

Submission to the Environment Select Committee

Resource Management
(Enabling Housing Supply
and Other Matters
Amendment) Bill

16 November 2021



Mihimihi

Ka mihi ake ai ki ngā maunga here kōrero,
ki ngā pari whakarongo tai,
ki ngā awa tuku kiri o ōna manawhenua,
ōna mana ā-iwi taketake mai, tauiwi atu.
Tāmaki – makau a te rau, murau a te tini,
wenerau a te mano.
Kāhore tō rite i te ao.

*I greet the mountains, repository of all that
has been said of this place,
there I greet the cliffs that have heard the
ebb and flow of the tides of time,
and the rivers that cleansed the forebears of
all who came those born of this land
and the newcomers among us all.
Auckland – beloved of hundreds, famed
among the multitude, envy of thousands.
You are unique in the world.*

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1.0 Introduction

- 1.1 Auckland Council thanks the Environment Select Committee for the opportunity to provide feedback to its inquiry on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (the Bill). The council's submission is approved by the Mayor, Chair and Deputy Chair of the council's Planning Committee, and a member of the Independent Māori Statutory Board, acting under delegation on behalf of the Governing Body. The council's local boards have provided input into the submission and the formal feedback of 15 local boards is appended. The Council Controlled Organisations (CCOs) Auckland Transport, Watercare Services Limited (Watercare) and Eke Panuku have assisted with developing the submission.
- 1.2 While welcoming the opportunity to provide a submission on the Bill, this has been very challenging due to the compressed timeframe for submissions and the Covid lock-down in Auckland/Tāmaki Makaurau. These factors have prevented the council from engaging more widely with its stakeholders and iwi Māori and preparing a more detailed analysis of the assumptions underpinning the Bill. The council acknowledges the 19 iwi authorities of Auckland/Tāmaki Makaurau and the rights and responsibilities of the government to uphold its obligations to its Treaty/Tiriti Partners.
- 1.3 The council notes that the government is undertaking a substantial programme of reform across many interconnected systems. This includes the Resource Management System, Three Waters, the Future for Local Government, climate change response, such as emissions reduction measures including those for transport, and an ambitious programme of national direction including the National Policy Statements for Urban Development, Freshwater Management, Highly Productive Land and Indigenous Biodiversity.
- 1.4 The council is actively engaged across these reforms and has a general concern that there is insufficient coordination and alignment across the reform areas. In the context of the Bill, the council notes that a key aspect of the Resource Management System Reform is improving integration between infrastructure planning, funding and delivery, and land use management. As explained in this submission, the council believes the Bill in its current form works against this outcome.

2.0 Executive summary

- 2.1 We acknowledge and support the intent of this Bill, which is the need to boost housing supply and improve housing affordability. In 2020 Auckland Council also welcomed the National Policy Statement on Urban Development (NPS UD), which preceded this Bill.
- 2.2 However, the council believes that the Bill as drafted will not achieve the critical objectives it sets for itself and will also have unintended consequences, which will damage the liveability of the city for current and future Aucklanders.

- 2.3 The submission timeframes for the Bill have made it impossible for the council to genuinely engage with iwi and mataa waaka and we have not had the time to consider any specific impacts of the Bill on Māori. We have concerns around this lack of involvement of Māori in the Bill and question how the proposed methods will achieve greater equity or prosperity for Māori. We note that the retention of qualifying matters in the Bill will assist council and Māori in protecting areas of natural, cultural and spiritual significance. However, there may be areas of significance for Māori that will be adversely affected by this Bill.
- 2.4 This submission sets out to provide constructive alternatives, which we believe would achieve the intentions of Government and Parliament in a better way and support the significant intensification that Auckland has enabled since 2016.

Auckland's quality, compact approach

- 2.5 We support intensification within the framework of a quality compact city – that is the basis for Auckland Plan 2050 and the Auckland Unitary Plan (AUP).
- 2.6 The Medium Density Residential Standards (MDRS) are directly contrary to the quality compact city approach that underpins the Auckland Plan and AUP. This approach enables higher densities in and around the city centre and metro centres, then along rapid transit routes and town centres, with density reducing down as locations move further away from these nodes of employment and services. This approach provides different housing typologies and enables more efficient use of infrastructure. The broad-brush approach of the MDRS will see intensification dispersed across the urban area. This will set expectations of infrastructure provision which are unrealistic and unaffordable.
- 2.7 The AUP, operative in November 2016, has had a number of significant benefits for Aucklanders. It already enables over 900,000 dwellings to be built in residential areas alone, with an estimated market feasible capacity of around 650,000.¹ One of the aims of the AUP is to create a higher quality and compact Auckland where our communities can thrive and easily access work, study, and life's opportunities all within the context of the new future characterised by environmental and climate challenges and growing social inequity.
- 2.8 Under the capacity already enabled by the AUP, housing is being delivered at record levels, at higher densities in Auckland/Tāmaki Makaurau, and in the areas that follow our quality compact approach. The figures show:
- nearly 20,000 building consents now being issued, an all-time historic record, which is seeing more building consents issued in the current year than 2009, 2010, 2011, and 2012 combined.
 - 62 % of all new building consents are for multi-unit complexes, such as apartments and terraced housing.
 - Growth is following the quality compact approach and that specifically most growth is taking place in the existing urban area (82% of consented dwellings)

¹ [Housing assessment for the Auckland region. National Policy Statement on Urban Development 2020 - Knowledge Auckland](#)

- 2.9 Overwhelmingly, the challenge for Auckland Council and all growth councils is shortage of funding to provide all the infrastructure needed to create the places that our communities deserve. The Government, to its credit, has recognised this need with the establishment of its Housing Acceleration Fund and the New Zealand Upgrade Programme. However, much more needs to be done to remove this constraint from housing development. We are committed to pursuing a quality compact city approach and we do not support this Bill's departure from that approach.
- 2.10 There are three key areas which the council believes must be amended in this Bill.

Key area 1: MDRS and the minimum design standards

- 2.11 Intensification done well produces great results, decent houses to live in, successful neighbourhoods and places where people want to be.
- 2.12 Good quality design also reassures neighbours of intensive housing developments that their neighbourhoods can be advanced by intensification without damaging the quality of their lives and reduces resistance to it.
- 2.13 Developers, such as Ockham and Fletchers are just two examples of companies that know how to do intensification well.
- 2.14 Many of those involved in development share the council's concerns that the new legislation will allow development to be done poorly and some will also be submitting on the Bill.
- 2.15 Our experience under the Auckland Unitary Plan provisions has largely been positive in the quality of intensification. However, a formal review of how it has worked has also produced examples of poor design, including developers pushing the limits on current design standards and producing developments that will not stand the test of time. We are concerned that the minimum design standards in the Bill will result in more of these poor outcomes and will have genuine adverse effects on the wellbeing of residents and neighbours.
- 2.16 There is a suggestion that the Building Act and Building Code will ensure quality built outcomes. However, matters like daylight and sunlight access, outlook and privacy are not regulated by the Building Act or Code. That is why these controls, which go to the heart of having a reasonable quality of life and a well-functioning urban environment, are included in resource management plans.
- 2.17 We wish to assist the Select Committee to develop standards that will have better outcomes for our people across the country and have asked for a working group to be established concurrently with the progress of this Bill, involving Government, Tier one councils, groups like the Property Council, Urban Auckland, The NZ Institute of Architects, and developers with a reputation for excellence. We have provided a table of draft alternative standards at Appendix 2.

Key Area 2: Where the MDRS will apply

- 2.18 The council does not support the application of MDRS to all "relevant residential zones" as the universal application of MDRS will:

- disperse growth widely across the urban area, drawing growth away from centres and higher density residential areas by enabling growth in places unsupported by infrastructure, good public and active transport, social facilities, and planned and funded bulk infrastructure (wastewater and water supply);
 - result in poor-quality built outcomes that reduce liveability for residents.
- 2.19 The environmental effects of imposing a MDRS across Auckland ignores the decades of work that have gone on with the community, with iwi and subject matter experts to understand the significant natural environments that define Auckland, reflected in a quality compact approach. For example, in Long Bay, to the north of Auckland, considerable areas of land are zoned Single House and Mixed Housing Suburban in recognition of the receiving environment of Okura, the bush-clad environment and the need to reduce sedimentation into the Long Bay-Okura Marine Reserve, an issue of concern to the Minister for the Environment.
- 2.20 We have committed to a 64% reduction in transport emissions through Te Tāruke a Tāwhiri, Auckland's Climate Plan, recognising the significant role we play in emissions reduction in New Zealand. Council is unable to reconcile this need with a consequence of applying the MDRS across Auckland which is likely to see a proliferation of density in areas not currently or forecast to be served by good public transport. We predict this will ultimately result in Aucklanders being required to make more frequent and longer vehicle trips resulting in more carbon emissions, as they spent more time commuting. We have not seen evidence of a climate impact statement to allay these concerns and the consequential impacts on all New Zealanders.
- 2.21 The council is very concerned about the imposition of infrastructure debt for current and future Aucklanders given the Bill's impact on infrastructure resourcing has been underestimated, and the provisions of the Bill become operative at notification. A well-functioning urban environment is more than housing supply – it requires critical infrastructure (such as roading and water networks) as well as necessary social infrastructure (such as swimming pools and libraries). All of the current tools available to the council (development contributions, rates, targeted rates, infrastructure growth charges and the Infrastructure Funding and Finance Act 2020) have limitations. As a consequence, the council has been severely challenged to keep pace with growth. The Bill will exacerbate these challenges by reducing the ability to align development with infrastructure. The council is particularly interested in financing mechanisms other than financial contributions to enable greater investment.

Key Area 3: Streamlining the intensification policies in the

NPS UD

- 2.22 The council supports in principle streamlining the process for giving effect to the intensification policies in the NPS UD. However, it believes the process outlined in the Bill should be amended to enable matters that are rejected by a council after a hearing before an independent panel, to be heard in the Environment Court (if challenged), rather than determined by the Minister for the Environment. The Environment Court has the relevant expertise and processes available to make an appropriate determination on matters such as this.

3.0 Tāmaki Makaurau context

- 3.1 Auckland Council is a unitary authority, which is different to all other Tier 1 councils. It is the largest council in New Zealand in terms of population and it is also the most diverse. The Auckland region covers a wide range of land uses from dense urban to rural productive, includes areas with important conservation and recreation values, and encompasses a large coastal marine area.
- 3.2 Auckland is currently the only council in New Zealand that is required to develop a spatial plan to support coherent and co-ordinated decision-making and provide a basis for aligning the council's regulatory plans, infrastructure plans and funding programmes. The council's first spatial plan was adopted in 2012 ("The Auckland Plan 2012"), with a revised version adopted in 2018 ("The Auckland Plan 2050").
- 3.3 The Auckland Plan 2050 identifies that to achieve the Auckland/Tāmaki Makaurau Aucklanders' want, we must address the three most important challenges of high population growth, ensuring prosperity is shared amongst all Aucklanders, and arresting and reversing environmental degradation.
- 3.4 Auckland Council provides a range of services and programmes to the region and has four substantive Council Controlled Organisations (CCOs):
- Auckland Transport manages and controls the physical systems, networks, corridors, structures and facilities that enable the provision of transport-related infrastructure services and the movement of people, goods and services on land, water and air.
 - Eke Panuku works with Auckland Council, other CCOs and local boards towards implementing the Auckland Plan and encouraging urban regeneration.
 - Watercare provides reliable water and wastewater services to the people and businesses of Auckland.
 - Auckland Unlimited was formed from a merger of Regional Facilities Auckland and Auckland Tourism, Events and Economic Development. Auckland Unlimited enriches life in the city and promotes economic growth.
- 3.5 The council is unique in having an Independent Māori Statutory Board (the Board) to assist it in making decisions, performing functions and exercising powers. The Schedule of Issues of Significance and The Māori Plan for Tāmaki Makaurau provide a framework for these to be considered. The Board also undertakes Te Tiriti o Waitangi audits to assess whether the council acts in accordance with its statutory responsibilities.
- 3.6 More than 1.7 million people live in Auckland/Tāmaki Makaurau already. The rate and speed of Auckland's population growth puts pressure on our communities, our environment, and our housing and infrastructure networks. It also means increasing demand for space, infrastructure and services necessary to support this level of growth.
- 3.7 Many Aucklanders are prosperous and have high living standards, yet there are significant levels of socio-economic deprivation, often in distinct geographic areas. Key drivers of this include unequal access to education and employment opportunities, along with high, and often unaffordable, housing costs. Worsening affordability affects entire generations, which leads to the exclusion of a large number of households from the economic performance of the city. This may ultimately result not only in Auckland/Tāmaki Makaurau losing competitiveness but in many other social conflicts.

- 3.8 Much of Auckland's identity and appeal is based on the natural environment, but this is vulnerable to degradation from the impacts of human activities. Despite regulation and considerable effort, Auckland's environment continues to be affected by past decisions, Auckland's rapid growth and development, as well as emerging threats such as climate change.
- 3.9 In June 2019, the council formally declared a climate emergency, recognising the importance and urgency required to address climate change for the benefit of current and future generations. As a C40 Innovator City and signatory to the New Zealand Climate Leaders Coalition, the council is also committed to doing its part in meeting the Paris Agreement ambitions of keeping global temperature rise to well below 2°C while pursuing efforts to limit the increase to 1.5°C.

4.0 Key submission points

Strategic planning implications

- 4.1 One of the council’s responsibilities under both the Local Government Auckland Council Act (LGACA) and the National Policy Statement on Urban Development is to provide strategic planning over the 30-year horizon. The Auckland Plan addresses three key challenges: population growth and its implications, sharing prosperity amongst all Aucklanders, and reducing environmental degradation. As part of meeting its requirements for the NPS UD, the council must review its Future Development Strategy (included in the Auckland Plan) in time to inform its 2024-2034 Long-term Plan (LTP).
- 4.2 Integrating infrastructure with development through intensification primarily around transport nodes is crucial. By effectively up-zoning large parts of Auckland’s urban area through the proposed wide-spread spatial application of the MDRS, the Bill risks foreclosing long-term options the council might have in its strategic spatial planning to focus and encourage growth in and around transport nodes. This includes supporting investment in large-scale infrastructure investment by the council and the government.
- 4.3 Auckland/Tāmaki Makaurau has robust and extensively tested zoning in the AUP, and an enabling development framework that provides a good level of certainty to infrastructure providers, developers (in terms of infrastructure planning and investment) and the public. The council’s recent Housing Capacity Assessment, prepared under the specific and very detailed terms of the NPS UD, clearly demonstrates there is sufficient capacity well into the future for housing in Auckland/Tāmaki Makaurau.
- 4.4 The Housing Capacity Assessment 2021 results have calculated ‘plan-enabled capacity’ excluding capacity for apartments in the city centre, town centres and other business areas. These areas will be included in the next assessment. Even without these business areas, the current AUP provides the following capacity for housing:

Table 1. Summary of net plan-enabled capacity of Auckland Unitary Plan residential zones

Net housing capacity summary – Auckland Unitary Plan residential zones		
Auckland Unitary Plan zone	Net capacity for infill (dwellings)	Net capacity assuming redevelopment (dwellings)
Large Lot	2,296	2,323
Mixed Housing Suburban	26,359	327,125
Mixed Housing Urban	25,281	351,726
Rural and Coastal Settlement	2,500	2,504
Single House	25,211	28,586
Terrace Housing and Apartment Building	20,002	196,915
TOTAL DWELLING CAPACITY	101,649	909,179

4.5 The evidence clearly shows that under the capacity already enabled by the AUP, housing is being delivered at record levels in Auckland/Tāmaki Makaurau, with 19,035 residential dwellings consented in over the last year². Figure 1 below shows the increase in total dwelling consents issued and typology changes over the last five years. A significant portion (62 per cent) of this continues to be in the multi-unit category (i.e. town houses, terraced housing and apartment buildings). In contrast, the rate of change in single detached houses consented remains roughly flat.

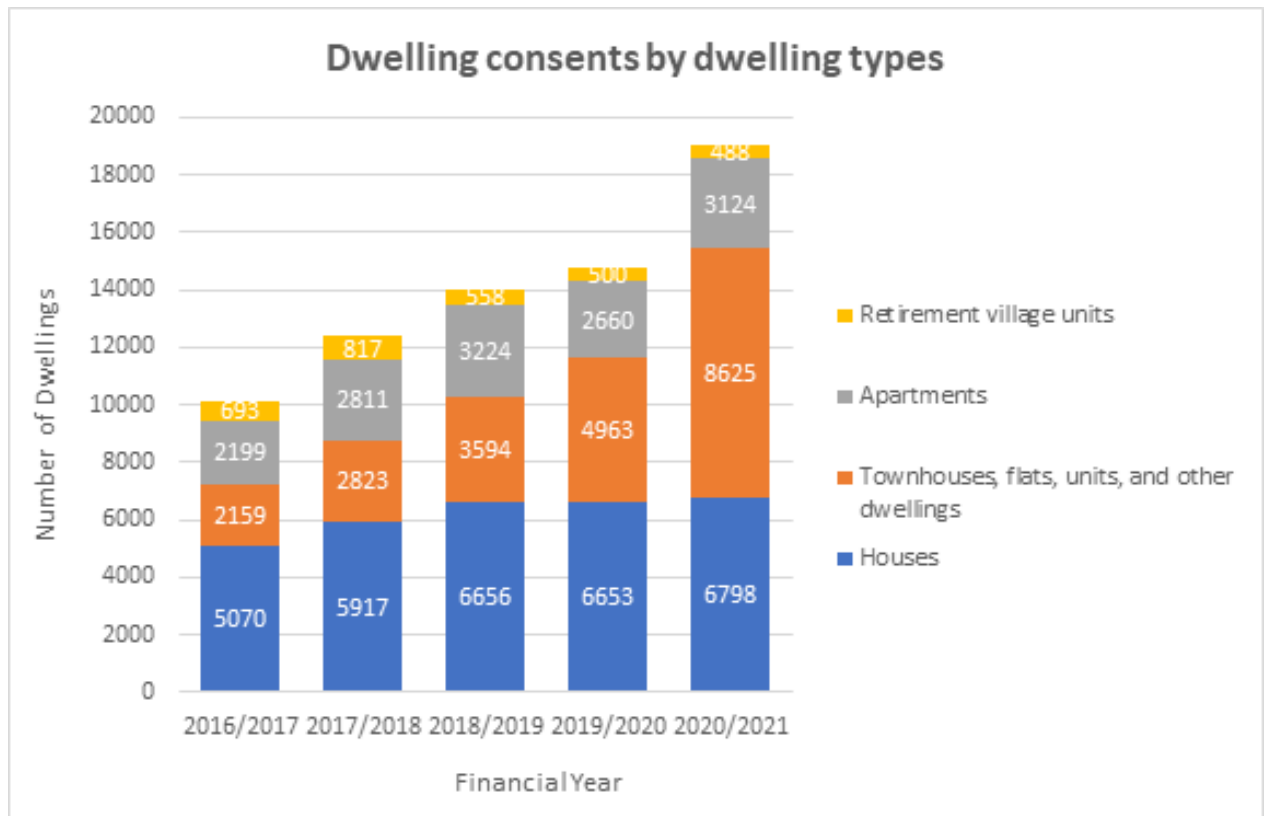


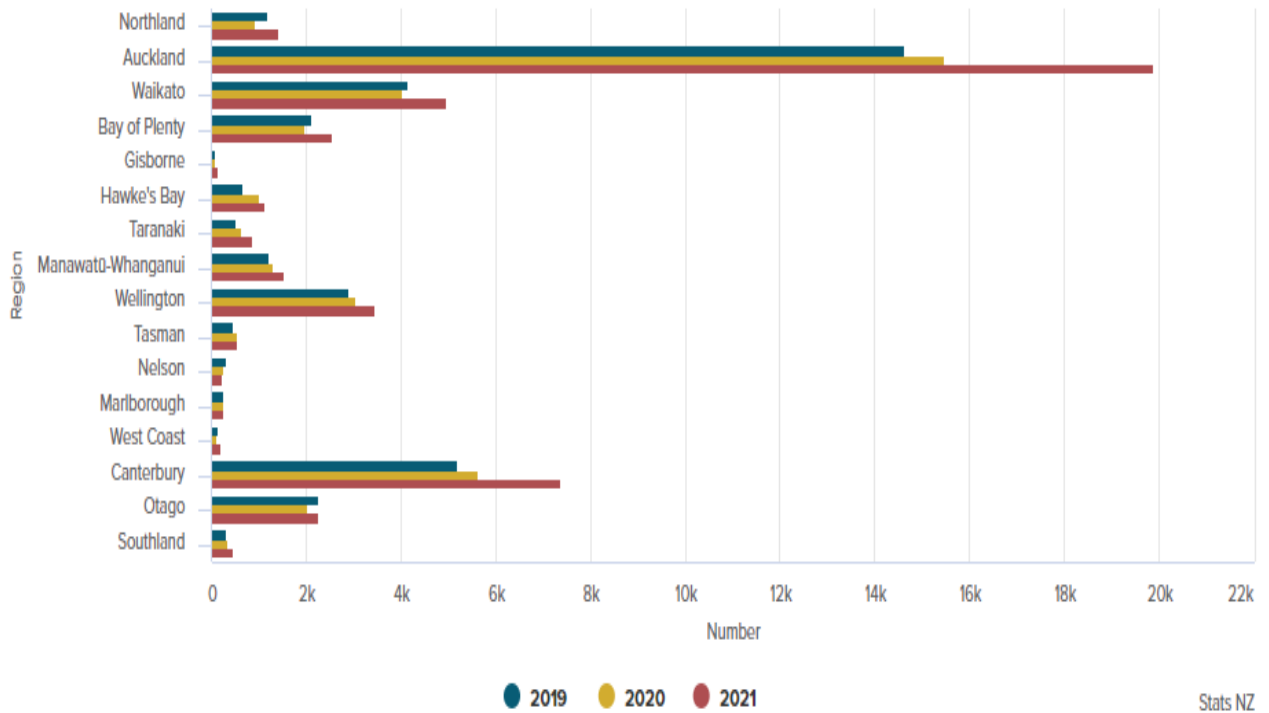
Figure 1- Dwelling Consents by dwelling types

4.6. The diagram below from Statistics NZ³ shows the number of building consents (by region New Zealand-wide) issued to September 2021.

