

[00:00:50.050] - Phil Reid

Good evening, everyone. Tena Koutou. Welcome. I'm Phil Reid, manager of Auckland Wide Planning at Auckland Council within the Chief Planning Office, and I'll be facilitating conversation this evening. So thank you for joining tonight's webinar for consultation being the government's new housing rules, what it means for Auckland, reminder that consultation runs from 19 April third to the 9 May. And for further information, please do fill out feedback, look at the [Akhaveyoursay.nz/housing](https://akhaveyoursay.nz/housing) website and to fill out the feedback form to provide feedback to us on this consultation event. Tonight's webinar will give you an overview of the new rules from central government and how we think they could apply to Auckland. So first of just a few housekeeping issues, we are recording the session and it will be made available on that [Akhaveyoursay.nz/housing](https://akhaveyoursay.nz/housing) website in the next few days. For all of you viewers online, all of you will have your cameras and microphones turned off. Members of the audience can ask questions via the Q & A function. And please note that due to time constraints, it will be difficult to get through all of them. We'll do our best, but those that we don't get to, we will endeavor to answer in the next few days.

[00:02:11.030] - Phil Reid

And please do be respectful with questions. We'd like to be able to keep the focus on today's conversation. Joining us tonight, we have Counselors Dalton, Bartley, Young, Stewart, and Coom, and I'll turn to our elected members for a few reflections as we go through the presentation and go through the Q and A online. We have a number of staff from across Auckland Council as well as CEOs tonight. So Eryn Shields, team leader within our regional Northwestern Islands team, will be presenting shortly. Alina Wimmer, lead planner within Plans and Places, Lee-Ann Lucas, senior planner within Plans and Places, Rory Power, principal planner at Auckland Transport, and Chris Allen, our manager of strategic planning at Watercare. So I'll be pointing questions to all of those supporting staff as we go through the evening. The session will go for 90 minutes. We'll probably have around about 20 minutes of presentation through that. Do fill out your questions and the Q and A, and we'll start to actually line them up ready to be able to answer at the conclusion of the presentation. And do remember, this is a preliminary response phase that we're going through for implementing the National Policy Statement for Urban Development and the Amendment Act changes made to the RMA last year.

[00:03:37.630] - Phil Reid

So it's not a draft plan change. So we are essentially presenting where we're at at this moment. And we are, of course, very open to feedback as we continue to change and improve the provisions through until notification in August. So I'd like to now hand over to Erin Shields for presentation for an overview of these new rules from central government and how they could apply to us here in Auckland. And just as a final reminder, please do put your questions into the Q and A. Thank you.

[00:04:09.810] - Eryn Shields

Tena Koutou Tatou Katoa thank you, Phil, for your introduction. Yes, I am one of the team leaders in Auckland Council's plans and places, and I'm involved in the development of the council's response to the National Policy Statement on Urban Development and our implementation of the medium density residential standards. I've got quite a number of slides and I'll quickly run through them so that we try to have as much time for questions and answers as possible. Just remind everybody on the Call that it is the focus tonight on qualifying matters. And we've had a session last week about special character as a qualifying matter, and this was one webinar where we would like to share with you what we see as the other qualifying matters that the councilors identified and also just how we have interpreted the government qualified matters. So I'll quickly run through those as best I can. Some of the slides are a little bit word heavy. I try not to read them word for word, and I'll try and pick out the essence of each slide to help you to understand each and every aspect of this reasonably complicated set of circumstances around qualifying matters.

[00:05:39.710] - Eryn Shields

I just like to start with the thought that qualifying matters is a new concept in the resource management arena. This was introduced by the National Policy Statement on Urban Development, and it has been called other things in the past, and we often use the word values to reflect what are qualifying matters. So that may just help you. Now, I want this to go there's just the agenda for this evening, a quick overview, some setting of the scene, policy three and four for the MPs Ud, and some next steps, and hopefully a lengthy question and answer session. So we thought we'd share just an overview. If you're new to the whole world of the National Policy Statement, this charts the evolution of the government's response, and so therefore, I'll just quickly note that there's been a previous National Policy Statement in 2016, and that was then updated in 2020, which is the circumstance we are now required to implement. The government also at the end of last year provided a further amendment to the Resource Management Act, which introduced the concept of medium density residential standards. And these are a set of standards that determine how residential development will occur.

[00:07:29.870] - Eryn Shields

And so throughout 2021 and 22, we have been responding to these policy initiatives and the planning committee gave us preliminary policy directions and we've prepared this preliminary response for consultation in April of May this year. So what does the National Policy Statement require us to do, really? It's about planning for growth and ensuring that we deliver a wellfunctioning urban environment, and particularly so in the Auckland context, seeks to remove overly restrictive barriers to development to allow growth up and out in locations that have importantly good access to existing centers, services and public transport networks. However, qualifying matters are an aspect of the national policy statement that may be applied to modify height and density requirements. It's really important aspect of the growth of the city. The fundamental intensification policy is Policy Three. In the city Center, Policy three requires us to provide as much capacity as possible in what are called our Metropolitan centers, and you can see them listed on the lower right hand side of your screen. We are expected to provide at least six stories of development across the land that is owned for those Metropolitan centers. And just to note that we

already do this in most of those centers, so that's not new or particularly different in those places that you'll be familiar with.

[00:09:19.950] - Eryn Shields

Further out, the Council must also provide for six stories around things that are called walkable catchments, which are areas people walk to the city center, to the Metropolitan centers, and to rapid transit stops. So that's if you can imagine an area that's 1200 meters from the city center and 800 meters from the Metropolitan centers and the rapid transit stops, and that's where we are expected to provide at least six stories for all buildings. Rapid transit stops are commonly known as our train stations and also the stops on the Northern busway policy 3D, which is the last element of Policy three. We need to provide for building heights and density commensurate with the level of commercial activity and community services. And so this is the aspect of the policy that applies to neighborhood centers. And so you think of your local dairy local centers where there might be a line of shops along the street, and our town centers, which are much bigger centers that are not quite yet Metropolitan centers. Generally, that means that we have increased the density around local centers and town centers to reflect their role in terms of providing for services and access to retail services, business, and all those other elements that exist in those centers.

