

National Policy Statement on Urban Development 2020 - Implementing the intensification provisions - walkable catchments and qualifying matters

File No.: CP2021/05537

Te take mō te pūrongo Purpose of the report

1. To endorse approaches in response to several the intensification provisions in the National Policy Statement on Urban Development 2020.

Whakarāpopototanga matua Executive summary

2. The Planning Committee received a memorandum on the National Policy Statement on Urban Development (NPS UD) on 10 August 2020 and a report on the proposed work programme on 4 February 2021. A series of Planning Committee workshops have provided advice to the Planning Committee on the complex issues in the NPS UD.
3. This report sets out approaches for Auckland for some of the intensification provisions of the NPS UD, specifically walkable catchments and qualifying matters. This direction is needed to guide Council's work programme leading towards the preparation of a plan change to the Auckland Unitary Plan (AUP) that must be notified by August 2022.
4. The NPS UD intensification provisions for Auckland as a Tier 1 urban environment are focused on the city centre and metropolitan centre zones and the walkable catchments of these zones, plus the walkable catchments of existing and planned rapid transit network (RTN) stops. Intensification within these areas is required to be enabled (building heights and density of urban form). Where a qualifying matter applies heights and densities may be modified to allow for the matter.
5. The identification of walkable catchments and qualifying matters for Auckland is integral to the implementation of the intensification provisions in the NPS UD and will greatly influence the preparation of the plan change to deliver the provisions.
6. Proposed walkable catchments have been identified for the city centre and metropolitan centres, and the walkable catchments of RTN stops.
7. Proposed qualifying matters for Auckland have been identified and are based on the values, characteristics and environmental risks the Auckland Unitary Plan recognises as being important to the region.
8. The Special Character Areas Overlay (SCA) is proposed as a qualifying matter. This overlay is present in many areas that are proposed for intensification in the NPS UD and is the qualifying matter that has the biggest potential impact on the enablement of intensification sought. The intensification of some SCA areas with residential zoning would compromise the special character values that have been identified. A specific approach to SCA is required.

Ngā tūtohunga Recommendation/s

That the Planning Committee:

- a) endorse the following approaches in response to the intensification provisions of the National Policy Statement on Urban Development:

Walkable catchments

- i) define 'walkable catchments' as:
- A) around 1200m from the city centre, subject to modifying factors such as topography and physical barriers such as motorways
 - B) around 800m from metropolitan centres, subject to modifying factors such as topography, the nature of existing land uses in the area, the availability of existing or planned public transport (e.g. Westgate compared to Newmarket) and physical barriers such as motorways
 - C) around 800m from existing and planned Rapid Transit Network stops, subject to modifying factors such as topography, the nature of existing land uses in the area (e.g. Swanson compared to Mount Eden) and physical barriers such as motorways.

Qualifying matters

- i) identify qualifying matters in the Auckland context as the matters set out in Attachment A to the agenda report
- ii) note that under the National Policy Statement on Urban Development the council is required to assess the impact that limiting development capacity, building height or density due to qualifying matters will have on the provision of development capacity, and to assess the costs and broader impacts of imposing those limits.

Special Character Areas Overlay

- i) in places where the Special Character Areas Overlay – Business applies within a 'walkable catchment' and the special character values are of high quality, enable building heights of up to six storeys or more in a way that will ensure special character values are retained (e.g. by introducing setback controls above three storeys)
- ii) in places where the Special Character Areas Overlay – Residential applies within a 'walkable catchment', and the special character values are of high quality, retain the current zoning in the Auckland Unitary Plan (which in most cases is the Single House zone with a building height control of generally two storeys)
- iii) as an exception to v), where retaining the current zoning would have a significant impact on the development capacity that would otherwise be enabled under the National Policy Statement on Urban Development, use a combination of a planning assessment and special character values assessment to rezone some properties within the Special Character Areas Overlay – Residential and enable building heights of up to six storeys or more
- iv) in places where the Special Character Areas Overlay – Residential applies within a 'walkable catchment', and the special character values are of medium or low quality, unless this would compromise another qualifying matter, enable building heights of up to six storeys or more
- v) where significant historic heritage values are identified within the Special Character Areas Overlay, develop a plan change for places or areas to be added to the Auckland Unitary Plan historic heritage schedule.

