

Proposed Plan Change 80 (PC80) to the RPS on Well- functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters

to the Auckland Unitary Plan (Operative in
Part)

SECTION 32

EVALUATION REPORT

Plan Change to the Regional Policy Statement to include concepts of well-functioning urban environment, urban resilience to the effects of climate change and qualifying matters from the National Policy Statement on Urban Development

Contents

Executive Summary.....	5
The objectives of proposed Plan Change 80.....	5
National Policy Statement Urban Development key concepts.....	5
Gaps with Intensification Planning Instrument scope	8
Rationale for the plan change.....	9
Analysis of options	9
Matters outside the scope of the PC 80	10
1.0 Introduction	11
1.1 Section 32 evaluation.....	11
1.2 The evaluation approach	11
2.0 The issue	13
2.1 Background	13
2.2 The issue/problem definition.....	13
2.2.1 Well-functioning urban environment	13
2.2.2 Qualifying matters.....	16
2.2.3 Resilience to the effects of climate change	17
3.0 Objectives.....	18
4.0 Reasons for the proposed plan change	18
4.1 Well-functioning urban environment	18
4.1.1 Rationale for the plan change – well-functioning urban environment	24
4.2 Qualifying matters	24
4.2.1 Rationale for the plan change – qualifying matters.....	24
4.3 Resilience to the effects of climate change	25
4.3.1 Rationale for the plan change – urban resilience to the effects of climate change	28
4.3 Scope.....	28
5.0 Statutory evaluation under the Resource Management Act 1991 (the Act).....	28
5.1 Overall broad judgement against Part 2 of the Act	28
5.2 The relevance of PC 80 to other sections of the Act.....	31
6.0 National and regional planning context.....	33
6.1 Relevance to national policy statements.....	33
6.1.1 National Policy Statement on Urban Development.....	33
6.1.2 New Zealand Coastal Policy Statement	34

6.2	Relevance to any particular Acts i.e. Hauraki Gulf Marine Park Act, Waitakere Ranges Heritage Area Act.....	35
6.2.1	Waitakere Ranges Heritage Area Act 2008.....	35
6.2.2	Hauraki Gulf Marine Park Act	36
6.3	Relevance to the Auckland Plan 2050.....	37
6.4	Relevance to Auckland Unitary Plan Regional Policy Statement	39
6.5	Relevance to Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan	39
7.0	Development of PC 80	40
7.1	How the Auckland Unitary Plan was developed	40
7.2	Regional Policy Statement	40
7.3	Information used.....	41
	Auckland Unitary Plan Regional Policy Statement.....	41
8.0	Consultation	42
8.1	Relevant Sections of Resource Management Act and Local Government Act	42
8.2	Consultation with mana whenua / iwi authorities	44
8.3	Local Board and community engagement	47
9.0	Development and evaluation of options	48
9.1	Methods for evaluating options	48
9.2.1	Options.....	50
9.2.2	Evaluation	50
9.2.3	Summary of analysis and recommendations – well-functioning urban environment .	52
9.2.4	Recommendation – well-functioning urban environment	54
9.3	Description and evaluation of options – qualifying matters	54
9.3.1	Options.....	54
9.3.2	Evaluation	54
9.3.4	Recommendation – qualifying matters	57
9.4	Description and evaluation of options – resilience to the effects of climate change	57
9.2.1	Options.....	57
9.2.2	Evaluation	57
9.2.3	Summary of analysis and recommendations – resilience to the effects of climate change	60
9.2.4	Recommendation – resilience to the effects of climate change	61
10.0	Conclusion.....	61
	List of Attachments	63

Executive Summary

The objectives of proposed Plan Change 80

The objectives of proposed Plan Change 80 (PC 80) are to give effect to the National Policy Statement on Urban Development (NPS-UD) by:

- Integrate concepts and terms for well-functioning urban environment, urban resilience to the effects of climate change and qualifying matters introduced through NPS-UD into the Regional Policy Statement (RPS).
- Integrate reference to qualifying matters between the regional plan and district plan. There will be consequential changes to the Auckland Unitary Plan (AUP) Chapters A, D (overlays), Auckland-wide and zone rules to annotate qualifying matters throughout the Plan.

PC 80 has three components:

1. Introducing to the objectives and policies in Chapter B2 Urban Growth and Form of the RPS the concepts of well-functioning urban environment.
2. Introducing to the objectives and policies in Chapter B2.2-2.4 of the RPS the concepts of qualifying matters including the integration between the RPS and list of qualifying matters in Chapters A and C of the AUP and related overlays.
3. Introducing to the objectives and policies in Chapter B2 Urban Growth and Form, B7 Natural Resources, B8 Coastal Environment and B10 Environmental Risk of the RPS additional policy on resilience to the effects of climate change.

A separate section 32 report addresses Chapter C through the Intensification Planning Instrument.

National Policy Statement Urban Development key concepts

In the NPS-UD the meaning of 'well-functioning urban environment' is set out in Policy 1 and is:

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

a) have or enable a variety of homes that:

(i) meet the needs, in terms of type, price, and location, of different households; and

(ii) enable Māori to express their cultural traditions and norms; and

b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and

- c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- e) *support reductions in greenhouse gas emissions; and*
- f) *are resilient to the likely current and future effects of climate change.*

There are several circumstances in the NPS-UD where the contribution to a “well-functioning urban environment” must be considered:

- making planning decisions (includes plan changes and resource consent decisions)
- being responsive and making planning decisions on plan changes that add significant development capacity
- preparing Future Development Strategies.

The NPS-UD does not require the council to make any changes to its plans in respect of well-functioning urban environment but the reference in Policy 1 to the factors being a minimum provides scope for additional matters to be considered.

Qualifying matters are referenced in several places throughout the NPS-UD. Qualifying matters is defined in the NPS-UD in clause 3.32 as:

- (1) *In this National Policy Statement, **qualifying matter** means any of the following:*
- (a) *a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act*
 - (b) *a matter required in order to give effect to any other National Policy Statement*
 - (c) *any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure*
 - (d) *open space provided for public use, but only in relation to the land that is open space*
 - (e) *an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order*
 - (f) *a matter necessary to implement, or ensure consistency with, iwi participation legislation*
 - (g) *the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement*
 - (h) *any other matter that makes high density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.*

The scope of qualifying matters was altered and extended by section 771 of the Resource Management Enabling Housing Supply Amendment Act 2021. That section states:

771 Qualifying matters in applying medium density residential standards and policy 3 to relevant residential zones

A specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:

- (a) a matter of national importance that decision makers are required to recognise and provide for under section 6:*
- (b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:*
- (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 Waitakere Ranges Heritage Areas 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 to ensure consistency with, iwi participation legislation:*
- (i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:*
- (j) any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied.*

Section 77O of the Resource Management Enabling Housing Act 2021 provides for the same set of qualifying matters to apply to intensification of urban non-residential areas.

Policy 3.33 of NPS-UD explains what the section 32 reports must consider for qualifying matters, namely assessing the impact that limiting development capacity, building height or density will have on the provision of development capacity and assessing the costs and broader impacts of imposing those limits.