[00:10:56.180] – Eryn Shields

So there's quite a lot of intensification in different parts of urban Auckland. Alongside that and more, the residential areas of suburban Auckland. We are required to implement medium density residential standards, so they came into the RMA at the end of 2021 is mandatory objectives, policies and standards that are contained in the legislation, and this applies widely to all of our relevant residential zones. So think of suburban Auckland as we know it, everything that is inside that urban environment. The key points are and that people are able to build three stories and three dwellings on each site without the need for a resource consent. And this is to support the government's endeavor to provide land and buildings for housing supply. Now, you'll see that in the green at the bottom. We're not seeking feedback on the medium density residential standards as part of this consultation, because our government requirements and many people have many views on the MDRs, as they're called, and we are not able, as a Council to do a lot with them because they are legislated requirements that are not going to change through our process. There is lots of other aspects that we are seeking your feedback on, and we'll get to those in a moment.

[00:12:35.530] - Eryn Shields

Just some images here of what medium density residential standards might produce in terms of built form. We'll essentially be providing this type of development across Auckland, and there are some exceptions. There's residential land and small settlements that are outside of the urban area. They won't be required to provide MDRs. If there are standards that are more Liberal than what are already required by the MDRs, they will be retained. And importantly, and this is the segue into the next piece is where a

qualifying matter applies. We may well limit height and density provided for by the medium density residential standards, and we'll get into that in a moment. Policy four is the key policy relating to qualifying matters. This is a very word heavy slide and I won't run through them all. The government, however, has provided for items eight J, and I'll run through each and every one of these. And these are the aspects of the values in Auckland that are subject to qualifying matters. All of the blue text, those that the government has identified, and the red text, item J, is the ability of our Council to identify qualifying matters that are important in the Australian context, and we have a list of those that will share with you shortly.

[00:14:22.990] - Eryn Shields

So what is the effect of applying a qualifying matter? We may modify the building heights and density, and the actual standards as well is what we have the ability to do where a qualifying matter applies, so not everywhere, but only where a qualifying matter applies. Nevertheless, there will be some level of intensification in most places associated with this national policy statement and its implementation. And some qualifying matters create either specific limitations for sites or for neighborhoods, and some others prevent what are called reverse sensitivity effects by limiting the development of sites that are close to a qualifying matter. So an example of that might be where there is a heavy industry zone, the residential that surround it may be reduced in density to support the ongoing operation of the heavy industry zone. We're still working on this and we're still assessing the best techniques to provide for these qualifying matters. Generally, they are zeroing in on zones overlays changing standards within the unitary plan and applying new mapping techniques to identify them so that plan users in the future can quickly understand which qualifying matters apply and where they apply. So it's a work in progress and we are still seeking feedback on the councils.

[00:16:04.670] - Eryn Shields

So the government identified qualifying matters. I'll quickly run through these because they are quite extensive. The first one is matters of national importance. So I've just put in here the text of section six of the Resource Management Act. These are all matters of national importance and need to be applied in Auckland as a qualifying matter. It's quite a substantial list. What I'd just like to comment on is that the Unitary Plan has already addressed these as part of the preparation of the unitary Plan as we know it in 2013 to 2016, but that we're reviewing this in the context of the Mpsug, and that's to ensure that if matters of national importance do constrain residential intensification that we identify this. Now, on the right hand side of the screen, you will see a list of areas, and these are the elements of the Unitary Plan that we consider implement the matters of national importance. So the D numbers are all chapters of our Unitary Plan. And at the bottom of the list there there is three that we are working on in terms of potentially new matters that might be come qualifying matters in the plan.

[00:17:35.890] - Eryn Shields

So there's a lot of work going on and a lot of parts of the Unitary Plan. Now, the next item is the other National Policy Statements are qualifying matter, the freshwater Management, and that is being implemented in 2024. And so we are cognizant of the work that we're doing on that. Already. There's renewable electricity generation and electricity transmission corridors. The renewable electricity generation is of limited relevance, and the electricity transmission is mainly covered by the national grid requirements. And then there's the Coastal Policy Statement, and that's already managed in the Unitary Plan through the Regional Policy Statement and the Regional Coastal Plan. The government has also got the vision and strategy for the Waikato River, and so we recognise of that. And the vision and strategy is, as I have put on the screen there. So that will be important, perhaps, for some of our infrastructure issues. There's also the Haraki Gulf Marine Park Act and the Waitakere Rangers Heritage Area Act, and these two acts manage parts of Auckland and the activities that may affect those areas. The Haraki Gulf was already managed in the Monetary Plan by the Regional Policy Statement and the Regional Coastal Plan.

[00:19:14.010] - Eryn Shields

WaitakereRangers Heritage Area is managed by zones and overlays and is mostly located almost completely outside of the rural urban boundary, and so it's not subject to these requirements. These provisions will continue to apply in these areas. We also have to provide for ensuring the safe or efficient operation of nationally significant infrastructure. We've identified the National Grid gas and oil pipelines, the ports of Auckland, the Auckland International Airport and the Strategic Transport Corridor zone is nationally significant infrastructure, so we're not intending to rezone any of this land to residential. We also need to provide for open space that is in public use. And so we consider that both publicly and privately owned land where that privately owned land is available for public use, such as Cornell Park implements this qualifying matter. And I've just listed the zones there that we consider our open space zones that are a qualifying matter, but we exclude the community zone, which accommodates community buildings and activities. Importantly, we're not intending to rezone any land with an open space zone to a residential zone. There are also designations and Heritage orders that need to be a qualifying. That designation is an area of land that is used for a specific purpose, for example a power substation or a primary school.

