



**April
2022**



Information Sheet #6

Qualifying matters (Part 1)

During April and May 2022, Auckland Council is asking Aucklanders for their feedback on potential changes to the Auckland Unitary Plan (AUP) – our city’s planning rulebook – to allow for more housing at greater heights and density.

This information sheet explains what qualifying matters are and how they work, and outlines the qualifying matters required by the government.

The government’s approach to more housing

The government’s National Policy Statement on Urban Development (NPS-UD) came into force in August 2020. The NPS-UD directs Auckland Council to enable more building height and housing density within and around Auckland’s city centre, metropolitan centres and rapid transit stops such as train and busway stations.

In December 2021, the government also made amendments to the Resource Management Act. The legislation now requires the councils of New Zealand’s largest and rapidly growing cities – Auckland, Hamilton, Tauranga, Wellington and Christchurch – to apply new Medium Density Residential Standards (MDRS).

Through the use of MDRS the government requires the council to enable medium-density housing across most of Auckland’s suburbs. Three dwellings of up to three-storeys, including terrace housing and low-rise apartments, must be permitted on most residential properties. Four dwellings or more dwellings must be enabled through a non-notified resource consent.

To deliver the NPS-UD and the MDRS, the council is required to publicly notify changes to the AUP by 20 August 2022.

What is a qualifying matter?

Qualifying matters are characteristics about some properties or within some areas that may allow the council to modify, or reduce, required building heights or density.

Qualifying matters may include sites of cultural, historic, or ecological significance or to avoid development in areas with natural hazards. Many of them are shown as overlays in the AUP that protect or recognise the feature or value that is being identified.

The government has identified a number of qualifying matters that modify three-storey and six-storey building heights normally required by its intensification policies. These are listed below along with the AUP overlay that the council has identified that relates to them.

The government also allows councils to identify other qualifying matters that are relevant for their places and communities. Auckland Council has identified other additional qualifying matters that are important for Auckland. These are listed and described in Information Sheet #7 Qualifying matters (Part 2).

Applying a qualifying matter doesn't prevent development from happening in that area. It only reduces development enough to ensure that what is being protected or managed isn't compromised by that development.

What are the qualifying matters required by the government?

The government has already identified a number of qualifying matters, that must be protected and reflected in proposals for intensification. They include:

- a) A matter of national importance
- b) A matter required to give effect to a national policy statement or the New Zealand Coastal Policy Statement
- c) A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato- the Vision and Strategy- the Vision and Strategy for the Waikato River
- d) A matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008
- e) A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure
- f) Open space provided for public use, but only in relation to land that is open space
- g) 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
- h) A matter necessary to implement or ensure consistency with iwi participation legislation
- i) The requirement to provide sufficient business land to meet expected demand

How will the council identify the required qualifying matters?

Many of the matters listed above are already protected or recognised in the AUP through overlays that restrict the amount of height or density that can happen on a site, where one or more of these qualifying matters applies.

The following **table 1** indicates which of the overlays in the AUP, or other items or features known as ‘management layers’ in the AUP planning map viewer, are considered as relevant to the required qualifying matter.

Table 1: Proposed AUP overlays and other items identified as required qualifying matters

a) Matters of national importance	Areas in the following AUP overlays or other features: • 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 Significant natural hazards: controls for coastal inundation, coastal erosion, flooding, land instability Areas providing public access to CMA, lakes and rivers Areas within Precincts that protect matters of national importance
b) Gives effect to other NPS	Areas in the following AUP overlays or other features: • D1 High-use Aquifer Management Areas • D2 Quality-sensitive Aquifer Management Areas • 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 • D26 National Grid Corridor

e) Nationally significant infrastructure	· 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
f) Open space for public use	Open Space zoned land (except Open Space – Community zone): · Conservation zone · Informal Recreation zone · Sports and Active Recreation zone · Civic Spaces zone
g) Designations & heritage orders	Land subject to: · Designations · Heritage orders
i) Business land suitable for low density uses	Land in the following zones (to be confirmed by Housing and Business Assessment): · General Business zone · Heavy Industry zone · Light Industry zone

Further information

- To read more about the consultation on the council’s preliminary response to NPS-UD and the changes to the Resource Management Act, and to give feedback, visit [akhaveyoursay.nz/housing](https://www.aucklandcouncil.govt.nz/our-auckland/consultation/akhaveyoursay/nps-ud)
- To learn more about how Auckland Council is planning for growth and development, visit [ourauckland.nz/growingtogether](https://www.aucklandcouncil.govt.nz/our-auckland/growingtogether)
- For detailed information about the National Policy Statement on Urban Development 2020 (NPS-UD) visit the [Ministry for the Environment website](https://www.mta.govt.nz/nps-ud/).
- For more information on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the Medium Density Residential Standards visit the [Ministry of Housing and Urban Development website](https://www.mta.govt.nz/housing/).

- Visit the council's NPS-UD and MDRS preliminary response map viewer at akhaveyoursay.nz/housing to view the proposed planning maps.

Please note:

This information sheet is a summary document to assist with consultation during April and May 2022 on the council's preliminary response to the National Policy Statement on Urban Development 2020 and the Resource Management Act as amended.

The proposed plan change to the Auckland Unitary Plan to be publicly notified by Auckland Council on or before 20 August 2022 may contain information that is different to or inconsistent with council's preliminary response. This may be for a number of reasons, including to address feedback received through consultation.

All information provided in this information sheet should be considered as being illustrative and indicative only.

The user waives and releases Auckland Council from any claims arising from its use of the information provided in this information sheet.