- b) note that the spatial implications of these approaches will be worked through with the Planning Committee over the coming months, and that a plan for involving local boards and mana whenua and engaging with Aucklanders on the National Policy Statement on Urban Development will be presented to the Planning Committee in August 2021.
- c) note that the intensification policies in the National Policy Statement on Urban Development also require the council to review the building height and density controls outside 'walkable catchments', and that approaches for these areas will be recommended to the Planning Committee in August 2021.

Horopaki Context

- 9. The NPS UD came into force on 20 August 2020.
- 10. This report follows a memorandum on the NPS UD to the Planning Committee (10 August 2020) and [a report on the proposed work programme](#) to respond to the NPS UD (4 February 2021).
- 11. In February 2021, this Committee endorsed the work programme and a series of workshops and meetings to establish the council's approach to the NPS UD (Resolution PLA/2021/18). Workshops for the Planning Committee and local board chairs have been held between February and June 2021.
- 12. This report addresses the policy approach to walkable catchments and qualifying matters. Reports on well-functioning urban environment and significant development capacity criteria, and the Housing and Business Development Capacity Assessment (HBA) are also on the Planning Committee agenda this month.
- 13. The NPS UD has significant implications for growth and development in Auckland. It directs changes to the Auckland Unitary Plan (AUP), as it requires regional policy statements and district plans to enable development capacity in the form of building height and density of urban form in specified locations.
- 14. The NPS UD intensification policies (Policies 3 and 4 for Auckland as a Tier 1 council, see **Attachment B**) set out the shape of this change.
- 15. The NPS UD sets out timeframes for implementation. For intensification in Tier 1 urban environments, a plan change to the AUP must be publicly notified by 20 August 2022. A proposed plan change to the AUP will include zoning and text changes to enable the intensification sought by the NPS UD.
- 16. A recommended approach to Council's engagement on the proposed plan change will be reported to this Committee at its August 2021 meeting. This will inform the development of the proposed plan change.

Tātaritanga me ngā tohutohu Analysis and advice

Intensification overview

- 17. The objectives and policies of the NPS UD require regional policy statements and regional and district plans (e.g. the AUP) to enable more people to live in, and more businesses and community services to be located in, specified areas of the urban environment.
- 18. Auckland is identified as a Tier 1 urban environment. Intensification in Tier 1 urban environments is set out in Policies 3 and 4 and Subpart 6 of the NPS UD (see **Attachment B**).

19. Policy 3 requires regional policy statements and regional and district plans to enable increased building heights and density of urban form in specified areas:
 - a) City centre zone – as much development capacity as possible,
 - b) Metropolitan centre zones – building heights and density to reflect demand for housing and business but in all cases building heights of at least six storeys,
 - c) Building heights of at least six storeys within at least a walkable catchment of the edge of city and metropolitan centre zones and existing and planned Rapid Transit Network (RTN) stops, and
 - d) In all other locations in the urban environment, building heights and density commensurate with the greater of accessibility or relative demand.
20. Policy 4 enables the modification of the building heights and density requirements of Policy 3 'only to the extent necessary' to accommodate a 'qualifying matter' in that area.
21. Subpart 6 of the NPS UD provides the framework for the intensification in Tier 1 urban environments in accordance with Policy 3.
22. The identification of walkable catchments and qualifying matters for Auckland are integral factors for the implementation of the NPS UD intensification policies.
23. This report sets out a proposed approach for walkable catchments and qualifying matters. The approach for the intensification of all other locations (NPS UD policy 3(d)) will be reported to the August 2021 Planning Committee meeting.

Walkable catchments

What is a walkable catchment?