[00:21:02.360] - Eryn Shields

And there are literally thousands of designations across Auckland. Heritage Orders are also a qualifying manner, and there are sites that have values or features of a particular place or structure, and there are six of these in Auckland as well. And in terms of this, we also need to ensure consistency with Iwi participation legislation, and Council continues to work with Iwi on how the Unitary Plan can assist the Iwi in implementing the Treaty of Waitangi Settlements. So we have been engaged in Hui with Iwi both individually and together about these aspects and how they are applicable to treaty settlements, and also what we see as important in terms of qualifying matters across Auckland, we also need to provide our business land, and we've identified heavy industry, light industry and general business sites as those we're not intending to rezone any of this land for a residential purpose. And also importantly, we're

working to ensure that where these zones are located in walkable catchments or around centers so within 800 meters that the building heights are increased as they are required by the national policy state. So then we reach the next aspect, which is the Council identified qualifying matters.

[00:22:45.330] - Eryn Shields

These are commonly known as J matters, and our engagement with Manifesto has identified additional potential qualifying matters that will be brought to the Planning committee for August. On the right hand side of your screen, you'll see another series of D numbers. These are the overlays that we have identified and the Planning Committee has resolved to be Council identified qualifying matters. And so these are all matters that may well constrain residential intensification. Now you'll see in the green at the bottom of the screen that the Council is seeking feedback on these qualifying matters, as they are the Council identified matters. And so we welcome your feedback through the feedback portal on the heavier Save website. So I'll quickly run through these as well. For Council to identify qualifying matters, we have to do a site by site analysis and meet a high evidential standard. And having done this, we've revealed that some qualifying matters do not actually affect intensification and that's, for example, aquifers. However, we continue to do analysis on mapping areas with significant infrastructure constraints and looking at that about whether that is a qualifying matter. There's more on this below. So notable trees with district plan rules relating to tree protection must comply with a specific criteria must be specifically described.

[00:24:32.390] - Eryn Shields

There are approximately 3000 scheduled items in the unitary Plan representing 6000 or more trees or groups of trees throughout Auckland. The majority of these are within the urban environment and we consider them to be a qualifying matter. We've also identified Ridgeline protection overlays and we have a number of prominent ridgelines that contribute to the scenic character and amenity of the region. These are often vegetated and provide a backdrop to the urban and rural areas, so we have sought to ensure that the integrity of the Ridge lines are protected and maintained in accordance with the context. And so these Ridge lines are located in the Waitakere Ranges, in the foothills and those ridgelines that delineate the Whitford rural area on the right hand side. You can see examples of where the Ridge lines cross from the rural area on the left hand side into the urban environment. We've also got some local views there's. Not many of these, however, they are considered to be locally significant view shafts and they contribute to the unique character of some of Auckland's neighborhoods and coastal areas. So they are listed in the public views overlay and identified as a qualifying matter to ensure that the benefits that they provide special Character areas.

[00:26:18.020] - Eryn Shields

There's been a lot of discussion in the media and in the previous webinars about this and if you're not familiar with special character areas, the older parts of Auckland that have architectural or other built character values, we are proposing to include these areas as a qualifying matter. The implication of this is

that the building heights and housing density will be reduced to ensure the character of these areas are being retained. About 25% of the existing areas are not identified as having sufficient quality to be retained and so they have been looked at to be removed from the unitary plan. We also have a view shaft from one of the iconic buildings in Auckland, the War Memorial Museum, and this provides a visual protection to secure the highly appreciated views and aspects qualities associated with this heritage place. So you can see on the right hand side there the building. The light green color is the War Memorial and you can see where the view is protected. We're also protecting another important view at Stockade Hill and that's to ensure that new development is of a height that does not intrude into or obstruct views to the coastal environment.

[00:27:49.260] - Eryn Shields

In helicopter, there are also airport approach surface overlays. These are really important things that most people don't think about too much. These are essentially where planes arrive and depart at airports and air strips, and so we need to ensure that the heights of buildings around those and in the approach and departure areas are not intruding into that space. Most of these air strips are provided for in the rural areas and so not many of these affect development in the urban space other than North Shore Airport provided an example of what we're talking about with the overlay just moving into the next one character buildings in the city center, in the Queen Street Valley. You own great number of 1940s and earlier buildings in the Queen Street Valley and on other sites. And these buildings make a stronger, more significant contribution to the special character of the surrounding area. So we include provisions to maintain and enhance these character values. And so we thought it was appropriate to retain them as a qualifying matter. In the city center. We've also got natural hazards that are less than significant. There are potentially risks that may not be significant enough to be covered under the section six requirements of the Resource Management Act.

[00:29:38.050] - Eryn Shields

And the Unitary plan already seeks to manage several natural hazards. So we will continue to assess these hazards and what effect they might have on residential intensification. We've also got significant infrastructure constraints and there's potential that we would seek to prevent intensification outpacing the capacity of our bulk infrastructure to actually handle. So we would like to be able to enable intensification where bulk infrastructure capacity exists or can be delivered in the medium term. And this applies to transport water supply, wastewater, and storm water networks. So we continue to do work on this and that will be brought forward to the planning committee in August. So pulling it all together, and I imagine you might be saying, how are we going to do that? We've got the two guiding documents, the national policy statement and the resource management amendment. Putting all of those together and then applying qualifying matters in certain locations to constrain intensification leads us to a unitary plan result response, which is, as I've said, it's, zoning and rule changes, et cetera. So that is the work that we're currently underway. And we've sought feedback from you all about that. So that's nearly it in terms of our next steps, just to remind you about where we're going, our engagement on what is the preliminary response is completed next Monday, the 9 May.