For section 77I (j) matters, the council is required to do a 'site by site' analysis that evaluates the site-specific characteristics and how the level of intensification needs to be compatible with the relevant qualifying matter.

Policy 4 states:

Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Resilience to the effects of climate change is referenced in:

Objective 8: New Zealand's urban environments...

(b) are resilient to the current and future effects of climate change.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum...

(f) are resilient to the likely current and future effects of climate change.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters...

(c) the benefits of urban development that are consistent with well- functioning urban environments (as described in Policy 1)...

(e) the likely current and future effects of climate change.

The effects that climate change will have in the Auckland urban environment include:

- increased extent or frequency of some types of natural hazards
- increased frequency and severity of urban heat events
- increased drought with water supply implications
- effects on biodiversity, natural resources and natural heritage (all of which occur in urban as well as rural areas)
- increased risk to urban infrastructure and related costs to society.

From the perspective of scientific knowledge, the effects of climate change are significant and are at a global, national and Auckland-wide scale.

Resilience is not defined in the NPS-UD but a dictionary definition is:

Able to withstand or recover quickly from difficult conditions.

The New Zealand Coastal Policy Statement (NZCPS), the NPS-UD and section 7 of the RMA, reference various aspects of the effects of climate change and resilience to those effects.

The council is required to give effect to these statutory provisions. Therefore, from statutory perspective, the effects are significant and at scale.

Gaps with Intensification Planning Instrument scope

The Resource Management Enabling Housing Amendment Act 2021 only provides for the Intensification Planning Instrument (IPI) to alter district plan provisions. Section 77G (8) of the Act directs the council to incorporate the medium density residential standards (MDRS) into relevant residential zones irrespective of any inconsistent objective or policy in a regional policy statement.

Auckland Council is a unitary authority with a combined plan. The Act enables the council to promulgate a plan change to address the NPS-UD in its RPS. It is considered best practice to reference well-functioning urban environment, climate resilience and qualifying matters

into the text of the RPS. This approach will enable integration across the plan between the higher order regional provisions and district plan provisions.

Rationale for the plan change

The NPS-UD directs the council on how growth should be managed to create well-functioning urban environments and where qualifying matters can be applied. Neither 'well-functioning urban environments' nor 'qualifying matters' have been previously referenced in the plan.

Qualifying matters, as a term, is not specified in the AUP but the values that are protected as qualifying matters were dealt with as section 6 and section 7 of the Act matters from the RPS level through to overlays and zone rules.

An alternative option to an RPS plan change now is to rely on the existing provisions.

The cost of doing nothing and not incorporating these new terms could however, result in:

- Additional costs and time delays for the council in making submissions on private plan changes and declining resource consents that are inconsistent with these concepts.
- Potential litigation costs if consents and plan changes are appealed (by either the council or affected neighbours).
- Inappropriate use and development of land that does not align with the Act and the NPS-UD.

This can create undesirable environmental, economic, social and cultural effects and outcomes for Auckland residents and businesses.

Qualifying matters and well-functioning urban environments are referenced throughout the NPS-UD. The reasons for doing this plan change now are:

- Aligning the AUP with NPS-UD.
- Integration across the combined plan between RPS and district plan provisions.
- Integrating the terms and concepts within the plan.

The effects of climate change are referred to in some RPS chapters such as B10, but not in a comprehensive and consistent way resulting in gaps, particularly in chapters B2, B7 and B8. A small number of policy additions and amendments are recommended to address these gaps.

Analysis of options

A section 32 analysis of options to introduce changes to the RPS for well-functioning urban environments, climate resilience and qualifying matters has been undertaken in accordance with section 32(1)(b) and (2) of the RMA. The two broad options analysed are:

- Option 1: Status quo/do nothing. Do not amend the RPS and instead rely on NPS-UD and existing RPS objectives and policies to guide protection of natural and physical resources, use and development of resources and address qualifying matters, well-functioning urban environment and resilience to the effects of climate change.

- Option 2: Amend the RPS to incorporate well-functioning urban environment, resilience to the effects of climate change and qualifying matters

Option 2 is the recommended option.

Matters outside the scope of the PC 80

This plan change does not list all of the qualifying matters - this is in Chapter C of the District Plan and will be part of the council's IPI. This will enable the Independent Hearings Panel considering the IPI, to make recommendations to the council and Minister on qualifying matters that will be applied in the AUP.

NPS-UD policies that reference reductions in greenhouse gas emissions are out of scope for the August 2020 plan changes. This is because the council's functions under the Act do not include consideration of greenhouse gas emissions until December 2022. This includes Objective 8(a), Policy 1(e).

1.0 Introduction

This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 (**the Act**) for proposed Plan Change 80 (**PC80**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

PC 80 contains amendments to:

- Chapter B2 Tauhuhu whakaruruhau a-taone- Urban Growth and Form
- Chapter B7 Toitū te whenua, toitū te taiao – Natural resources
- Chapter B8 Toitū te taiwhenua - Coastal environment
- Chapter B10 Ngā tūpono ki te taiao - Environmental risk

The separate Intensification Planning Instrument (**IPi**) in Proposed Plan Change 78 integrates qualifying matters in overlays and references the list of all applicable qualifying matters in Chapter C. That plan change has a separate Section 32 Report.

This Section 32 Report deals with the proposed changes to the Regional Policy Statement (**RPS**) to integrate the concepts of: well-functioning urban environment, resilience to the effects of climate change and qualifying matters. PC 80 gives effect to the National Policy Statement on Urban Development (**NPS-UD**) on these matters.

1.1 Section 32 evaluation

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the council shall carry out an evaluation to examine:

- the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also take into account:

- the benefits and costs of policies, rules, or other methods; and
- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

1.2 The evaluation approach

This section outlines how the proposed new provisions of PC 80 has been evaluated. The rest of this report will follow the evaluation approach described in the table below. In accordance with section 32(6) of the Act and for the purposes of this report:

- i. The 'proposal' means this component of the PC 80.
- ii. The 'objectives' means the objective of the PC 80 – that is to give effect to the NPS-UD policy on well-functioning urban environment, resilience to the effects of climate change and qualifying matters.

- iii. The 'provisions' means the method(s) used to give effect to the above objectives – in this case the policies outlined in the RPS.

Table 1: Report structure

Sections of this report	Evaluation Approach
Section 2: Issues	This part of the report will explain the resource management issue(s) and why there is a need to resolve them.
Section 3: Objectives	This part of the report will outline the purpose of PC80.
Section 4: Reasons for the proposed plan change	In accordance with subsections 32(1)(a) and (1)(b)(iii) of the Act, this part of the report examines the extent to which the objectives of the proposal (PC80) are the most appropriate way to achieve the purpose of the Act. This section outlines the reasons for and the scope of PC80.
Section 5: Statutory evaluation	This part of the report evaluates the relevance of PC80 to Part 2 (sections 5-8) and other relevant parts / sections of the Act.
Section 6: National and local planning context	This part of the report evaluates the relevance of PC80 against the national and local planning context.
Section 7: Development of the plan change	This part of the report outlines the methodology and development of PC80, including the information used.
Section 8: Consultation	This part of the report outlines the consultation undertaken in preparing PC80. It includes a summary of all advice received from iwi authorities on PC80 (as required by section 32(4)(a) of the Act).
Section 9: The development and evaluation of options	In accordance with section 32(1)(b) and (2) of the Act, this section examines whether the options appropriately achieve the

	objectives of the AUP and the sustainable management purpose of the Act. The options are assessed by their efficiency and effectiveness, costs, benefits and risks to resolve the issue.
Section 10: Conclusion	This part of the report concludes that PC80 is the most efficient, effective and appropriate means of addressing the resource management issues identified.