24. There is no single, universal definition or distance for a walkable catchment. Applying an interpretation of 'catchment' like that used for water catchments would result in walkable catchments extending the greatest distance anyone walks to access a RTN stop or centre. This approach can make sense in some circumstances, where understanding the full extent people will walk is useful, but not so for the NPS UD. In this case, it is not a sensible planning approach as it could result in a zoning approach for thousands of people based on the habits of a few.
25. A more common approach in public transport planning, and one similar to that put forward by the Ministry for the Environment in guidance on the NPS UD, is to determine and apply a walkable catchment that caters for most people. It is proposed to base walkable catchments in Auckland on a distance the average person will walk to access a centre or RTN stop.

What distance is a walkable catchment for Auckland?

26. Based on a review of current and past Council positions, literature review (including studies from Auckland) and examples from comparable cities, the following distances are proposed:
 - City centre – around 15 minutes / around 1200m from the edge of the City centre zone
 - Metropolitan centres – around 10 minutes / around 800m from the edge of the Metropolitan centre zone
 - RTN stops – around 10 minutes / around 800m from existing and planned RTN stops.
27. The walkable catchments will be measured by network distance; actual pedestrian routes rather than "as the crow flies".

Modifying factors

28. The proposed walkable catchments are general guide. Consideration needs to be given to locating the catchment boundary in a sensible position as well as applying modifying factors that may impact on the distance people may walk. Modifying factors include:
- Topography – people walk further on flat terrain versus steep.
 - Street crossings – the existence or lack of crossing facilities can determine how easy and convenient it is for people to cross the road.
 - Block sizes – small blocks sizes, with frequent side streets, enable good pedestrian permeability and have also been found to be associated with longer walking distances.
 - Land use mix – locations with a mix of uses have been found to be more attractive for walking.
 - Traffic volumes – roads with higher traffic volumes are harder to cross, reducing the distance people can walk in a set time, and are less attractive to walk along reducing the distance people are prepared to walk.
 - Location of walkable catchment in the region – the level of intensification appropriate within a walkable catchment of the Swanson RTN station will not be the same for Mount Eden station. Similarly, intensification for the walkable catchment of the Westgate metropolitan zone may need to be different from what is appropriate to provide for Newmarket.
29. Guidance on the application of the modifying factors is being prepared to assist with the development of the plan change to the AUP.
30. The mode and frequency of rapid transit can also affect the distance people are prepared to walk to a station, with trains being more attractive than buses and greater frequency being more attractive than less. Currently in Auckland, and as outlined in the Regional Land Transport Plan (RLTP), mode and frequency factors are generally considered to cancel each other out. The existing and planned rapid bus network is currently much more frequent than the rail network. Over time this may change as the planned rapid transit network develops with new lines added and existing service levels improved.

Existing and planned rapid transit

31. The NPS UD provides a definition of rapid transit service but leaves scope for councils to apply their own interpretation as terms used (such as frequent, quick and reliable) are not defined. Work on the jointly developed Auckland Rapid Transit Plan (with Auckland Transport (AT) and Waka Kotahi) expands on the definition of rapid transit and provides further clarification of the role and expectations of rapid transit in the Auckland context.
32. The existing and planned rapid transit network is based on the Auckland Rapid Transit Plan and draft RLTP. Of note:
- the Onehunga Branch Line is not considered rapid transit as it is not planned to reach the frequencies required to be rapid transit.
 - ferry services are not included in the definition of rapid transit service in the NPS UD (the definition specifies road or rail). Locations served by ferry services may be highly accessible and have strong demand, so may be subject to intensification under Policy 3(d) of the NPS UD (Note: this workstream is to be reported to Planning Committee in August 2021).
33. The NPS UD defines 'planned' for forms or features of transport as meaning "planned in a regional land transport plan prepared and approved under the Land Transport Management Act 2003".

34. Light rail from the city centre to Māngere is an example of a future rapid transit route that is not existing or planned in the context of the NPS UD in that it is not currently funded in the RLTP. The route and specific locations of stops are not yet known. However, the Auckland Light Rail Establishment Unit will need to consider the land use along the various route options, including intensification, and staff will assist with this work.

Qualifying matters

What is a qualifying matter?