[00:31:37.430] - Eryn Shields

We continue to have engagement with our mana whenua, and we will be doing further work with them on a draft plan change. We will be discussing with the planning committee late in May all of the feedback that we will have received and what changes, if anything, we need to do in terms of developing a draft plan change. We also need to report to our local boards and ask for their formal feedback. And then we head to the 4 August where the planning committee will consider a proposed plan change for notification and all going well, we will notify this by the 20 August 2022. So that brings me to the end of my presentation, Phil, and I'd like to take the opportunity to hand this back to you for me.

[00:32:37.390] - Phil Reid

Sharing screen. Yeah. I mean, the scale and complexity of this work is pretty apparent from going through that presentation. The nature of the qualifying matters are quite broad, and many of them actually require quite detailed analysis for justification for them to be able to actually come through and act, to be able to actually temper density and height. I just like to acknowledge Councilor Fletcher, who's recently just joined the call as well. And just to invite any of our counselors who are online at the moment, whether you've got any reflections on this program or work to date, there's been a number of workshops and planning committee items that we've had on this. So over to you guys if you do have anything to share.

[00:33:31.110] - Cr Pippa Coom

Thank you, Phil. Really, I won't take up much time. I just want to thank everyone that's participating tonight on the webinars that I've been on. They've been so helpful, the questions have been helpful, and the answer is obviously incredibly helpful. And that's because we've had so many participants in our previous ones. And again, a good turnout tonight. So thank you to everyone that's on and listening. Thank you.

[00:34:01.630] - Phil Reid

Right. Okay. So just to plug for further questions, we've got probably about seven or eight that are lined up that came through from the time that Erin was giving that presentation. So if you do have things which you're finding difficult to understand, please shoot them through and also point out things for us as well where we can make improvements. We've had close on 90,000 visits to look at the maps that are online. We're now in excess of 2000 pieces of feedback that have come in. And we've had over 200 detailed inquiries that have been coming through as well to our planning staff. So certainly the scale of this for Auckland is something that has warranted this pre notification phase that we're going through. So what I'll do now is I'll just actually turn to the chat and what's been coming through and we'll just actually go in for the first question myself, which is we have governance on our section in our area allowing only one dwelling to be built, which we want to keep. Will this change? So, yes, across Auckland, there are a number of situations where we've got coverage. Indeed, there are some whole subdivisions which have

got either quality building material coverage or restriction coverage around things like home occupation or further subdivision.

[00:35:29.920] – Phil Reid

All of those covenants that come through under the Property Law Act continue. So there is no ability for this legislation change or this national policy statement to override any of those covenants that sit on titles at the moment. So they stay and will continue to do what they do if they are restrictive in nature beyond what's been enabled by these changes. Now, the next question. I'll feed through to Alina Wimmer and I'll just read it out. Can you please confirm whether there is an appetite within Council to rationalize or revise any volcanic view shafts which conflicts with the intensification expectations of the Enablement Act and Mpsud? Is it correct to note that volcanic view shafts are an automatic qualifying matter or is it more accurate to say this is how Council has interpreted them in relation to section six matters? Finally, where volcanic view shafts exist, they ought not to be listed as qualifying matters. Where the floor or the base of the view shaft exceeds the National Policy statement urban development enabled heights, would you agree? So there's a triple question there. Alina, have a crack at that one, please.

[00:36:51.150] - Alina Wimmer

Hi. So it is quite a complex question. Volcanic view shafts are a qualifying matter, and we're still working through quite a number of responses around how the overlay will interact with the underlying zones and some of the issues that are alluded to in that question with conflicts between sort of underlying zoning as well as what the overlay is trying to achieve. So it's very much a work in progress and we will be publishing that in due course in August. So I don't really want to go into too much more detail right here and now. There are a couple of specialists that are working with us quite closely on that issue.

[00:37:42.030] - Phil Reid

Thank you, Alina. Turning to you, Erin, I've got a question in relation to Panmure. So will my house in Panmure be overshadowed by six story buildings?

[00:37:54.450] - Eryn Shields

Thanks, Phil. It's been a while since I've been to Panmure. I was there the other weekend. I'd need to check with the GIS viewer whether it is a center or not, and if it is, it is enabled up to six stories. So there is some potential for overshadowing of residential properties adjacent to the edge of those areas. So there is a chance that your house in Panmure may be overshadowed by those buildings, particularly if you're on the south side of those buildings. Given the Northern trajectory of the Sun.

[00:38:37.730] - Phil Reid

I think we've got a policy 3D town center, and we've also remember got the train station there as well.

[00:38:46.510] - Eryn Shields

Okay, so it's in a walkable catchment and so it will provide at least six stories minimum points.

[00:38:57.990] - Phil Reid

Turning to Rory from AT, why doesn't the Council more broadly interpret regional the rapid transit network to include Eg, the Silverdale Park and Ride, which utilizes the state highway to connect to the Northern busway and key arterial routes that have dedicated bus lanes.

[00:39:18.690] - Rory Power

Thanks. Though we've obviously been providing technical support to Council to assist with their implementation of the Mpscd and Abort Housing Supply Act in terms of the definition in Auckland's case of the rapid transit network that's contained in our regional public transport plan. According to that definition, looking at the frequency, reliability and during times of public transport services, the routes and stations that constitute the Rtn rapid transit network, as you said, the rail network and the Northern busway as far as Albany Station, the parts of that network that don't constitute rapid transit network include the Onihanga branch that's, because of the frequency of the service, isn't sufficient to be classed as Rtn, and the Hibiscus Coast station sold out park and ride, as it was referred to, is not accessible by its own dedicated right of way. This affects the reliability and during the time of these services. So, again, it's not classified as part of the rapid transit network as defined for the MPs. You see, it's a similar case for the Kiatera routes along the Isthmus, which, while they may have dedicated bus lanes for part of their service, it is not continuous all the time and is not dedicated 24/7.

[00:40:48.210] - Rory Power

So they are part of the frequent transit network rather than the rapid transit network. So in terms of applying the Mpsod and the MDRs, we haven't considered them to be part of the definition of rapid transit.

