

**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**

**PRIMARY STATEMENT OF EVIDENCE OF**

Kathryn E Davies

On behalf of Mission Bay Kohimarama Residents Association Inc

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

**CONTENTS**

1. INTRODUCTION.....2

2. EXECUTIVE SUMMARY .....2

3. ROLE OF THE RESIDENTS ASSOCIATION .....3

4. ABOUT OUR SUBURBS .....4

5. AUP ALLOWS INTENSIFICATION .....6

6. MDRS RESPONSE .....7

7. SPECIAL CHARACTER AREAS .....9

8. INFRASTRUCTURE .....9

## **1. INTRODUCTION**

- 1.1 My full name is Kathryn Ellen Davies. I have been a resident of the Mission Bay/Kohimarama area for over 35 years, having lived in multiple streets within Mission Bay and Kohimarama.
- 1.2 I have been a Committee member of the Mission Bay Kohimarama Residents' Association ("Residents' Association") for the past 8 years. I have held various roles within the Committee over the years including the Planning Portfolio.
- 1.3 I am authorised by the Residents' Association to give evidence on its behalf.

## **2. EXECUTIVE SUMMARY**

- 2.1 The Residents' Association is an active and informed body that has striven to genuinely engage with the local community. It has a membership database of over 850 local residents and reaches over 2300 via it's Facebook Group. It was directly involved in representing the community in relation to the development of the Auckland Unitary Plan (AUP) and in other local planning matters since. It regularly holds public meetings on key issues to receive feedback on changes affecting our local area.
- 2.2 The AUP allows for appropriate intensification already. Examples are plentiful in our two suburbs of 20 fold increase in dwellings in Townhouse Apartment Building (THAB) zone, 10 fold increase in Mixed Housing Urban (MHU) zone, and 3-9 fold increase in Mixed Housing Suburban (MHS) zone. This development is happening with non-notified resource consents under the current AUP development standards. This level of intensification meets the intention of MDRS and there are an extremely large number of further development opportunities affording similar intensification.
- 2.3 The mandated MDRS could be and should be implemented into the AUP with far less impact to our suburbs and far more pushback on government. MHU as a blanket zone across all of Auckland is an unnecessary and tragic planning and environmental mistake which will cause serious consequences.
- 2.4 Special Character (SC) Areas and Single House (SH) zone should be retained in their entirety as Qualifying Matters (QM). Removing all SC areas is NOT called for by the new law, and it is not necessary for the Independent Hearing Panel (IHP) to require their removal in this Plan Change in order to fulfil the new law and NPS requirements. SC areas tend to have old water and wastewater infrastructure, large impermeable areas to assist

soakage in weather events, and established trees and forest to assist in environmental climate targets.

2.5 MHS zone should be maintained in its entirety and a new QM placed over it based on suburban character, stormwater soakage, infrastructure and urban forest retention.

2.6 MHU and THAB zones can be modified to adopt the MDRS standards as they largely fit with those standards already.

2.7 Infrastructure reviews are necessary to determine all sites and areas which should have infrastructure as a QM. Reviews should initially focus on the older inner suburbs which, by the nature of their earlier settlement, have older infrastructure. Focus should be given to those suburbs, like ours, which are sea or harbourside and have stormwater flowing out into popular swim areas. Reviews should ensure areas are able to cope with intensification without causing damage to property and water quality under extreme weather events and if not they should have Infrastructure constraints as a QM.

2.8 The Residents' Association asks that the MDRS Response is altered to –

(a) Maintain SC areas and SHZ in the few areas that it remains in our suburbs of Mission Bay and Kohimarama based on –

- (i) Limited impact to intensification
- (ii) Infrastructure constraints
- (iii) Environmental Constraints / Urban Forest retention
- (iv) Removal being unnecessary

(b) Place QM over all of MHS zone in our suburbs based on –

- (i) Infrastructure constraints
- (ii) Landform constraints
- (iii) Environmental Constraints / urban forest retention

2.9 The AUP Review planned for 2025/2026 is an opportunity to decide if further intensification is required and which areas might be best to support further intensification.

### **3. ROLE OF THE RESIDENTS' ASSOCIATION**

3.1 The Residents' Association is an incorporated society, set up approximately 50 years ago. Our purpose is to represent the interests of the Mission Bay and Kohimarama communities. We monitor what is going on in our area and intercede on behalf of our

members and the local community on issues of local significance, large and small. We regularly hold public meetings on key issues, and issue newsletters and social media updates to keep our members informed and involved and to gain feedback.