35. Clause 3.32(1) of the NPS UD sets out what is meant by a 'qualifying matter' (QM) (see **Attachment C**). The meaning of QM is set out in eight subclauses, numbered (a) to (h). Subclauses (a) to (g) clearly identify the parameters within which the QMs must fit. In contrast, subclause (h) provides Council with a broad discretion to include as a QM "any other matter that makes high density development as directed by Policy 3 inappropriate in an area".
36. To determine the QMs for Auckland, an assumption was made that the AUP already recognises the values, characteristics and risks that are important and relevant to Auckland. This approach was supported by the Heritage Advisory Panel. The AUP has been reviewed to identify QMs for Auckland that fit into the NPS UD definition.
37. The proposed QMs for Auckland include matters such as significant ecological areas, volcanic viewshafts, significant natural hazards, open space, gas and oil pipelines and special character. The list of proposed QMs is in **Attachment A**.
38. The proposed QMs include some matters that are yet to be fully explored, for example infrastructure capacity and its relationship to intensification.
39. Further QMs may be identified following the involvement of local boards, Mana Whenua, central government agencies and the Heritage Advisory Panel on the NPS UD.

Where do the qualifying matters apply?

40. The proposed QMs have been mapped and cover much of Auckland. Some apply to land that is not in the urban environment, so do not need to be considered when giving effect to the intensification policies of the NPS UD (e.g. most of the Waitakere Ranges).
41. Some proposed QMs are not within areas that are likely to be subject to significant levels of intensification (e.g. outstanding natural landscapes, local public views), whereas others are in areas that the NPS seeks to enable the most intensification (e.g. volcanic viewshafts, special character areas). Many proposed QMs overlap in some areas (e.g. public open space and public access to the coast, designations and provision for nationally significant infrastructure).

How will qualifying matters impact on the intensification sought by the NPS UD?

42. Where a QM applies in a Policy 3 intensification area (e.g. a walkable catchment), Policy 4 allows the modification of Policy 3 building heights and densities to accommodate the QM. However, this policy directs modification 'only to the extent necessary' to accommodate the QM.
43. Not all QMs will require building height and/or density to be modified. For example, aquifers are not affected by building height and the presence of values such as notable trees and historic heritage does not necessarily/automatically constrain height or density on a site.

44. Subpart 6 of the NPS UD, which sets out the framework for intensification in Tier 1 urban environments, requires Council to complete a detailed evaluation under section 32 of the Resource Management Act 1991 (Act) where it determines there is a QM and where the presence of that QM requires modification of the Policy 3 directions. The evaluation must:
 - demonstrate why the Council considers the area is subject to a QM and why it considers the QM is incompatible with the level of development directed by Policy 3 for that area; and
 - assess the impact that limiting development capacity, building height or density will have on the provision of development capacity; and
 - assess the costs and broader impacts of imposing those limits.
45. In addition, if the Council is relying on clause (h) 'Any other matter' as the basis for a QM, the evaluation report must also undertake further evaluation, including:
 - justification of why the qualifying matter means it is inappropriate to intensify an area as directed by Policy 3 in light of the national significance of urban development and the objectives of the NPS UD; and
 - a site-specific analysis.
46. Accordingly, while (h) 'Any other matter' on face value provides a broad discretion to Council to modify the intensification policies of the NPS UD for any reason it considers appropriate, the requirements in the NPS UD make this option a more complex, and likely time and resource intensive option to rely on.

Special character

47. Special character is the proposed QM that has the greatest potential impact on the ability to enable intensification as directed by the NPS UD. There are approximately 30,000 properties within the SCA, and many are in the same areas that the NPS UD seeks to enable intensification as they relate to historic public transport routes and subdivision patterns.
48. Special character is identified in the AUP as specific buildings within the City Centre zone and as areas by the Special Character Areas Overlay – Residential and Business (**SCA**). Special character is proposed to be a QM under (h).
49. The SCA seeks to retain and manage the special character values of specific residential and business areas identified as having collective values, importance, relevance and interest to the communities within the locality and wider Auckland region.
50. Some of Auckland's SCA have had their special character values managed under legacy district plans and the AUP for over 30 years.
51. Areas within the SCA are identified as residential, business or general (both residential and business).
52. It is important to note that the NPS UD effectively sets a new paradigm within which to consider intensification and land use in Auckland. While special character is recommended as a qualifying matter, the NPS UD requires council to think differently about its place within and around the city centre and metropolitan centres, and around RTN stops. This paradigm is different to the one under which the AUP was formed, which was also different to those that existed in the district plans of the legacy councils prior to amalgamation.