[00:41:03.330] - Phil Reid

Thank you, Rory. Next question relates to wheelchairs, which is three stories. How do you plan to provide accommodation for those in wheelchairs? So, just to go back in time a little bit, within the Auckland Unitary Plan, there was an attempt by Council to include what we called universal access provisions, which would have required for the actual design of dwellings and the internal hallway Wits, et cetera, that they were designed in such a way to provide full universal access things such as wheelchairs. Now Council ran into difficulty in relation to that, and the Independent Hearings panel made recommendations to reject those provisions that were in the entry plan on the basis that they were more appropriately dealt with through the building code. Now, Council has continued since that time in 2016 to advocate for change within the building code to actually be more requiring of universal design within dwellings. There certainly isn't anything within the amendments to the act for meeting that's the residential standards for the NPS Ud that restricts the free choice of individuals if they do wish to actually design dwellings to

provide universal access. And indeed, councils encouraging of that through things like the Auckland Design Manual.

[00:42:24.990] - Phil Reid

But there are some jurisdictional barriers around regulating the internal design of dwellings that we ran into through the Unitary Plan process. Just moving down through questions. We've got a Coastal Erosion one here, which I'll point to you, Alina, which is the Coastal Erosion a qualifying matter? If it is, why are some sites on Herney Bay and St Heliers along the waterfront within the Coastal Erosion zone not classified as the two story single dwelling residential area?

[00:43:04.690] - Alina Wimmer

Thanks for the question. We do have a Coastal Erosion layer currently in the Auckland unitary Plan and some rules that relate to that in E 36 as the overlay. The Council also recently got some updated maps for Coastal Erosion working with Tonkin and Taylor. And so this is something that we're working through in terms of balancing out all the qualifying matters, and again, looking at how the qualifying matters work with the underlying zonings. But what I would reassure the person asking the question is that for the last six months at least, that data has been available on the council's limbs and so land information memorandum have actually been tagged where we know that there may be a coastal erosion issue.

[00:43:58.090] - Phil Reid

Thank you, Alina. Eryn, I'll turn to you on this one, which is the interplay of policy 3D and special character in the context of Devonport. Devonport residential areas close to the town center has a scar and single house two storey zone, but also has identified areas for upcoming possibly the will the scar zone prevail or will the apply? There's a little bit of confusion around that, but the general question is it's been identified as a two story area, but it is also next to the town center and within the area that would otherwise go to. The question is will the scarzone prevail or will the theb apply?

[00:44:40.270] - Eryn Shields

Thanks, Phil. Appreciate that. In the GIS view of the form, that's called a two storey zone to reflect what is currently known as single house to help people understand the extent of height and density that we would apply in those places. So in this circumstance at Devonport, if the residential area is close to the town center and currently has a scar identification, it is likely that it will be retained as a low density zone. And so the terrace housing and apartment that is expected to be provided alongside and around Devonport will be subject to the qualifying Meadow, which is a special character area.

[00:45:38.690] - Phil Reid

Okay. Now, Rory, I'll draw you in on this. Panmure and bus questions. So again, you're referred to the Northern busway, but not the Panmure Pakuranga busway. Does that mean that my house will not be

overshadowed by six story I saws. So maybe give us a little bit of context about the treatment of that Panmure busway.

[00:46:01.850] - Rory Power

Yes. In terms of the requirement to look at planned Rtn stops, there's a number of planned rapid transit routes in Auckland. There are various stages of development. The approach that we've taken is where the stations and stops are actually designated. They have lodged notices, requirements which specifically state particular passes of land that are required for stations and stops. Those are considered planned Rtn stations. As a result, the proposed Eastern busway stations that are currently being built are included in the gas maps. The extension to Botany. The stations along that route which we have recently consulted on but have not yet finalized, are not included in saying that the Mpsug is there a policy that will continue to need to be applied in the future. So once the location of those stations is known and finalized, the utility plan can be updated accordingly to reflect those new locations there's. Also, in terms of a practical requirement, the walkable catchment calculations require knowing exactly where the location station entrances actually are in order to calculate the walkable catchment distance. That level of detail normally isn't known until we actually formally designate the station locations.

[00:47:37.790] - Phil Reid

Thank you, Rory. Turning to special character and probably just an intro before I read this one out, a reminder to all viewers that now is the opportunity to be able to actually go into the Aka, have your Say website and drill down to be able to actually find the specific assessments that have been done for individual properties for special character. But I read the question out and Lena have a go at this one and if you do struggle, I'll chip in and help you out as well. So our street was previously a character area under the AUP. Under the qualifying meta assessment, our street is excluded as the average score for the rest of the area is less than 75%. However, our street, which is full of retro villas, has been bunched in with nearby streets to the north of low character. If the line between the areas was altered and our street was grouped with the road behind, it would easily meet the required percentage and be protected by the qualifying matter.

[00:48:42.030] - Alina Wimmer

So I'll have a go at this. Basically, the special character overlay has been looked at by some of Council's heritage architects who are specialists in assessing the heritage values of clusters of buildings. They have used a specific methodology to go through and examine these neighborhoods and to provide scores how those buildings are clustered together and whether groups of buildings actually do meet thresholds in terms of having the character values required to satisfy that overlay. So there is a site by site analysis that's happened for each street and for each property, and we're confident that the assessments that have been undertaken to date are valid and we're basing our planning decisions on those assessments. But Phil, if you wanted to supplement that.

