

Attn: Senior Policy Planner

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**FEEDBACK ON AUCKLAND COUNCIL'S PRELIMINARY RESPONSE TO THE
NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT AND RESOURCE
MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS)
AMENDMENT ACT**

Introduction

Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) at the address for service set out below provides the following feedback on Auckland Council’s (“**Council**”) Preliminary Response to the National Policy Statement – Urban Development (“**NPS-UD**”) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (the Housing Supply Act), also known as the Medium Density Residential Standards (“**MDRS**”).

Feedback

General position

1. Kāinga Ora supports the implementation of the intensification provisions of the NPS-UD and the MDRS, and ensuring planning decisions contribute to achieving well-functioning urban environments. The Kāinga Ora position on implementation the NPS-UD adopts a housing sector / urban system wide approach, inclusive of outcomes for the Kāinga Ora portfolio and programmes.
2. Kāinga Ora generally supports the intent of Council’s Preliminary Response in response to giving effect to the NPS-UD and the MDRS.

3. Notwithstanding this, amendments are suggested by Kāinga Ora that are intended to help clarify and support the intent by Council in giving effect to national direction, and in particular, Policy 3 of the NPS-UD.

Regional Policy Statement

4. Amendments to the RPS will be necessary to give effect to the NPS-UD and MDRS. It is noted that Council have not issued any consultation material on this matter. Kāinga Ora would like to workshop this matter with Auckland Council.

Medium Density Residential Standards (MDRS)

5. Kāinga Ora supports the Council enabling residential intensification with a commensurate increase in urban built form in accordance with the NPS-UD and the MDRS.
6. Generally, Kāinga Ora are pleased to see the widespread adoption of the MDRS across much of Auckland through the utilisation of the existing Mixed Housing Urban zone.
7. However, Kāinga Ora seek clarification as to why Helensville has been excluded from the MDRS. Helensville, Parakai and Helensville Rural combined exceed 5000 in population, clarification on how the population has been measured is sought. It is noted that Waiuku, Warkworth, and Pukekohe have been upzoned as per the MDRS. Council should reconsider all similar areas to ensure consistency.
8. It is understood that Council intend to implement the MDRS standards either unchanged or largely unchanged, this is supported by Kāinga Ora however amendments to make provisions more lenient may also be appropriate where greater intensity outcomes are sought.
9. Kāinga Ora also consider that Council should implement the national planning standards, and in particular zone names. The THAB zone for example is not consistent with what a typical high density residential zone seeks to achieve nor are the proposed names for how Council wish to downzone the MDRS to equivalents of the Single Housing and Mixed Housing Suburban zones. This should be clarified.

Walkable catchments

10. The NPS-UD requires Council to enable buildings of at least six storeys within 'walkable catchments', these being walkable distances from rapid transit stops, the city centre and the 10 metropolitan centres. Kāinga Ora support this as a baseline approach but will advocate for increased heights where appropriate.
11. Kāinga Ora supports the approach of using direct routes to measure walkable distances rather than 'as the crows flies' but has not yet fully assessed how each catchment has been applied and whether location specific factors such as steep streets, motorways, lack of supporting infrastructure such as pedestrian crossings have been applied appropriately.
12. A walkable catchment of 1200m from the City Centre is proposed. Kāinga Ora consider that this should be extended to 2000m given these areas are highly desirable with good access to services and amenities.
13. Kāinga Ora also consider that a distance of 1200m should be proposed for walkable catchments around Metropolitan Centres and Rapid Transit rather than 800m as is currently proposed.
14. Kāinga Ora consider that all train stations should be included as part of the RTN. This includes the Penrose to Onehunga branch of the rail network. Kāinga Ora also consider that the Pakuranga to Botany section of the Eastern Busway should be included, approximate locations around the bus stations could be made.
15. The NPS-UD provides an interpretation of what is rapid transit and states:

'Rapid transit service means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic'
16. Kāinga Ora also consider that the Rapid Transit Network considered by Council is too limited and does not take into consideration other services within Auckland that provide a frequent service (Frequent Transit Network - minimum 15 min frequency 7am – 7pm seven days a week, approximately 30 routes, utilising bus priority or bus lanes¹). The

¹ [New public transport network \(at.govt.nz\)](https://www.govt.nz/news-releases/new-public-transport-network/)

NPS-UD interpretation of 'Rapid Transit' does not require that rapid transit routes be fully separated from other traffic, just that they are largely separated. We consider that many bus lanes on arterial routes within Auckland would meet this criteria.