Special Character Areas Overlay – Business

53. SCA Business areas are within the Newmarket metropolitan centre and within the walkable catchments of the city centre and some RTN stations. Analysis of SCA Business indicates that it has the capacity to be intensified by increasing building height without necessarily compromising the special character values of the area. It is considered that the Policy 3 directions may be able to be implemented within SCA Business with additional height and/or density enabled. It is recommended that the provisions of the AUP that relate to SCA Business are reviewed to consider any issues arising with the provision of up to six storeys or more in SCA Business. A potential means of mitigating the impact of buildings of up to six storeys or more in these areas could be to require the upper floors to be set back from the street front.

Special Character Areas Overlay – General

54. Areas in the SCA General mostly contain sites zoned residential, with limited sites that are zoned business. Within SCA General, for sites in a residential zone the SCA Residential provisions apply and for sites in a business zone, the SCA Business provisions apply. As the majority of sites within SCA General areas have residential zoning, these areas should be approached the same way as SCA Residential.

Special Character Areas Overlay – Residential

55. Policy 3 intensification areas, including walkable catchments of the city centre, Newmarket metropolitan centre and RTN stations contain SCA Residential. Standards in the AUP for SCA Residential limit building heights to eight metres (two storeys). The underlying zone in most of these areas is Residential – Single House.
56. Policy 3 seeks to enable building height of at least six storeys (20-23 metres) within at least a walkable catchment of the city centre, metropolitan centres and RTN stations. Enabling this height within SCA Residential will significantly compromise the special character values of these areas.
57. To understand the special character values that may be affected by intensification, Council staff are surveying priority areas within SCA Residential². Properties will be identified as having high, medium or low special character value and an overall value will be ascribed to each SCA area. This information will assist with decisions about whether and how to use Policy 4 to modify the level of intensification sought by Policy 3 in relation to SCA Residential and reflects the different paradigm required under the NPS UD.
58. As already outlined, Council has discretion under Policy 4 to modify Policy 3 building height or density requirements in the areas of SCA – Residential, as long as any modification includes a robust section 32 evaluation.
59. Guidance on the approach to making decisions on special character is required. Decision-making options at either end of the spectrum could result in the retention of SCA Residential within intensification areas or removing the overlay from these areas. Or a decision could be made to take an approach somewhere in between.

Council staff are recommending the following approach for SCA to allow the consideration of special character values alongside the direction for intensification set out in the NPS UD. Within NPS UD intensification areas, it is proposed to:

- a) in places where the Special Character Areas Overlay – Business applies within a 'walkable catchment', and the special character values are of high quality, enable building heights of up to six storeys or more in a way that will ensure special character values are retained (e.g. by introducing setback controls above three storeys)
- b) in places where the Special Character Areas Overlay – Residential applies within a 'walkable catchment', and the special character values are of high quality, retain the current zoning (which in most cases is the Single House zone with a building height control of generally two storeys)

² Survey areas are being prioritised according to the NPS UD Policy 3 intensification areas

- c) as an exception to b), where retaining the current zoning will have a significant impact on the development capacity that would otherwise be enabled under the National Policy Statement on Urban Development, use a combination of a planning assessment and special character values assessment to rezone some properties within the Special Character Areas Overlay – Residential and enable building heights of up to six storeys or more
- d) in places where the Special Character Areas Overlay – Residential applies within a 'walkable catchment', and the special character values are of medium or low quality, unless this would compromise another qualifying matter, enable building heights of up to six storeys or more
- e) where significant historic heritage values are identified within the Special Character Areas Overlay, develop a plan change for places or areas to be added to the Auckland Unitary Plan historic heritage schedule.