[00:49:44.730] - Phil Reid

No, I think that the main thing is just to encourage feedback on this. Firstly, there's policy positions that have been taken in relation to the percentages and there have been positions that have been taken in relation to the determination of the areas that are subject to those percentages. So if you do feel that improvements could be made, then we certainly do want to hear from everybody. Next question is just drilling down a little bit further into the Covenant question from a bit earlier on. So I'll take this one. The Forest Hill area is subject to a restrictive Covenant allowing only a single dwelling per original lot. The Covenant area encompasses the Forest Hill part of the Sunnynook bus station, Walk, the six story catchment and beyond to the NDRs areas. Can this be considered as a qualifying matter? We are seeking to exclude this area from the six story catchment as well as MDRs as a qualifying matter. So I suppose, firstly, just to say no, Council hasn't identified private covenants that are on properties as a qualifying matter. And I suppose the background to that is that private covenants come through from the subdivider and they can be on a whole range of different things.

[00:51:06.330] - Phil Reid

And so, yes, there are some examples of broader covenants such as this. That Covenant, though, will still operate through time. And so this is one of those things where the planning provisions will change through the decades, but those covenants that stay on titles will continue to be enforced and continue to stay as they are. So that restriction of one house per site in Forest Hill will continue irrespective of any change. Designing scrolling down. I've got a Sabbath question here. So, Eryn, I might push this one through to you, which is why our stab zones not within Walkable catchments proposed to remain at five stories. Why not up zone all the six stories? There must not be many stab areas outside.

[00:52:00.430] - Eryn Shields

Thanks for that, Phil. Yeah. There are some locations where our terraced housing and apartment building zone do lie outside of our Walkable catchments, and those areas have been zoned that way since 2016. Our thinking is that we retain those provisions as they are in the Unitary plan, to provide certainty to those landowners who own the land that is subject to that zoning. This was to provide that certainty and also to signal that we were not seeking to downzone this to MDRs Heights and Densities. So if you've got a view on whether it should be six stories rather than five stories, welcome feedback on that. Thanks, Phil.

[00:52:59.290] - Phil Reed

Alina, I'll bring through this protected tree question to you. So there's a large number of protected trees on private property. How will these trees be affected by the intensification for a three storey building? Will this be a qualifying matter?

[00:53:25.010] - Alina Wimmer

So my Internet connection is a little bit unstable. Basically, some trees are protected as being heritage listed and others are on our notable tree schedule. They are qualifying matters. And in addition to that, there's also some provisions being looked at in terms of providing for tree courts as well for the residential provisions. So Council is looking to provide adequate protection for notable trees and scheduled trees, which are already provided for in the AUP, but also looking at our landscape and controls as well in the residential section.

[00:54:09.230] - Phil Reid

Thank you, Alina. And back to policy three again. So for you, Eryn. Our area of Meadow Bank is currently in the single house zone, but is proposed to increase to that. Does the zoning increase mean that only a building of at least six stories will be approved by Council, or will buildings of one or two storeys, et cetera, still be approved?

[00:54:33.110] - Eryn Shields

Thanks, Phil. The way that the MPs shapes this is that it enables six stories to be built. And the word enable is really important. It doesn't require it and it doesn't mean it is the minimum height. What it does provide is where developers and landowners have aspirations to build six stories or above. They are able to, and they have a set of provisions in the Unitary plan that manages that development and its effects on adjacent properties. So, yes, it may well be six storeys as it's zoning. But that doesn't necessarily mean that six storey development will occur. It may remain developed as two or three storeys. Thanks.

[00:55:22.310] - Phil Reid

Thanks, Eryn. And turning to yourself, Chris, we've got a question here. It's obvious the Council can't keep up with infrastructure demands. So will there be provisions to allow for onsite solutions to allow development to proceed, or will we be waiting years before these areas can see intensification?

[00:55:46.110] - Chris Allen

Kia ora Phil. That's a good question. We're working on the infrastructure constraint layers. Now. What we're believing is that the qualifying matter will require some sort of assessment of the effects of each individual development site by site. And if that assessment shows that the development can go ahead with less than minor effects on the environment or other aspects of the, for example, water and wastewater networks, then it will be allowed to go ahead. It would just have to go through some extra Hoops. It won't be allowed, as of right in the areas where this qualifying matter, if it's approved, applies.

[00:56:26.430] - Phil Reid

Thank you, Chris. Next question, which is what protection will you provide to your ratepayers to ensure that when developers want to buy our land for their huge buildings, that they'll pay a fair market value? So just a reminder of the way in which planning legislation and the unitary plan intersects with land valuations.

So the land valuation exercise will always go ahead as scheduled. There will always be situations of where value changes as a result of the degree of opportunity which the district plan or unitary plan in our situation provides. So the opportunity, of course, to debate the extent to which there are constraints on land or enablement on land through these processes. So coming out of the end of this process, we'll be getting recommendations from an independent hearing panel and then decisions that are made by Council. And once those provisions go into the unitary plan and beyond challenge, then they'll be picked up through the evaluation phase for land valuation. And so, yes, there will be some instances of where values change up or down as a result of this process. The answer to the tree question differs from the information sheet re qualifying matters, which excludes scheduled trees from being a qualified matter.

[00:57:57.930] - Phil Reid

That's an interesting pick up there. My understanding was that we have got notable trees identified as a qualifying matter. Alina, can you confirm that for me?

[00:58:09.810] - Alina Wimmer

Yes. Notable trees are a qualifying matter. And I think that's also consistent with what we took up to the planning committee in July of last year was quite an extensive list of items that Council considered to be QMS.

[00:58:28.870] - Eryn Shields

Check that and in the morning, check the information sheet to make sure that that's correct.

[00:58:37.870] - Phil Reid

Now, scrolling down on the chat, I seem to have reached the end of the question. So to all of those out there who do have any questions, please send them through and you'll get it answered straight away.

[00:58:55.850] - Eryn Shields

Phil, you're looking and chat. Do you want to just look in question and answer?