² Building consent data for the year 1 July 2020-30 June 2021

³ <https://www.stats.govt.nz/topics/housing>

New dwellings consented, by region, year ended September 2019–2021



4.6 The numbers of new dwellings consented in the year ended June 2021 (compared with June 2020) were: 19,035 in Auckland – a rise of 29 per cent. There was a total of 7,676 in the rest of the North Island showing an increase of 29 per cent and 3,463 in Wellington with an increase of 13 per cent from last year.

Land use and transport integration

4.7 Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan commits to halve regional emissions by 2030, with a 64 per cent reduction in transport emissions. Road transport is the biggest contributor to Auckland’s transport emissions (38.5% in 2018) with emissions having increased by 86 per cent between 1990 and 2018. The council’s Transport Emissions Reduction Programme is central to making progress on Auckland’s targets. Developing responses that improve land use and transport integration is one of the issues that needs to be addressed to achieve emissions reductions. This means ensuring that housing intensification occurs in places that are, or will be well-served by public transport, as opposed to dispersed throughout the urban area. This is accepted as best-practice internationally.

4.8 The council’s land use planning outcomes in the Auckland Plan and AUP are closely linked to its transport strategy and delivery outcomes. The key investments planned by the council and Auckland Transport are focussed on a quality compact city with high density enabled around CRL investment (City Rail Link, Karangahape Road and Mount Eden Stations), metropolitan and town centres. These locations are served by rapid transport networks (RTN) or frequent transport networks (FTN).

4.9 The Joint Work Programme agreed between the council and the government focuses growth and investment in the following Spatial Priority Areas: City Centre (City Rail Link, Karangahape Road

and Mount Eden Stations), the Auckland Housing Programme suburbs (Mount Roskill, Tāmaki, Ōranga, Māngere and Northcote), Redhills/Northwest, Manukau Regeneration Area and Drury. These areas have been prioritised for intensification/development to enable Auckland/Tāmaki Makaurau to grow predominantly ‘up’ and to a lesser degree ‘out’. Many of these places also have planned investment for re-development projects led by Eke Panuku. Related public transport investment in the Auckland Transport Alignment Programme (ATAP) and the Regional Land Transport Plan (RLTP) aims to secure quality public transport from ‘day one’ to encourage a mode shift from private motor vehicles to buses, trains and possibly light rail.

- 4.10 Contrary to the assumptions in the Regulatory Impact Statement and cost benefit analysis released with the Bill, the wide-spread spatial application of the proposed MDRS will encourage a dispersed growth pattern in locations that are currently not well-served by public transport, and in some cases, will never be. The provision of public transport is expensive for local and central government to build and operate. This means that resources need to be allocated carefully in locations where they will have maximum impact. Planned levels of service and the extent of the network must achieve ‘best bang for buck’ for the community. If a dispersed growth pattern emerges across urban Auckland, it will be difficult to incentivise housing and employment growth in Spatial Priority Areas. This could lead to more congestion on roads, under-utilised public transport assets in larger centres and an increase in carbon emissions from private motor vehicles.
- 4.11 The council’s Future Development Strategy was informed by the Spatial Priority Areas agreed by the council and the government. The Spatial Priority Areas have infrastructure funding set aside in the LTP, RLTP and ATAP. Kāinga Ora has leveraged from that investment by planning to treble housing stock in those locations.
- 4.12 For these reasons, the council supports intensification in and around the city centre, metro centres, other centres and the Rapid Transit Network (as promoted in the NPS UD) and in agreed Spatial Priority Areas, over the wide-spread intensification proposed in the Bill.
- 4.13 Transport network changes typically have at least a two-year lead-in period. Business case approval processes and funding from both the council and Waka Kotahi are linked to ten-year funding cycles in the LTP, RLTP and Regional Public Transport Plan. This means that Auckland Transport must both plan ahead and be responsive to where growth is occurring on the ground, build stations, vary contracts for service and manage its fleet. Where the council and the government signal growth and related infrastructure investment, developers can leverage from that investment. This encourages quality growth outcomes in the right locations.
- 4.14 If growth occurs in widely dispersed locations, it will not be possible to service them. A dispersed medium density housing zone of the sort enabled by the proposed MDRS will leave some communities with sub-optimal access to employment, education, parks and community facilities. The council believes that sub-optimal access between these features of successful communities and housing will work against the achievement of a well-functioning urban environment. A well-functioning urban environment is much more than housing supply.
- 4.15 The Bill also creates the potential for significant traffic safety issues to arise. Many of the locations that would be subject to greater residential growth have historic road and subdivision layouts that do not achieve the expected standard of safety in a modern higher density neighbourhood.

Residential growth will result in more vehicles and more pedestrians, which will exacerbate road safety issues. Investment in road safety will be required to achieve the expected level of road safety and connectivity.

- 4.16 In summary, the council is strongly of the view that the Bill needs to be amended to ensure a far more considered relationship between housing and transport infrastructure.

Water infrastructure

- 4.17 Watercare owns and operates \$8.4 billion worth of water and wastewater assets. Watercare publishes its Asset Management Plan (AMP) annually which describes what capital expenditure upgrades it will deliver. The AMP is based on information from the council's growth model which projects where housing and business growth will occur, together with information that Watercare has gathered from the development sector and maintenance upgrades to its network. The 2021-2041 AMP describes how Watercare plans to spend \$18.5 billion over the next 20 years to maintain and develop a resilient water and wastewater network.
- 4.18 Auckland's population is expected to grow by almost half a million people over the next 20 years. A combination of population growth and industry, particularly food and beverage manufacturing, require secure supply of water to support the wider economy. Upgrades are expensive to deliver and network planning over a 20-year horizon is required.
- 4.19 Watercare's resource consent application to increase the amount of water drawn from the Waikato River is currently before a board of inquiry. If Watercare's consent is successful, the new treatment plant near Tūakau will be expanded to treat up to 150 million litres a day. That investment will significantly add to potable water capacity and increase resilience.
- 4.20 Major investment is also planned for wastewater infrastructure at Rosedale and Māngere which are being expanded and upgraded. This work will improve plant performance while reducing carbon emissions and waste.
- 4.21 Water and wastewater capacity relies on a physical network that cannot rapidly be expanded to cope with unplanned growth. The wide application of MDRS as proposed in the Bill is likely to exacerbate known capacity issues in the network and result in upgrades being re-prioritised. Expansion of the network must be funded from a combination of water and wastewater charges, borrowing within council funding constraints and infrastructure growth charges.
- 4.22 The wide-spread application of MDRS undermines planned additional water network capacity in Auckland's key growth areas, as capacity for housing will be enabled in a much more expansive way. This will create uncertainty for the development community, as connections to water and wastewater will not be guaranteed despite development being permitted by MDRS.
- 4.23 A consequence of the Bill is that Watercare will need to cater for potential development in areas of a scale that is not currently part of its investment planning, and potentially in areas that are already at capacity (in terms of existing infrastructure servicing) because of historical or environmental factors. This will have a significant impact on the ability of Watercare to plan for, and cater to, the infrastructure needs of Auckland/Tāmaki Makaurau.

- 4.24 A further concern is that the MDRS growth signalled in the Bill for rural and coastal settlements such as Patumahoe, Kawakawa Bay, Clarks Beach and Omaha may quickly out-strip what can realistically be provided. The Bill should remove provisions that encourage growth in remote settlements because they are difficult to service and maintain.
- 4.25 While the council does not support the mandatory application of the MDRS within all relevant residential zones, or its widespread application across the urban area, should the Environment Select Committee support some form of mandatory requirement for the MDRS, the council encourages it to investigate the incorporation of an additional standard relating to the ability to connect to water infrastructure with adequate capacity. This would incentivise developers to engage with water infrastructure providers at the outset, which is important to avoid infrastructure capacity issues arising. If there were a clear infrastructure capacity issue, it would require a consenting process, which would be an appropriate response in that situation.

Infrastructure funding and financing

- 4.26 The council has been advocating for new infrastructure funding and financing mechanisms for some time and is very concerned that the Bill's impact on infrastructure resourcing has been underestimated. All of the current tools available to the council (development contributions, financial contributions, rates, targeted rates, infrastructure growth charges and the Infrastructure Funding and Finance Act 2020) have limitations. As a result, the council has been severely challenged to keep pace with growth. The Bill will exacerbate these challenges by reducing the ability to align development with infrastructure.
- 4.27 The ability to forecast growth and its location is critical. Economic and population growth drives the need for new capital expenditure to meet that growth because they are the basis for forecasting future revenue (rates and growth charges), finance costs (debt and debt servicing), and capital expenditure required to meet the additional demand and asset renewals. The council has a modelling tool that is used by all parts of the business to inform asset management plans and financial policies. Asset management plans are essential to outline what agreed levels of service will be delivered for three-waters, transport, parks and community facilities and also reflect assumptions on growth.
- 4.28 In preparing financial strategies for the Long-term Plan, the council must factor in expected population changes, land use in the region and the capital and operating costs of providing services. Land use planning and financial policies must be aligned to get development contributions set at the right level. The Bill currently requires the council to enable a more dispersed growth pattern across the urban area, an approach that makes sound financial planning very difficult.
- 4.29 The council anticipates the Bill will facilitate growth in areas that are not adequately serviced by infrastructure, nor planned to receive infrastructure improvements. New or different services may be required. This could have a significant impact on the planned, consulted on and agreed investment programmes of the council family and government agencies.
- 4.30 The council anticipates an unknown degree of project reprioritisation will be required and this will need to pass through local democratic decision-making processes. The rapid implementation of the Bill, however, would begin to unlock demand for infrastructure services from the end of 2022.

Depending on the speed and scale of development, infrastructure pressures may arise before council funding and investment processes can respond.

- 4.31 Community facilities, water and wastewater networks and transport infrastructure typically take a long time to plan and build. If the council does not have the funds to pay for this infrastructure up-front, then it will borrow to initially pay for the asset. This means the council incurs the associated debt-servicing costs (interest). This debt-servicing charge will need to be financed. The council is nearing its debt ceiling and cannot afford to finance uncertain dispersed growth.
- 4.32 It is critical to carefully consider the connection between well-functioning urban environments with infrastructure provision and how that infrastructure will be financed. The Bill does not bridge the gap between enabling a more dispersed growth pattern across urban Auckland/Tāmaki Makaurau and ensuring that the critical infrastructure (such as roading and water networks) will be provided, as well as necessary social infrastructure (such as swimming pools and libraries). A well-functioning urban environment is more than housing supply.
- 4.33 The council would have expected to see more analysis of the infrastructure costs of the Bill and options for local authorities to fund and finance this infrastructure. Noting the council's debt limitations and standing investment programme commitments, significant government support is required, both in near-term resourcing and in longer-term funding and financing options.
- 4.34 The Bill creates the option of infrastructure being funded through financial contributions. The council supports this high-level acknowledgement of the financial impact of the Bill, and supports the allocation of the costs of development to beneficiaries. However, while financial contributions may be a useful tool to address the direct (and therefore more local impact of development) they are less suited to funding infrastructure to manage wider cumulative impacts, and they are not a financing tool.
- 4.35 The council has previously carefully considered whether to use financial contributions or development contributions to fund the share of the costs of infrastructure that was caused by or benefitted from growth. It decided to use development contributions. These are imposed on applicants/developers when building consents are approved. Development contributions are fixed levies, no evaluation is required at the time they are charged (the evaluation occurs as part of the Local Government Act process when development contribution policies are developed and consulted upon).
- 4.36 Financial contributions are not fixed levies; can be challenged; and their use on permitted activities would potentially generate additional resource consent applications for a reduced financial contribution – contrary to the purpose of the Bill both from certainty and regulatory perspectives.
- 4.37 A standard could be written in the AUP imposing a financial contribution on a permitted activity (e.g. the construction of up to three dwellings on a site as permitted by the proposed MDRS). However, the Environment Court has consistently rejected the maximum permissible amount being automatically applied. An evaluation is required and this is not possible on a building consent application.
- 4.38 Financial contributions, like development contributions, are funding tools. They allow councils to recoup some costs of its investment in infrastructure from those who generate effects, cause the need for or benefit from new infrastructure. The council encourages the government to develop other financing tools to support councils investing in infrastructure.

- 4.39 In summary, the proposed clarification in the Bill in regards to financial contributions does not resolve the fundamental concerns the council has with the proposed wide-spread spatial application of MDRS across the urban area and the associated funding and financing implications.

Environmental and cultural impacts

- 4.40 Another key reason why the council does not enable three-storey medium density housing across the urban area already is to protect locations that have particular environmental or cultural values that justify a lower height or density. Examples include the slopes and land immediately surrounding a number of Auckland's volcanic cones/maunga, and areas with urban streams and vegetation that would be compromised by housing at the heights and densities envisaged by the proposed MDRS. Many of these places are also of significant cultural value to Mana Whenua.
- 4.41 By applying a more enabling approach to development across the urban area, the council believes the Bill is likely to compromise environmental and cultural values and reduce the ability of iwi Māori to actively and meaningfully participate in the resource consent decision-making process. While the AUP significantly increased the opportunity for impacts on cultural values to be assessed through the resource consent process, the council often receives feedback from Mana Whenua about the need for a greater ability to influence development outcomes. The Bill runs a high risk of taking a step in the opposite direction.
- 4.42 The environmental effects of imposing a MDRS across Auckland ignores the decades of work that have gone on with the community, with iwi and subject matter experts to understand the significant natural environments that define Auckland, reflected in a quality compact approach. In many cases zones that enable two rather than three stories and/or limit housing densities (e.g. in the Auckland context the Single House zone and Mixed Housing Suburban zone) are in place to protect and enhance the natural environment in an urban setting. For example in Long Bay, to the north of Auckland, considerable areas of land are zoned Single House and Mixed Housing Suburban in recognition of the receiving environment of Okura, the bushclad environment and the need to reduce sedimentation into the Long Bay-Okura Marine Reserve, an issue of concern to the Minister for the Environment.
- 4.43 While the Bill includes the same qualifying matters mechanism as the NPS UD, the amount of work required to carefully evaluate all of these places right across the urban area is extensive and cannot realistically be completed within the timeframes set out in the Bill and the NPS UD.

Cost benefit analysis

- 4.44 Auckland Council and the many other parties with a strong interest in the Bill have not been given sufficient time to undertake a comprehensive review of the related cost-benefit analysis report. However, a preliminary review has identified the following key issues, some of which are fundamental to its reliability for a policy intervention of this significance:

Limitations in scope and methodology

- The core method to assess likely housing outcomes is highly simplified and excludes key influences on site development potential (plan-enabled capacity, feasibility, reasonably expected to be realised). These factors directly influence feasibility and affect

owner/developer decisions. They are core requirements under the NPS UD and no reason is provided for departing from the NPS UD approach.

Consistency in applying methodology

- The methodology allows for MDRS to affect land values, but does not allow for similar effects on land values in a without-MDRS scenario. By not comparing like-with-like, it overstates the with-MDRS scenario and understates the without-MDRS scenario.

Research structure

- The cost benefit analysis claims to adjust for the effects of the NPSUD but does not show the outcomes of NPS UD and MDRS together.

Accuracy

- Increases in land values from the proposed MDRS is estimated from observed land value changes between 2014 and 2017. However, that period straddled the implementation of the AUP, when there were twin effects on land value from both re-zoning of sites and the effects of economic growth. There is no evidence of how those two effects were differentiated to show the effect of zone change alone.
- There does not appear to be any recalibration of land values to allow for a city-wide readjustment. If MDRS was applied in all relevant residential zones (as proposed in the Bill), the market will adjust land values downwards on properties already zoned Mixed Housing Urban. Since demand is unchanged, these properties will have less value premium over land within the Mixed Housing Suburban and Single House zones. It is not accurate to assume all Mixed Housing Suburban and Single House zoned land will have an increase in value without some market re-adjustment.
- Much of the proposed impact of the Bill seems based on higher population growth. However, the analysis appears to assume a major down-turn in population growth from the current trend unless the MDRS is implemented.
- The MDRS analysis does not appear to take account of the NPS UD Policy 3 intensification provisions having effect at the same time. If the MDRS impact is only a marginal addition to the Policy 3 effects, then the claimed benefits would be substantially smaller.

City template is not reliable

- The expectation of what the city 'should' look like is based on a highly simplified spatial equilibrium model (Alonso-Mills-Muth). This model has significant limitations for the type of urban analysis on which the cost benefit analysis relies.

Housing affordability

4.45 Reducing housing affordability for low and moderate-income New Zealanders is caused by many factors. One significant factor was the withdrawal of the state from providing social housing during the 1980s, including the removal of the 'House for Life Policy'^{4,5}. This policy shift initiated

⁴ Howden-Chapman, Philippa. 2015. Home Truths: Confronting New Zealand's Housing Crisis. Home Truths: Confronting New Zealand's Housing Crisis. <https://doi.org/10.7810/9780947492335>.

⁵ Joynt, Jennifer L R, and Leon Hoffman. 2021. "Navigating in and out of Aotearoa New Zealand's Intermediate Housing Market:

a greater reliance on private rental provision supported through the government accommodation subsidy⁶. In tandem, demand for housing as an investment opportunity has grown, driven by preferential tax treatment for investors, a lack of capital gains tax and limited alternative secure investment options offering reliable returns. In addition, it has been estimated that the quantitative easing interventions to keep interest rates low and counteract the negative shocks of the COVID-19 pandemic caused prices to soar by 27% between 2020 and 2021⁷.

- 4.46 To counteract reduced housing affordability, the council and the government have acted to streamline land supply and to remove unnecessary land use regulations that hinder new houses being built. However, house prices in Auckland/Tāmaki Makaurau have persistently increased despite these interventions. By way of example, the council’s Research and Monitoring Unit (RIMU) investigated the causal effects of the Special Housing Areas (SHAs) programme on house prices and the implications on affordability⁸. RIMU used a dataset comprising more than 170,000 sales transactions between 2011 and 2016.
- 4.47 The findings reveal that the SHAs resulted in an average price increase of approximately 5% (over and above the market) and did not contribute to increases in the likelihood of affordable transactions. Though the Bill differs from the SHAs in many respects, the council does not believe the government has provided sufficient evidence to substantiate the far-reaching conclusions about its impacts on housing affordability.
- 4.48 Extensive research has been carried out in New Zealand and overseas on affordability policies that rely solely or predominantly on increasing opportunities for intensification. The research reveals that those policies may have achieved affordability outcomes had they been complemented with mandatory requirements for the delivery of affordable housing (e.g. inclusionary zoning)^{9,10} and demand-side policies. The Bill does not include a mandatory requirement for the delivery of affordable housing and does not address the demand side of the housing challenge.
- 4.49 Importantly, the approach taken in the Bill does not adequately take into account the scale of capacity for housing already enabled in Auckland/Tāmaki Makaurau under the AUP. As previously stated, the AUP enables over 900,000 dwellings to be built in residential areas alone, with an estimated market feasible capacity of around 650,000.¹¹ This capacity is increased further when business zones (such as the city centre) are included (as apartments are permitted are permitted in many of these areas).

A Housing Pathways Analysis.” Auckland: Auckland Council Technical Report, TR2021/14.

6 Johnson, Michael P, Jeffrey M Keisler, Senay Solak, David A Turcotte, Armagan Bayram, and Rachel Bogardus Drew. 2015. *Decision Science for Housing and Community Development: Localized and Evidence-Based Responses to Distressed Housing and Blighted Communities*. John Wiley & Sons.

7 Real Estate Institute of New Zealand

8 Fernandez, M. A., Gonzalo Sanchez, and Santiago Bucaram. 2019. “Price Effects of the Special Housing Areas in Auckland.” *New Zealand Economic Papers*. <https://doi.org/10.1080/00779954.2019.1588916>.

⁹ Murphy, Laurence. 2016. “The Politics of Land Supply and Affordable Housing: Auckland’s Housing Accord and Special Housing Areas.” *Urban Studies* 53 (12): 2530–47. <https://doi.org/10.1177/0042098015594574>.

¹⁰ Murray, Cameron K. 2020. “Time Is Money: How Landbanking Constrains Housing Supply.” *Journal of Housing Economics*. <https://doi.org/10.1016/j.jhe.2020.101708>.