This section 32 evaluation report will continue to be refined in response to any information provided to the council, and as PC 80 progresses through the plan change process.

2.0 The issue

2.1 Background

The NPS-UD and Resource Management Act Enabling Housing Supply Act 2021 have introduced new concepts for “well-functioning urban environments” and “qualifying matters”. It also includes specific direction on urban resilience to the effects of climate change. The Act limits the IPI scope specifically to district plan matters. The AUP is a combined plan where there needs to be a policy cascade and close integration between regional and district plan matters.

These changes are required to integrate Government policy on well-functioning urban environment, urban resilience to the effects of climate change and qualifying matters into the AUP. Because these changes are to the RPS and are therefore outside of the IPI process, a separate plan change (PC 80) is required using the Schedule 1 process.

2.2 The issue/problem definition

2.2.1 Well-functioning urban environment

The term ‘well-functioning urban environment’ is a new term that has been introduced in the NPS-UD in 2020. In the NPS-UD the meaning of “well-functioning urban environment is set out in Policy 1 and is:

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) *have or enable a variety of homes that:*
 - (i) *meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) *enable Māori to express their cultural traditions and norms; and*

- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change.*

There are a number of circumstances where ‘well-functioning urban environment’ is used in the NPS-UD. The instances are:

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters...*

- (c) *the benefits of urban development that are consistent with well-functioning urban environments....*

Policy 8: *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- (a) *unanticipated by RMA planning documents; or*
- (b) *out-of-sequence with planned land release.*

Responsiveness planning

- 2) *Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:*
 - (a) *would contribute to a well-functioning urban environment...*

Using evidence and analysis

- 1) *When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must...*
 - b) *use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to...*
 - (iii) *achieving well-functioning urban environments...*

Future Development Strategy

- 1 *The purpose of an FDS is: to promote long-term strategic planning by setting out how a local authority intends to:*
 - a) *achieve well-functioning urban environments in its existing and future urban areas; and...*

The AUP became operative in part on 15 November 2016.

A review of the RPS was carried out to determine the extent to which it already addressed the matters set out in the NPS-UD and whether in fact it went further and canvassed a broader range of matters. This concluded that the RPS already did adequately address most of the matters identified in the NPS-UD that are considered to contribute to a “well-functioning urban environment” and covered off significantly more.

The exception is the issue of reducing greenhouse gas emissions, which is not explicitly addressed in the RPS because there is no legal jurisdiction to do so until December 2022. However, there are several policies (for example those relating to transport mode shifts) that already contribute to reducing greenhouse gas emissions. The matter of greenhouse gas emissions will be addressed later when there is legal jurisdiction to so.

Attachment 1 includes the comparison of the NPS-UD Policy 1 matters against the RPS and a comparison of the RPS against the NPS-UD matters.

This shows that the RPS provides significantly more guidance on the matters that provide a “well-functioning urban environment” than the NPS-UD does. The RPS section B2.2 (urban growth and form), for “a quality compact urban form” and B2.3 (a quality-built environment), gives substantial guidance on that matter. Several other sections of the RPS (such as those on infrastructure, natural heritage, natural resources and environmental risk) are all relevant and contain policies that contribute to providing a “well-functioning urban environment”.

A comprehensive literature review of well-functioning urban environment was also carried out. The evidence gathered concludes that a well-functioning urban environment is the sum of its parts. No one element creates a well-functioning urban environment, nor is there a measurable standard to demonstrate how or when such an environment is achieved. Instead, there are common elements across the built, social, environmental and cultural domains that contribute to experience and outcomes for all urban citizens.

The findings of the literature review were assessed against the RPS to highlight any gaps in the existing document. The findings show that overall, the RPS covers many of the key aspects that make up a well-functioning urban environment.

However, public participation, health impact assessments, gender, age and disability equality, social equity improvements, opportunities for urban agriculture, water sensitive design, valuing of ecosystem services, and categorising green and social infrastructure as critical infrastructure on which development is contingent and climate resilience are not so thoroughly addressed. A number of these are beyond the scope of the Act or will be addressed through subsequent work such as responding to the NPS – Freshwater Management and changes on climate change and greenhouse gas emissions.

[The Scale and Significance of this Issue](#)

The scale and significance of the issue is not great as planning decisions must give effect to a national policy statement regardless of what the RPS may contain. However, given the importance of the concept in the NPS-UD, it is therefore considered beneficial to include some reference to well-functioning urban environment into the RPS. In particular, it would be useful because the well-functioning urban environment concept is a critical part of the NPS-

UD as it sets a broad urban development context. It is also important in terms of the s32 report, to assess policies, such as qualifying matters, and the plan changes for the NPS-UD and Medium Density Residential Standard (**MDRS**), and subsequent private plan changes. It would also be helpful to support analysis on the impacts of managing growth and maintaining a compact urban form.

The issue is therefore, what changes are required to the RPS, if any, to give effect to the NPS-UD policy on well-functioning urban environment. The rest of this report considers the options to achieve this.

2.2.2 Qualifying matters

Qualifying matters is a new term which was created in the NPS-UD in 2020 and expanded on in December 2021 through amendment to the Act. The qualifying matters have been extended in the Auckland context to also apply to the Hauraki Park Marine Gulf Act 2000 and Waitakere Ranges Heritage Area Act 2008. The Waitakere Ranges Heritage Area Act is already given effect to in the AUP through the use of an overlay which restricts density in specific locations and in the careful application of the Residential - Single House Zone to limit intensification in the urban area. The Hauraki Gulf Marine Park Act outcomes are reflected in RPS provisions on water quality and through specific precincts such as Long Bay.

The AUP has applied what is currently termed qualifying matters, primarily through overlays relating to section 6 and section 7 matters. The AUP overlays serve to recognise, manage and protect particular values and resources across Auckland, and so lie across various zones and precincts. The overlays are spatially mapped as GIS layers in the AUP maps. In some cases, qualifying matters have been given effect to through a combination of zones plus an overlay such as Special Character residential which has the Residential – Single House Zone plus an overlay. Some qualifying matters also rely on their own zoning (open space and business) or specific special purpose zones or designations.

The Budden decision issued in December 2017¹ confirmed that enabling provisions within overlays, zones or Auckland-wide chapters in the AUP cannot prevail over more restrictive provisions unless there is a specific rule that allows it. Qualifying matters in the AUP are given expression in zones, overlays and related provisions such as subdivision, earthworks and discharges. Not all qualifying matters affect height and density directly, such as aquifers. It is difficult to assess when the cumulative effect of enabling housing on land above an aquifer would affect its water quality. Qualifying matters limit development potential enabled by policy 3(c) of the NPS-UD.