[00:59:11.850] - Phil Reid

We've quite a few here, haven't we? Okay, we've got a Milford Beach question here. Are you doing site by site assessment for coastal erosion? Will the properties along the Milford Beach with very solid sea walls be considered in the coastal erosion zone? Is it possible to change after the assessment? Now the information that we've got from a coastal erosion perspective came through from some work which was done by Tonkin and Taylor probably about a year ago, which has mapped coastal erosion as projected to occur at 2050 and 100 year time frame, and those were assessed for coastal geomorphic processes for beaches and separately for the areas between beaches for cliff line areas, taking into account the type of

strata rock that was there. So my understanding is that for a place like Milford Beach, the beach is considered as a whole rather than on a site by site basis. So to that person who sent that question through, I'd invite you to put in site specific information. Next question. Hoon Bay is an area that has a combined stormwater and sewage infrastructure and his regular raw sewage discharge to the coast. Will this be considered as a qualifying matter and intensification restricted until this infrastructure is able to be upgraded?

[01:01:03.110] - Phil Reid

Presently it is not possible to increase any coverage or impermeable area in the locality as the sewage stormwater pipes will not be able to handle it, but the MDRs rules will enable additional coverage and permitted activity. Chris, would you like to have a go at that one?

[01:01:21.750] - Chris Allen

Thanks Phil. The short answer is yes if infrastructure is approved as a qualifying measure. Our current thinking is that the combined areas will have the overlay that allows that qualifying matter to apply.

[01:01:42.550] - Phil Reid

And another one on the governance theme. With regard to covenants, residents have already expended significant effort and expense to retain covenants, including Bilegal means the proposed changes will likely embolden developers with significant financial resources against residents as the Council able to modify the six storey catchment and MDRs areas to align with covenants. So presumably here you're talking of emboldened developers seeking civilly to challenge the existence of existing covenants that are in place under the Property Law Act. So I suppose, firstly, that does remain a civil matter between property owners challenging covenants unless Council as a stakeholder to those covenants, we don't become involved. And again, to reiterate, we have not been identifying private covenants as a qualifying matter. Those private covenants have been placed in different parts of the region at different times for different levels of both restriction and enablement. So there isn't necessarily an association of private covenants to those qualifying matters that aren't set out in the list. So now at this point in time we do not have them listed. But again, if you feel that that is the wrong policy position for Council to be taking and do come forward with that feedback and give us examples.

[01:03:20.750] - Phil Reid

Questions on Precincts are all precincts going to be treated as part of the qualifying matters? At the moment? The GIS shows them as areas of investigation. That question just disappeared as I read it out.

[01:03:36.290] - Eryn Shields

Yeah, Phil, I'll answer that anyway, we have a number of precincts that are related to residential development. There are a lot of precincts that are not related to residential development and cover all

manner of other activities across the Auckland urban area. So where a precinct does have some aspect of residential development and provisions that apply, we are still working on them and they number in the dozens. And so it is a big piece of work for our staff to undertake. So given the time frames for this particular consultation period, we have identified them as under investigation and that is intended to signal that they may change and when we get through the analysis of them and how they apply to residential development. For those of you who are not sure what I'm talking about, the unitary plan has zones which are the base layer, and where there is a particular activity, they can sit on top and they are managed by what is called a precinct. Thanks, Phil.

[01:04:50.610] - Phil Reid

Thanks, Eryn. I've got a couple here. Which infrastructure related ones? So the first is in terms of infrastructure. If a proposal is in an area with efficient infrastructure and it only needs to show that it does not have more than a minor effect, and in brackets, I'm not sure if that is on the infrastructure capacity or the receiving environment. How will this be taken into account for these cumulative effects, with each new development only having incremental effects? Chris, would you like to have a crack at that one? Sure.

[01:05:27.460] - Chris Allen

Thanks, Phil. We're not sure. Actually, the cumulative effects are quite a difficult thing to assess. We are trying to work through that in terms of how it might be managed, and at this point we have some ideas, but we don't have any conclusive answers on that one, unfortunately. I'm sorry.

[01:05:47.410] - Phil Reid

And I'll stay with you here for a flooding question. Chris. So both the coastal erosion and the flooding is considered as a natural hazard, less than significant in today's Slideshow. Okay, we'll take note of that. Why the flooding zone along the Nile Road area in Milford all zoned for mixed housing. Even the erosion zone along Milford Beach is zoned for two storey single dwelling residential areas. Why is it so inconsistent here? So Chris, this is about which qualifying matters we've brought through at this stage.

[01:06:23.110] - Chris Allen

That is also a good question. I guess we will have to go back and review those for consistency. I would suspect that we'll one of them. The flooding is probably considered more of an infrastructure discussion and the erosion one is considered more of a natural hazard, but I'm not sure the specifics of that area.

[01:06:45.590] - Phil Reid

Next question again, back to trees. Does the Council have any plan to enforce a minimum number of trees, ideally native trees, her dwelling and new developments, so I might have a crack at this one. So when the RMA change came through last year, Council took an active role in that and presented at select committee in order to try and get improvements to the media and density residential standards. And we

did put forward position in relation to landscaping and indeed the opportunity to be able to actually provide four trees to be able to grow to maturity on this potentially relatively built out properties. Now, what we've now got in the medium density residential standards are landscaping provisions which are relatively light at 20% of the developed area of the development area. And we've also got continuation of the restrictions under the RMA itself about being able to generally protect trees. So for the existing trees in urban areas, it still is a situation of unless they are a notable tree or they are part of a significant ecological area, then it is unlikely that there is protection within the unitary plan for those trees where people are coming forward within the landscaped area to plant trees in those locations, then obviously we're very supportive of that, but we don't have any other requirements to be able to require people to keep trees which aren't either part of ecological areas or notable trees.

[01:08:28.610] - Phil Reid

Next question is, will Council be looking to provide a fix for the issues being caused re notification that have come about from the High Court decision in Venton Road, which is the Wallace decision in removal, the density changes sought by the AUP generally, and now the Mpsutmdrs are being undermined by the Wallace decision which hire tests regarding notification being applied and the planned zone outcome having limited weight and decision making. Okay, so this is a question to do with the work which is going on in crafting the new zones to reflect policy three and MDRs from the panel, do we have anyone who's willing to take this one on? I can chip in if you don't.