¹¹ [Housing assessment for the Auckland region. National Policy Statement on Urban Development 2020 - Knowledge Auckland](#)

- 4.50 The Bill purports to be an important mechanism to boost housing supply and improve housing affordability in New Zealand's high growth (Tier 1) local authority areas. However, the government has not produced sufficient evidence to support such a far-reaching conclusion. Addressing the demand-side of the housing equation, systemic issues in the building sector, and infrastructure funding and financing issues is what is required to address housing issues in Auckland/Tāmaki Makaurau. Continuing the government's large social housing programme well into the future, and making it easier for councils to require that a proportion of new homes in medium and large-scale housing developments meet affordability criteria (i.e. inclusionary zoning) would also make a meaningful difference.
- 4.51 The council notes that one of the primary intentions of the Bill is to improve Māori and Pasifika housing outcomes by providing for multi-generational or extended family living arrangements by increasing the number of dwellings allowed on a site. This council also saw this as an opportunity when it developed the AUP. In response, the AUP already enables up to three dwellings to be built on most residential zoned land in Auckland/Tāmaki Makaurau, and even in the more restrictive residential zones, a minor dwelling is permitted as well as the main dwelling. In terms of this primary intention, the council recommends the government considers amendments to the Bill that would more directly support iwi, marae and Māori providers to enable bespoke housing solutions for communities.

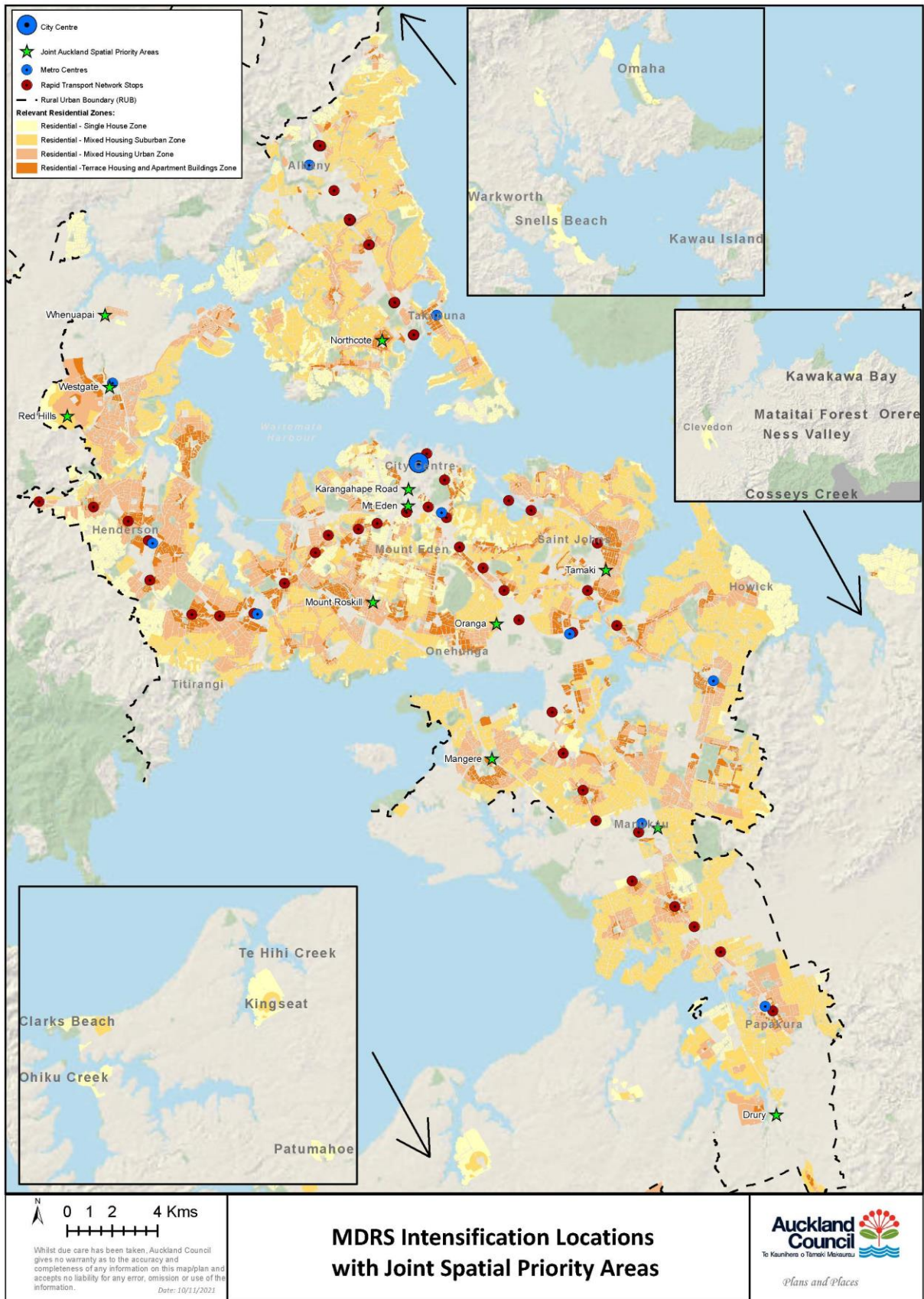
Medium Density Residential Standards (MDRS)

Spatial application of the MDRS

- 4.52 This submission has already highlighted the council's key concerns regarding the broad-brush nature of the proposed MDRS. To expand on those concerns in the context of the NPS UD itself, the council highlights Objective 3 of the NPS UD. Objective 3 states:
- Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
- *the area is in or near a centre zone or other area with many employment opportunities*
 - *the area is well-serviced by existing or planned public transport*
 - *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*
- 4.53 Following on from this objective, Objective 6 requires local authorities to make decisions that integrate infrastructure planning and funding with urban development decisions, and for those decisions to be strategic over the medium to long term.
- 4.54 The central tenet of NPS UD is that New Zealand has well-functioning urban environments. Policy 1 requires that as a minimum a well-functioning urban environment will:
- enable a variety of homes
 - have good accessibility for all people between housing, employment, and community services including by public or active transport
 - support competitive land and development markets, and
 - support greenhouse gas emission reductions.
- 4.55 When read together, the council holds the strong view that the requirement in the Bill to enable three-storey medium density housing throughout Tier 1 urban areas, and in a number of

Auckland/Tāmaki Makaurau’s rural and coastal settlements, runs completely contrary to these core objectives and policies of the NPS UD itself.

- 4.56 For reasons already stated in this submission, the council does not support the application of MDRS to all “relevant residential zones”. MDRS will actively work against achievement of a well-functioning urban environment at the regional level, at the neighbourhood scale and for individual blocks and sites. The wide-spread spatial application of MDRS would:
- disperse medium density housing extensively across the urban area, drawing growth away from centres and higher density residential areas by enabling growth in places unsupported by infrastructure, good public and active transport, social facilities, and planned and funded bulk infrastructure (wastewater and water supply)
 - result in poor-quality built outcomes that reduce liveability for residents.
- 4.57 The map below provides an indication of the dispersed nature of the proposed MDRS. Under the AUP, three storeys is already enabled on the land shown as Mixed Housing Urban. Five to seven storeys (depending on the specific location) is already enabled in the Terraced Housing and Apartment Buildings zone. Together, these two medium and higher density residential zones apply to 30 percent of residential-zoned land within the urban boundary.
- 4.58 Subject to the potential exclusion of areas due to qualifying matters, all of the residential-zoned land coloured on the map would be required to enable medium density housing of at least three storeys. The council acknowledges qualifying matters may provide for lower levels of intensification that may be consistent with lower intensity zones and standards previously developed in consultation with the community. However, it is impractical to undertake the level of analysis required to support qualifying matters across the urban area on a site-by-site basis (as required by the NPS UD) within the timeframe.



4.59 The AUP already enables housing choice and a wide range of building typologies, the delivery of which is demonstrated by monitoring. As required under Section 35 of the RMA, the council has

been monitoring residential development in three of the AUP's "relevant residential zones". The preliminary results show that although modifications to some AUP standards would achieve better design outcomes:

- the AUP is delivering well on providing housing choice
- the AUP's unlimited density provisions and standards have been optimising yield
- AUP provisions are delivering medium-high density development with efficient use of the land.

- 4.60 The AUP's most intensive "relevant residential zone" is the Terrace Housing and Apartment Buildings zone. The council is very concerned the proposed MDRS will prevent the application of new or the retention of key standards within this zone. The Terrace Housing and Apartment Buildings zone is the most suitable zone for walkable catchments¹² where buildings of at least six storeys must be enabled under the NPS UD. Taller buildings have greater impacts on adjoining sites and streets. The MDRS as proposed are incompatible with the THAB zone, which requires a different set of standards to three-storey medium density housing. While most standards will be the same or relaxed, to achieve a well-functioning urban outcome, in some cases a more restrictive standard may be appropriate.
- 4.61 In summary, for the reasons outlined in this section of the submission and earlier, the council considers the incorporation of MDRS into all relevant residential zones is highly problematic and contrary to the NPS UD itself. The AUP already enables two-storey medium density housing throughout many parts of urban Auckland (through the Mixed Housing Suburban zone), and three-storey medium density housing close to many of Auckland's centres and in locations with good access to public transport (through the Mixed Housing Urban zone). More intensive than MDRS is development of five to seven storeys enabled adjacent to centres (through the Terrace Housing and Apartment Buildings zone).
- 4.62 Importantly, the council's work to date on the NPS UD indicates the spatial application of the three-storey Mixed Housing Urban zone is likely to increase, and within the walkable catchments of the city centre, 10 metropolitan centres and stops on the Rapid Transit Network, there will be significant increases in the amount of land zoned to enable residential development of up to six storeys or more.
- 4.63 The council's strong recommendation is that the MDRS are re-cast in the Bill as an optional tool for Tier 1 local authorities to use to implement the intensification policies in the NPS UD. Should the committee not agree, then the council recommends that its spatial application is reduced to locations with good access to public transport, goods and services, and that the MDRS are amended to address the design issues discussed in the following section, and related Appendices 2 and 3. An additional qualifying matter should also be expressly added to the Bill and the NPS UD to recognise infrastructure capacity constraints as a potential qualifying matter, rather than leaving it to councils to identify this as "any other matter".
- 4.64 In the Auckland/Tāmaki Makaurau context, this could be achieved by aligning the MDRS with locations to which the council has applied the Mixed Housing Urban zone, and additional locations introduced in response to the intensification policies of the NPS UD.

¹² Required by Policy 3(c) in relation to rapid transit stops, the edges of the city centre and metropolitan centre zones

Design issues with the MDRS

- 4.65 Like other local authorities, the council uses standards in the AUP to promote a quality built environment. The council's experience with medium and high-density housing shows that qualities such as sunlight and daylight, usable open space and privacy become increasingly important and in some cases more difficult to achieve as development becomes more intensive. Greater attention to achieving good design is necessary if residential development is to provide a well-functioning urban environment as required by the NPSUD. Monitoring undertaken by the council under section 35 of the RMA indicates that some modifications are necessary to ensure the quality built environment sought by AUP will be achieved.
- 4.66 Analysis undertaken by the council during the short submission period strongly indicates that MDRS-compliant development will generate significant adverse effects within developments and on adjacent sites in relation to:
- shading
 - dominance
 - loss of privacy
 - loss of sunlight and daylight
 - a highly constrained ability to accommodate landscaping.

Outdoor living spaces will be small and may be in shade all year round, which will significantly affect the overall quality of development. In short, buildings constructed to the proposed MDRS will not result in a well-functioning urban environment.

- 4.67 Achieving adequate landscaping (area and quality) is fundamental for achieving climate change objectives in suburban and urban areas. The MDRS building coverage standard of 50 per cent will make it very challenging for new trees with potential heights of over 2 metres to establish. Cumulatively, the lack of trees and vegetation, combined with a greater proportion of building coverage and impervious surfaces will have negative effects on climate change. Auckland's built environment will increasingly become a heat island and limit the ability of the city to achieve its climate change objectives and targets.
- 4.68 An example of a proposed standard within the MDRS that will facilitate development yield but provide poor design outcomes, is the proposed outdoor living space building standard requiring a minimum 15m² for a ground floor residential unit, with no dimension less than three metres. This sized space is too small to be well-functioning.
- 4.69 The minimum size and dimension are insufficient for a ground level dwelling to accommodate the facilities associated with medium and high density living, especially as no separate service space is required. The outdoor living space must serve dual functions:
- provide adequate private outdoor spaces for occupants to enjoy by accommodating outdoor furniture, bbqs, or play equipment as the occupants choose to meet their needs and preferences
 - act as a service space by accommodating hot water cylinders, compost bins, heat pump units, gas bottles, rubbish bins (refuse and recycling), sheds for cycle storage and clotheslines as the occupants choose to meet their needs and preferences. Many of these are part of the building's design: occupants do not have the option to exclude them from the outdoor space. These additional items can consume between 5² and 10m² of the outdoor living space.



This outdoor living court, although modest, provides a space that is useable. It is 20m², with a 4m minimum dimension. This newly constructed unit is yet to be personalised by the building occupants. Note the rubbish and recycling bins occupying several square metres of available space. MDRS proposes reducing areas to 15m² and 3m minimum which will reduce the functionality and liveability of the space.

- 4.58. The proposed MDRS requires the outdoor living space to be accessed from the dwelling but does not recognise the importance of the internal space that connects to the outdoor living space. When access is provided from a bedroom, that room's functionality/privacy is reduced. Access to an outdoor living area via a garage, bedroom or space other than a kitchen, dining or living room will reduce the accessibility of the outdoor space and also its utility. A space that is difficult to access is not functional. A number of developments like this have been constructed in Auckland/Tāmaki Makaurau under the council's existing standards. It is unclear, but the Bill may prevent the council from changing its own standards to address design issues such as this.
- 4.59. It is also highlighted that the proposed MDRS has no orientation requirement. South-facing living courts with no sunlight access and subsequent adverse effects on liveability will result. Expert evidence accepted at the AUP hearings explains the issue well.¹³

"Sunlight is important for the success of open spaces. In general it contributes to the appearance, environmental quality, ambience and perceived quality of spaces between buildings, and is also valuable to:

(a) provide attractive sunlit views (all year);

(b) make outdoor activities like sitting out and children's play more pleasant (mainly warmer months);

¹³ Statement of Evidence of Graeme Robert McIndoe, on behalf of Auckland Council - Architecture and Urban Design - 9 September 2015. Topics: 059, 060; 062; 063. Paragraphs 8.3.5 & 8.3.6

(c) encourage plant growth (mainly spring and summer);

(d) dry out the ground, reducing moss and slime (mainly in colder months); and

(e) dry clothes (all year).

Without some sunlight exposure outdoor at some stage during the day and right through the year, an outdoor living space or balcony will rarely be occupied. In that case it will tend to be used only for storage functions, therefore failing to perform its intended function and not contributing to the amenity of the unit.”

Draft alternative MDRS

- 4.60 The council considers that the MDRS as currently drafted would enable poor quality development with significant adverse effects on occupants, adjacent sites and the public realm. To assist the Environment Select Committee in improving the MDRS, the council proposes an alternative set of draft standards that would deliver better housing and better urban outcomes. This is demonstrated in the 3-D modelling undertaken by the council during the submission period (see **Appendix 3**). The council hopes to have additional/more refined illustrations and analysis by the time it presents to the committee.
- 4.61 The council's draft alternative MDRS are set out in **Appendix 2**. **Appendix 4** explains the need for additional standards to address the overall length of buildings and separation between buildings. Due to the time constraints, a final form of these standards is not yet available.

Changes to intensification - Policy 3(d)

- 4.62 As previously discussed, the council applies a centres and transit oriented approach in promoting a compact urban form, and quality built environment. NPS UD Policy 3(a) to (c) directs intensification in and around centres, and in close proximity to the rapid transit network. The Bill's amendment to Policy 3(d) is better aligned with Policy 3(a) to (c) and the AUP by requiring consideration of intensification in and around lower-order centres. To that extent the council supports the proposed amendment. However, the re-wording of the policy could encourage dispersed intensification across Auckland/Tāmaki Makaurau where there are many centres and their proximity to employment and public transport differ. The policy requires that intensification is considered for all of them.
- 4.63 The amended Policy 3(d) will likely result in different areas being subject to intensification compared to gazetted Policy 3(d). The latter would have focussed intensification on the Auckland isthmus due to its greater accessibility and demand. Amended Policy 3(d) allows development to be spread out to all the small catchments across every centre. No distinction is drawn between the locations in which the listed centres are found.
- 4.64 To address this issue the council recommends that amended Policy 3(d) is further amended to distinguish between local centres and town centres on the basis of their location relative to accessibility (by active or public transport) to employment and population. Presently the same outcomes are directed for the same type and size of centre on the Auckland isthmus, where there is strong transport infrastructure and good access to employment, compared with the same type and size of centre that is less central with lower employment and/or population.
- 4.65 The council also seeks that neighbourhood centres are removed from amended Policy 3(d). Auckland's 400 neighbourhood centres (typically spot zoned, small and providing limited convenience retail or personal services) are dispersed and not always well aligned with transport

services. Increasing travel demand in locations where there is limited accessibility by public and active modes is poor integration of land use with transportation.

- 4.66 There is a further opportunity for alignment with the Bill and amended Policy 3(d). The Bill's Medium Density Residential Standards are to be applied in all relevant residential zones. Policy 3(d) would apply to these zones but will also apply to the other residential zones the Bill specifically excludes from intensification. The council recommends that Policy 3(d) is amended to make clear that it does not apply to the large lot residential zone or the settlement zone.

Local democracy and decision-making

- 4.67 It is well-known that Auckland Council went through an extensive process to develop the AUP and consulted with the public on a draft version before releasing the Proposed Auckland Unitary Plan. That engagement involved nineteen iwi authorities, the public, local events, drop-in sessions, civic forums, community meetings and local board engagement. The community had multiple opportunities to provide feedback, advice and insights before the proposed plan was released. Over 23,000 pieces of written feedback were received on the draft plan and over 9,000 primary submissions on the proposed plan. This level of engagement was important for a policy document and rule book covering regional and local matters. It was needed because like all cities, Auckland/Tāmaki Makaurau is one city with many voices.
- 4.68 The council is concerned the Bill in its current form overrides the ability of councils to determine planning rules appropriate to their area through public consultation. Clause 95 Part 6 of the Bill requires the council to undertake its best endeavours to satisfy the consultation requirements for normal plan changes (the process set out in Schedule 1 of the RMA), but has not considered that Auckland/Tāmaki Makaurau has been in lockdown since 18 August this year. On-line consultation does not work for those residents who do not have access to broadband, computers or cell-phones. It is difficult to engage with the community during a pandemic, with the additional economic, health and social stresses that prevail.
- 4.69 As previously stated, the council strongly recommends that the MDRS are re-cast in the Bill as an optional tool for Tier 1 local authorities to use to implement the intensification policies in the NPS UD. In the alternative, the council has recommended they apply in places with good access to public transport, goods and services. If the committee supports some form of requirement for Tier 1 local authorities to apply the MDRS, it would be preferable for the Bill to specify that mandatory MDRS are included in district plans without a Schedule 1 or ISPP process. The reason for this is that there is no discretionary decision-making available. It would be clear and transparent that Tier 1 councils and the public cannot change those provisions. Any other course of action would give the public an expectation that they were being consulted when that is not in fact the case. A Schedule 1 or ISPP process could be used for those matters where there is a discretion for councils (and submitters) to alter and influence maps and provisions.¹⁴
- 4.70 Overall, the council is concerned that the Bill compromises local democracy. It decouples planning decisions from local elected members, with the Minister as overall decision-maker. Local politicians will have little influence over many of the planning provisions to be notified by August 2022, but will be held accountable by the public. Auckland and the other Tier 1 councils will also be faced with an inefficient ISPP hearing potentially thousands of submissions that will have no prospect of success.

¹⁴ As a related matter, Clauses 102-and 105 of Schedule 6 should provide for public notices related to the availability of decisions and associated information rather than notification of recommendations and decisions.

- 4.71 The proposed approach fundamentally undermines the driving force behind the formation of Auckland Council. This is clearly articulated in *Making Auckland Greater*, central government's 2009 decision document on Auckland's Governance:
- "For Auckland to fulfil its potential, all its plans for transport, infrastructure, economic development, environmental protection and managing growth need to be co-ordinated ... More consistency and integration in planning will allow for growth to occur in a targeted, efficient and effective manner."*
- 4.72 Given this, the council requests that Tier 1 councils, not the Minister for the Environment, should ultimately decide whether or not to accept the recommendations of the proposed independent hearings panel under the ISPP. There should be recourse to the Environment Court on decisions that are beyond the scope of submissions or rejected recommendations. This is a fairness issue and required by administrative law.
- 4.73 Clauses 102 and 105 requires the council to serve notice of decisions on all submitters even although they have no appeal rights. Serving notice of recommendations and decisions should be electronically to submitters' provided electronic address and on the council's website.
- 4.74 Commissioners appointed to the independent hearings panel should also reflect the council's commitment to Te Tiriti o Waitangi and its partnership approach with Mana Whenua. At a broader level, the Bill should be amended to include specific provisions relating to Te Tiriti o Waitangi to which all decision-makers must have regard.