Chapter A is the introduction to the AUP and lists the relevant qualifying matters that apply across the AUP as well as providing guidance on how provisions that have immediate legal effect will be shown in the AUP. This is a statutory requirement of the Enabling Housing

¹ Auckland Council v Budden [2017] NZEnvC 209 ('interim decision') issued 19 December 2017. The decision was further clarified in the Court's second interim decision issued on 23 January 2018 as Auckland Council v Budden (No 2) [2018] NZEnvC 003 ('second decision') and in the third decision issued on 15 March 2018 Auckland Council v Budden (No 3) [2018] NZEnvC 030 ('third decision').

Supply Amendment Act 2021. The general rules in Chapter C of the AUP set out how the different sections of the AUP work together and has been amended through the IPI to reference qualifying matters and list their application across the AUP.

The Scale and significance of the issue

Qualifying matters are considered in the RPS as section 6 and section 7 matters under the Act. They are often expressed as overlays in the AUP with related provisions in the Auckland-wide earthworks, infrastructure and subdivision chapters. The NPS-UD has introduced the term 'qualifying matter' which needs to be referenced in the RPS and its effects explained in terms of limiting development potential, specifically height and density. However, the rest of the RPS narrative on qualifying matters is sufficient. A complete list of all qualifying matters is being annotated in Chapter A of the AUP. Existing rules across the AUP will be annotated as being qualifying matters.

2.2.3 Resilience to the effects of climate change

Resilience to the effects of climate change is not an entirely new planning issue. There are some references to it within the operative AUP that date from 2016. Also, the New Zealand Coastal Policy Statement 2010 (**NZCPS**) contains objectives and policies on the effects of climate change on coastal hazards, processes, natural character and ecosystems with an overall resilience focus (see objective 1 and policies 24 to 26).

However, since the AUP was prepared, there has been increased recognition of the significance of the issue of the effects of climate change along with the need to reduce emissions of greenhouse gases that cause that change.

The broader issue of climate change has two policy subcomponents being:

- the reduction of greenhouse gas emissions that cause climate change,
- resilience to the effects of climate change.

While the NPS-UD has objectives and policies on both the above, the Act prevents the council from consideration of greenhouse gas emissions (except for assessing the benefits of renewable energy) until December 2022. The Act overrules the NPS-UD on the matter of emission reduction until December 2022. Therefore, PC 80 only addresses resilience to the effects of climate change.

The scale and significance of the issue

The effects that climate change will have in the Auckland urban environment include:

- increased extent or frequency of some types of natural hazards
- increased frequency and severity of urban heat events
- increased drought with water supply implications
- effects on biodiversity, natural resources and natural heritage (all of which occur in urban as well as rural areas)
- increased risk to urban infrastructure and related costs to society.

For example:

By the beginning of the 2100s, Auckland is projected to experience more than 70 - 80 extra hot days, with the south and north of the region experiencing over 90 more hot days than baseline conditions. Essentially, Aucklanders will be exposed to three months of extra hot days. Extreme heat events pose a significant threat to the health and well-being of Auckland's population. Evidenced by extreme heat events reported in cities around the world, extreme heat events can have a catastrophic effect on the population, particularly those that are chronically ill, socially marginalised or with reduced capacity to adapt and mitigate the effects of heat².

Accelerated greenhouse gas emissions has been occurring for some time in the past. Consequently, some of the predicted future climate change is committed and cannot be avoided by reducing the rate of emissions in the future.

From the perspective of scientific knowledge, these effects of climate change are significant and are at a global, national and Auckland-wide scale.

The NZCPS, the NPS-UD and section 7 of the Act reference various aspects of the effects of climate change and resilience to those effects. The council is required is required to give effect to these statutory provisions. Therefore, from statutory perspective, the effects are significant and at scale.

The AUP can only give effects to these climate resilience requirements to the extent that the Act authorises control of activities in a relevant way. Section 32 of the Act requires any provisions to be appropriate after having considered benefits and costs of options and their efficiency and effectiveness.

3.0 Objectives

The objectives of this plan change are to give effect to the NPS-UD by:

- including references to a well-functioning urban environment in the objectives and policies of the RPS
- including references to qualifying matters in the B2.4 Residential growth objectives and policies of the RPS
- including references to resilience to the effects of climate change in the RPS, and
- ensuring that there is good integration between RPS and District Plan i.e. across the AUP.

4.0 Reasons for the proposed plan change

4.1 Well-functioning urban environment

PC 80 proposes to add references to well-functioning urban environment at appropriate places in B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form, of the RPS. The changes to the RPS proposed are set out below where additions are shown underlined, and deletions are shown struck through.

² Development of the Auckland Heat Vulnerability Index, March 2019

To avoid repetition, the proposed B2 changes also include those relating to qualifying matters and urban resilience to the effects of climate change. These other two matters are evaluated further below.

B2.2. Urban growth and form

B2.1. Issues

Growth needs to be provided for in a way that does all of the following:

(1A) contributes to well-functioning urban environments;

(1B) improves resilience to the effects of climate change...

B2.2.1. Objectives

(1A) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

(1) A quality compact urban form and well-functioning urban environment that enables all of the following...

(h) improves resilience to the effects of climate change.

(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is:

(a) integrated with the provision of appropriate infrastructure; and

(b) resilient to the effects of climate change.

B2.2.2. Policies

Development capacity and supply of land for urban development

(2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:

(a) promote the achievement of a quality compact urban form;

(aa) contribute to a well-functioning urban environment...

(l) avoiding areas with significant natural hazard risks and where practicable avoiding areas prone to natural hazards including coastal hazards and flooding, including the effects of climate change and sea level rise on the extent and frequency of hazards; and

(4) Promote urban growth and intensification within the urban area 2016 (as identified in [Appendix 1A](#)), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, in a

way that contributes to a well-functioning urban environment and avoid urbanisation outside these areas.

- (6) Identify a hierarchy of centres that supports a quality compact urban form and contributes to a well-functioning urban environment...
- (7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that contribute to a well-functioning urban environment and that do all of the following...
 - (ca) incorporate resilience to the effects of climate change; and...

B2.3. A quality built environment

B2.3.1. Objectives

- (1) A quality built environment and well-functioning urban environment where subdivision, use and development do all of the following...
 - (f) are resilient ~~respond and adapt~~ to the effects of climate change.

B2.3.2. Policies

- (1) Manage the form and design of subdivision, use and development so that it contributes to a well-functioning urban environment and does all of the following...
 - (g) improves resilience to the effects of urban heating resulting from the effects of climate change, including by improving urban tree canopy cover; and
 - (h) provides for water reuse and rainwater collection and use.

B2.4. Residential growth

B2.4.1. Objectives

- (1) Residential intensification supports a quality compact urban form and well-functioning urban environment.
- (1A) Residential intensification is limited in some areas to accommodate qualifying matters.
- (2) Residential areas are attractive, healthy, resilient to the effects of climate change and safe with quality development that is in keeping with the planned built character of the area.

B2.4.2 Policies

- (2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space, except

where qualifying matters reduce building height and/or density of urban form, which contribute to well-functioning urban environment.