[01:09:24.810] - Eryn Shields

Chip in Phil.

[01:09:26.060] - Phil Reid

Okay. I think the first thought that comes to mind is the restriction that we've got on the legislation around having a provision which is on the same matter. So we do have some notification clauses which are in the act and obviously we've got permitted development rights as well from MDRs in shifting the zones that we've got at the moment, such as terrace housing, apartment building zone and mixed housing urban zone, to dispatch with the consideration of the existing character is something which is certainly known about because we do have, within the purpose of the MPSU D itself, a focus on giving effect to the plan enabled immunity. All I can really say is those staff that are involved in red drafting those zones understand this decision that's come through from the courts, but also have to match it back against the construct of both the act and the NPS Ud. We didn't do a great job of answering that one. I'm sorry, but if you do have a follow up on that, please do send it through. We've got one further one. Qualifying matters of character appear to rely on subjective judgment and physical planning.

[01:11:00.050] - Phil Reid

It doesn't incorporate an understanding of the social and cultural character of a residential neighborhood. St. Mary's Bay until now had an historical heritage bracket character overlay. Surely we need to maintain a sense of history and place in these parts of Auckland. So do I have a taker on that one?

[01:11:25.370] - Eryn Shields

Yes, I'll answer that for you. And our assessments that we've undertaken through our Heritage team are not subjective. Rather, they have applied a set of assessment criteria and a system of scoring all of the houses that are part of the special character area. And so there is an element of rigor in their assessments and so that is available and the methodology is on the have your Say website. One of the key aspects of that is that the Heritage team are alive to the issues of social and cultural character of neighborhoods. That is, when you read the schedules and the Unitary Plan for each special character area, a lot of what that area is described as based on the social and cultural character of that particular area. The policy direction set by the planning committee clearly indicate that we are seeking to maintain a sense of history in place in these parts of Auckland. Thanks.

[01:12:44.650] - Phil Reid

Now there are no further questions that come through in the Q and A. I'd like to invite everybody to continue to send them through and we'll capture those and be able to come back to you directly on those over the next few days. But I'd like to be able to provide an opportunity to draw and our counselors have been listening through the questions and provide us some reflections on what we've heard tonight.

[01:13:27.830] - Cr Christine Fletcher

I'm not sure about my connection coming through loud, Christine. Yes, and I apologize that I've had really poor connectivity this evening. So my camera has been off most of the evening. But in reading, as the questions have come through, there have been in some of them a note of frustration, a tone of frustration. And I want to just say from my own perspective, I do want to acknowledge the work that the staff are undertaking here this evening. Most people may not be aware that we under the Unitary Plan, have 30 years supply. There are 900,000 sites and right now Auckland is not experiencing the degree of population growth that we did previously. However, this is a national policy statement and from my perspective, I've watched the officers do their very best in all of the work that they've prepared for us to try and preserve the integrity while complying with government's requirements to preserve the integrity of the Unitary Plan. I think there are a lot of us frustrated by this process, but Nevertheless, I want to acknowledge the work that officers are doing and give some measure of comfort to those who have voiced their frustration this evening that everybody is trying to work through this as constructively as they can, but we can't just put up the roadblock and say we don't want any of it.

[01:15:08.670] - Cr Christine Fletcher

We are having to accept that changes are coming our way, but we are doing our best to try and see the growth taking place to accommodate, especially along the transport, orientated the transit corridors and so forth, but in such a way that the history of our city can be preserved and tell the stories of Auckland. So it's really just a comment. It's not a question, but thank you to the staff for the evenings that they've given up, and I really encourage everyone to put into writing. This is our chance to really get that feedback. So thanks for all of those who've been online.

[01:15:58.830] - Phil Reid

Open the floor to any other councilors wish to provide any concluding comments.

[01:16:08.530] - Cr Bartley

Jump in. Just to acknowledge the team for tonight's session. What's most important to this whole process is getting the right information out there. And so sessions like this are really valuable because there's a lot of scare mongering and misinformation out there. So it's very good to have this session. Thank you, everybody. And also for people to submit their feedback, which will be helpful and also letting people know that all counselors are open to listening to all the feedback.

[01:16:58.730] - Phil Reid

I suppose one other thing that it is important to do is this preliminary response phase is designed to help raise awareness. And when we get to August and we notify the actual plan change, hopefully there is benefit in this for everybody's submissions to be on point. So you've heard today that there are a number of matters within the way in which the NPS Ud has been drafted and the changes to the RMA that are very determinative matters, that there is very little wriggle room to be able to change the outcomes that are set. You've also heard today what are those matters where there is discretion available to Council in terms of what our policy setting is and the extent to which there are either further enablements or mostly what we've been talking about tonight, further tempering or restriction of policy through NDRs outcomes. So as officers, we will continue to be able to support you as much as we can as we lead into that notification of the plan change so that your submissions can be as on point as possible. So that when we get into the formal phase in front of an independent hearing panel, everybody can be as clear with the panel and present evidence, which is relevant evidence.

[01:18:21.330] - Phil Reid

So just to round things off, just a reminder of the akhaveyoursay.nz/housing website go through that. There's a lot of material in there that will hopefully be able to clarify any other questions that you might have do continue to put your feedback in. We've heard from a lot of people over the last few weeks and there have been a lot of things that have been said which we will truly reflect on and truly be able to actually take into account as we continue to actually do further drafting and changes to the maps and a lot of site specific information which is valid information, which we will be able to utilize and change the

maps. So this really is a preliminary response ahead of a draft plan change that we go through ahead of the main notification in August. So I'd like to thank everybody for setting aside your own time to be able to learn more about Mpsod and the changes changes to the RMA as we move through to August. So a big thank you to everybody and enjoy your evenings. Thank you.