Ministerial powers

- 4.75 The Bill would provide the Minister for the Environment with a number of decision-making powers that are broad, without adequate statutory direction or other safeguards. The council therefore opposes:
- a) As noted in the previous section of this submission, the Minister for the Environment deciding on recommendations on intensification planning instruments (perception of predetermination bias and resourcing). In addition to the points previously made on this issue, it is unlikely the Ministry for the Environment will have sufficient capacity to assist the Minister in the relevant timeframe given significant reforms.
 - b) The Minister for the Environment making further changes to NPS UD without a clear partnership approach with iwi Māori and public participatory process, other than removing an inconsistency (not a potential inconsistency). National direction is important policy-making and should not be undertaken without public participation. Further national direction changes after the Bill is enacted makes them impossible to implement in the timeframe.
 - c) Absence of a timeframe in which a Ministerial direction may be issued. The council seeks that the Minister consults with and has particular regard to information provided by the Chief Executive Officer of the relevant Tier 1 council prior to making a direction under s80I(1)(c) regarding timeframes. The Minister is unlikely to be aware of the volume of submissions or other resourcing challenges when directing one or more time-periods for ISPP stages to be completed. Auckland Council must undertake a far more complex planning task than other councils as it is the only Tier 1 council with a combined plan that must be re-evaluated in preparing an intensification planning instrument for notification by August 2022.
 - d) Absence of statutory criteria to guide what may be included in a direction by the Minister setting out Ministerial expectations.

Intensification Streamlined Planning Process (ISPP)

Significant natural justice issues

- 4.73 While the council supports in principle a streamlining of the planning process for the intensification plan change required under the NPS UD, there are significant natural justice issues with the proposed ISPP process. To address this, the council seeks that decision-making powers and their allocation to decision-makers align with IHP/PAUP process under the Local Government (Auckland Transitional Provisions) Act 2010.¹⁵ The expediency sought in the Bill would still be satisfied by confining appeal rights while avoiding natural justice issues.
- 4.74 Without amendment, the Bill creates significant natural justice issues:
- the power of the independent hearings panel to make recommendations beyond the scope of submissions, as the absence of appeals prevent the remedying of unfairness and impacts on submitters' rights
 - the limitation on a territorial authority's ability to recommend rejection of out-of-scope panel recommendations unfairly prevents the local authority considering a matter on which there may not have been submissions or evidence before the panel
 - there is no recourse available where an independent hearings panel recommendation that is out of scope is accepted and impacts on submitters' rights
 - there is no separation of powers, with the Minister promoting the legislation having the ultimate decision-making power
 - there are no criteria provided for the Minister to make a decision (the RMA requires decision-making be subject to Part 2 of that Act), no requirement to consider a territorial authority's reasons for rejecting a recommendation nor for the Minister to consider the authority's recommendation on equal footing with the panel's recommendation. The Bill contains no requirement for the Minister to rehear submissions and evidence before making a decision on any rejected recommendations.
- 4.75 The availability of judicial review does not address these natural justice issues. Application for judicial review is simply unavailable for most people given its cost.
- 4.76 Lastly, the proposal to require some intensification planning instrument provisions to be treated as operative from notification could undermine the outcome of decisions. This issue arises because building consents or certificates of compliance issued in reliance on the operative permitted activity status would continue, even if the rules were to change.

Other matters

Plan changes

- 4.77 Auckland Council is currently processing 33 private plan change requests, 20 of which are already notified for submissions. Private plan change requests are initiated by landowners and involve significant expenditure to prepare the analysis to support their requests. Given the significant expenditure involved, several prospective applicants who are at the pre-lodgement phase with the council have expressed concerns about the Bill's provisions, as have some applicants concerned their requests will be withdrawn. A number of council plan changes are also progressing through the Schedule 1 process.

¹⁵ Limited appeal rights (to the Environment Court) were available where the council rejected a recommendation of the IHP, or where the council accepted a recommendation by the IHP that was 'out of scope' of submission - refer s156(1)(b) and s156(3) of the Local Government (Auckland Transitional Provisions) Act 2010

- 4.78 The Bill requires private plan changes and council plan changes to be withdrawn if they have not been heard by February 2022. The council notes that the provisions as currently drafted rely on applicants voluntarily withdrawing their private plan changes. The council cannot compel them to do so. There are several private plan changes where hearings have been accelerated or commissioners have issued directions to applicants advising them of the Bill's provisions to avoid potential conflicts with the Bill. The Bill's process requirements are unclear and create uncertainty for councils and applicants.
- 4.79 Not all plan changes would be captured by the provisions in the Bill requiring withdrawal. It is unclear whether private plan changes are intended to be processed contemporaneously by councils as the intensification planning instrument is prepared, heard, determined and then integrated. If the government wishes councils to consider withdrawn private plan changes as part of its response to NPS UD, that should be more clearly articulated in the Bill. The council notes that it only adopts private plan changes where there are very clear and significant public benefits.
- 4.80 Clause 31 (Schedule 12) of the Bill does not capture all relevant private plan changes. An accepted plan change cannot be modified by the applicant until evidence is submitted at a hearing. There is no opportunity to modify the private plan change after the clause 24 stage. This means that the private plan change applicant cannot modify their proposal to incorporate MDRS until the hearing which may be so different from what was notified that there would be natural justice/scope issues preventing it, or they will have to withdraw and resubmit the private plan change.
- 4.81 It is also unclear whether councils are meant to include land subject to private plan change requests within the intensification planning instrument, and if so, whether that includes private plan changes where a hearing is complete by February 2022. Commissioners will often leave hearings open after the presentation of evidence to enable issues that arose during the hearing to be resolved. The Bill as currently drafted may prejudice the process by requiring commissioners to close off hearings so as not to risk the private plan change from being withdrawn. It is also unclear what occurs where a decision may not have been released and/or private plan changes that are subject to appeal (i.e. should councils include that land in its planning instrument when the same matter is before the Environment Court?). Given the brief time to prepare the planning instrument by August 2022, this requires clarification.
- 4.82 In summary, the council supports the concerns raised by the private plan change applicants with whom it has spoken, but would need to have a clearer understanding of the intentions behind this aspect of the Bill before being able to offer a potential solution.

Resource consents, esplanades and engineering standards

- 4.83 The council does not support removal of shape factors or minimum section sizes for vacant lots from its Auckland-wide AUP rules. The subdivision standards outlining shape factors supplement the engineering codes of practice. Codes of practice set out the minimum dimensions of driveways, water and wastewater pipes and connections, depth of concrete, kerb and channel details. Shape factors influence how sites function and are important to ensure that building elements, infrastructure and access all integrate.
- 4.84 Driveway length, provision for passing bays and lot size dimensions are an integral package of controls (i.e. the number of properties serviced off a lane are important for the safe and efficient movement of people, rubbish trucks, fire and emergency vehicles, water, electricity and gas connections). These provisions should not be affected by the Bill.

4.85 The Bill needs to address how lakes, rivers and esplanade reserves will be treated. The MDRS rules and Bill do not provide guidance on whether the standard 20m esplanade reserves will continue to be applied. The MDRS rules do not provide for set-backs for riparian/stream areas. The AUP residential zones currently provide for a 10m building set back.

Support for specific clauses in the Bill

4.86 The council supports the following specific features of the Bill:

- the use of common qualifying matters for MDRS and Policy 3, but seeks amendments to promote land use and infrastructure integration. This can be achieved by amending sections 77G(c) and 77L(c) to recognise and provide for regionally significant infrastructure: "a matter required for the purpose of ensuring the safe or efficient or effective operation of nationally and regionally significant infrastructure".
- at section 80J the ability of a territorial authority to request that the Minister for the Environment amends a direction made under section 80I
- the listed exception at section 80K to the requirement to comply with the terms of a Ministerial direction (but seeks that the Minister's power to include a statement of expectations at s80I(2) be deleted).
- at section 86B(3A) the listed exclusions from rules having immediate legal effect being: a permissive area; a qualifying matter area; and a new residential zone.
- had it been included in the Bill, Auckland Council would have supported amending the definition of "planning decision" to include a decision on a private plan change request. However, the council opposes awarding the power proposed at section 77O to the Minister to amend this or any other definition.
- the power of the Minister for the Environment at section 77O to remove an inconsistency (but not a potential inconsistency) between the NPS UD and this Bill (when enacted). The power is discrete and may be used to correct a problem.
- the addition to clause 25, Schedule 1, but request further amendment to effectively implement the intended outcome: "Clause 13 amends clause 25 of Schedule 1 of the Act to require private plan changes to incorporate the MDRS, where relevant."¹⁶ The proposed clause does not expressly state this requirement: it relates to a process, by preventing a council accepting or adopting the request. The amendment should require a local authority to reject a request, or deal with the request as if it was a resource consent application rather than being framed in the negative from which more than one inference may be drawn. A corresponding amendment should be made to new Sub Part 2 in Part 5 RMA to make clear that (with the exception of s77J) the same requirements apply to private plan change applicants as territorial authorities when initiating plan change requests.
- the independent hearings panel having the same duties and powers as a local authority conducting a hearing. The council considers the panel should also have the power under s41C(4) to commission a report on any matter on which the panel requires further information if, in the panel's opinion, it may have a significant adverse environmental effect. The Auckland Unitary Plan Independent Hearings Panel rarely commissioned reports but it was an effective power when used.
- at clause 101 Schedule 1: the ability to provide an alternative recommendation for any recommendation that the territorial authority rejects

¹⁶ Explanatory note to Resource Management (Enabling Housing Supply and Other Matters) Bill

- the ability at to seek clarification from the panel. The council requests a corresponding power for the panel to prepare supplementary reports and/or to issue corrections or updated recommendations.

Section 5.0 Summary of relief sought

The council wishes to be constructive in making this submission, and has provided a number of carefully-considered alternatives for the Environment Select Committee to consider. These are collated below for ease of reference.

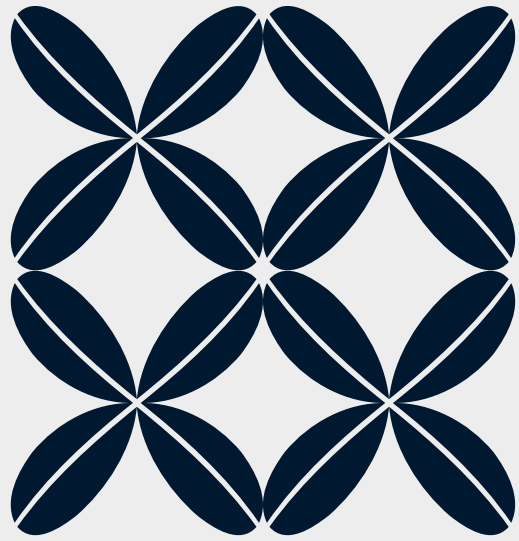
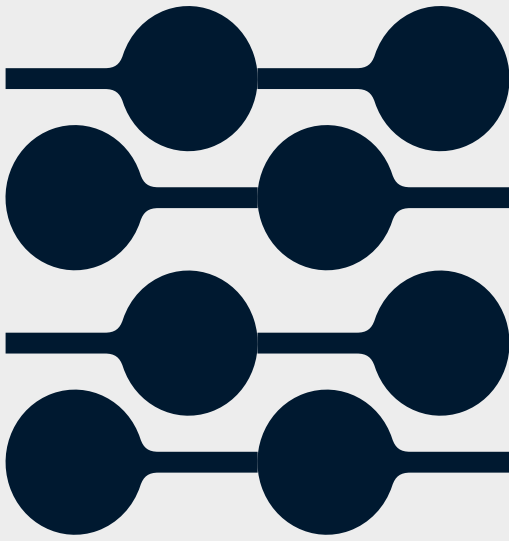
Making the MDRS workable

- Recognising that the NPSUD already requires intensification around key public transport routes, the council submits that the MDRS provisions should not apply to the Auckland region given the capacity and development already enabled
- In the event that the MDRS provisions remain for Auckland/Tamaki Makaurau, the spatial extent of the MDRS provisions should be refined to:
 - exclude Auckland's rural and coastal settlements where intensification is not envisaged and where significant infrastructure constraints apply
 - refine their spatial extent to align with the council's compact city approach which focusses on intensification in areas with good access to public transport, goods and services and infrastructure and which is delivering on intensification. This can be achieved by not applying the MDRS to the existing Terrace Housing and Apartment Building zone, and only applying it where the council applies its nearest equivalent, the Mixed Housing Urban zone
 - recognise the years of iwi and community involvement in protecting the natural environment, we submit that areas containing sensitive natural environments are excluded from the MDRS provisions. In doing so we note that the process of undertaking a site-by-site analysis to confirm that qualifying matters apply is an inefficient and highly onerous task.
 - in the event that the MDRS provisions remain, the improvements set out in Appendix 2 are made to provide for better housing and urban outcomes for current and future residents and neighbours.

Other Relief Sought

- Policy 3(d) is further amended to:
 - distinguish between the local centres and town centres on the basis of location relative to employment and accessibility – not every centre is created equal and the focus should be on those centres with strong access to public transport and employment
 - remove neighbourhood centres.
- Schedule 1 notification process should not be used for provisions (such as the MDRS) where there is no discretion available to the council or the public to change them. This will ensure there is a clear understanding at the outset of any public notification.
- Electronic service of notice of decisions should be provided for
- The proposed Ministerial decision-making powers are opposed and should remain within the jurisdiction of councils (and in the case of appeals, the Courts), in particular;
 - the Minister for the Environment deciding on recommendations on intensification planning instruments;
 - the Minister for the Environment making further changes to NPS UD without a public participatory process
- Should the proposed Ministerial decision-making powers remain, then the following amendments be made:

- given there is currently no timeframe in which a Ministerial direction may be issued under s80I(1)(c), that the Minister consult with and have particular regard to the chief executive of the relevant council to ensure that he/she understands the workload and impact of such a decision on the council
- provision of statutory criteria to guide what may be included in a direction by the Minister setting out Ministerial expectations
- the Minister's power to include a statement of expectations at s80I(2) be deleted.
- The decision-making powers and their allocation to decision-makers in relation to the Intensification Streamlined Planning Process align with the decision-making process used for the Auckland Unitary Plan under the Local Government (Auckland Transitional Provisions) Act 2010
- The MDRS should not be operative at notification
- The government make develop and make available other financing tools to support councils investing in infrastructure from the time of notification.
- Amendments to clarify the government's intentions in relation to private plan changes that have not been heard by February 2022. This could potentially involve a process to ensure they are able to progress (albeit in a modified form) while maintaining principles of natural justice.
- That subdivision standards in the Auckland Unitary Plan are retained as they are critical to ensure the safe and efficient functioning of the site, provision of quality infrastructure and to enable the operation of emergency services and other service activities like waste removal.
- That sections 77G(c) and 77L(c) be amended to recognise and provide for regionally significant infrastructure: "a matter required for the purpose of ensuring the safe or efficient or effective operation of nationally and regionally significant infrastructure".
- That clause 25, Schedule 1 be further amended to effectively implement the intended outcome: "Clause 13 amends clause 25 of Schedule 1 of the Act to require private plan changes to incorporate the MDRS, where relevant."
- That s41C(4) be amended to give the independent hearings panel the power to commission a report on any matter on which the panel requires further information if, in the panel's opinion, it may have a significant adverse environmental effect;
- That a corresponding power be provided for the panel to prepare supplementary reports and/or to issue corrections or updated recommendations
- That the Bill should require collaboration with iwi, marae and Māori housing providers to enable bespoke housing solutions for Māori communities.



Appendix 1

Local Board Views





LOCAL BOARD SERVICES

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Local board input to Auckland Council's submission on:

The Resource Management (Enabling Housing Supply and other matters) Amendment Bill

9 November 2021



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Feedback was not received from the following local boards:

- Aotea Great Barrier
- Franklin
- Henderson-Massey
- Hibiscus and Bays
- Rodney

Summary of local board feedback

The common areas of local board feedback on the Resource Management (Enabling Housing Supply and other matters) Amendment Bill are as follows:

All the local board submissions expressed concern about ensuring the quality of both design and build in future development. Many boards commented that the Bill is focused on quantity and that the design controls proposed by the Bill could be improved to ensure quality outcomes.

Most local boards expressed concern about how the Bill would negatively impact the capability for Auckland Council to deliver outcomes to support growth. Some noted that further ad hoc, small scale and spread-out developments would make planning proactively and strategically for community amenities and facilities more difficult.

Many local boards expressed support for the view that the Auckland Unitary Plan already has adequate provision for public and private sector development and housing supply across Auckland. It was widely noted that the Bill would enable growth in areas that are distant from jobs, services, and quality rapid or frequent transit. Many boards expressed the view that the most significant constraint on urban growth is the lack of funding for growth infrastructure.

There were many requests for the Government to pause to engage with Auckland Council and communities before making any further decisions, with comment that the timeframe for consultation was too short, limiting the ability for the local board or communities to properly consider the implications of this proposal. Some boards further noted that the Auckland Unitary Plan was the result of years of planning work, community consultation, and hearings.

There were also concerns that without further protections more intensive development would result in adverse environmental outcomes such as the further loss of trees in the urban ngahere.

Albert-Eden Local Board

That Albert-Eden Local Board:

- a) note that the timeframe for feedback on the Resource Management Act (Enabling Housing Supply and Other Matters) Bill (the Bill) is short, which limits the ability for the local board to consider the implications of this proposal on local plans and communities, and that the implementation of this Bill will have lasting impacts on the local landscape.
- b) acknowledge that the cost of housing is unaffordable for many and there is a high proportion of renters within the Albert-Eden Local Board area.
- c) support actions to enable first home buyers, multi-generational whānau living and other arrangements which lead to home ownership.
- d) note concern with some aspects of the Bill particularly around impacts on existing zoning in the Auckland Unitary Plan, timeframes for change and public participation in plan making processes; and therefore:
 - i. request that if the Medium Density Residential Standards are progressed the following amendments are made prior enactment, to mitigate negative environmental and social impacts:
 - ensure quality design and buildings for all medium density development, for example by establishment of form-based codes that focus on good public realm outcomes, ensuring flexibility in accommodation provision whilst ensuring a high quality urban environment
 - provide better protection for access to sunlight for neighbouring properties to maintain the warmth and dryness of existing homes, for example by tighter control of the height in relation to boundary rule on the southern boundary
 - strengthen MDRS rules to mitigate impact of medium density intensification on storm-water infrastructure capacity eg further limits on impervious surfaces; prescription of rainwater detention tanks; and allowing green roofs to count towards pervious space
 - ensure MDRS rules are fit for purpose for papakāinga and co-housing.
 - do not support the new Intensification Streamlined Planning Process (ISPP) which reduces public participation in the plan change process and removes appeal rights.
 - ii. do not support suggested changes to Policy 3(d) of the National Policy Statement – Urban Development as the current wording of the policy links height and density to levels of accessibility to a range of goods and services, and demand for housing, which are relevant in determining future urban form and development levels.
 - iii. request that the current implementation process and timeframe for the National Policy Statement – Urban Development remain in place and territorial authorities and unitary councils continue to work through any changes to their planning documents with the public.

Devonport-Takapuna Local Board

That the Devonport-Takapuna Local Board:

- a) note that on 19 October 2021 the Government announced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill ('the Bill'), which contained two main proposals that seeks to:
 - i) support councils to implement intensification policies in the National Policy Statement – Urban Development ('NPS-UD'); and
 - ii) require Tier 1 councils to apply medium density residential standards from August 2022, which allows people to develop up to three homes of up to three storeys on most sites without needing resource consent (although some exemptions may apply based on qualifying matters set out in the NPS-UD).
- b) note that the Auckland Unitary Plan already adequately supports public and private sector development and housing supply across Auckland and enables opportunities for different housing typologies and allows for increasing that housing supply over the existing Terraced Housing and Apartment Building (THAB), Mixed Housing Urban (MHU), and Mixed Housing Suburban (MHS) zones.
- c) challenge the need for the proposed Bill.
- d) express strong concern that this Bill overrides the right of local government in determining planning rules appropriate to their council area and undermines the very role of local government in that the Bill seeks to effectively remove the zonings provided in the AUP, which were the result of years of planning work, consultation, and hearings.
- e) note that under the current rules in the Auckland's Unitary Plan there are instances where consented yield-led development has produced an environment of bad planning and design outcomes versus that of a design-led development, meaning it is foreseeable that we will have greater negative cumulative effects if we start enabling density without consents as proposed under the Bill.
- f) express deep concern that the Bill focuses solely on quantity; and remains silent on quality and believe that this is an oversight which must be rectified.
- g) note that the proposed Bill will require medium density residential standards from August 2022, and that some exemptions may apply based on qualifying matters.
- h) strongly recommends that Auckland Council focus efforts and resources urgently to identify special character areas as a qualifying matter in the NPS-UD, to ensure these are in place if the Bill is passed and medium - density residential standards are required to be applied by Tier 1 councils from August 2022.
- i) recommends that the Planning Committee urgently requests Government to pause and engage with Auckland Council before making any further decisions in recognition of the significant impact this Bill will have on our communities and the amenity of Auckland.
- j) express deep concern that the Medium Density Residential Standards ('MDRS') in the Bill will result in the widespread degradation of the character of suburbs and communities across Auckland. The removal of the requirement for developers to attain a resource consent will enable the construction

of large, poorly designed townhouses up to 3 storeys and 12 metres high, and just 1 metre from the boundary. This will have a significant effect across the whole city. In particular, the board expresses concern about the degradation Auckland's remaining Single House Zones, and of special character and heritage areas including Devonport.

k) support statements by Auckland Mayor Phil Goff that the existing Auckland Unitary Plan ('AUP') already provides ample capacity for growth, and that the impediment to housing growth in Auckland is not the Unitary Plan but ability to provide the underlying infrastructure to support growth at greater levels than already provided by AUP.

l) express concern that the proposed Medium Density Residential Standards ('MDRS') will enable widespread intensification in areas that are not suitable for new growth due to their distance from jobs, services, and quality rapid or frequent transit. Intensification needs to be measured, rather than permitted in an ad hoc, haphazard manner, with little or no council oversight.

m) express concern that the removal of minimum carparking requirements in Policy 11 of the NPS-UD when coupled with the MDRS will result in an increase in vehicles parking in road corridors. The unintended consequence of this will be a reduction in road user safety, an increase in carparking demand in residential streets, and diminished neighbourhood appeal and amenity.

n) express its support for the resolution passed by the Orakei Local Board at its October 2021 business meeting (resolution number OR/2021/174) and its forthcoming presentation of that to the Auckland Council Planning Committee.

o) request that the Chairperson Ruth Jackson write to North Shore MP Simon Watts, expressing concern for his party's support of the Bill, outline the board's position, and seek his advocacy.