Tauākī whakaaweawe āhuarangi Climate impact statement

Policy context

- 60. Objective 8 and policy 1 of the NPS UD set out a policy framework that signals the need for decisions to reduce emissions and improve climate resilience.
- 61. This framework is in line with the 'built environment' priority of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, which has a goal of achieving "A low carbon, resilient built environment that promotes healthy, low impact lifestyles". This plan recognises that:
"To move to a low carbon and resilient region, climate change and hazard risks need to be integral to the planning system that shapes Auckland. Integrating land-use and transport planning is vital to reduce the need for private vehicle travel and to ensure housing and employment growth areas are connected to efficient, low carbon transport systems."
- 62. The Planning Committee passed unanimously an expectation that Auckland Council fully utilises "the levers available to it to reduce transport emissions, including [...] increasing the focus on intensification within brownfield areas, in particular along the rapid transit corridors" (Resolution PLA/2021/15).
- 63. The accompanying report on well-functioning urban environments recommends the development of a plan change to the AUP to include a new policy/policies to the Auckland Regional Policy Statement on reducing green-house gas emissions.

Emissions impact

- 64. The urban form of cities directly affects the level of emissions they generate. It also affects the level of exposure it's residents and businesses have to the effects of climate change. Land use and urban form are one of the most significant drivers of emissions given their long-lasting impact. Land use decisions undertaken now will lock in growth patterns that will be very hard and expensive to undo in the future.
- 65. The likely effect on emissions of decisions of this nature should always be considered relative to the alternative. For example, enabling increased density around a rail station in the isthmus will, if taken up, result in greater emissions in this location (e.g. from increased construction and the effects of demolishing or modifying lower-density areas for more intensification), but if the same level of growth happens there, rather than in a greenfield location, the emissions are likely to be lower overall over time. Some of the relative impacts of the types of intensification sought by the NPS UD are described below:

- **Density** – increased density is associated with reduced energy use and emissions, both within and between cities.
 - **Proximity to the city centre** – households closer to the centre of a city tend to have shorter trip lengths and greater mode share, and therefore generate a lower level of transport emissions.
 - **Proximity to rapid transit** – households closer to rapid transit tend to drive less.
 - **Access to jobs** – proximity to jobs has been found to be one of the strongest predictors of household vehicle travel.
66. In general, the approach put forward by the NPS UD (enabling intensification near large centres and high-quality public transport stations, subject to QM) is likely to reduce emissions. However, these outcomes may not be universally positive from an emissions perspective. Policy 3(c) requires intensification to be enabled within the walkable catchments of RTN stations, but this requirement does not differentiate the location of the station within the region. This could result in the same level of building height and density at stations on the edge of the urban environment (e.g. Swanson) as those closer to the centre (e.g. Mount Eden). Residents of enabled development in walkable catchments on the edge of the urban area are likely to generate more emissions than residents closer to the centre. However, they are likely to generate fewer emissions than residents a similar distance from the centre and not within a walkable catchment of a RTN station. It is recommended the modifying factors associated with walkable catchments addresses this issue.
67. On balance, the implementation of the NPS UD intensification provisions, as per the recommendations of this report, will likely result in fewer emissions than many alternative scenarios, including the status quo. The NPS UD could therefore support the achievement of the council and central government’s climate ambitions. However, the extent to which it does will be determined by the extent to which they are applied. A more detailed analysis of climate impacts will be possible once the mapping work required to implement the NPS UD is undertaken.