17. In particular, key bus routes along arterial roads such as (but not limited to) Dominion Road, Sandringham Road, New North Road, Mt Eden Roads should be investigated for inclusion given the large number of people they serve frequently every day on direct routes to the City Centre that are largely separated via bus lanes (particularly during peak times of the day).
18. It is noted that Plan Changes 48, 49 and 50 for Drury have been recently approved post the release of the draft information. There will be three train stations in Drury and private plan change processes are underway to rezone the land from Future Urban. Council's submission on some of these plan changes advocated a walkable catchment from the stations as well as applying 6-storey building heights for those residential developments within in. As such, these areas should have catchments and higher intensity zoning applied to them.
19. Comments are provided below with regards to the application of the THAB zone to residential areas around other centres.

Terraced Housing and Apartment Buildings zone (THAB)

20. Kāinga Ora support that the height limit in the THAB zone being increased to six or more storeys in walkable catchments as a minimum. Kāinga Ora also consider that increased heights above six stories will be appropriate in a number of locations, particularly in close proximity to centres and services, and that this should be explored for incorporation into the THAB zone.
21. Kāinga Ora further considers that all THAB zoned land should enable six storeys at a minimum, including those outside current walkable catchments such as Wesley. Given how little land is zoned THAB outside walkable catchments, it seems appropriate to treat all THAB zoned land the same with a six storey minimum height limit applied². This will

² It is noted that at the Auckland Council briefing session on 2nd May that officers stated that the reason why these areas have remained at 5 storeys is to provide landowners certainty that these areas will not be 'downzoned' to the MDRS standards.

provide a planning framework that is simpler for plan users while also providing for appropriate increased densities in these areas.

22. Kāinga Ora are particularly interested in the provisions of the THAB zone and how Council will seek to avoid the higher intensity THAB zone outcomes being undermined by the MDRS which enable a lower height of 11m as a permitted development standard. The THAB zone does not currently have a permitted baseline for dwellings, Kāinga Ora consider that Council need to sufficiently encourage/incentive increased scales of development within the zone to achieve outcomes consistent with the zone purpose.
23. Kāinga Ora note that Council has advised that its investigations into THAB provisions are continuing based on an outcomes approach. Kāinga Ora would like to specifically make comments on the following:
- a. Increasing the height limit from five to six storeys – this is supported as a minimum but as noted above Kāinga Ora consider all THAB zone land should be six storeys minimum and that some THAB areas are worthy of increased heights.
 - b. Considering changes to the height in relation to boundary standards to allow for taller buildings to be located closer to boundaries – this is supported³. However, Kāinga Ora question whether height in relation to boundary rules would be better removed completely, or removed within the first 20m of a site, with complementing matters of standards/discretion/assessment criteria to manage effects. It is unclear how Council would deal with height in relation to boundary standards for THAB zones proposed to remain at 5 storeys (outside walkable catchments, noting that Kāinga Ora do not support this generally).
 - c. For front sites, encourage buildings to face the street and have less building bulk at the rear of sites – this is supported from a general perspective but Kāinga Ora would like to see further detail on this matter.
 - d. Encourage outlook to be located over the street rather than side boundaries – this is supported from a general perspective but should be investigated alongside with the

³ Item 11 on the 31/03/2022 agenda of Auckland Council's Planning Committee noted the following was being considered:

Relaxing the height in relation to boundary standards:

- within 21.5m of the street frontage, applying a height in relation to boundary standard of 19m + 60 degrees to side and rear boundaries
- beyond 21.5m of the street frontage, or on rear sites, applying a height in relation to boundary standard of 8m + 60 degrees to side and rear boundaries

removal of side yards (and therefore any side wall windows) and should be balanced against solar access and south facing glazing.