Howick Local Board

That the Howick Local Board:

- a) provide the following formal feedback for inclusion in Auckland Council's feedback on the Government's Resource Management Enabling Housing Supply Amendment Bill:
 - 1) The board understands the Government's desire and need to increase housing supply, improve housing affordability, reduce greenhouse gases and address climate change.
 - 2) The board expresses its dissatisfaction about the short time frame allowed for responses to the document. At a time when the whole of the Auckland region is extremely pre-occupied with dealing with the impacts of Covid 19 lockdown, to only allow three weeks for such an important document, the effects of which will be everlasting, is totally unacceptable. The board also notes that the current Auckland Unitary Plan had a high level of public engagement through the consultation period and this new bill has potential to have a greater impact on the community and therefore should require the same level of public consultation.
 - 3) The board supports in principle that the provisions of the bill can apply to zones that are close to public transport or commercial centres (walkable catchments) but that there should be no further enabling of intensification in other areas beyond that able to be effected by the existing Auckland Unitary Plan provisions. In particular:
 - a) The board are concerned the Medium Density Residential Standards go totally against the hierarchal structure in the Auckland Unitary Plan where it is proposed for intensive living within and around town centres, cascading down into the lower density suburbs which are far from services and away from good public transport.
 - b) There appears to be conflict with the requirements of the Auckland Unitary Plan.
 - c) Is there still a desire to have well planned cities and communities or just allow development to occur in a hap hazard way?
 - 4) The board does not support any intensification in areas that do not have suitable infrastructure. This was a clear message we received from the public during the Draft Auckland Unitary Plan consultation and continue to do so. Our concern is that many parts of Howick are older areas of Auckland with degraded infrastructure. (for example, next year Howick celebrates its 175 year anniversary).
 - 5) The board expresses concern that extremely rapid housing development could once again lead to shoddy housing due to inexpert contractors being engaged, inferior materials being used as there are already acknowledged shortages of standard building materials and a potential lack of resource within council to carry out requisite building inspections at scheduled intervals. This could also lead to poor planning and design, and has the potential to cause unnecessary problems for residents in the future.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- 6) The board expresses concern at the lack of explanation of what ‘three buildings of three storeys’ on a building site actually means, what size site is envisaged, and what site coverage is permitted. It is also concerned that there are varied interpretations of a “walkable catchment” and they are already seeing these developments moving off the “main road” encroaching into established neighbourhoods.
- 7) The board expresses strong concern that the very lifestyle that existing homeowners currently enjoy, and which was a major factor in their decision to purchase where they did, is under huge threat if the proposed provisions extend to the entire region. Residents that have owned a family home for years, paid significant money for, and/or have developed their properties to provide pleasant surroundings for their lifetime are threatened by ugly buildings being constructed close to their boundary bringing extreme loss of amenity and introducing all the other issues that will come with this, i.e. vehicles blocking suburban streets, concerns for pedestrian and vehicular traffic. These people pay substantial rates for their properties and contribute significantly to their communities. This is not NIMBYISM – it is unfair.
- 8) The board are also concerned that the proposed act does away with the notification process and therefore any democratic involvement that prevents affected property owners from any input. Also due to haste, with the introduction of the act, does not allow for any appeal to the Environment Court. The board also questions that if there is no resource consent required, how will council know development contributions need to be collected or will the building consent process trigger this?
- 9) The board is of the opinion that the proposed 1m side and rear boundary setbacks proposed for Medium Density Residential Standards are totally unacceptable, and in fact will lead to unsafe practices when maintenance is required on properties with only 1m setbacks, particularly where they are two storeys or more high.
- 10) The board does not support the lack of requirement for provision for at least some off-street parking in new developments. A lack of parking will present problems for charging electric vehicles – particularly for overnight charging, access for drivers with disabilities and have impacts on street clutter leading to loss of access for emergency vehicles, higher insurance premiums for vehicle owners and concerns around vehicle vandalism and theft. This is particularly relevant for tradespeople whose very livelihood is dependent on the tools of trade that are often left in vehicles overnight. This will also contribute to social/safety issues. We are still a society that relies on cars, and these vehicles, with no place to park will become a burden to others. Until we provide a perfect public transport system people will continue to own cars.
- 11) The board believes that more time needs to be taken to think outside the square. For example, to focus on locations that have become tired and uninteresting like Panmure and Otahuhu. Both are close to trains and buses. These areas could be totally rebuilt using a clean slate, offering a new planned “village” with shopping, dining, public facilities and some employment with new apartments/terraced housing. The same could be done adjacent to rail corridors in Drury, Pukekohe and beyond.

Kaipātiki Local Board

That the Kaipātiki Local Board:

- a) note that on the 19 October, the Government announced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill ('the Bill'), which contained two main proposals that seek to:
 - i) support councils to implement intensification policies in the National Policy Statement – Urban Development ('NPS-UD'); and
 - ii) require Tier 1 councils to apply medium density residential standards from August 2022, which allows people to develop up to three homes of up to three storeys on most sites without needing resource consent (although some exemptions may apply based on qualifying matters set out in the NPS-UD).
- b) note that the Auckland Unitary Plan (AUP) already adequately supports public and private sector development and housing supply across Auckland, and enables opportunities for different housing typologies and allows for increasing that housing supply over the existing Terraced Housing and Apartment Building (THAB), Mixed Housing Urban (MHU), and Mixed Housing Suburban (MHS) zones.
- c) challenge the need for the Bill.
- d) support statements by Auckland Mayor Phil Goff that the existing AUP provides ample capacity for growth, and that the impediment to housing growth in Auckland is not the AUP, but the ability to provide the underlying infrastructure to support growth at greater levels than already provided by the AUP.
- e) express strong concern that the Bill overrides the right of local government in determining planning rules appropriate to their council area, and undermines the very role of local government in that the Bill seeks to effectively remove the zonings provided in the AUP, which were the result of years of planning work, public consultation, and hearings.
- f) note that under the current rules in the Auckland Unitary Plan, there are instances where consented yield-led development has produced an environment of bad planning and design outcomes versus that of design-led development, meaning it is foreseeable that we will have greater negative cumulative effects if we start enabling density without consents, as proposed under the Bill.
- g) express deep concern that the Bill focuses solely on quantity; and remains silent on quality, and believe that this is an oversight which must be rectified.
- h) note that the Bill will require medium density residential standards from August 2022, and that exemptions will apply based on qualifying matters.
- i) strongly recommend that Auckland Council urgently focuses efforts and resources to identify special character areas as a qualifying matter in the NPS-UD to ensure these are in place if the Bill is passed and medium-density residential standards are required to be applied by Tier 1 councils from August 2022. Special Character Areas must be kept because they do not impede local housing capacity or regional housing capacity, and they add to the area's amenity, inter-generational amenity, and economic attraction.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- j) express concern that the Medium Density Residential Standards (‘MDRS’) in the Bill will result in the widespread degradation of the character of suburbs and communities across Auckland. The removal of the requirement for developers to attain a resource consent will enable the construction of dwellings up to 3 storeys and 12 metres high, and only 1 metre from the boundary. This will have a significant effect across the whole city. In particular, the local board expresses concern about the degradation on Auckland’s remaining Single House Zones, and of special character and heritage areas, including Birkenhead Point and Northcote Point.
- k) express concern that the removal of the requirement for developers to attain a resource consent for up to 3 dwellings on one site, will remove the ability for Council to analyse and mitigate the consequential impact of the development on infrastructure such as roading, stormwater, sewerage, potable water, etc, and the local environment.
- l) express concern about the possible impact that the MDRS in the Bill will have on existing overlays, including the Significant Ecological Areas overlay which restricts development in identified ecological areas of significance.
- m) express concern that the MDRS in the Bill will enable widespread intensification in areas that are not suitable for new growth due to their distance from jobs, services, and quality rapid or frequent transit. Intensification needs to be measured, rather than permitted in an ad hoc, haphazard manner, with little or no council oversight.
- n) express concern that the removal of minimum carparking requirements in Policy 11 of the NPS-UD when coupled with the MDRS, will result in an increase in vehicles parking in road corridors. The unintended consequence of this will be a reduction in road user safety, an increase in carparking demand in residential streets, and diminished neighbourhood appeal and amenity.
- o) note the Ōrākei Local Board presentation to the Auckland Council Planning Committee on 4 November, and that much of the content also applies to the Kaipātiki Local Board area.
- p) recommend that the Planning Committee urgently requests Government to pause and engage with Auckland Council before making any further decisions in recognition of the significant impact this Bill will have on our communities and the amenity of Auckland.
- q) request that a copy of this resolution be sent to Northcote MP Shanan Halbert, Upper Harbour MP Vanushi Walters, North Shore MP Simon Watts, the Minister for Housing, the Governing Body, and all local board members of Auckland Council.

Māngere-Ōtāhuhu Local Board

1. The Māngere-Ōtāhuhu Local Board support the Bill's intent to enable more affordable and equitable urban living than what will happen in its absence. This will allow our community the opportunity of becoming first time homeowners that has become harder to achieve in the current property market.
2. The local board request the Bill to include equitable mechanisms to allow local first-time home buyers to purchase property in the local area.
3. Note that the Māngere-Ōtāhuhu Local Board area will accommodate over 10,000 new homes as a result of the large-scale residential redevelopment led by Kāinga Ora in this area. The Auckland Unitary Plan already provides more than enough development capacity through extensive areas zoned Terrace Housing and Apartment Buildings zone and Mixed Housing Urban zone in Māngere and Ōtāhuhu. The proposed Bill will add an excessive increase to the already generous development capacity in this Local Board area.
4. In particular, the Local Board request their concerns with the impact that the proposed Medium Density Residential Standards will have on Māngere and Ōtāhuhu communities are resolved. The local board believes by allowing residential development of three storeys in height across virtually all residential areas will not be in accordance with the direction of the Auckland Plan nor the centres approach in the Auckland Unitary Plan and will lead to poor quality urban environments. The Local Board is also concerned that this will result in remarkably high concentration of residents in Māngere and Ōtāhuhu, many of whom will be on low incomes, and exacerbate social inequity in Auckland.
5. The local board request further work to mitigate the effects of enabling a significant quantity of housing to be supplied without any requirement to provide quality urban environments that will remain in the long term. The local board believe the design controls proposed by the Bill are inadequate to achieve quality outcomes.
6. The local board request budget from central government to improve local infrastructure, as the Bill places little emphasis on the need for infrastructure such as open space, community facilities, and transport services to support a future intensified environment.
7. The board is concerned that the intent to exclude full public notification of applications for resource consent for residential development of up to three dwellings. Also, of concern is that four or more dwellings of up to three storeys can be applied for through a non-notified resource consent application. Furthermore, it is concerning that there will be no right of appeal to the intensification plan change which is to be notified in August 2022. These changes effectively remove the right of residents to shape their own neighbourhoods and localities and will cause resentment in our communities.
8. Ōtāhuhu contains numerous areas identified in the Auckland Unitary Plan as having historic character and special character. The Local Board is concerned that the proposed Bill may irreparably compromise these areas.

Manurewa Local Board

Overview

1. The Bill would enable development across urban Auckland (and in a number of rural settlements) at densities considerably beyond those anticipated in the Auckland Plan development strategy or planned for in the Long-term Plan. If enacted in its current form, providing the necessary physical and community infrastructure is likely to become increasingly difficult.
2. The Bill does not appear to acknowledge that Auckland has a well-considered, evidence-based, community endorsed growth strategy that supports housing choice and density close to centres and public transport, or that the Auckland Unitary Plan has already enabled capacity for over 900,000 dwellings in residential zones alone (approximately 650,000 of which have been assessed commercially feasible), without the need for the proposed Medium Density Residential Standards.
3. Considerably more capacity for housing, particularly around the city centre, Auckland's 10 metropolitan centres and stops on the Rapid Transit Network, and in other areas with high accessibility to jobs, goods and services will already be enabled under the current provisions in the NPS UD. Work is well-underway to identify those opportunities.

Timeframe

4. The board is concerned about the accelerated timeframe for this Bill. It does not provide submitters with sufficient time for consideration of the proposal and will potentially lead to unintended consequences.

Developments meeting existing requirements

5. The board believes this legislation should not negate the requirement for developments to meet current Unitary Plan controls, particularly in relation to, but not limited to, geotech and flood plain requirements.

Plan for good community outcomes

6. The board would like the legislation to reflect the principles of planning for good community outcomes as intensification increases, such as:
 - Provision of greenspace within or nearby intensive developments
 - A reduction in the threshold criteria for walking distance to local parks or reserves
 - Ensure all developments meet universal design standards to enable maximum accessibility
 - Public transport options must accompany intensification
 - Secure places to store cycles, e-bikes, e-scooters and other multi-modal transport devices
 - Secure recharging facilities for multi-modal transport options
 - Renewable energy options
 - Water tanks / recycling stormwater run-off
 - Encourage the retention and protection of any significant/large trees, in order to preserve upper tree canopy cover, support urban ngahere and reduce carbon emissions
 - Planting of trees to offer natural shade and as a contribution to mitigating climate disaster
 - Developments that allow access for emergency and utility vehicles as well as public transport options
 - Provision of separated and connected shared pedestrian / cycleways
 - Provision of a shared space to grow food - community gardens with associated tool sheds

Quality Urban Design

7. The board believes that the legislation should include requirements to adhere to principles of quality urban design and prevent significant adverse effects on adjacent properties, for example:

- infringements on privacy
- shading effects on neighbouring properties.

8. This needs to include the accumulative effects of ongoing intensification and development.
9. The board is concerned that the proposed Medium Density Residential Standards appear to be based on the Auckland Unitary Plan's Mixed Housing Urban zone, with more permissive controls, such as the ability to build the third storey considerably closer to adjacent properties, with considerably smaller outlook and outdoor living court requirements. It is our view that the Unitary Plan's Mixed Housing Urban zone is already overly permissive, and making it more permissive will lead to lower quality development being enabled.

Growth Infrastructure Funding

10. The board believes that the most significant constraint on urban growth is lack of funding for growth infrastructure. This legislation does not address this issue, and potentially increases the demands on local government to find this funding. The board strongly believes that any new central Government regulation that creates additional cost for local authorities should be accompanied by increased funding from central Government.

Special Character Areas Overlay

11. The Special Character Areas of Tamaki Makaurau contribute to its unique and diverse character and make the city the vibrant place it is. Areas such as Ponsonby, Devonport, Hillpark and others show growth of a city over time and make Auckland an attractive place to live, work and play. It also adds to tourism amenity.
12. Auckland Council has been through a long process of identifying the Special Character Area Overlays, and developing the rules that protect these places. The board believes this Bill threatens to wipe away all the protections that Auckland Council has put into place.
13. The board believes that decisions relating to already established Special Character Area Overlays should be the remit of local Government, not central Government. Local government has local knowledge and history that is not in the domain of central Government. This proposed blanket approach removes options to retain the many special characteristics that make Auckland what it is.
14. If changes relating to the 800-metre walkable catchment area from our rapid transport networks are to apply, then greater protection weight should be given on preserving Special Character Areas, for example reducing the walkable catchment area and building envelopes.
15. The environmental and biodiversity impact of this Bill must be considered. In Manurewa, the Hillpark Special Character Area includes clusters of native bush on public reserves. As well, many properties throughout Hillpark have larger established trees that form part of the urban ngahere network and ecosystem. Current high-density rules support the retention of these native trees. Allowing more intensive development will result in many of these trees being lost. Other Special Character Areas will be in a similar situation. This is a climate change issue.

Ōrākei Local Board

That the Ōrākei Local Board:

- a) note that on the 19 October the Government announced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, which contained two main proposals that seeks to:
 - i) support councils to implement intensification policies in the National Policy Statement – Urban Development
 - ii) require Tier 1 councils to apply medium density residential standards from August 2022, which allows people to develop up to three homes of up to three storeys on most sites without needing resource consent (exemptions will apply based on qualifying matters set out in the National Policy Statement-Urban Development)
- b) note that the Auckland Unitary Plan already adequately supports public and private sector development and housing supply across Auckland and enables opportunities for different housing typologies and allows for increasing that housing supply over the existing MHS, MHU and THAB zones.
- c) challenge the need for the proposed Bill
- d) note that under the current rules in the Auckland’s Unitary Plan there are instances where consented yield-led development has produced an environment of bad planning and design outcomes vs that of a design-led development, meaning it is foreseeable that we will have greater negative cumulative effects if we start enabling density without consents as proposed under the Bill
- e) note that the proposed Bill will require medium density residential standards from August 2022 and that exemptions will apply based on qualifying matters
- f) strongly recommend that Council focus efforts and resources urgently to identify special character areas as a qualifying matter in the National Policy Statement – Urban Development, to ensure these are in place if the Bill is passed and medium density residential standards are required to be applied by Tier 1 councils from August 2022
- g) recommend that the Planning Committee urgently requests Government to pause and engage with Auckland Council before making any further decisions in recognition of the significant impact this Bill will have on our communities and the amenity of Auckland
- h) agree to delegate to Member Churton and Member Milne to present to the Planning Committee on the 4 November

Ōtara-Papatoetoe Local Board

That the Otara-Papatoetoe Local Board

- a) note that on 19 October 2021 the Government announced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill ('the Bill'), which contained two main proposals that seeks to:
 - i. support Tier 1 councils to implement intensification policies in the National Policy Statement – Urban Development ('NPS-UD'); and
 - ii. require Tier 1 councils to apply medium density residential standards from August 2022, which allows people to develop up to three homes of up to three storeys on most sites without needing resource consent (although some exemptions may apply based on qualifying matters set out in the NPS-UD).
- b) generally **supports the Government's intention** to enable medium density residential development through Medium Density Residential Standards ('MDRS').
- c) **express deep concern that the Bill focuses solely on quantity; and remains silent on quality and believe that this is an oversight which must be rectified.**
- d) note that under the current rules in the Auckland Unitary Plan there are instances where consented yield-led development has produced an environment of bad planning and design outcomes vs that of a design-led development, meaning it is foreseeable that we will have greater negative cumulative effects if we start enabling density without consents as proposed under the Bill.
- e) note that in Auckland at least 16 local boards are pursuing Urban Ngahere strategies and plans. The Ōtara-Papatoetoe local board area is one with the second lowest tree canopy cover in the city. Most canopy cover is being lost on private land and that this is likely to trend upward under the NPS-UD and the Bill.
- f) express **concern that the removal of minimum carparking requirements** in Policy 11 of the NPS-UD when coupled with the MDRS will result in an **increase in vehicles parking in road corridors**. The unintended consequence of this will be congestion, and a reduction in road user safety, an increase in carparking demand in residential streets, and diminished neighbourhood appeal and amenity.
- g) **express concern** that the proposed MDRS will enable widespread intensification in areas that are not the most suitable for growth due to their distance from jobs, services, and quality rapid or frequent transit. **Intensification needs to be measured, rather than permitted in an ad hoc, haphazard manner, with little or no council oversight.**
- h) note **that if the Government proceeds** with implementing MDRS on Tier 1 councils, then the Ōtara-Papatoetoe Local Board agrees this **should be applied across all of Auckland and not singled out in suburbs such as Ōtara.**

- i) note that the proposed Bill will require MDRS from August 2022 and that exemptions will apply based on qualifying matters
- j) **does not agree that special character areas should be a qualifying matter.** Special character areas are largely located in central isthmus suburbs, and little in outer areas of the city. This puts the ability to intensify on areas further away from jobs, services, and quality rapid or frequent transit.
- k) **express concern** that the Bill and NPS-UD **does not take a holistic view** of an area which could plan for environmental, social and economic issues. In particular, these spatial plans do not take into consideration that many of the negative impacts of the enablement of intensification will be felt hardest by those that can least afford to meet those impacts. The Unitary Plan set in motion steady growth and development in the local area. There are significant implications though on the people living in the local area who also need and equally value quality green open environments, high quality urban infrastructure to support the social and community needs. The challenge remains that our communities are living in conditions of high deprivation, low employment and income. They cannot afford to avail green areas nor are supported by easy public transport infrastructure to access such amenities.
- l) Furthermore:
 - i. **Provision of carparking** in a residential development will become a premium option, and developers are less likely to offer this in poorer areas where people are less able to purchase that premium option. Therefore by default, poorer areas will see intensification with no carparks, congestion and more affluent areas with developments and carparks.
 - ii. The opportunities created for the rich **property investors must be regulated**, that are attracted to these types of developments, resulting in an unfair competition with local's wanting to be first-time home owners in the local area.
 - iii. **Transport inequities** must be understood from the lens of our local people, who depend on vehicles for work, transporting of larger, inter-generational families. Private vehicles are currently more affordable than public transport. The reality for our communities is that the economics is too costly, and our **people are pushed further to the fringes of the city, and further away from jobs, services, and transport routes.** Alternatively, overcrowded housing will continue to worsen as families want to stay in our local board areas, but can only afford smaller sized houses in new developments.
- m) requests that council urge the government to immediately **engage with our communities** to understand what the underlying implications of this Bill are for our communities. It is time that local and central agencies genuinely engage and not fail our communities who are most in need.