- 3.2 As a committee, we consider issues applicable to our community and decide which ones we should involve ourselves in. The Residents' Association has participated in a wide range of projects, from developing a rat trapping program for pest control, to submitting on various Council projects, to working with Auckland Transport to improve proposals for traffic safety in Mission Bay and Kohimarama. Of direct relevance here, we were also very active in informing our community about the Draft and Proposed versions of the Unitary Plan and making submissions.
- 3.3 We try to inform our members of projects, issues and opportunities in our area, and to get feedback from them to shape our responses. For major issues we hold public meetings so that issues can be explained in more detail and questions and feedback can be more effectively canvassed. I would describe our Association as an active and informed body that has striven to genuinely engage with the local community.
- 3.4 We have more than 850 members on our membership database and we reach 2300+ people via our Facebook group. In my experience our members are generally well informed with a fair understanding of the future changes likely to arise from the existing AUP.

#### **4. ABOUT OUR SUBURBS**

- 4.1 In Auckland terms both Mission Bay and Kohimarama are small suburbs with more of a defined geographic definition than most other suburbs in Auckland, which tend to merge from one suburb to the next. The natural landform of an amphitheatre can be used to describe both suburbs, with land rising steeply to ridges on both sides and to the rear of each of the bays. The topography encourages overland flowpaths directed from 180 degree angles down to the flat areas behind our bays.
- 4.2 Mission Bay and Kohimarama are highly valued suburbs due to the amenity value which is brought about by the connectivity to the beach and sea, the natural beauty of the tree-lined Tamaki Drive, and the close proximity to the city centre whilst maintaining the feel of beachside suburbs. It would seem developers favour the opportunities in our suburbs as providing them better returns.
- 4.3 Our suburbs were settled early in Auckland's history, with Mission Bay named after the early missionaries of the 1850's and major subdivisions taking place in the 1920's. The

The Mission Bay Kohimarama Residents' Association Inc

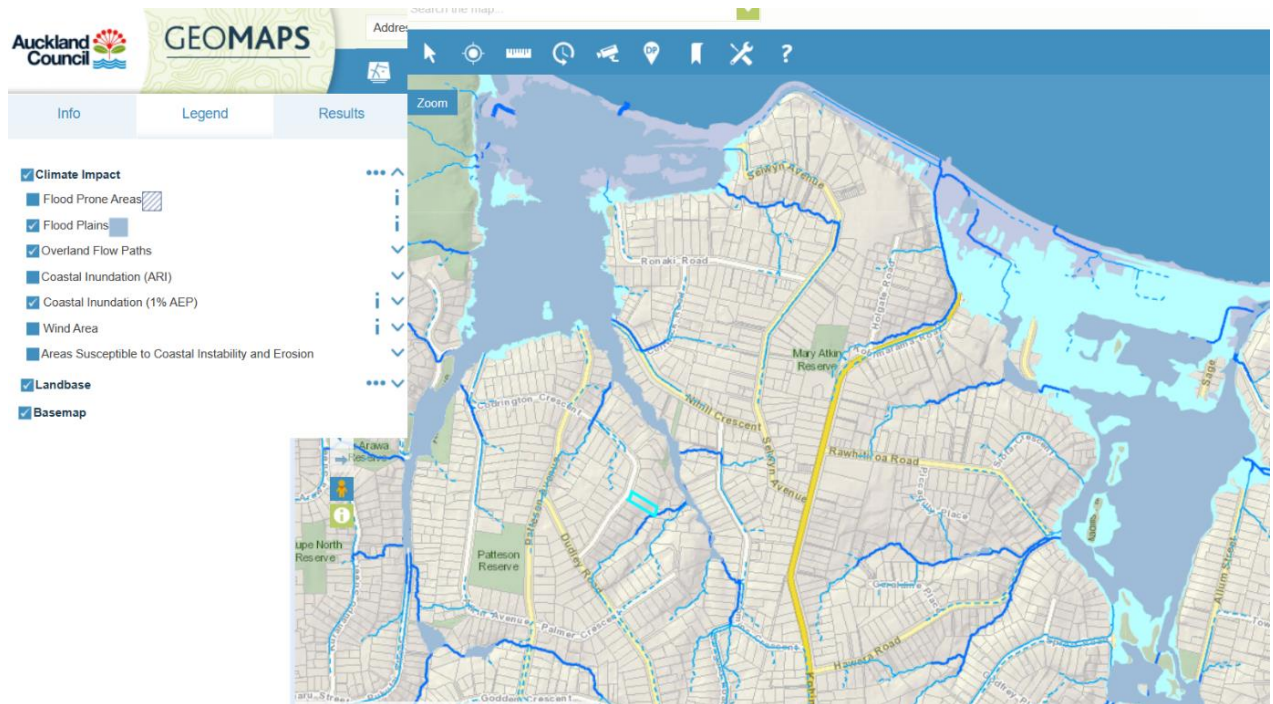
age of our suburbs translates to the age of much of our water, stormwater and wastewater infrastructure.