- e. Control via standards the effects of taller buildings on sites that have much smaller buildings adjacent to them, such as lower intensity zones and buildings located next to open spaces – Kāinga Ora generally disagree but will be considering these matters further.
- f. Retaining the front yard setback (1.5m) and side yard setback (1m) in the THAB zone – as discussed above, to encourage the bulk of buildings to front the street and maximise development potential the side yard rule should be investigated for removal. Front yard setbacks should also be permitted to either decrease or be removed completely depending on the adjacent footpath, wide footpath areas provide the amenity that is sought by this rule.
- g. Requiring building setbacks and landscaping from private shared driveways and pedestrian footpaths – Kāinga Ora does not support this and consider that if a road is needed/desired from an amenity perspective then road standards for vesting should be changed.
- h. Retaining the outdoor living space requirements of the THAB zone – Kāinga Ora consider that further investigations into living space requirements should be reconsidered across all zones. The current requirements in THAB set different requirements for outdoor living spaces depending on whether the associated unit is located at ground floor or not. Kāinga Ora consider that outdoor living space requirements should not be different based on what floor a unit is located and instead should be provided relative to how many bedrooms a proposed unit has. Minimum dimensions to ensure usability should be applied.
- i. Requiring communal living space for larger scale developments⁴ –Kāinga Ora consider the threshold for provision should be considered carefully and seek clarification as to whether these provisions must apply to outdoor spaces or could include internal communal spaces. Supplementary standards regarding the function and location of the outdoor areas relative to the number of units in the building and unit typologies should also be considered.

⁴ Item 11 on the 31/03/2022 agenda of Auckland Council's Planning Committee noted that communal outdoor living space was being considered as a requirement for developments of more than 40 units.

- j. Standards that require deep soil areas to support trees – Kāinga Ora question what specific effect is sought to be regulated by this rule.
24. Kāinga Ora's final position on these matters, and others pertaining to the THAB zone is reserved until details are released in August 2022.

Auckland's suburban centres

Neighbourhood centres

25. It is noted that Council does not intend to upzone residential land outside walkable catchments around the Business – Neighbourhood Centre zone as this zone is applied to single corner stores and service stations, or small clusters of shops and services located in residential neighbourhoods.
26. This is considered appropriate in general but Kāinga Ora will be considering further how this zone has been applied spatially.

Local Centres

27. It is noted that Council considers that the Business – Local Centre zone provides for the convenience needs of surrounding residential areas, including local retail, commercial services, offices, food and beverage, and appropriately scaled supermarkets.
28. Council intends to zone residential land around larger local centres that have good accessibility as THAB of up to five storeys. This is intended to be up to 200m from the edge of the centre.
29. Kāinga Ora consider this should be extended from 200m to 400m at a minimum and that the THAB areas be enabled to at least six storeys instead of five storeys to appropriately future proof these centres and ensure their functioning and vibrancy.
30. Kāinga Ora also does not agree with how Council have categorised each local centre as 'large' and with 'good accessibility'. Broadly Kāinga Ora suggest that the presence of the local centre zone is sufficient to warrant consideration of THAB being applied within 400m. Kāinga Ora consider that if Council wishes to continue to differentiate where THAB will / will not be applied around local centres that this should not be a matter of

scale and should instead be related to the level of service each centre provides or is planned to provided i.e. level of commercial activities, services, social infrastructure as well as accessibility to a range of transport modes; including walking, cycling and various public transport options.

Town centres

31. It is noted that Council considers that the Business – Town Centre zone is applied to suburban centres that are typically located on main roads which provide good access to public transport and which serve a wider area than local centres and provide for a wide range of activities.
32. Council intends to zone land THAB that is within 200m of the edge of smaller town centres with good accessibility and within 400m of the edge of larger town centres with good accessibility.
33. Kāinga Ora does not agree that Town Centres should be categorised into larger and smaller, all should be treated the same with an 800m walkable catchment proposed around them. If this position is continued, Kāinga Ora contends that this should be based on the level of services rather than scale and distanced increased to future proof these areas.
34. As above, Kāinga Ora contend that all THAB zones in Auckland should be enabled to a minimum of six storeys.