- (3) *Provide for medium residential intensities in area that are within moderate walking distance to centres, public transport, social facilities and open space, whilst limiting height and/or density of urban form in areas where there are qualifying matters.*
- (4) *Provide for lower residential intensity in areas:*
 - (a) *that are not close to centres and public transport;*
 - (b) *that are subject to high environmental constraints and qualifying matters;*
 - (c) *where there are qualifying matters and there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character; and...*
- (5) *Avoid intensification in areas:*
 - (a) *where there are qualifying matters and there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character; or*
 - (b) *that are subject to significant natural hazard risks including the effects of climate change on the frequency and extent of the natural hazards;*

where such intensification is inconsistent with the protection of the scheduled natural or physical resources or with the avoidance or mitigation of the natural hazard risks.

B2.5. Commercial and industrial growth

B2.5.1. Objectives

- (2) *Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a compact urban form and contributes to a well-functioning urban environment.*
- (2A) Commercial and industrial activities are resilient to the effects of climate change.
- (3) *Industrial growth and activities are enabled in a manner that does all of the following...*
 - (c) *manages conflicts between incompatible activities by applying relevant qualifying matters...*

B2.5.2 Policies

- (2) Support the function, role and amenity of centres by encouraging commercial and residential activities within centres, ensuring development that locates within centres contributes to a well-functioning urban environment and the following...
- (4) Enable new metropolitan, town and local centres which contribute to a well-functioning urban environment following a structure planning process and plan change process in accordance with [Appendix 1 Structure plan guidelines](#), having regard to all of the following...
 - (g) any significant adverse effects on the environment, qualifying matters or on natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character.
- (10A) Require commercial and industrial activities to be located, designed and developed with best practice resilience to the effects of climate change.

B2.6. Rural and coastal towns and villages

B2.6.1 Objectives

- (1) Growth and development of existing or new rural and coastal towns and villages is enabled in ways that...
 - (ca) is resilient to the effects of climate change...

B2.6.2 Policies

- (1) Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following...
 - (h) uses best practice to improve resilience to the effects of climate change.

B2.7. Open space and recreation facilities

B2.7.1. Objectives

- (1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities which contribute to a well-functioning urban environment.
- (4) Open space and recreation facilities are resilient to the effects of climate change.

B2.7.2. Policies

(1) *Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions and which contribute to a well-functioning urban environment*

(11) *Require best practice resilience to the effects of climate change in open space and associated recreation and biodiversity.*

B2.8 Social Facilities

B2.8.1 Objectives

(1) *Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety and which contribute to a well-functioning urban environment.*

(4) *Social facilities are resilient to the effects of climate change.*

B2.8.2 Policies

(1) *Enable social facilities that are accessible to people of all ages and abilities to establish in appropriate locations which contribute to a well-functioning urban environment as follows...*

(4) *In growth and intensification areas identify as part of the structure plan process where social facilities will be required and enable their establishment in appropriate locations which contribute to a well-functioning urban environment.*

(7) *Require social facilities to use best practice in resilience to the effects of climate change.*

B2.9. Explanation and principal reasons for adoption

Para 1

A broad strategy is needed to address the resource management issues arising from the scale of urban growth in Auckland. The objective of a quality compact urban form and a well-functioning urban environment is supported by a primary policy approach of focussing residential intensification in and around commercial centres and transport nodes and along major transport corridors.

Para 4

A compact urban form can deliver a range of benefits and contribute to a well-functioning urban environment by...

- *limiting intensification where there are qualifying matters;*
- *promoting an integrated approach to land use and transport; ~~and~~*
- *providing investment certainty about use and development strategies; and*

- improving resilience to the effects of climate change.

Para 6

In addressing the effects of growth, a key factor is enabling sufficient development capacity in the urban area and sufficient land for new housing and businesses over the next 30 years and which contribute to a well-functioning urban environment. It is also important to ensure that urban environments are resilient to the effects of climate change...

4.1.1 Rationale for the plan change – well-functioning urban environment

The rationale for the plan change is to better give effect to the concept of well-functioning urban environment by including reference to the concept in the RPS. In doing this the approach has been to try and minimise the amount of change made to the RPS.

In the B2.2 growth objectives and policies, “well-functioning urban environment” is deliberately added following “compact urban form” as this is still considered to be the priority and focus of the growth section of the RPS.

While it is clear that all policies of the RPS have to be taken into account, to ensure that in considering well-functioning urban environment, all of the value objectives of the RPS, and not just growth objectives, are linked to well-functioning urban environment a further addition is proposed. This is to include in the RPS the objective set out in the Resource Management (Enabling Housing Supply Other Matters) Amendment Act 2021 which has to be added to the district plan. The Enabling Housing Act Objective 1 is:

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

This is a wide-ranging objective that addresses all of the well beings. This objective is a high-level objective which can readily site in the RPS as well as the district plan.

4.2 Qualifying matters

Similarly, the RPS canvasses section 6 and 7 matters (qualifying matters) but does not currently mention the term introduced by Government in 2020. This can simply be achieved by adding the words “qualifying matters” to key existing RPS policy as shown in 4.1.1 above.

4.2.1 Rationale for the plan change – qualifying matters

The rationale for the plan change is as follows:

- Additional costs and time delays for the council in making submissions on private plan changes and declining resource consents that are inconsistent with qualifying matters concepts.
- Better quality decision-making and integration across the AUP.
- Potential litigation costs if consents and plan changes are appealed (by either the council or affected neighbours).
- Inappropriate use and development of land that does not align with the AUP, which has the potential to threaten the policy intent of the AUP.

This can create undesirable environmental, economic, social and cultural effects and outcomes for Auckland residents and businesses.

Qualifying matters are referenced throughout the NPS-UD. The rationale for doing this now in PC 80 are:

- Aligning the AUP with NPS-UD.
- Integration across the combined plan between RPS and district plan provisions.
- Integrating the terms and concepts within the AUP.

4.3 Resilience to the effects of climate change

Gap analysis of the existing RPS indicates that resilience to the effects climate change is only directly and explicitly referred to once in the explanation to B7.7. However, it can be read as being implicit in some other provisions on natural hazards in B10 which do refer to climate change. Also, resilience to the effects of climate change is important in many aspects of urban planning in addition to natural hazards. Comprehensive RPS provisions on urban resiliency to the effects of climate change are therefore appropriate to give effect to the NPS-UD.

In addition to the proposed amendments to B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form of the RPS included in section 4.1 above, additional amendments to the following chapters are proposed as set out below.

B7. Toitū te whenua, toitū te taiao – Natural resources

B7.1 Explanation and principal reasons for adoption

Para 3

Areas containing threatened ecosystems and species require effective management to protect them, and enhance their resilience which is important for the long-term viability of indigenous biodiversity and to help respond to the ~~potential~~ effects of climate change.

B7.2 Indigenous biodiversity

B7.2.2 Policies

(5A) Improve the resilience of areas listed in the [Schedule 3 of Significant Ecological Areas – Terrestrial Schedule](#) and [Schedule 4 Significant Ecological Areas – Marine Schedule](#) to the effects of climate change.

B7.3. Freshwater systems

B7.3.2 Policies

(5) Manage subdivision, use, development, including discharges and activities in the beds of lakes, rivers, streams, and in wetlands, to do all of the following...

(aa) improve resilience to the effects of climate change...