Resilience to likely current and future effects of climate change

68. Policy 1 of the NPS UD seeks that planning decisions contribute to well-functioning urban environments, which includes homes that are resilient to the likely current and future effects of climate change. The Auckland Plan outlines the impacts and risks the region is facing from climate change, including flooding, heatwaves, drought and coastal storms.
69. The management of significant risks from natural hazards is a matter of national importance under section 6 of the Resource Management Act and is included in the definition of a QM in the NPS UD. Significant natural hazards identified in the AUP include coastal inundation, coastal erosion, flooding and land instability. These hazards, which may be exacerbated by climate change, are proposed as QMs for Auckland, which will allow for modification of Policy 3 building height and/or density requirements. This is likely to assist with resilience to the effects of climate change by, for example, ensuring that areas that may be affected by these risks have an appropriate zoning.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

70. All relevant Council departments and AT and Watercare have been involved in the development of the approaches recommended in this report. Further and increased involvement will be necessary to ensure the intensification provisions of the NPS UD are successfully implemented. In particular, AT and Watercare have expressed some concerns with the implications of the NPS UD on transport and water infrastructure. As noted earlier in this report, infrastructure capacity has been identified as a qualifying matter that requires further investigation.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

71. The extent of intensification anticipated by the NPS UD will affect all local boards, except Aotea/Great Barrier and Waiheke.
72. Local board members have been briefed on the implications of the NPS UD and chairs have been invited to the series of workshops run this year. Board members have voiced a keen interest in the Council's implementation of the NPS UD. A plan for involving local boards in the development of the intensification plan change will be reported to the August 2021 meeting of this Committee.

Tauākī whakaaweawe Māori Māori impact statement

73. Policy 9 of the NPS UD sets out the requirements for local authorities as follows:

Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- a) *involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
 - b) *when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*
 - c) *provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
 - d) *operate in a way that is consistent with iwi participation legislation.*
74. This policy directs council to particularly involve iwi and hapū in the NPS UD during the preparation of planning documents. The proposed plan change to implement the intensification provisions is one planning document.
 75. At this stage in the process, iwi and hapū have not yet been involved. However, previous engagement with mana whenua has indicated that increasing opportunities for housing (including papakainga) is supported, together with protecting the natural environment and areas of cultural importance. A number of the qualifying matters included in Attachment A (e.g. Volcanic Viewshafts and Sites and Places of Significance to Mana Whenua) have been strongly supported by mana whenua in the past.
 76. Once the policy approach to direct Council's work programme for the preparation of the plan change to implement the intensification provisions of the NPS UD has been approved, Council will begin to engage with iwi and hapū and involve them in the preparation of the plan change. More details of the engagement process will be provided to this Committee at its August 2021 meeting.

Ngā ritenga ā-pūtea Financial implications

77. While the preparation of a plan change to implementation of the intensification provisions of the NPS UD is a large programme of work, it is expected to be resourced through existing budgets. The budget to appoint new staff to support this programme (and where necessary engage consultants) has been approved through the Council's Long-Term Plan.

78. Longer term, the changes to the heights and densities enabled in the AUP required by the NPS UD could have a number of financial implications for Council. The further work on infrastructure capacity previously referred to in this report will investigate these issues and will be addressed in subsequent reports to the Planning Committee on the NPS UD.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

79. The government has set out an implementation timetable for the public notification of a plan change to implement the intensification provisions of the NPS UD. The next 12 months will be focussed on preparing the plan change and undertaking pre-notification engagement.
80. A key risk is meeting the timeframe set out in the NPS UD for intensification, which requires a plan change to be notified by 20 August 2021. There is a significant amount of assessment and analysis required to meet the evidential requirements in the NPS UD and section 32 of the Act for the proposed plan change, for example surveying SCA areas. There is a risk that the assessment and analysis required for all locations where the NPS UD seeks to enable intensification may not be able to be completed in the required timeframe. Staff are being reallocated to undertake this task, and budget has been approved to recruit new staff to support the preparation of the plan change. This Committee will be updated on this risk as work on the NPS UD progresses.

Ngā koringa ā-muri Next steps

81. Staff will seek feedback from local boards, Mana Whenua, central government agencies and the Heritage Advisory Panel on the approaches agreed to by the Planning Committee. In order to meet the August 2022 timeframe, background technical work will also commence.
82. An engagement plan that identifies milestones through to August 2022 will be reported to the Planning Committee at its August 2021 meeting. The engagement plan will provide detail about involving iwi and hapū in the intensification plan change, and about engagement with local boards, the Council family including Council Controlled Organisations, and the public.
83. Staff will also report to the Committee in August 2021 on intensification in all other locations (NPS UD Policy 3(d)).