Centres generally

35. Council have noted that the intensification proposals outlined above applies to the residential areas only and not the centre zones themselves as '*...they are considered to already allow enough building heights and densities proportional to their commercial and community offerings*'.
36. Kāinga Ora do consider it appropriate to retain the Neighbourhood Centre zone at 3 storeys, as surrounding residential zones will be of a similar scale/height however we do

not consider it appropriate to not increase the height limits for the Local Centre and Town Centre zones.

37. The Local Centre zone currently provides for 4 storeys only, it seems counter intuitive to allow for higher heights around the centre than directly within it. Kāinga Ora contend that this land should be zoned at least six storeys to increase commercial and residential activities and future proof the centres and ensure centres are the focal points of neighbourhoods. This is supported by Policy 3(c) and (d) which enable building heights of at least 6 storeys within walkable catchments and building heights and density of urban form that is commensurate with the greater of (d) *'(i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or (ii) relative demand for housing and business use in that location.'*
38. The Town Centre zone height limit is variable between 11m and 27m depending on where height variation controls are applied. Kāinga Ora consider that all Town Centre heights should provide for at least 6 storeys, and where appropriate could provide for up to 15 stories, to give effect to the NPS-UD, particularly Policy 3.
39. It is noted that where a centre zone overlaps with a RTN walkable catchment from RTN, Policy 3C requires that building heights of at least 6 storeys are provided within the centre zone as well.

Mixed Use Zone

40. Kāinga Ora note that Council has not outlined any substantial changes to the mixed use zone other than the potential for increased heights within the walkable catchments. Kāinga Ora consider that a review of this zone in relation to its function for supporting wider business and housing outcomes within the centres hierarchy is necessary. Kāinga Ora would welcome an opportunity to workshop this further with the Council.

Metropolitan Centre Zone

41. Kāinga Ora notes that Council has not provided any material discussing review of or changes to the Metropolitan Centre zone. Kāinga Ora consider that some changes to the zone could be appropriate, including but not limited to the removal of maximum height

controls. Potentially additional changes beyond removal of the height controls could be made to the zone following a review of this zone relative to the outcomes sought by the NPS UD.

The City Centre

42. Kāinga Ora supports the removal of the Gross Floor Area (GFA) standard and supports unlimited height within the zone (noting that some special height controls apply i.e. Albert Park).
43. Kāinga Ora support the removal of the GFA bonus standards.
44. Kāinga Ora reserves its position on the zone until further details are released regarding how tower dimensions, outlook space and set back controls will be implemented.

Qualifying matters

General position

45. Auckland Council⁵ have advised that qualifying matters are characteristics about some properties or within some areas that may allow the Council to modify, or reduce, required building heights or density.
46. It is agreed that many of the matters listed by Council are already protected or recognised in the AUP through overlays that restrict development potential. Kāinga Ora notes however that not all overlays in the AUP would necessarily be qualifying matters and in some instances parts or all of existing overlays may need to be modified or removed from the AUP going forward.
47. It is Kāinga Ora's general position is that Qualifying Matters should only be used where they meet the requirements of the Act and in the case of clause 3.32 in the NPS-UD only if the requirements of clause 3.33 are met.

⁵ Factsheet 6 (Part 1)

48. Qualifying matters directly related to Section 6 matters are appropriate for inclusion and Kāinga Ora generally agree with most of the positions taken by Council on many of these matters. However, specific comments on other qualifying matters are provided below.
49. Kāinga Ora also question whether a qualifying matter has to necessarily modify a density standard within the zone construct, or if the matter can be managed solely by other planning methods such as an overlay that operate in parallel with density standards of the zone.

Local View and Viewshafts (Locally Significant and Regionally Significant)

50. Kāinga Ora question the inclusion of Local Views and Viewshafts (Locally and Regionally significant) as qualifying matters. The NPS-UD allows for the introduction of Qualifying Matters with section 3.32 however limiting what can be introduced. Kāinga Ora would like clarification on how the Local Views, Viewshafts and Height Sensitive areas which have been proposed as Qualifying Matters meet the relevant tests i.e. national significance.
51. A detailed task should be done to clarify why each is included and how it directly links with a matter of national importance.