(9) Manage stormwater by all of the following:

(a) *requiring subdivision, use and development to...*

(iii) *improve resilience to the effects of climate change...*

B7.7 Explanation and principal reasons for adoption

Para 3

Areas containing threatened ecosystems and species require effective management to protect them, and enhance their resilience which is important for the long-term viability of indigenous biodiversity and to help respond to the potential effects of climate change.

B8. Toitū te taiwhenua - Coastal environment

B8.2 Natural character

B8.2.2 Policies

(4A) *Provide for the natural systems that support natural character to respond in a resilient way to the effects of climate change including sea level rise over at least 100 years.*

B8.3. Subdivision, use and development

B8.3.1 Objectives

(7) *In areas potentially affected by coastal hazards, including sea level rise over at least 100 years, subdivision, use and development avoid increasing the risk of social, environmental and economic harm.*

B8.4 Public access and open space

B8.4.2 Policies

(1) *Subdivision, use and development in the coastal environment must, where practicable, do all of the following...*

(d) *take into account the likely impact of coastal processes and climate change, including sea level rise over at least 100 years, and be set back sufficiently to not compromise the ability of future generations to have access to and along the coast.*

B10. Ngā tūpono ki te taiao - Environmental risk

B10.2 Natural hazards and climate change

B10.2.1 Objectives

(4) *The effects of climate change on natural hazards, including effects on sea level rise, over at least 100 years and on the frequency and severity of storm events, is recognised and provided for.*

B10.2.2 Policies

- (1) *Identify areas potentially affected by natural hazards, giving priority to those at high risk of being affected, particularly in the coastal environment, and including areas susceptible to coastal inundation and erosion as a result of sea level rise over at least 100 years.*
- (4) *Assess natural hazard risks:*
 - (a) *using the best available and up-to-date hazard information; and*
 - (b) *across a range of probabilities of occurrence appropriate to the hazard, including, at least, a 100-year timeframe for evaluating flooding and coastal hazards, including sea level rise in response to global warming.*
- (6) *Adopt a precautionary approach to natural hazard risk assessment and management in circumstances where:*
 - (a) *the effects of natural hazards and the extent to which climate change will exacerbate such effects are uncertain but may be significant, including the possibility of low-probability but high potential impact events, and also sea level rise over at least 100 years; or...*
- (12) *Minimise the risks from natural hazards to new infrastructure which functions as a lifeline utility by:*
 - (a) *assessing the risks from a range of natural hazard events including sea level rise, and low probability but high potential impact events such as tsunami, earthquake and volcanic eruptions...*
- (13) *Require areas potentially affected by coastal hazards over the next 100 years to do all of the following:*
 - (a) *avoid changes in land use that would increase the risk of adverse effects from coastal hazards;*
 - (b) *do not increase the intensity of activities that are vulnerable to the effects of coastal hazards beyond that enabled by the Plan, and reduce intensity over time in areas of high risk where this is necessary to implement managed retreat...*

B10.3 Land – hazardous substances

B10.3.2 Policies

- (2) *Manage the use and development of land for hazardous facilities:*
 - (a) *so that such facilities are resilient to the effects of natural hazards, including sea level rise over at least 100 years;*

4.3.1 Rationale for the plan change – urban resilience to the effects of climate change

The rationale of the plan change is to ensure that the RPS gives effect to the NPS-UD, including Objective 8(b), on resilience to the effects of climate change:

Objective 8: *New Zealand's urban environments...*

(b) *are resilient to the current and future effects of climate change.*

It is also to ensure that the RPS addresses this matter appropriately in all relevant RPS sections, and thus provide appropriate policy guidance to the regional and district plan components of the AUP

4.3 Scope

The proposed amendments set out above, to give effect to the NPS-UD requirements on well-functioning urban environments, qualifying matters and resilience to the effects of climate change, are in scope.

Other matters unrelated to these three issues are out of scope for PC 80.

NPS-UD policies that reference reductions in greenhouse gas emissions are also out of scope for the August 2020 plan changes. This is because the council's functions under the RMA do not include consideration of greenhouse gas emissions until December 2022. This includes Objective 8(a), Policy 1(e) of the NPS-UD.

5.0 Statutory evaluation under the Resource Management Act 1991 (the Act)

5.1 Overall broad judgement against Part 2 of the Act

The recommended option is assessed against the relevant provisions of the Act.

Section 5 of the Act describes the purpose of the Act. This is:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

PC 80 is the best way to integrate the concepts of well-functioning urban environments, qualifying matters and resilience to the effects of climate change into the RPS. This guides the district plan level changes that will be achieved through the IPI.

Qualifying matters are largely derived from section 6 and section 7 matters. The places in the RPS where well-functioning urban environment has been added, enhance the way that the RPS already address the matters in section 6 and 7.

Section 6 of the Act outlines matters of national importance. In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

Referencing qualifying matters, well-functioning urban environments and resilience to the effects of climate change in the RPS, supports and reinforces the AUP current policy in relation to section 6. The AUP zones, precincts and overlays with qualifying matters and associated objectives, policies and rules provide protection of natural and heritage resources, facilitate public access to and along the coastal marine area, provide for customary rights and can be a tool used to manage significant risks from natural hazards such as sea level rise, flooding and land instability.

Section 7 Other matters states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

The places in the RPS where well-functioning urban environment and resilience to the effects of climate change has been added also enhance the way that the RPS already address the relevant matters set out in section 7.

Incorporating qualifying matters at the RPS level will assist in achieving kaitiakitanga, the ethic of stewardship, the efficient use and development of natural and physical resources (by imposing height or density limits on growth enabled by policy 3(c)), the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment.

Section 8 Treaty of Waitangi states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The Treaty principles³ include the following:

Partnership - the Treaty signified a partnership between Māori and Pakeha and each partner had to act towards the other 'with the utmost good faith which is the characteristic obligation of partnership'. The obligations of partnership included the duty to consult Māori and to

³ Waitangi Tribunal website, justice.govt.nz

obtain the full, free, and informed consent of the correct right holders in any transaction for their land.

Reciprocity - the partnership is a reciprocal one, involving fundamental exchanges for mutual advantage and benefits. Māori ceded to the Crown the kawanatanga (governance) of the country in return for a guarantee that their tino rangatiratanga (full authority) over their land, people, and taonga would be protected. Māori also ceded the right of pre-emption over their lands on the basis that this would be exercised in a protective manner and in their own interests, so that the settlement of the country could proceed in a fair and mutually advantageous manner.

Active protection - the Crown's duty to protect Māori rights and interests arises from the plain meaning of the Treaty, the promises that were made at the time (and since) to secure the Treaty's acceptance, and the principles of partnership and reciprocity. The duty is, in the view of the Court of Appeal, 'not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable', and the Crown's responsibilities are 'analogous to fiduciary duties'. Active protection requires honourable conduct by, and fair processes from, the Crown, and full consultation with – and, where appropriate, decision-making by – those whose interests are to be protected.

Equity - The obligations arising from kawanatanga, partnership, reciprocity, and active protection required the Crown to act fairly to both settlers and Māori – the interests of settlers could not be prioritised to the disadvantage of Māori. Where Māori have been disadvantaged, the principle of equity – in conjunction with the principles of active protection and redress – requires that active measures be taken to restore the balance.

