRS to properties on arterial roads or major roads, not minor residential roads.
1606.1	Julie Inglis	Reject proposed intensification in St Mary's Bay. [Inferred] includes some or all of the properties on Harbour Street, Waitemata Street, London Street, New Street, Dunedin Street, St Francis De Sales Street, Green Street, St Marys Road, Dublin Street, Caroline Street, Melford Street, Vine Street, Dedwood Terrace, Yarborough Street, Seymour Street, Selby Street, Jervois Road, Cameron Street, Shelly Beach Road, Westwood Terrace, Hackett Street, Swift Avenue, Ring Terrace, Percival Parade, Amiria Street, Tweed Street, Emmett Street and Sarsfield Street, St Marys Bay.
1606.2	Julie Inglis	Reject three storeys [inferred dwellings] per site and/or up to six storeys [in St Mary's Bay].

Do not provide for MDRS in specific locations		
2268.5	Adair Robyn Potter	Reject application of Policy 3d to residential areas in Devonport. [Inferred] includes some or all of the properties on streets including Fleet Street, Anne Street, Bartley Terrace, Rattray Street, Clarence Street, Victoria Road, Queens Parade, Wynyard Street, Devon Lane, Flagstaff Terrace, Kerr Street, King Edward Parade and Marine Square, Devonport.
2382.2	Michelle Green	Reject the MDRS as unsuitable for Ellerslie and surrounding neighbourhoods.

Other		
Sub#/ Point	Submitter Name	Summary of Decisions Requested
1120.9	Victoria and Phillip Lowe	Undertake an assessment of effects and investigation into alternatives. Govt and AC must consider and weigh alternatives for people evaluation and approval.