



**August
2022**



Proposed Plan Change 78 Information Sheet #7 Qualifying matters (Part 1)

In August and September 2022, Auckland Council is inviting submissions on changes to the Auckland Unitary Plan (AUP) – our city’s planning rulebook – to allow for greater building heights and densities in urban Auckland. This is known as Proposed Plan Change 78 - Intensification.

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

Submissions are now invited on the proposed plan change. The period for submissions closes on 29 September 2022.

The government’s approach to more housing

The government’s National Policy Statement on Urban Development (NPS-UD) came into force in August 2020 and was updated in May 2022. The NPS-UD directs Auckland Council to enable more building height and housing density within and around Auckland’s city centre, metropolitan centres and rapid transit stops such as train and busway stations. The NPS-UD also requires more building height and housing density within and around neighbourhood, local and town centres.

In December 2021, the government also made amendments to the Resource Management Act 1991 (RMA). The RMA now requires the councils of New Zealand’s largest and rapidly growing cities – Auckland, Hamilton, Tauranga, Wellington and Christchurch – to incorporate new Medium Density Residential Standards (MDRS) in relevant residential zones.

Through the use of MDRS the government requires the council to enable medium-density housing across most of Auckland’s residential suburbs. Three dwellings of up to three storeys, including terrace housing and low-rise apartments, are to be permitted on most residential properties unless a ‘qualifying matter’ applies (see information sheets #7 and #8). Four or more dwellings are to be enabled through a non-notified resource consent.

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

What is a qualifying matter?

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

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

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

The government also allows councils to identify other qualifying matters that are relevant for places and communities. Auckland Council has identified other additional qualifying matters that are important for Auckland. These are listed and described in information sheet #8 Qualifying matters (Part 2).

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

What are the qualifying matters identified by the government?

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

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

How will the council identify the required qualifying matters?

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

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

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

<p>a) Matters of national importance</p>	<p>Areas in the following AUP zones, overlays or other features:</p> <ul style="list-style-type: none"> · D8 Wetland Management Areas · D9 Significant Ecological Areas · D10 Outstanding Natural Features and Outstanding Natural Landscapes · D11 Outstanding Natural Character and High Natural Character · D12 Waitakere Ranges Heritage Area · D14 Maunga Viewshafts and Height Sensitive Building Areas · D17 Historic Heritage · D21 Sites and Places of significance to Mana Whenua <p>H3A Residential- Low Density Residential zone</p> <p>Significant natural hazards: controls for coastal inundation, coastal erosion, flooding, land instability</p> <p>Areas providing public access to CMA, lakes and rivers</p> <p>Areas within Precincts that protect matters of national importance</p>
<p>b) Gives effect to other NPS</p>	<p>Areas in the following AUP overlays or other features:</p> <ul style="list-style-type: none"> · D8 Wetland Management Areas · D9 Significant Ecological Areas · D10 Outstanding Natural Features and Outstanding Natural Landscapes · D11 Outstanding Natural Character and High Natural Character · D26 National Grid Corridor
<p>e) Nationally significant infrastructure</p>	<ul style="list-style-type: none"> · D24 Aircraft Noise Overlay <p>D26 National Grid Corridor Overlay</p> <ul style="list-style-type: none"> · Emergency management areas for Wiri Oil Terminal and Wiri LPG Depot · Strategic Transport Corridor zone

	<ul style="list-style-type: none"> · Oil refinery pipeline · Gas transmission pipelines · Auckland International Airport · Ports – Auckland, Onehunga
f) Open space for public use	<p>Open Space zoned land:</p> <ul style="list-style-type: none"> · Conservation zone · Informal Recreation zone · Sports and Active Recreation zone · Civic Spaces zone <p>Open Space Community zone</p>
g) Designations & heritage orders	<p>Land subject to:</p> <ul style="list-style-type: none"> · Designations · Heritage orders
h) Matters required to give effect to the Hauraki Marine Gulf Park or Waitākere Ranges Heritage Area Act 2008	D12 Waitākere Ranges Area

Further information

- To learn more about how Auckland Council is planning for growth and development, visit ourauckland.nz/growingtogether
- For detailed information about the National Policy Statement on Urban Development 2020 (NPS-UD) visit the [Ministry for the Environment website](#).
- For more information on the RMA and the amendments made to it in 2021 including the MDRS requirements [visit the Ministry of Housing and Urban Development website](#).

Please note:

This information sheet is a summary document to assist with understanding Proposed Plan Change 78 - Intensification, the Council's intensification planning instrument, which gives effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 and incorporates the medium density residential standards into relevant residential zones as required by the Resource Management Act 1991.

The proposed plan change to the Auckland Unitary Plan was publicly notified by Auckland Council on 18 August 2022.

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