Papakura Local Board

That the Papakura Local Board:

a) provide the following feedback on the Resource Management Enabling Housing Supply Amendment Bill:

Timeframe

1) The board is concerned about the accelerated timeframe for this Bill. It does not provide submitters with sufficient time for consideration of the proposal and will potentially lead to unintended consequences.

Developments meeting existing requirements

2) The board believes this legislation should not negate the requirement for developments to meet current Unitary Plan controls, particularly in relation to, but not limited to, geotech and flood plain requirements.

Plan for good community outcomes

3) The board would like the legislation to reflect the principles of planning for good community outcomes as intensification increases, such as:

- Provision of greenspace within or nearby intensive developments
- A reduction in the threshold criteria for walking distance to local parks or reserves
- Public transport options must accompany intensification
- Secure places to store cycles, e-bikes, e-scooters and other multi-modal transport devices
- Secure recharging facilities for multi-modal transport options
- Renewable energy options
- Water tanks / recycling stormwater run-off
- Ensure the protection of significant trees
- Developments that allow access for emergency and utility vehicles as well as public transport options
- Provision of separated and connected shared pedestrian / cycleways
- Provision of a shared space to grow food - community gardens with associated tool sheds
- Planting of trees

Quality Urban Design

4) The board believes that the legislation should include requirements to adhere to principles of quality urban design and prevent significant adverse effects on adjacent properties, eg:

- infringements on privacy
- shading effects on neighbouring properties.

5) This needs to include the accumulative effects of ongoing intensification and development.

Growth Infrastructure Funding

6) The board believes that the most significant constraint on urban growth is lack of funding for growth infrastructure. This legislation does not address this issue, and potentially increases the demands on local government to find this funding. The board strongly believes that any new central

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Government regulation that creates additional cost for local authorities should be accompanied by increased funding from central Government.

Puketāpapa Local Board

Purpose of the Bill and Housing Intensification

That the Puketāpapa Local Board:

- supports the purpose of the Bill of improving housing supply in Tier 1 council areas by speeding up implementation of the National Policy Statement on Urban Development and enabling more medium density homes.
- supports housing intensification:
 - with quality development
 - where supported by sufficient infrastructure
 - where offsetting open space can be provided
 - that protects identified heritage buildings
 - that protects maunga sight lines
- notes the need for housing intensification in order to meet:
 - Auckland’s housing deficit and
 - Council’s carbon reduction goals by slowing urban spread
- notes the PwC *Cost-Benefit Analysis of proposed Medium Density Residential Standards* report by published by the Ministry for the Environment on 27 Oct 2021 indicates a projected increase of 39,167 houses under the proposed Bill. The vast majority of this increase is projected in areas closer to the city, and PwC report that this shift will increase intensification closer to the city centre.

Planning

That the Puketāpapa Local Board:

- recommends that the Auckland Unitary Plan be reviewed in line with the objectives of the proposed Bill to identify areas where further housing intensification could be planned.
- acknowledges the work being done by Auckland Council’s Plans and Places department to identify and define heritage areas, noting the importance of balancing this with the need to build homes close to infrastructure, jobs and recreation.
- Requests:
 - investigation into the use of inclusionary zoning (requiring a share of construction to be affordable by people with low to medium incomes)
 - investigation into allowing small retail in areas to be intensified, noting the desire for a ‘walkable city.’
 - consultation with mana whenua regarding the effects on Māori land and Māori wellbeing outcomes.

Heritage

That the Puketāpapa Local Board:

- supports an approach that accelerates high-density urban development but also incentivises protection and restoration of heritage buildings where possible, noting that greater protection for what little built heritage remains in our rohe has been consistently identified as a priority for our communities.

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- notes there are a number of areas with a character overlay which currently prevent intensification in areas that are close to infrastructure, jobs, recreation and public transport.
- supports reclassifying these areas with identification of individual buildings and contiguous streetscapes of particular heritage value.
- notes that local board has a particular concern about natural heritage. Partnership with mana whenua is critical to ensuring that sites of historic significance to Māori are not only protected, but have their stories told and can receive Māori names and signage.

Upper Harbour Local Board

That the Upper Harbour Local Board:

- a) provide the following feedback to be included as an attachment to the Auckland Council submissions on the Enabling Housing Supply Amendment Bill (Resource Management – Enabling Housing Supply and Other Matters – Amendment Bill):
 - i) the local board notes that the stated purpose of the Bill is to improve housing supply in Tier 1 council areas (i.e. New Zealand’s high growth cities) by speeding up implementation of the National Policy Statement on Urban Development (NPS-UD) by at least one year and enabling more medium density homes.
 - ii) the local board believes this will mean a loss of Auckland Council’s ability to determine appropriate planning rules and controls which, through the Auckland Unitary Plan, have been put in place to mitigate the effects of housing developments.
 - iii) the local board questions the need for the level of intensification proposed in the Bill as the existing Auckland Unitary Plan (‘AUP’) already provides ample capacity for growth which was the result of years of planning work, consultation, and hearings.
 - iv) the local board is concerned that the proposed Medium Density Residential Standards (‘MDRS’) will enable widespread intensification in areas that are not suitable for new growth due to their distance from jobs, services, and quality rapid and frequent public transport and the lack of infrastructure readiness.
 - v) the Bill focuses solely on quantity; and remains silent on quality, and the local board believes that this is an oversight which must be rectified
 - vi) the Bill will have the following potential negative effects on the communities within the region including the Upper Harbour Local Board area:
 - A) potential to produce poor environmental planning and design outcomes
 - B) due to the level of intensification being allowed there will be a loss of amenity in numerous areas
 - C) car parking issues with the potential increase in cars per section
 - D) increased traffic movements and congestion as not all areas have adequate public transport
 - E) the proposed 1 metre side and rear boundary setback and increased heights allowed, will potentially reduce sunlight to homes creating damp unhealthy housing
 - F) impact on neighbouring properties who will be unable to have a say due to the proposal in the Bill to allow developments (3 per section) without requiring a resource consent
- b) recommend that the Planning Committee urgently requests Government to pause and engage with Auckland Council before making any further decisions in recognition of the significant impact this Bill will have on our communities and the amenity of Auckland.

Waiheke Local Board

The Waiheke Local Board is a strong advocate for an inclusive approach to resource management and for protection of the natural environment. This is reflected in its Local Board Plan 2017-2020 which has as key outcomes:

Support the design outcomes in the Waiheke Area Plan for a high-quality built environment, especially for the villages and main thoroughfare, that reflect a bespoke Waiheke design vernacular.

“Inclusive planning and place-making through fostering a regulatory environment which protects and enhances the unique character of Waiheke’s people and environment.”¹

Essentially Waiheke

Adopted in 2000, and refreshed in 2016, the board recognises the document, Essentially Waiheke, as the voice of the community on matters of future planning and development. Its values and principles are considered central to the Hauraki Gulf Islands District Plan and subsequent planning documents. The vision for the Essentially Waiheke Refresh 2016 is included below:

Waiheke, a beautiful island that embraces its essential character through:

- 1. Restoring, protecting and enhancing what makes Waiheke special: its character as a place and as a Community*
- 2. Keeping the beauty, integrating the precious natural environment with the island’s village and rural features.*
- 3. Becoming a sustainable tourist destination, that attracts people for its natural environment and the symbiotic, relaxed island pace of life.²*

Waiheke Local Board members state that changes to resource management systems must align in terms of these values. The aspirations and concerns of the Waiheke community about the environment are very relevant to consideration of the Resource Management Enabling Housing Supply Amendment Bill (RMEHSAB) and can be accessed on page 13 of the document.²

Environmental and Resource Management Issues of concern for the Waiheke Local Board Area

There are a large number of environmental and resource management issues facing the islands in the Waiheke Local Board area including but not limited to:

- Residential intensification and the resulting impact on the island character and natural environment.
- Concern about the possible future imposition of reticulated sewerage systems to enable development.
- The long-term effects of the removal of vegetation, protection of mature trees and development on the terrestrial environment including the resulting erosion, pest incursion, sedimentation, loss of wetlands, stormwater and wastewater damage.
- An increasingly disenfranchised community where residents complain that they feel they have minimal influence over building and infrastructure developments on the island.
- The degradation of the marine environment.

The board has been actively working with the council planning team to produce the Draft Waiheke Area Plan. With regard to current challenges it states that:

“Council’s response in Auckland to exceptionally strong demand for housing is to increase the supply in existing and new urban areas and to provide a broad mix of housing types to meet varied needs and lifestyles. This is currently not possible on Waiheke as the boundary of the existing urban area is defined (the Rural Urban Boundary) and the lack of wastewater and stormwater infrastructure prescribes low-density detached housing on large sites.” (p.28)

The board makes the following high-level comments:

1. The board is against intensification of housing on Waiheke and has received huge amounts of community feedback to the current Local Board Plan, Draft Area Plan and Essentially Waiheke Refresh 2016 supporting this view.
2. The Local Board Plan has as its central premise Waiheke as a “natural sanctuary in the gulf” and one of the key elements is the preservation and indeed enhancement of the natural environment and rural character of the island. Critical to preserving the Waiheke character is the low-rise, low-density built form, with green-belts separating villages and the rural eastern-end separated by a durable rural-urban boundary.
3. The government’s proposed new Medium Density Residential Standards (MDRS) run in direct opposition to the island character and low-density values for which the people of the island have clearly advocated.
4. The key qualifying matter is the disposal of wastewater, as there is no reticulated sewerage on Waiheke except for a small system which services the Oneroa retail precinct. The typical residential building site in one of Waiheke’s villages would be unable to support a wastewater disposal field of sufficient area to accommodate three, three story buildings.
5. There has been consistent and very strong public feedback against the development of further reticulated sewerage systems on Waiheke as this is considered a potential precursor to residential intensification of the island.
6. Another qualifying matter is drinking water. The smaller roof area of medium density three story buildings would not allow sufficient collection of rainwater for potable use for up to nine homes. Potable water is drawn from Waiheke’s aquifers, a resource that is finite in terms of capacity, and climate change indicates longer more frequent droughts will put more pressure on that critical resource.
7. Whilst larger rural sites would be an enabler for medium density dwellings, this type of development would run counter to the expressed views of residents, the operative Hauraki Gulf Island District Plan and to Essentially Waiheke’s message of preservation of character.
8. The awareness of the value of trees in the landscape is critical. Tree protections would be reduced under the proposed bill, yet are another essential element of maintaining Waiheke’s character and enhancing its biodiversity. The local board strategy embedded in statutory frameworks is to increase canopy cover and it is investing heavily in its Ngahere reforestation strategy.
9. There has been no formal research to determine the carrying capacity of the island for residential purposes. It is not simply about buildings and wastewater systems, but also about

the capacity of the island for human habitation, its character, water supply (both artesian and rainfall), and about its environmental impact. Increased human population will inevitably negatively affect the quality of aquifers, marine and terrestrial environments, streams and rivers.

10. Health and social service agencies are of a small scale on Waiheke and distance from city services required for a larger population would become a significant issue.
11. The Auckland Unitary Plan already delivers sufficient supply of housing in the short, medium, and long term and the intensification of Waiheke would not make a material contribution to increased housing supply in the region. The board maintains it is far better to preserve Waiheke Island as a natural sanctuary in the Gulf for all to enjoy now and into the future, and to act as a positive carbon sequester for the region.
12. Currently the island is critically under-resourced for emergency accommodation, accommodation for the island's workforce (particularly for hospitality) and for the elderly. Waiheke and Great Barrier have the oldest median-aged populations in the region. Increasing the housing density is likely to make the provision of these resources even more stretched because of market desirability, and not support more affordable housing options.
13. To get a 'well-functioning urban environment' as required by the National Policy Statement on Urban Development, we need a more design-led approach to development than the proposed under the new Medium Density Residential Standards in the Bill. Consenting is a critical component for ensuring design and amenity outcomes and should be preserved for all residential development.
14. The community perceives that damaging development continues to occur despite council policies, plans and national legislation. Reform needs to result in a greater ability for communities to influence consent decisions in favour of environmental protection. This bill would work against this principle and allow developers to construct out of scale developments without the scrutiny of planning departments or public notification processes.
15. The Waiheke Local Board proposes that residential islands be excluded within the definitions of coverage of the proposed new legislation to help preserve these highly valued national assets.

Thank you for considering an island-centric view of urban development.

References:

1. Auckland Council. (2017). Waiheke Local Board Plan 2017-2020 (page 17).
2. Auckland Council. (2016). Essentially Waiheke Refresh 2016 (page 13) retrieved from <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/Documents/essentially-waiheke-refresh.pdf>
3. [Draft Waiheke Area Plan \(2020\)](http://www.aklc.govt.nz/Data/users1/inglism/Documents/Planning/Draft%20Waiheke%20Area%20Plan%20Final.pdf)
www.aklc.govt.nz/Data/users1/inglism/Documents/Planning/Draft%20Waiheke%20Area%20Plan%20Final.pdf

Waitākere Ranges Local Board

Context

The Waitakere Ranges Local Board area in west Auckland is a mix of rural and urban. The Waitakere Ranges Heritage Area Act 2008 (WRHA) established much of it as a heritage area of regional and national significance and identified its heritage features.

In our urban areas, (Glen Eden, Sunnyvale, Swanson), more intensive housing development is starting to happen around town centres and villages along the Western Line rail corridor. This is enabled by Auckland Council's current planning regime.

Several Special Housing Area developments were fast tracked in our area under the council's accord with central government, and more recently the Nola Estate development was fast tracked under the Covid 19 Fast Track legislation. The existing examples of cutting through the planning rules have not delivered exemplary results.

We support the compact city model with intensification around centres with rapid transit connections, for example along the Western Line rail corridor. We strongly support the aim of increasing Auckland's supply of affordable, quality housing. We have concern about whether the proposed change in the Housing Supply Bill will bring the desired result.

With the unitary plan and the NPS on urban development there are strong incentives already for construction and we are seeing the effect already. Glen Eden is awash in construction sites, as are other parts of Auckland. Construction takes a long time. There is a built-up head of steam that we are seeing the effects of now.

In a couple of years there may no longer be the pressure, just because we let the current housing boom play out. Continuous adjustment before seeing how the current rules play out may not be warranted.

We have some sympathy with the view of the Orakei Local Board on Auckland's special character areas, although we feel that the impacts of intensification need to be shared more equitably across the Auckland Region.

Feedback

Proposed Medium Density Residential Standards

1. Quality of housing – intensification happening in west Auckland includes a lot of low quality, badly designed houses put onto small sections. The proposed change encourages more of the same.
2. The streamlined process for housing intensification needs to be matched by mandatory standards for quality design of housing. The Auckland approach of having a design guide outside of the Unitary Plan has not worked.
3. Developing at the wrong scale – intensification on single sections leads to poor housing outcomes for design, quality, and neighbourhood amenity.
4. Allowing medium density housing in the single housing zone in outer areas of west Auckland increases the chance of housing intensification happening in areas that lack transport options and employment access. This will not deliver on the stated policy intent of creating a low carbon city.

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5. In Auckland, the proposal seems to be taking aim at the extent of the single house zoning in the city fringe suburbs within 5km of central Auckland. At least that is the area examined in the Regulatory Impact Statement which then draws the conclusion that the best option is to make Medium Density Housing the default across the whole of urban Auckland.
6. A more refined approach is needed. Areas further out often have less access to jobs and transport choice.
7. Housing standards need to be fit for purpose for pandemic preparedness for both the current situation and future pandemics, eg to outdoor areas, whether there are shared facilities, communal areas.

Qualifying Matters

8. Support the inclusion of qualifying matters.
9. Ask that the Waitakere Ranges Heritage Area Act 2008 be listed as an additional qualifying matter.
10. Support the exclusion of all large lot residential zones.

Greenfield development

11. Do not support the inclusion of new greenfield land. Auckland needs strong edges to its urban boundary to stop the sprawl – the edge is the edge.
12. Auckland's food sovereignty and resilience – housing development in the wrong location is consuming elite and prime growing soils in places like Pukekohe and the north-west so is a risk to Auckland's resilience.

Infrastructure and resource

13. Support the view that the Unitary Plan already provides ample capacity for growth, and that the impediment to housing growth in Auckland is the underlying infrastructure.
14. Rapidly advancing housing supply in areas without the necessary infrastructure is a future burden to ratepayers.
15. Recommend that the Intensification Planning Instrument be required to address infrastructure constraints, including the provision and retention of green open space.
16. Consideration should be given to the circular economy in use of building materials to create durable quality houses and incentivise the re-use of building materials to reduce the volume of waste to landfill.
17. Consideration should be given to the reinstatement of tree protection as part of this process.

Community input

18. Express strong concern that this Bill overrides the role of local government in determining planning rules appropriate to their council area, which has happened in consultation with local and regional communities through the Unitary Plan, the Auckland Plan and local board spatial plans.

Waitematā Local Board

Key Points

1. The top priority of the Waitematā Local Board is to address climate change and meet Auckland Council’s targets to halve total emissions by 2030 and to reach net zero by 2050. We support density done well and acknowledge the opportunity and advantages of bringing people together to live, work and play.
2. We recommend that the bill aligns with Auckland’s Climate Plan¹⁷. Construction, stationary energy and transportation together make up a large portion of emissions. We support the creation of a quality compact form using and repurposing finite resources thoughtfully.
3. We would strongly urge halting urban sprawl and recommend not expanding the urban limit any further. We are happy to go up, but less happy about going out (unless there is good reason and new development is close to existing transport links and away from good growing land).
4. We strongly support increasing choices in *quality* housing at different price points that are suitable for different cultures and different stages of life.
5. We acknowledge that there is a housing affordability crisis and that it is unacceptable that younger people should be unable to purchase decent homes, or find decent rental homes with long-term secure tenure at a price that is affordable.
6. We note that the National Policy Statement is rooted in the Urban Growth Agenda, which states it aims to reduce emissions, improve access to employment, education and services and to enable quality built environments, while avoiding unnecessary sprawl¹⁸. We support these aims and so are surprised and concerned that the cost/benefit analysis on the current bill that accelerates the NPS (2021)¹⁹ does not consider climate change, biodiversity or food security, nor how access to employment and education will be improved by enabling intensification in all areas including those far from transport links.
7. We are also concerned that the same PwC report admits that wellbeing is likely to be adversely affected by lowering built quality standards²⁰, though it speculates that this may be mitigated if one has strong support networks nearby. We acknowledge that more informal development can lead to vibrant areas and resourceful people but can have poor environmental outcomes, e.g., Lagos, or India. This might be mitigated through good planning rules and resourcing compliance effectively.
8. We observe that the population is not currently growing in Auckland, with the greatest fall in the densest urban area: the city centre. This suggests that unless density is designed well people with options will chose to live elsewhere even if this means greater commutes, or moving out of Auckland and other centres or abroad. Policies to encourage high earning “talent” to move to, stay in or

¹⁷ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/topic-based-plans-strategies/environmental-plans-strategies/aucklands-climate-plan/Pages/default.aspx>

¹⁸ <https://www.hud.govt.nz/assets/Urban-Development/Urban-Growth-Agenda/62eeb57f4e/urban-growth-agenda-cabinet-paper.PDF>

¹⁹ <https://www.hud.govt.nz/assets/News-and-Resources/Proactive-Releases/Cost-benefit-analysis-proposed-MDRS.pdf?fbclid=IwAR0opjMFseqiK0GI9fm-56ENdM2BgiUc-gOz-nBJ8cfTb90Yy5zV4qcOx04>

⁴ This view is consistent with earlier reports done by PwC: “the quality of outcomes for urban communities is strongly influenced by the design of the built environment” Darlington & Rice (2020). A methodology for strategic assessment of the wider costs and benefits of urban growth. HUD. <https://www.hud.govt.nz/assets/Urban-Development/Urban-Growth-Agenda/Methodology-report-A-methodology-for-strategic-assessment-of-the-wider-costs-and-benefits-of-urban-growth.pdf>

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return to New Zealand depend to an extent on whether a city is attractive and vibrant, particularly when living costs here are higher than in comparable countries.