4.4 All of the factors above are important factors to consider when deciding on Qualifying Matters.

4.5 The two maps below, taken from the Auckland Council Geomaps, show the contours of our bays rising steeply to 50m above sea level and the subsequent flowpaths and flood areas. Flooding areas correlate to coastal inundation areas causing double jeopardy during high tides and heavy rain.



4.5.1: Auckland Council GIS showing contours of Mission Bay & Kohimarama. Red highlighted line 40m and blue line 50m above sea level.



4.5.2: Auckland Geomaps showing floodplains, overland flowpaths, and Coastal Inundation in our suburbs

## 5. AUCKLAND UNITARY PLAN ALLOWS APPROPRIATE INTENSIFICATION

- 5.1 The AUP allows for appropriate intensification already. There should be an absolute minimum of changes to the AUP zoning (as required by the 2021 RMA Amendment) through Plan change 78. The Orakei Local Board reports there are 300,000 to 320,000 development opportunities expected to be realized over the next 30 years across Auckland with at least 909,000 opportunities existing today.
- 5.2 Mission Bay is tracking well to this demand with already a significant increase in the number of dwellings either built or consented since the AUP becoming operative.
- 5.3 Developments in the THAB zone (under existing AUP policies) are seeing 40-44 dwellings replacing 2 on the ridge in Mission Bay – on average a 20+ fold increase. Examples include Outlook (236 Keka Rd – 43 replacing 2), Horizon (250-254 Keka Rd – 41 replacing 3), and The Ridge (245 Keka Rd – 44 replacing 1).
- 5.4 Developments built or approved in the MHU zone are seeing a 5 - 10 fold increase in dwellings. Examples are The Arches (24-26 Atkin Ave - 21 replacing 2) built and largely sold, Atkin Eight (64 Atkin Ave - 8 terraced houses replacing 1) built and selling now, and Saturday Lane (42-44 Atkin Ave - 20 replacing 2) which is approved but not yet commenced construction.



- 5.5 Developments in existing MHS zone are also seeing a 5-10 fold increase on existing dwellings with the use of complying terraced housing. Examples are Dudley Heights (30 Dudley Rd –19 replacing 2) under construction, 50 Selwyn (14 terraced homes replacing 1) established, and 67 Patteson (17 replacing 1 and a church) not yet started. Plus there are numerous examples of sites in MHS zone across our areas replacing 1 dwelling on a site with 3-4 townhouses of 2-3 storeys.
- 5.6 Kohimarama is also seeing it's fair share of similar developments which are mainly in the MHU zone and there is less THAB zoning within Kohimarama. Examples are 109 Kohimarama Road (8 terraced houses replacing 1) established, 336A Kohimarama Road (7 replacing 1), 153 Kohimarama Road (6 luxury apartments replacing 1), and 5 Whytehead (7 replacing 1) not yet started. Also in Kohimarama development has commenced on a Ryman Retirement Village being built on what was green space zoned playing fields. This development includes 123 apartments, 98 care rooms, 75 assisted living suites along with 192 carparks and recreational facilities.
- 5.7 This would appear to be intensification in accordance with the objectives of MDRS. We are seeing terraced housing and apartment buildings within MHU zone and terraced housing within MHS zone. It is important to note that developers favour the highly valued central areas where dwellings will fetch far higher prices than in the newer, better infrastructure equipped areas being created further away from the CBD. There is nothing 'affordable' about the new dwellings being built in our suburbs.

## **6. MDRS RESPONSE**

- 6.1 In the evidence of Mr David Mead on behalf of Auckland Council, he makes arguments for a broad adoption of MHU for all of Auckland without due consideration to the nuances of individual areas and suburbs. We see one zone across the large majority of sites in Auckland with little time for planning, consideration and feedback as unnecessary and an environmental and planning tragedy.
- 6.2 The AUP (Operative in part) was created after a substantial review and overhaul of the Regional and District Plan provisions applying within the Auckland Region. The review process, which the Resident's Association participated in, was an exhaustive and comprehensive process of proposed plan preparation and notification, submission, and the hearing of submissions by a specially constituted Independent Hearing Panel. The outcome after years of work was a quality planning result. To toss out two important zones that cover a substantial area of Auckland in a quickly implemented update is a mistake.



6.3 The THAB and MHU zones are currently doing their job for intensification and can largely be retained but with the addition (as required by the 2021 RMA Amendment) of objective and policy provisions and the MDRS development controls. Both zones are allowing apartment buildings and terraced housing of 3-4 stories in keeping with MDRS objectives.

6.4 The MHS and SHZ zones can and should be retained with existing zone wording retained in its entirety, as the outcome of the removal of these zones would over time be significant adverse effects on Auckland's residential suburbs environmental and amenity values.