Ngā tāpirihanga Attachments

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Ngā kaihaina Signatories

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Attachment A

Proposed qualifying matters for Auckland

Proposed Qualifying matters for Auckland ³	
<p>Matters of national importance</p>	<p>Areas in the following overlays:</p> <ul style="list-style-type: none"> • D3 High-use Stream Management Areas • D4 Natural Stream Management Area • D6 Urban Lake Management Area • D8 Wetland Management Areas • D9 Significant Ecological Areas • D10 Outstanding Natural Features and Outstanding Natural Landscapes • D11 Outstanding Natural Character and High Natural Character • D12 Waitakere Ranges Heritage Area • D14 Volcanic Viewshafts and Height Sensitive Areas • D17 Historic Heritage • D21 Sites and Places of significance to Mana Whenua <p>Significant natural hazards: controls for coastal inundation, coastal erosion, flooding, land instability</p> <p>Areas providing public access to CMA, lakes and rivers</p> <p>Areas within Precincts that protect matters of national importance</p>
<p>Gives effect to other NPS</p>	<p>Areas in the following overlays:</p> <ul style="list-style-type: none"> • D1 High-use Aquifer Management Areas • D2 Quality-sensitive Aquifer Management Areas • D3 High-use Stream Management Areas • D4 Natural Stream Management Area

³ Note: not all proposed qualifying matters will require modification of NPS UD Policy 3 intensification

	<ul style="list-style-type: none"> • D6 Urban Lake Management Area • D8 Wetland Management Areas • D9 Significant Ecological Areas • D10 Outstanding Natural Features and Outstanding Natural Landscapes • D11 Outstanding Natural Character and High Natural Character • D26 National Grid Corridor
Nationally significant infrastructure	<ul style="list-style-type: none"> • D26 National Grid Corridor Overlay • Emergency management areas for Wiri Oil Terminal and Wiri LPG Depot • Strategic Transport Corridor zone • Oil refinery pipeline • Gas transmission pipelines • Auckland International Airport • Ports – Auckland, Onehunga
Open space for public use	<p>Open Space zoned land (except Open Space – Community zone):</p> <ul style="list-style-type: none"> • Conservation zone • Informal Recreation zone • Sports and Active Recreation zone • Civic Spaces zone
Designations & heritage orders	<p>Land subject to:</p> <ul style="list-style-type: none"> • Designations • Heritage orders
Business land suitable for low density uses	<p>Land in the following zones (to be confirmed by Housing and Business Assessment):</p> <ul style="list-style-type: none"> • General Business

	<ul style="list-style-type: none"> • Heavy Industry • Light Industry
<p>Any other matter</p>	<ul style="list-style-type: none"> • D13 Notable Trees Overlay • D15 Ridgeline Protection Overlay • D16 Local Public Views Overlay • D18 Special Character Areas Overlay that is of high quality • D19 Auckland War Memorial Museum Viewshaft • D20A Stockade Hill Viewshaft • D23 Airport Approach Surface Overlay • Character buildings in City Centre zone and Queen Street Valley Precinct • Some of the existing built form controls in City Centre (e.g. Admission of sunlight into public places, Aotea Square height control) • Natural hazards that are less than significant, if any • Areas with long-term significant infrastructure constraints

Attachment B

National Policy Statement on Urban Development – Intensification policies for Tier 1 urban environments

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (ii) relative demand for housing and business use in that location.

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Attachment C

National Policy Statement on Urban Development – Meaning of qualifying matters

3.32 Qualifying matters

In this National Policy Statement, **qualifying matter** means any of the following:

- (a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act
- (b) a matter required in order to give effect to any other National Policy Statement
- (c) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure
- (d) open space provided for public use, but only in relation to the land that is open space
- (e) an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order
- (f) a matter necessary to implement, or ensure consistency with, iwi participation legislation
- (g) the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement
- (h) any other matter that makes high density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.