9. We are aware that in the future there may be fewer liveable areas in the world, and the probable loss of Pacific islands and seaboard areas suggest migration is likely, and it is prudent to plan ahead. It is essential to ensure that the homes of refugees and all New Zealanders whatever their income, race or class, are attractive, affordable and accessible, warm, dry, well-ventilated, and enjoy outlook, and sunlight for at least some hours of the day.
10. We observe that with record-breaking levels of consents perhaps there is less need for urgency than is suggested around reforming regulation, noting that more than 900,000 additional new homes are enabled already in the Auckland Unitary Plan. We would recommend government taking the time to engage with local communities on their priorities, and consider concerns, so as to ensure good outcomes and reduce fears of change.
11. We observe that we do lack sufficient quality affordable housing even as there is sufficient supply for luxury “lock’n’leaves”.
12. We share Rebecca Macfie’s view²¹ that we cannot rely on the market to provide decent housing for people on low-median salaries, and we strongly support more state and council housing provision across Auckland including Waitemata. We acknowledge Kainga Ora’s work here.
13. We would recommend councils also be encouraged and supported to provide or demand the provision (through council housing, inclusionary zones, or other means) of more secure tenure, rent-controlled housing for working people, as well as pensioners.
14. We observe that councils can raise the bar with regard to rules ensuring a well-functioning urban form and that this policy statement provides us with an opportunity for us to design a quality city for the future where it is possible to live a good low carbon life. We should take this opportunity.
15. We support density where this will mean improving cultural, social, economic and environmental wellbeing. Our feedback all generally sits around insuring these four wellbeings.

Social Wellbeing: Decent homes

16. While rules cannot ensure good design, they can stop the worst of bad design. Some recent developments in Auckland enabled by the AUP have been sub-optimal with developers maximising the building envelope, with little regard for the urban realm, spatial relationships, shading or the long-term wellbeing of residents. It has been yield driven and houses have not become particularly cheap. The proposed bill will tend to make this sort of development more common particularly in less affluent neighbourhoods where residents have fewer options. We also note that the PWC report does not claim that prices will come down but that their rise will slow down.
17. We would recommend that wellbeing for all should be at the heart of building standards. We propose that the minimum standards proposed in Schedule 3A are reconsidered with a view to ensure that all homes are good quality, healthy, accessible and safe.

²¹ Macfie, Rebecca. (Sep 2021). “The Great Divide.” *North & South*; Fraser, Jessamine (Nov 2021). “Housing at any Cost?” 1/200. https://www.1of200.nz/articles/housing-at-any-cost?fbclid=IwAR1vbGBP5n54fTyvQco94QtIANQd0qye_xlyD7Kfex245dcBJg7JjSCZ7kE

18. The proposed outlook standards will be insufficient to enable privacy and the private enjoyment of one's home. There will be considerable overlooking of dwellings, particularly three-storey housing overlooking other homes, gardens and living spaces.
19. The halving of outlook requirements (from 6x3m to 3x3m) for living rooms will mean there will often be insufficient natural light to use an internal space for reading etc without electric lights. This will be exacerbated by higher building heights, particularly in other rooms for which a 1m outlook space is deemed the minimum standard. We fear this will reduce the functionality and attractiveness of homes and impact on wellbeing.
20. There will be too much hard surface exacerbating flooding in storm events. We would recommend that maximum building coverage be limited to 45% of a site and maximum impervious surfaces be 50%.
21. We would recommend setting minimum landscape requirements of 40%, unless houses back onto a park or green space.
22. We would recommend encouraging permeable (green) space to be agglomerated in one area as far as possible to enable trees and playable gardens – perhaps shared with other housing as in perimeter blocks. The WLB is very supportive of allowing the removal of side setbacks where a party wall is planned 11(2).
23. We observe that there is more leeway to set design standards, outlook and green space where the building heights are greater than three storeys. We strongly recommend that in areas close to the city centre – where qualifying matters do not apply – that six-storey perimeter blocks are enabled. This would entail the removal of side setbacks, the reduction of front set backs, and the conglomeration of shared garden space in the back. We would argue that this might well be more popular than the proposed tiny private outdoor areas of ad hoc infill development.
24. Safety issues should be considered. With multiple dwellings on one site, it is essential that children and other vulnerable persons are able to access the street and outdoor play without using a driveway designed for vehicular movements.
25. Accessibility should be considered for individuals with access needs who are living in or visiting a place. Auckland has an ageing population and as new buildings no longer require parking, there needs to be sufficient dropping off areas to enable people to move around and have things delivered to them. This is also necessary for emergency services to access homes.
26. We would encourage and support developers consider good design values as provided by the Auckland Design manual and would recommend that all larger developments e.g., more than four dwellings on a site, or buildings of four storeys or more, go through an urban design panel process and that all developers have access to good design advice.
27. We recommend the bill be amended to allow three buildings of up to three storeys on a site as a restricted discretionary activity, subject to the lodging of a satisfactory urban design assessment
28. We recommend that planning rules, though they may not allow parking minimums, do include secure parking provision for micromobility and prams.

Improving the Building Code

29. At the levels of density proposed it might also be necessary to amend other regulations to ensure good outcomes around noise.

30. We would recommend the proposed revision of the building code clause G6 is implemented before the NPS UD goes into effect.²²
31. We would also recommend that “dark stores” that serve as grocery distribution centres (and that can be very noisy throughout the day with banging and beeping) are classified in such a way so as to prevent them being located in residential areas unless the pick-ups and drop offs take place indoors.
32. Construction Waste. This is another issue for council: with this waste stream taking more than half of landfill space. We would recommend that where a building consent is applied for a deconstruction (or relocation) plan of any existing dwellings on site must be submitted along with a construction waste plan. This is likely to reduce waste substantially, while having little impacts on costs in the long run (due to savings by using fewer materials).
33. Recommend a changing of the code to enable building materials to be used again where they retain good functionality, for example hardwoods get better over time.
34. The risk of electrical fires for e-vehicles need be considered, especially if more wooden buildings are built close together creating fire risks that might be exacerbated with hotter, drier summers.
35. We would recommend updating the building code to incentivise the use of building materials that can be deconstructed, and reused if necessary, and that can be disposed of safely otherwise.
36. recommend the building code ensure that all livable rooms including all bedrooms have an opening window so as to ensure ventilation even through power cuts.
37. recommend active incentivisation of high-quality climate resilient builds that enable cross-ventilation, on site water capture and retention, access to green spaces within 500m of any dwelling, and future proofed energy needs that may include:
 - decentralised energy generation
 - access to electrical outlets suitable for EV charging
 - consideration to individual household or block energy storage
 - living buildings and climate change positive buildings

²² The current building code clause G6 does not take in consideration noise from building services as in HVAC, plumbing and drainage and lifts; noise from common spaces as in plant rooms, corridors, stairs and lobbies; nor environmental noise.

The DBH Department of building and housing (now MBIE) proposed changes to the building code clause G6 performance requirements and associated compliance documents for protection from noise in October 2010 by proposing a new Building Code clause G6 and two new Acceptable solutions to replace the existing document. The proposal was intended to make new household units better insulated against noise. Under the proposals, occupants of new household units would enjoy extra protection from:

- i. environmental noise in specified noise zones identified in District Plans (for example, near traffic, airports, ports and industry).
- ii. noise related to building services (such as plumbing, air-conditioning equipment, and lifts), and noise from building movement (such as squeaking floors and stairs).
- iii. noise from common spaces.
- iv. noise from spaces that do not directly adjoin their household unit.

Cultural Wellbeing: Well-functioning urban design at density

38. Central to the vision of the Auckland Unitary Plan is the idea of a quality compact form. We are very supportive at putting the focus on density around proximity to public transport. More density in these places should enable more walkability and the revitalisation of town centres.
39. Ad hoc growth makes it difficult to plan infrastructure including schools and community infrastructure.
40. We are nervous that the continuing relative ease in building low-rise housing in larger sections in the outlying suburbs may disincentivise quality affordable 6 storey housing closer to transport links.
41. We strongly support a design-led approach and thoughtful planning that makes moving around cities by active modes accessible and safe for all ages, and supports children’s wellbeing and independent access to play spaces. We are concerned that a more laissez-faire approach will not lead to this outcome. Child-friendly cities are desirable to live in and attract mid-career talent (parents) looking to invest in the economic and community life of the city, that is good for the local economy.²³
42. We would very much welcome Kainga ora and other community housing providers to only build in walking catchments of existing public transport. Walkable areas around public transport links are desirable for families but housing there can become too expensive unless supplied by the state.
43. We recommend a direction to central and local transport agencies to include recreational destinations in their route planning, particularly at the weekend. This would include sports and arts centres, regional parks and beaches. Three times as much driving is for recreational use than for commuting²⁴, and if people are to give up cars, other ways to ensure everyone and particularly children and youth can fully participate in the city should be made available.
44. We would recommend the consideration of form-based codes as a way to ensure high quality urban environments while still allowing some flexibility for developers.
45. We also support master planning that ensures a mix of private and public housing, mixed use areas with quality outdoor public and private spaces.
46. We would welcome high-density human scale (six-storey) walkable low-traffic neighbourhoods in which parks and bus stops are within five minutes’ walk of all homes, shops and cafes are within ten minutes and community amenities are no further than 20-minute walk from homes. We would support master planning brownfield areas to transition to this form and planning rules to enable a transition to it. While councils can still do this, enabling lots of low-rise housing may make it harder to achieve this vision.
47. We are concerned that the increase in density in areas where there is limited public transport might lead to issues with dangerous parking across berms and pavements as well as vehicle movements across pavements and cycleways.
48. We would recommend government fund the purchasing of land and provide parking for shared vehicles decoupled from developments in mid and high-density areas. The intention would be to reduce traffic movements across footpaths and cycle lanes, and reduce the practice of parking in the streets or across berms etc. By enabling *all* residents access to cars sometimes we might

²³ Gill, Tim. (2020) *Urban Playground*. RBA.

²⁴ <https://www.transport.govt.nz/statistics-and-insights/household-travel/sheet/key-facts>

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discourage private car ownership in a more equitable and not disempowering way. In time, if deemed no longer necessary, this land could become pocket parks and civic spaces.

49. Food production at home will become more challenging with density, but food sovereignty is a growing demand within our communities. We recommend that either in parks, or in addition to them, space is allocated for local food production in every suburb. This might include allotments, community gardens, gardens for health or urban farms. We would recommend enabling the urban farm model: not-for-profit enterprises that build community, follow and teach regenerative agriculture principles and are economically sustainable because the farmer is paid for through education contracts, placemaking budgets and the local sale of organic fruit and vegetables.
50. It is desired by our communities, and acknowledged in our urban ngahere strategy, to increase tree canopy to at least 20% in all suburbs.
51. We would recommend that the pre-2012 RMA provision for tree protections are restored.
52. Protection may be designed so as to enable density where desired. For example, it may be that non-scheduled trees can only be removed where there is a building consent that deems removal necessary. When trees are removed it may be required to plant young trees nearby.
53. With increasing density, we would support quiet businesses, offices, shops, cafes and social enterprises to establish themselves anywhere in the city.
54. We support provisions 77P & Q that enable councils to collect financial contributions for permitted activities and suggest that it is mandated that a reasonable proportion of these contributions must be spent in the suburb collected and that for the local portion contributions in kind may be considered, for example, the provision of a pocket park or community centre. This may help ensure that the challenges of growth are met where the growth actually happens.

Qualifying matters

55. The Waitemata Local Board supports the view that qualifying matters (as specified in the bill) may justify restricting some development due to inadequate infrastructure, risk of natural hazards, to ensure sufficient light into public spaces, to protect the environment, and also to enable good urban design outcomes.
56. We also support the protection of heritage, noting that not all old housing is of heritage value. We observe that heritage sites and areas would include sites of importance to mana whenua and many migrating groups, some from Europe but also the Pacific and other parts of the world. Keeping clusters of high-quality heritage housing would be to follow good practice in many cities around the world including Europe and China. While many old buildings may not be worth preserving, there will be some that should be, and protecting heritage clusters make the heritage values more legible. Heritage gives a city character and remind people of their history. Many of our constituents would like to see broader protections and we respect their view while also wishing to balance this with the need for more housing choice. With the considerable increase in housing already enabled by the AUP, and increased further with this policy statement, it seems to us that a good balance might be struck.
57. With regard viewshafts to the Maunga of Auckland these contribute to making Auckland unique. The Maunga are sites of significance to Māori. We would recommend consultation with mana whenua and all maori to ascertain their views on removing the right to a visual connection with them.

Climate Change and Environmental Wellbeing

1. We are concerned that soils and food security have not been fully considered. We recommend ensuring there is sufficient space for horticulture to expand to feed the growing population with fresh fruit and vegetables at an affordable price bearing in mind that fresh food costs are already high in NZ.²⁵ We recommend government and councils food security policies should err on the side of caution as climate change is likely to increase challenges to farmers in producing good harvests.
2. Loss of much private green space will inevitably be the consequence of these reforms, and the loss of many thousands of mature trees. This is at odds with the community desire for more greening of the city and council's own targets for urban tree canopy. We would recommend consideration on how to incentivise and fund more green space and street trees in the city to support mental and physical wellbeing of residents, mitigating the heat island effect, providing shade and beauty for residents as much as to mitigate climate change.
3. We would support standards on the provision and maintenance of public parks, gardens and community gardens that increases the amount of green space in each suburb in correlation with population growth as in Singapore. This may include green roofs, and green walls.
4. Cities can be havens of biodiversity and we want our cities to be full of flora, fauna and birdsong. It would be desirable to have as much green space as London (47%²⁶ - and have this space across the city not just on the edge).
5. Councils are encouraged to plan for growth in populations, but it may also be prudent to plan for degrowth, and stabilising of populations. As every person travels, requires a home, clothing, and consumes food, energy and goods, allowing for the possibility for numbers to decrease may be prudent and improve quality of life. This will necessitate a shift in mindset with regards economic and spatial planning.
6. Ad hoc growth away from public transport may lead to more congestion, and a growth in transport emissions. We would recommend strongly disincentivising fossil fuel consumption through rationing or penalties to encourage those choosing to live large distances from their place of work to instead work from home, use public transport, share their car or shift to a less polluting mode.
7. Land use and poor construction practices is one of the greatest threats to our harbours including the Hauraki Gulf. We would strongly recommend enabling councils to issue fines where there is a breach in compliance so as to incentivise best practices, reduce negligence and effectively mitigate potential damage.

Economic Wellbeing: Addressing The Need for Affordable Housing

8. The Waitemata Local Board is concerned that enabling more market housing does not necessarily equate to sufficient quality affordable housing that is suitable for a variety of needs.
9. Furthermore, increasing the development potential of sites is likely to cause land values to increase, and subsequently rates, forcing people out and into more modest, or more outlying

²⁵ <https://www.hortnz.co.nz/assets/Environment/National-Env-Policy/JR-Reference-Documents-/KPMG-2017-NZ-domestic-vegeable-production-.pdf>

²⁶ <https://www.gjgl.org.uk/keyfigures/>

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accommodation. Unless there are good design standards for new builds there is a risk that decent housing will become a privilege when a generation ago it would have been a right.

10. We recommend using various other economic tools to ensure sufficient quality affordable housing that is suitable for families close to transport hubs. These would include:

- inclusionary zoning
- building significantly more state housing, community housing and council housing – with secure tenure
- more financing and planning tools to enable co-housing and papakainga housing
- rent controls
- removing incentives for property speculation
- equal financial support for housing provided by councils as is provided to community organisations such as access to income related rent subsidies
- allowing property prices to fall
- nationalising rental housing currently held by corporate interests
- supporting housing associations that enable shared ownership, with greater ownership available for purchase over time (rent to buy).
- Supporting build to rent housing at mid and high-density

Whau Local Board

Context

1. The local board welcomes the opportunity to provide views on the Resource Management (Enabling Housing Supply) Amendment Bill and will provide its feedback within the context of the overall changes associated with implementation of the National Policy Statement on Urban Development (NPSUD).
2. The local board strongly supports an accelerated transition to a compact, high quality urban form noting that this has generally not been achieved under the Resource Management Act 1991 (RMA).
3. The local board supports the development of a more aggressive approach to reducing carbon emissions to meet our commitment under Tāruke-ā-Tāwhiri: Auckland's climate change strategy and hopes that the NPSUD will support the necessary shifts towards emissions reduction.
4. The local board acknowledges the progress made by Auckland Council under the current Auckland Unitary Plan (AUP) but agrees that the current provisions are no longer fit for purpose and need to be amended to reflect the growing urgency of both the housing crisis and the climate crisis.
5. The local board notes concern expressed by members of the Governing Body and other local boards around lack of engagement with Auckland Council by central government. The local board shares these concerns and would support efforts to extend the timeframe of this legislation to enable such engagement.

Related feedback on provisions of the NPSUD relevant to this legislation

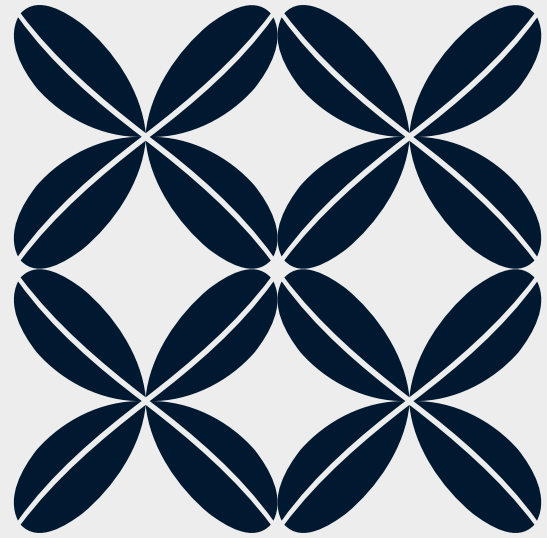
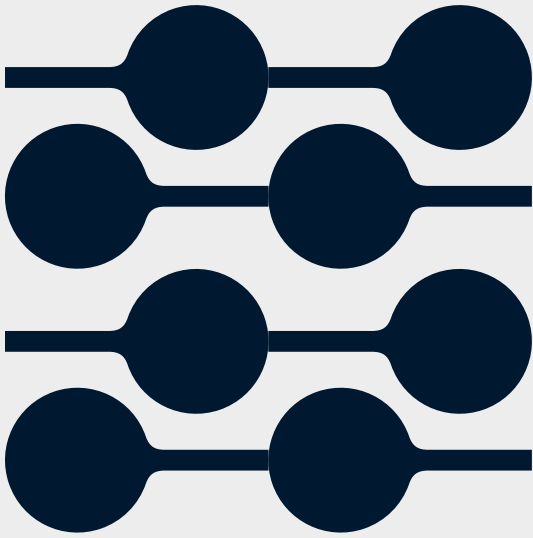
6. The local board supports in principle the changes proposed under the NPSUD but with some reservations as follows:
 - a. the proposed changes associated with the NPSUD focus heavily on increasing housing density and place insufficient emphasis on quality of design, the need for development of essential infrastructure to support housing growth, and access to transport, essential services and recreational open space
 - b. the proposed changes associated with the NPSUD place little emphasis on mitigating the effects of climate change and reducing carbon emissions
 - c. there is a lack of incentives in the NPSUD for both developers and local government agencies to shift away from the currently favoured sprawling, low-density greenfields development on Auckland's rural fringe towards high-density brownfields development in urban areas with an emphasis on well-planned housing with high-quality design values.
7. The local board supports in principle Auckland Council's proposed approach to implementing the NPSUD as it currently stands, with some reservations as follows:

- a. concern about lack of emphasis on urban ngahere (canopy) cover and supports policies to ensure that rapid urban development is accompanied by protections for existing trees and planting of new trees, including in the road corridor
 - b. support for the proposed increased density within walkable catchments of key transport hubs, but is concerned to ensure that this is accompanied by requirements for access to recreational open space, transport and other essential services
 - c. concern that Auckland Council and its CCOs are currently implementing a wide range of policies and strategies that:
 - i. assume greenfields development as the default norm for future urban development, which is inappropriate
 - ii. make inadequate provision for essential infrastructure and recreational open spaced based on out-of-date population data and growth projections
 - iii. adopt a reactive (rather than proactive) model for determining the need for transport services and infrastructure (including public transport, safety interventions, and walking and cycling connections)
8. The local board would like to see Council, CCOs and government agencies such as Kainga Ora take a more proactive and joined-up and transparent approach to infrastructure planning to keep pace with growth and ensure that gaps in network provision are identified before they become a problem. This might include, for example, identifying the need for safe walking and cycling connections near major new housing developments early, rather than waiting for deaths and serious injuries to provide evidence of a problem.