6.5 We concur with Richard Brabant's submission #2298 point number 5 where he states -

*Further, the statutory amendment allows for qualifying matters to be identified to avoid the inappropriate inclusion of the MRDS provisions.*

*I submit additional qualifying matters in addition to those the council has identified in the notified change provisions should be recognised. These are:*

*(a) the recognised generally spacious suburban character of the existing housing development within the SHZ and MHS zoned areas, reinforced by each zone's development standards in particular as to building coverage, maximum impervious area and minimum landscaped area. This means Auckland's suburbs have a character (at a district as well as at a neighbourhood scale) and scale of development that reduces the amount of stormwater run-off generated by buildings and impermeable surfaces, as much of it is absorbed within residential properties.*

*(b) associated with that existing suburban character, especially in the older established suburbs is the presence of over 60% of Auckland's Urban Forest. Urban trees are increasingly important for biodiversity conservation, ecosystem services and providing direct benefits to urban inhabitants (including psychological and physical health). By global standards Auckland is a relatively young city (founded in 18403 ), dominated by an extensive and diverse urban forest. 4 In the absence of direct protection for this Urban Forest, some 40% of which is on private land, retention of the existing SHZ, the existing Special Character Area Isthmus B Overlay protection, and the existing MHS zoning is the single mechanism presently available to protect this resource.*

6.6 In particular, the suburbs of Mission Bay and Kohimarama fulfil this requirement for QM as –

- (i) older suburbs with larger lot sizes
- (ii) many areas within MHS and SH zones containing urban forest and significant established trees on private land
- (iii) steeply contoured landforms which promotes stormwater runoff

- (iv) current MHS and SH zoned areas being on the slopes of the amphitheatres with existing zone standards providing for at least a level of stormwater absorption

6.7 To alter the zoning of MHS and SHZ to MHU within our suburbs, allowing potential for over 80% (including roads) of the sides of our amphitheatres to become impermeable surfaces would severely impact on our already significant flood zoned areas.

## **7. SPECIAL CHARACTER AREAS AND SINGLE HOUSE ZONE**

7.1 Removing all SC areas is NOT called for by the new law, and it is not a necessary thing for the IHP to require in this Plan Change to fulfil the new law and NPS requirements.

7.2 SC Areas were the subject of extensive review during the AUP planning process. In our suburbs SC areas were reduced by a significant amount during the AUP process. All areas came under significant scrutiny and those that survived the process intact had obviously proven their value.

7.3 Under Plan change 78 proposed zone changes largely all remaining SC areas in our suburbs are proposed to be removed. These amount to just a handful of partial streets and as such will make very minimal difference to overall intensification. In our area SC Areas all tend to be zoned SH.

7.4 The newly adopted criteria for assessing SC under this plan change was severely flawed. It placed no value whatsoever on landscape, trees and open spaces and totally focussed on the age of dwellings. While many of the homes in our SC Areas are examples of early settlement and built pre-1940, the predominant feature of our SC Areas is a landscape/garden zone. The earlier settled streets do contain a mixture of older homes and new but no matter the age of the home the sites are defined by the larger lot sizes and the front yard setback. These sites are generous in permeable spaces and provide many of the old established trees and urban forest in our areas. It can be argued that these lots provide a very valuable asset during extreme climate weather events.

7.5 The other consideration for maintaining all existing SC Areas is that they are placed over our oldest streets. These, in turn, tend to have our oldest infrastructure.

## **8. INFRASTRUCTURE**

8.1 Infrastructure reviews are necessary to determine all sites and areas which should have infrastructure as a qualifying matter. These should initially focus on the older inner suburbs which, by the nature of their earlier settlement, have older water infrastructure.

- 8.2 Our two suburbs were subdivided and settled in the 1920's and 1930's. A review of Watercare's asset maps confirms that we can find predominantly asbestos cement and vitrified clay pipes still conveying our wastewater along with cast iron water pipes. It is of concern that these older pipes have a tendency to move and create gaps underground with land movement, particularly when laid in flood prone land which tends to move with wet to dry seasonal change. Asbestos cement pipes, for which manufacture ceased in the 1980s, have been creating headlines for bursting and leaking wastewater.
- 8.3 Focus should be given to those suburbs, like ours, which are sea or harbourside and have stormwater flowing out into popular swim areas. Our two bays are popular swimming spots not only for local residents, but for all of Auckland. All of our stormwater flows out into our bays. Old wastewater infrastructure with gaps in pipes and open streams contribute to wastewater overflows into the stormwater which flows on out into our bays. We can expect a red or black flag on Auckland Council's Safeswim website to indicate our bays are not safe to swim in after any heavy rain. Infrastructure as a qualifying matter is needed over MHS and SH zones to avoid destroying our harbour waters.
- 8.4 Review is required in the MHU and THAB zones also to ensure areas are able to cope with intensification without causing damage to property and water quality under extreme weather events.

***Kathryn Ellen Davies***

***On behalf of the Mission Bay & Kohimarama Residents' Association***