Equal treatment - The principles of partnership, reciprocity, autonomy, and active protection required the Crown to act fairly as between Māori groups – it could not unfairly advantage one group over another if their circumstances, rights, and interests were broadly the same.

Referencing well-functioning urban environments and qualifying matters in the RPS will assist and enhance the way that the RPS already strives to achieve, the above principles of the Treaty of Waitangi. This is particularly the case for land that is zoned Open Space or has specific overlays such as historic heritage, mana whenua and the Volcanic Viewshafts, and Height Sensitive areas. Most qualifying matters assist in the appropriate management of natural and cultural resources, where the principals of partnership and active protection are especially relevant.

5.2 The relevance of PC 80 to other sections of the Act

There are relevant sections of the Act that must be considered in context of PC 80. These are:

- *Section 30 – Functions of regional councils under this Act*
- *Section 31 – Functions of territorial authorities under this Act*
- *Section 60 – Preparation and change of regional policy statements*
- *Section 61 – Matters to be considered by regional council (policy statements)*

- *Section 62 – Contents of regional policy statements*
- *Section 80 – Combined regional and district documents*

Relevance to the above sections

Sections 30 and 31 of the Act specify the functions of regional and territorial authorities, and the AUP, as a combined plan, performs both of these functions. The zones, precincts and overlays with qualifying matters form part of the council's response to both qualifying matters and well-functioning urban environments.

Specifically, these functions include:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region;
- (b) In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of land and associated natural and physical resources;
- (c) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district; and
- (d) The control of any actual or potential effects of the use, development, or protection of land.

Section 80 of the Act sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district documents. Auckland Council has a combined regional and district plan – the AUP.

The AUP contains existing objectives, policies, rules and other methods that are of regional and district significance.

PC 80 seeks to:

- Introduce in B2.2 a new objective for urban growth referring to well-functioning urban environment, and amend numerous existing B2.2 objectives and policies to refer to well-functioning urban environment.
- Amend Policy 2.4.2 to refer to qualifying matters.
- Amend Objective B2.5.1 to reference well-functioning urban environment and qualifying matters,
- Amend B2.9 – Explanation and principal reasons for adoption, to refer to qualifying matters and well-functioning urban environment.
- Amend B2, B7, B8 and B10 to include policy on resilience to the effects of climate change.

District plan changes must have regard to the operative RPS provisions and are required to give effect to the RPS, in this case the amendments are to the RPS to give effect to the NPS-UD and legislation.

Overall, it is considered that PC 80 assists the council in carrying out its functions set out in section 30 and 31 of the Act to meet the requirements of the prescribed sections of the Act set out above.

Under section 74(2)(b) of the Act the council must have regard to any management plan, including reserve management plans, when preparing a district plan.

6.0 National and regional planning context

The recommended option from the assessment undertaken in Section 4 of this Section 32 Report is now assessed against the relevant national and regional planning documents.

6.1 Relevance to national policy statements

6.1.1 National Policy Statement on Urban Development

Well-functioning urban environment

The NPS-UD is relevant as it introduces the concept of well-functioning urban environment and requires that planning decisions contribute to it.

A key objective is:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health safety, now and into the future.

The meaning of well-functioning urban environment is set out in Policy 1 and is:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change.*

It is appropriate that the RPS be amended to give effect to the NPS-UD and the policy on well-functioning urban environment. The NPS-UD policy on it does specify that the matters listed in the policy are “as a minimum”, therefore additional matters can be included under the concept.

Qualifying matters

Qualifying matters are referenced in several places throughout the NPS-UD. Qualifying matters is defined in the NPS-UD in clause 3.32 (refer to the executive summary).

Resilience to the effects of climate change

The NPS-UD references resilience to the effects of climate change in:

Objective 8: *New Zealand’s urban environments...*

- (b) *are resilient to the current and future effects of climate change.*

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum...*

- (f) *are resilient to the likely current and future effects of climate change.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters...*

- (c) *the benefits of urban development that are consistent with well- functioning urban environments (as described in Policy 1)...*
- (e) *the likely current and future effects of climate change.*

It is appropriate to amend the RPS to give effect to this NZCPS policy.

6.1.2 New Zealand Coastal Policy Statement

The NZCPS is given effect to in the RPS, regional plan and through specific recognition of outstanding natural character, historic heritage, public open space around the coast including walking access. These are divided between the regional and district plan functions of the AUP. In many instances the NZCPS is given effect to through overlays (qualifying matters), Auckland wide controls, and the Act and subdivision rules requiring a 20m esplanade around the coast and rules relating to coastal hazards.

Well-functioning urban environments

The addition of references to well-functioning urban environment in the RPS also contributes to protecting the coastal environment.

Qualifying matters

A number of the qualifying matters relate the coastal environment and will assist in giving effect to the NZCPS.

Resilience to the effects of climate change.

The effects of climate change are recognised in parts of the NZCPS which has specific policy on coastal hazards (Policies 24, 25 and 27), public access (Policy 18) and that requires the effects of climate change to be considered.

The proposed amendments on climate resilience will assist in giving effect to the NZCPS.

6.2 Relevance to any particular Acts i.e. Hauraki Gulf Marine Park Act, Waitakere Ranges Heritage Area Act

6.2.1 Waitakere Ranges Heritage Area Act 2008

The Waitakere Ranges were added to the list of qualifying matters in the 2021 amendment of the Act. The Waitakere Ranges Heritage Area Act was specifically recognised in the AUP as an overlay. The Waitakere Ranges area forms part of a catchment for Auckland's drinking water supply, contains mature and regenerating native bush and is home to several endangered species. It therefore has several qualifying matters that apply within its area (significant ecological areas, High Natural Character values, Outstanding Natural Character and Outstanding Natural Fauna). When preparing district plans, under s11, the council must give effect to the purpose of the Waitakere Ranges Heritage Area Act and its objectives.

Section 3 sets out the purpose of the Waitakere Ranges Heritage Area Act:

- (1) *The purpose of this Act is to—*
 - (a) *recognise the national, regional, and local significance of the Waitakere Ranges heritage area; and*
 - (b) *promote the protection and enhancement of its heritage features for present and future generations.*
- (2) *To this end, the Act—*
 - (a) *establishes the Waitakere Ranges heritage area; and*
 - (b) *states its national significance; and*
 - (c) *defines its heritage features; and*
 - (d) *specifies the objectives of establishing and maintaining the heritage area; and*
 - (e) *provides additional matters for the Auckland Council and certain other persons to consider when making a decision, exercising a power, or carrying out a duty that relates to the heritage area.*

The zoning of land within the Waitakere Ranges heritage area as expressed through zones and overlays will assist in achieving the purpose of the Waitakere Ranges Heritage Area Act, particularly the protection and enhancement of its heritage features for present and future generations. The area has some complexities because of existing local centres in Titirangi and development of its foothills for a mix of lifestyle blocks and smaller sites. This has been recognised through the application of the low-density residential zone in combination with various overlays.

6.2.2 Hauraki Gulf Marine Park Act

The Hauraki Gulf Marine Park Act is a qualifying matter that is provided for in the 2021 amendment to the Act. It has been given effect to in the Auckland context through the Auckland Council Hauraki Gulf Islands Plan.