Feedback on the Resource Management (Enabling Housing Supply) Amendment Bill

- 11) The local board has a number of reservations about the Resource Management (Enabling Housing Supply) Amendment Bill, and is particularly concerned that rapidly advancing housing supply without any requirements to fast-track the infrastructure required to support this intensification will lead to low-quality development that has negative environmental impacts.
- 12) The local board would be willing to support this legislation in principle subject to the following considerations:
- a. The local board's concerns noted in clause (5) above, around climate change considerations, environmental impacts, and incentivising of high-quality brownfields (over greenfields) development, being more directly addressed
 - b. The introduction of specific requirements around quality and design of housing, noting that Aotearoa / New Zealand has an unfortunate history of ad hoc, low-quality infill leading to poor social, aesthetic, and environmental outcomes
 - c. Consideration of mitigations in respect of water-sensitive infrastructure (rain gardens, rainwater detention tanks) to offset the likely increase in impervious concrete surfaces in urban areas
 - d. Consideration of stronger requirements for local government entities around provision of both essential and recreational infrastructure to ensure that this is planned for proactively and in a strategic way rather than having infrastructure developed by multiple agencies in a piecemeal or reactive way

- e. Consideration of specifically requiring the provision and retention of green open space ensuring access to passive and active outdoor recreation, opportunities for community gardening and food resilience initiatives, and tree cover
 - f. Consideration of tree cover (through protection of existing trees and requirements for tree planting) in the road corridor specifically
 - g. Consideration of the reinstatement of much wider tree protection (including potentially a return to blanket or de facto tree protection as per pre-2012 rules) as part of this process, noting local government's relative inability to protect its significant trees and canopy cover under the RMA as it stands
 - h. Consideration of the circular economy in use of building materials, including incentivisation of deconstruction and reuse of building materials on existing developed sites to reduce the volume of waste to landfill
 - i. Consideration of minimum standards for waste minimisation in the context of apartment living, including availability of composting facilities or food scraps collection
 - j. Consideration of accessibility in housing development, not only for disabled people but in recognition of our aging population and the needs of families with young children
 - k. This legislation being a "stop-gap measure" providing an interim solution until the Natural and Built Environments legislation can be developed, noting that further amending the current Resource Management Act (RMA) is not in itself a solution to the housing crisis, or the climate crisis
 - l. Assurance that the legislation will have a positive impact on Māori communities, diverse communities and deprived communities, resulting increased supply of high-quality, well-designed, affordable housing that is culturally appropriate, located in areas where people want to live, and provides genuine housing choice
- 13) The local board generally supports the qualifying matters agreed by Auckland Council's Planning Committee on 1 July 2021, but would support:
- a. an enhanced emphasis on environmental protection, historic heritage, the enablement of tree protection and
 - b. a guarantee that current green open space (for example pocket parks) is not lost to development and that urban development provides an opportunity to maximise and/or increase green open space in Auckland
- 14) The local board supports the Waitākere Ranges Heritage area being retained as a qualifying matter.
- 15) The local board supports strong involvement of mana whenua in this process and is concerned that the rapid timeline may not be conducive to high-quality mana whenua engagement.
- 16) The local board looks forward to involvement in the development of the Natural and Built Environments legislation as this has potential for a more proactive, aspirational and values-based approach to resource management.



**Appendix 2 -
Draft
alternative
MDRS**



Auckland Council proposes replacement and additional standards to the building standards at Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Bill

Auckland Council is very concerned the building standards at Schedule 3A will produce poor built outcomes for individual sites, neighbouring sites and for neighbourhoods. The council proposes replacement standards and an additional standard to those proposed at Schedule 3A, as set out below. These standards would produce better buildings and better urban outcomes. The council would be happy to assist the Environment Select Committee with the development of building length and building separation standards for inclusion in Schedule 3A for the reasons set out in **Appendix 4**.

The recommended replacement and additional standards take into account the Bill's stated intention of enabling housing supply but also take into account the resulting building form. Standards from the council's three-storey medium density residential zone (Mixed Housing Urban zone) were one input. Schedule 3A's building standards were another. Modelling of the replacement and additional standards demonstrate both the desired intensification outcome and a higher-quality built form.

Notes:

1. Medium Density Residential Standards (MDRS) and their recommended replacements appear at rows 1-11.
2. The additional standard is set out beneath.
3. AUP: Auckland Unitary Plan
4. MHU: Mixed Housing Urban standards in the AUP. MDRS have some similarities to MHU.

Auckland Council replacement and additional Medium Density Residential Standards				
Sch. 3A Clause numbers	Standard	Schedule 3A Medium Density Residential Standards	Auckland Council recommended replacement and additional standards for MDRS	Explanation and supporting standard requirements
Clause 9	Height	11m*	11m*	- Accept MDRS
Clause 10	Height in relation to boundary (HIRB)	6m+ 60 degrees	Apply AUP 'Alternative HIRB' Refer to Figure H5.6.6.1 below	- Replace MDRS - MDRS does not adequately manage effects within site. - Apply current AUP MHU residential standard 'Alternative Height in Relation to Boundary'. Enables 3 storeys but more effectively contains effects within the site - less shading, privacy and dominance effects within site and adjoining sites. Refer to diagram and standard below.
Clause 11	Front yard with tree space	2.5m	4m	- Replace MDRS – too narrow to plant trees to support climate change objectives. - Apply 4m front yard setback to provide adequate space to accommodate a tree capable of growing up to at least 6m height (required by additional proposed landscaping standard). Front yard to exclude car parking spaces and service areas. With the adjoining street space, this location has space for trees of scale to support climate change objectives (carbon mitigation, heat island effects). Also contributes to street quality – shade, amenity (private/public), ecology corridors.
	Side yard	1m	1m	- Accept MDRS
	Rear yard	1m (excluded corner sites)	1m	- Accept MDRS
Clause 12	Building Coverage	50% of the net site area	45% net site area	- Replace MDRS - creates overly bulky buildings with insufficient site space for outdoor living, landscaping, daylight and sunlight, and managing effects within site. - Apply current AUP MHU residential standard of 45% of net site area to provide space for landscaping, limit impervious surfaces to prevent flooding and support climate change objectives; increase space for well-functioning, larger outdoor living areas and primary living outlook spaces with greater privacy.
Clause 13	Maximum Impervious surfaces	60% of the site area	60% site area	- Accept MDRS
Clause 14	Outdoor living space	15m ² , 3m min dimension at ground level, no orientation	20m ² (4m x 5m) with a 4m minimum dimension, accessed directly from primary living area with minimum 2 hours sunlight at mid-winter solstice	- Reject MDRS – too small to be well functioning. - Apply current AUP MHU residential standard of 20m ² outdoor living space standard to support well-functioning primary living spaces. Adequate ground level outdoor living areas need space for children's play areas, passive recreation, trees, landscaping, etc. These spaces need to be adequate to accommodate rainwater tanks, hot water cylinders, compost bin, heat pump units, gas bottles, rubbish bins (refuse and recycling), sheds for cycle storage and clotheslines. These additional items can consume between 5-10m ² of outdoor living space.

Auckland Council replacement and additional Medium Density Residential Standards				
Sch. 3A Clause numbers	Standard	Schedule 3A Medium Density Residential Standards	Auckland Council recommended replacement and additional standards for MDRS	Explanation and supporting standard requirements
				<p>A 4m minimum dimension for outdoor living space, and outlook space will have a strong influence on the minimum width of terraces and apartments to be 4m wide.</p> <ul style="list-style-type: none"> - Require direct access to outdoor living space from primary living areas to support well-functioning housing. - Require 2 hours of sunlight at the winter solstice. This is to support mental and physical health; and enable the space to be used for recreation and other uses such as drying washing outside year-round (energy efficiency). The proximity of internal living areas to sunlit outdoor living spaces can also support passive heating into dwellings (energy efficiency).
Clause 14 (cont)		8m ² balcony, min 1.8m dimension, no orientation	8m ² balcony 1.8m dimension, accessed directly from primary living area with minimum 2 hours sunlight at mid-winter solstice	<ul style="list-style-type: none"> - Accept MDRS 8m² balcony, min 1.8m dimension. - Require 2 hours of sunlight at the winter solstice. This is to support mental and physical health; and enable the space to be used for recreation and other uses such as drying washing outside year-round (energy efficiency). The proximity of internal living areas to sunlit outdoor living spaces can also support passive heating into housing.
Clause 15	Outlook space	3m x 3m principal living room	5m x 4m outlook space from principal living area with a minimum dimension of 4m Measured from the facade of largest window or balcony edge – whichever point is closer to the boundary or opposing building.	<ul style="list-style-type: none"> - Replace MDRS – this is too small to be well-functioning in terms of functionality, daylight access and privacy. - Require a 5m x 4m outlook space aligns with the 5m x 4m (20m²) ground floor outdoor living space also proposed. Outlook for outlook space provisions to support well-functioning living spaces – personal safety benefits for residents’ privacy, mental health benefits from amenity, daylight and natural ventilation (also reduces energy use - climate change benefits) - Include specification for outlook standard to be measured from the edge of a balcony where there are facing outlooks from buildings – this ensures there is sufficient separation for privacy.
		1m x 1m any other habitable room	1m x 1m habitable rooms - measured from the facade of largest window or balcony edge – whichever is closer to the boundary or facing building	<ul style="list-style-type: none"> - Accept MDRS 1m x 1m habitable room with refinements. - Include specification for outlook standard to be measured from the edge of a balcony where there are opposing outlooks from buildings – this ensures there is sufficient separation for privacy and to support personal safety.
New standard				
Auckland Council proposed standard	Land-scaped area	No standard in Schedule 3A	<p>Landscaped area standard</p> <p>(1) The minimum landscaped area must be at least 35 per cent of the net site area.</p> <p>(2) At least 50 per cent of the area of the front yard must comprise landscaped area.</p> <p>(3) Require at least one tree capable of growing to at least 6m to be planted in deep soil in the front yard.</p>	<ul style="list-style-type: none"> - Apply the current AUP MHU landscaped area standard of 35% net site area; and at least 50% of the area of the front yard comprising landscaped area. This is to support tree planting and vegetation to support a well-functioning environment. This includes climate change objectives and site and street amenity. - The 35% site area aligns with the unspecified MDRS site space. - Requirement to plant at least one tree in the front yard capable of growing to at least 6m (height is to avoid powerlines (power pole = 7m)) with deep soil. The front yard location enables tree growth into the road reserve space. This is to support climate change objectives, reduces buildings’ absorption of heat at their frontage, ecology and contribute to site and street amenity. - Refer to standard below.

Extract one from AUP MHU standards

As noted in the table, the following standard replaces clause 10 Schedule 3A MDRS Height in Relation to Boundary. To assist the committee the council has included this standard and associated diagrams in full from the AUP Mixed Housing Urban standards.

H5.6.6. Alternative height in relation to boundary

Purpose: to enable the efficient use of the site by providing design flexibility at upper floors of a building close to the street frontage, while maintaining a reasonable level of sunlight access and minimising overlooking and privacy effects to immediate neighbours.

- (1) This standard is an alternative to the permitted Standard H5.6.5 Height in relation to boundary and applies to development that is within 20m of the site frontage.
- (2) Any buildings or parts of buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back 1m and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then 1m for every additional metre in height (45 degrees) as shown in Figure H5.6.6.1 Alternative height in relation to boundary below.
- (3) Standard H5.6.6(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:
 - (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
 - (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone
 - (i) that are greater than 2000m²;
 - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
 - (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.
- (4) Standard H5.6.6(1) does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed
- (5) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H5.6.6(2) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (6) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
 - a) no greater than 1.5m² in area and no greater than 1m in height; and
 - b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H5.6.6.2 Exceptions for gable ends, dormers and roof projections and dormers below.
- (7) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
- (8) The alternative height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site

Figure H5.6.6.1 Alternative height in relation to boundary

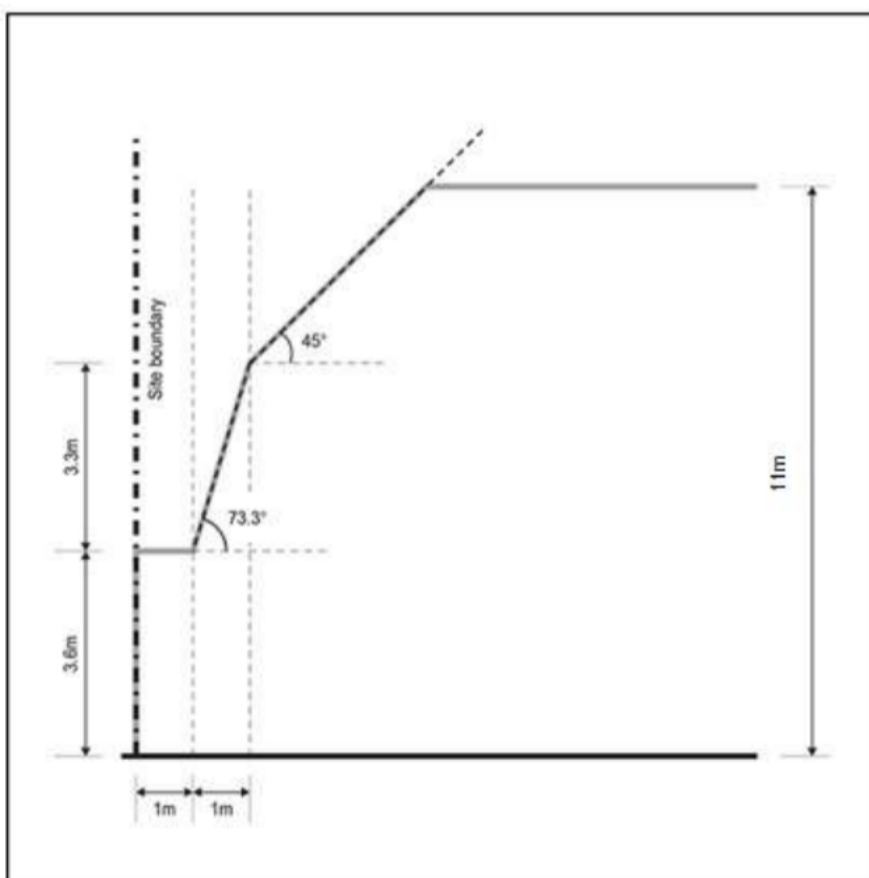
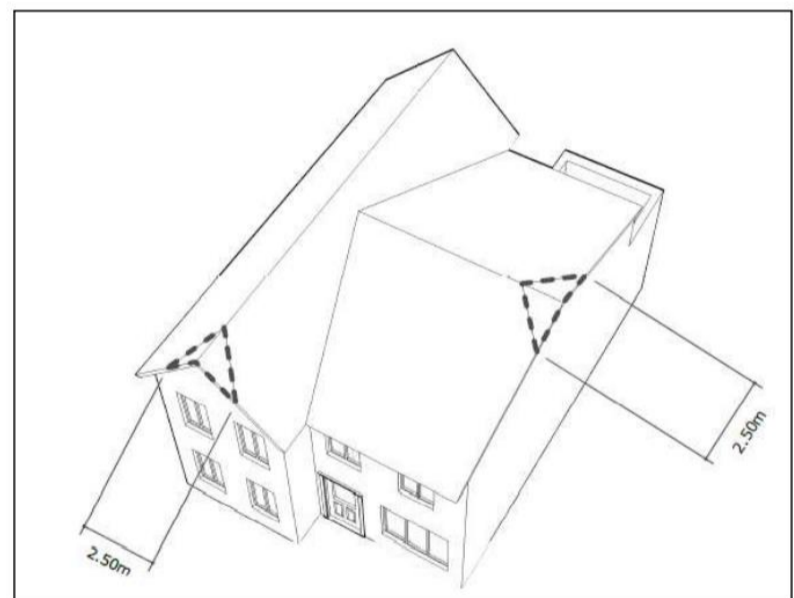


Figure H5.6.6.2 Exceptions for gable ends, dormers and roof projections and dormers



Extract two from AUP MHU standards

As noted in the table, the following landscape area standard is an additional standard recommended for inclusion within Schedule 3A MDRS. To assist the committee, the council has included for context the standard from the AUP Mixed Housing Urban standards with an expanded purpose and additional subclause (3) to support climate change objectives.

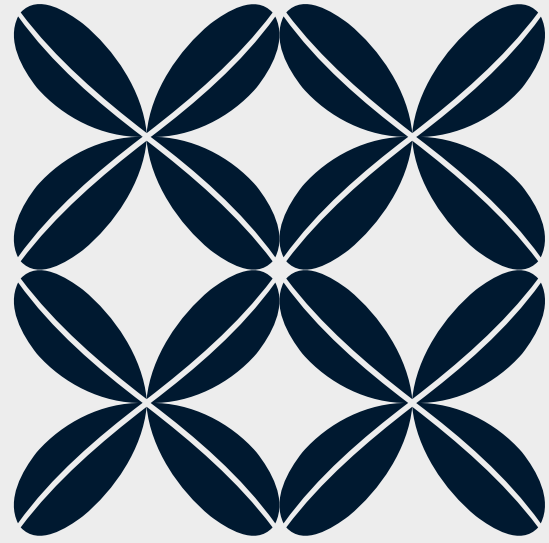
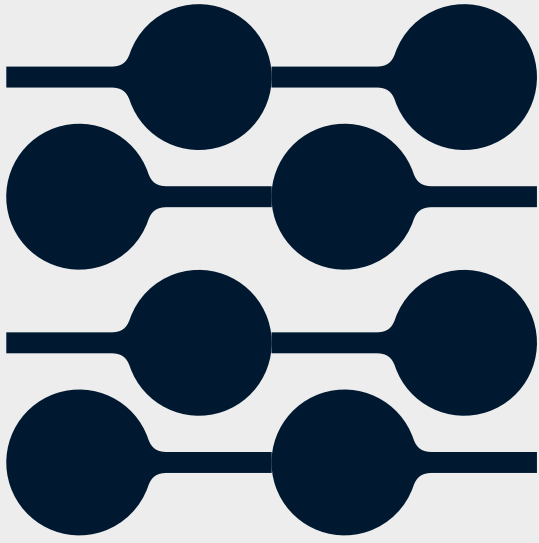
H5.6.11. Landscaped area

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space;
- to create a landscaped urban streetscape character within the zone.
- to provide shade, reduce buildings' absorption of heat and cumulatively address climate change by planting trees within sites.

Standard

- (1) The minimum landscaped area must be at least 35 per cent of the net site area.
- (2) At least 50 per cent of the area of the front yard must comprise landscaped area.
- (3) Require at least one tree capable of growing to at least 6m to be planted in deep soil in the front yard.



**Appendix
three –
Modelling of
Built Form
Impacts of
proposed
Medium Density
Residential
Standards
(MDRS)**





Refer separate attachment

APPENDIX 4 – Minimum building separation and maximum building length

Maximum Building Length and Minimum Separation Distance additional standards

Auckland Council recommends an additional standard be developed and included in Schedule 3A MDRS to encourage street facing terraces.

A Minimum Building Separation Standard, in conjunction with the Maximum Building Length Standard, can address issues likely to emerge when MDRS-compliant buildings are constructed, based on the bulky/dominant development observed in the Auckland Unitary Plan Section 35 monitoring.

The monitoring showed that excessive continuous building lengths are negatively impacting the quality of the built environment. They create large-scale wall-like buildings with dominance and overshadowing effect and generally do not align with principles of human-scale development. Large, bulky developments will also necessitate extensive earthworks rather than sympathetic developments which reflect the inherent qualities of underlying site conditions.

Long building lengths perpendicular to the street frontage (resulting from long narrow sites found in Auckland's historic subdivision patterns) create adverse effects on adjoining sites from bulk as well as primary orientation (through outlook and some outdoor living space). These include loss of privacy, dominance, shading effects²⁷, and changes in neighbourhood character. Site conditions and building bulk can exacerbate these effects. Perpendicular orientation also results in developments which do not support the principle of a public front/private back.

Additionally, the monitoring report recommends progressing the use of maximum building length and minimum building separation to avoid bulky perpendicular (to the street) developments. This encourages positive arrangements with primary outlook oriented front and rear rather than over adjacent sites.

²⁷ the monitoring found that the use of equinox rather than winter solstice reduced the functionality of adjoining sites — especially during winter when sun access is valued most for passive heating, health and wellbeing.



This example demonstrates how bulky form perpendicular to the street dominates adjoining sites and causes loss of privacy by overlooking. The building mass on the development site appears to be one building but is actually two buildings that present as one to the side boundary. Occupants of the building are presently enjoying views over a “borrowed park” which is the private outdoor space of the single level house. When this neighbouring site is redeveloped the outlook will be lost, replaced by a similarly scaled building. Orienting buildings to the street, and breaking up the mass, produces a much better building product that is also better for the public realm. These problems are avoided with a Maximum Building Length Standard and a Minimum Building Separation Standards.

Benefits include ensuring quality outlook, sense of privacy and access to daylight²⁸, and onsite amenity necessary for a well-functioning urban environment.

Finally, the Auckland Unitary Plan monitoring also showed that just half of developments analysed had building lengths of 20m or less, and only half of developments which exceeded 20m had lengths greater than 30m. This suggests that the introduction of such a standard is unlikely to significantly affect responses from the development sector while ensuring a well-functioning urban environment from a quality perspective.

²⁸ On the importance of staying warm and healthy in winter, the Ministry of Social Development recommends the following: <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/brochures/keeping-warm-healthy.html>

The Ministry of Health notes the costs associated with cold and damp housing as part of the Healthy Homes initiative <https://www.health.govt.nz/our-work/preventative-health-wellness/healthy-homes-initiative>