National Grid Overlay

52. Part of this overlay, namely the National Grid Yard, provides absolute certainty for landowners on how they can utilise their sites. It is therefore considered that its use as a Qualifying Matter to either retain current zoning or not up zone as per the MDRS or NPS-UD is not required given the overlay rules relating to location of some built on parts of sites override the underlying base zoning, but in many instances this overlay does not apply to the full site as such the presence of the overlay should not determine the underlying zoning.
53. Should Transpower progress with plans to underground some lines within Auckland, Kāinga Ora consider that the zoning as required by the NPS-UD or MDRS should be able to be easily and efficiency applied to the affected land with the rules of the overlay implemented to manage development, rather than downzoning the land in the meantime.

When lines come down, plan changes to alter the zoning will therefore not be required. This would give more certainty to landowners about the potential of their land in the future without any risk of inappropriate subdivision, use or development occurring.

Designations

54. It is noted that residential land subject to designations have been upzoned where appropriate in accordance with the NPS-UD and MDRS. Kāinga Ora support this approach.

Aircraft noise

55. Kāinga Ora consider it appropriate that the High Aircraft Noise Area be used as a Qualifying Matter, however it is not considered appropriate to use the entire Aircraft Noise Overlay (D24) as a Qualifying Matter. Aircraft noise as a Qualifying Matter limiting should be dissected further, particularly Kāinga Ora question if the some of the plan provisions relating to restriction of development within parts of the noise boundaries and the Moderate Aircraft Noise Area introduce density standards that are not appropriate qualifying matters. Kāinga Ora consider further assessment of the Council's approach is necessary and seeks to discuss this further with the Council.

Natural hazards

56. Kāinga Ora query what is meant by 'significant natural hazard' and whether this relates to a pre-adopted risk matrix by Council. Kāinga Ora seek further discussion with Council on what hazards have been used as qualifying matters and what methods are to be used.

Notable Trees

57. Kāinga Ora agree with the approach for notable trees so long as this does not compromise identified values of a notable tree.

Significant Ecological Areas (SEA)

58. Kāinga Ora seek clarification on how the SEA overlay has been applied as a Qualifying matter, it appears in some instances to have been used to retain existing zoning and in other instances it has not. Kāinga Ora questions if there is a need for the presence of an SEA to be a determinative factor in the zoning applied or if the overlay itself is sufficient in managing the qualify matter.

Infrastructure

59. It is noted that the Council and its CCOs are currently considering long term Infrastructure constraints as a Qualifying Matter. It is understood that this includes three waters and transport.
60. Kāinga Ora do not agree that infrastructure constraints should be used as a qualifying matter and would like to workshop this matter with Council.

Special Character

61. Kāinga Ora does not consider that Council has not done sufficient work as required by the Act or NPS UD to justify special character areas as a Qualifying Matter and as such oppose Councils applying planning methods in those locations to reduce development capacity contrary to the outcomes sought by policy 3 of the NPS UD. Kāinga Ora would welcome an opportunity to further discuss this issue with the Council

Light Rail Investigation Area

62. Kāinga Ora note that Council has not shown draft zone changes for the area marked as 'Light Rail Investigation Area'. Kāinga Ora consider that Council should have zoned this area in the draft release in line with the MDRS/NPS-UD to interested parties to provide some certainty about what could be expected as a minimum.
63. Given Kāinga Ora's interest in this area, particularly in Mount Roskill/Wesley etc. we request that this matter be workshopped between key stakeholders.

Addressing the issues arising from the Wallace judicial review

64. Kāinga Ora would like confirmation from Council regarding how it plans to respond to the findings of the Wallace judicial review.
65. The judicial review underlined some plan drafting and administration issues with the current Auckland Unitary Plan that are involved with the consenting of residential developments in the Mixed Housing and THAB zones. This is impacting Kāinga Ora's Auckland Housing Programme and our ability to deliver much needed housing in an efficient and effective manner.
66. Kāinga Ora consider that Council have the opportunity to tackle this issue by considering matters of discretion in relevant zones as well as considering horizontal integration of notification rules.
67. Kāinga Ora would like to workshop this matter with Council.

Next steps

68. Kāinga Ora thank Auckland Council for releasing draft information in advance of the August 2022 plan change deadlines. As a key stakeholder in the Auckland region delivery housing and urban development Kāinga Ora would like to workshop the various topics covered in this feedback with the Council at its earliest opportunity.

Dated 09/05/2022



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