The Hauraki Gulf/Tīkapa Moana is world-renowned for its outstanding landscapes, rich indigenous biodiversity and spiritual importance to Māori.

Section 3 sets out the purpose of the Hauraki Gulf Marine Park Act which is to:

- (a) *integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:*
- (b) *establish the Hauraki Gulf Marine Park:*
- (c) *establish objectives for the management of the Hauraki Gulf, its islands, and catchments:*
- (d) *recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:*
- (e) *establish the Hauraki Gulf Forum.*

Section 7 recognises the national significance of the Hauraki Gulf and that the interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.

Section 8 outlines the management objectives of the Hauraki Gulf which are:

- (a) *the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:*
- (b) *the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:*
- (c) *the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:*

- (d) *the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:*
- (e) *the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:*
- (f) *the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.*

Section 32 outlines the purposes of the Hauraki Gulf Marine Park which are:

- (a) *to recognise and protect in perpetuity the international and national significance of the land and the natural and historic resources within the Park:*
- (b) *to protect in perpetuity and for the benefit, use, and enjoyment of the people and communities of the Gulf and New Zealand, the natural and historic resources of the Park including scenery, ecological systems, or natural features that are so beautiful, unique, or scientifically important to be of national significance, for their intrinsic worth:*
- (c) *to recognise and have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands and coastal areas, and the natural and historic resources of the Park:*
- (d) *to sustain the life-supporting capacity of the soil, air, water, and ecosystems of the Gulf in the Park.*

The appropriate management (via zoning) of open space within the catchment of the Hauraki Gulf is one of the methods available to achieve the purpose of the Hauraki Gulf Marine Park Act and the purpose of the Hauraki Gulf Marine Park. The Hauraki Gulf Marine Park Act has been criticised by the Environmental Defence Society as not striking the right balance between protecting the environment and land development/utilisation. However, it is a qualifying matter under the Act, although any changes to the Gulf Islands Plan are outside the scope of the IPI. Inclusion of provisions in the RPS on qualifying matters and resilience to the effects of climate change assists in achieving the purpose of the Hauraki Gulf Marine Park.

6.3 Relevance to the Auckland Plan 2050

The table below list the priorities and directives of the Auckland Plan 2050 (Auckland's spatial planning document) which was approved by Auckland Council on 5 June 2018.

Table 2: Auckland Plan 2050 directives and focus areas

Outcome	Directives and Focus Areas	Relevance to RPS PC 80- i.e. how does incorporating well-functioning urban environments and qualifying matters achieve the relevant directives and focus areas
Outcome: Environment and cultural heritage	<p>Direction 1: Ensure the environment is valued and cared for.</p> <p>Focus area 2: Focus on restoring environments as Auckland grows.</p> <p>Focus area 4: Protect Auckland's significant natural environments and cultural heritage from further loss.</p> <p>Focus area 5 Adapt to a changing water future</p>	<p>Creating well-functioning urban environments in part involves protecting the natural and cultural environment.</p> <p>Qualifying matters limit the amount of growth that can occur, particularly protecting section 6 matters of national importance such as historic heritage through the use of zones and overlays.</p> <p>Improved climate change resilience provisions are relevant to focus area 4.</p>
Outcome: Homes and places	<p>Direction 4: Provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living.</p> <p>Focus area 5: Create urban places for the future.</p>	<p>These matters are integral to creating well-functioning urban environments.</p> <p>Open space is a qualifying matter and is key to providing urban residents with quality spaces for recreation and enjoyment.</p> <p>The general business, light industry and heavy industry zones are qualifying matters that provide for employment. They are critical to ensure that there is a balance between residential and business land uses.</p>
Outcome: Transport and access	<p>Direction 1: Better connect people, places, goods and services.</p> <p>Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland.</p> <p>Direction 3: Maximise safety and environmental protection.</p> <p>Focus area 4: Make walking, cycling and public transport preferred choices for many more Aucklanders.</p> <p>Focus area 7: Develop a sustainable and resilient transport system.</p>	<p>These matters are integral to creating well-functioning urban environments.</p> <p>The NPS-UD is broadly consistent with the Auckland-Plan by encouraging higher density residential to develop around transport hubs, thus reducing car dependency and making more efficient use out of public transport. This in turn should reduce greenhouse gas emissions.</p>

6.4 Relevance to Auckland Unitary Plan Regional Policy Statement

The Auckland Plan 2050 forms a policy cascade from national direction through to regional and local planning. The Act and national policy statements provide the highest policy direction to the council. The Auckland Plan 2050 indicates broadly how the council will give effect to those outcomes.

The RPS already addresses well-functioning urban environments through establishing the principles required to create a compact urban form and quality-built environment. The RPS already incorporates policy which has broader reach than the NPS-UD in addressing matters that contribute to a well-functioning urban environment. The proposed amendments to add reference to well-functioning urban environment enhance the ability of the RPS to deliver the policy.

It also seeks to establish a balance between protection of section 6 and section 7 matters whilst enabling residential, parks and business land to be created and developed.

Qualifying matters are an outcome of section 6 and section 7 matters being applied at a regional and district level. A small number of qualifying matters deal with regional matters such as aquifers and high-use streams. However, they need to be protected through NPS-UD to give effect to the National Policy Statement on Freshwater Management which has an overarching principle of 'te mana o te wai'. Over-exploitation and use of water resources or contamination through land use can result in a deterioration of water quality. It is therefore important that the AUP regulates land use and development.

The proposed amendments on resilience to the affects of climate change build on those in the RPS in a more comprehensive way that is consistent with section 7 of the Act, the NPS-UD and the NZCPS and the current state of knowledge.

The RPS is key in setting the policy framework for plan changes, resource consents, notices of requirement and subdivision applications to be assessed against. The RPS provides an evaluation framework for making good decisions on how land will be released, developed and infrastructure investment made.

6.5 Relevance to Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan

Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan is the council's strategy for climate action. It sets core goals:

- *to reduce our greenhouse gas emissions by 50 per cent by 2030 and achieve net zero emissions by 2050*
- *to adapt to the impacts of climate change by ensuring we plan for the changes we face under our current emissions pathway*

The latter goal is relevant to improving the way the AUP provides for resilience to the effects of climate change.

7.0 Development of PC 80

7.1 How the Auckland Unitary Plan was developed

The AUP replaced the various regional and district plans from six territorial authorities. The AUP structure has an introduction, RPS provisions in Chapter B followed by various chapters with regional and district provisions. There are zones, precincts, overlays and Auckland-wide rules. The approach taken was to simplify and harmonise provisions. Place-based planning outcomes are generally governed by overlays for specific values. Where a particular geography requires integrated planning, then this is best achieved through precincts.

The AUP was developed over 3-4 years with writing and preparation, public consultation and formal submissions. The Auckland Independent Hearings Panel was established to hear all submissions on the combined plan and to make recommendations to the council and Minister. The Panel was led by Judge Kirkpatrick, with appeals only allowed on points of law. The AUP was made operative within a little over two years after notification. This has provided Aucklanders with certainty over what values are protected and what can be built and developed in their community.

7.2 Regional Policy Statement

Regional councils are obliged to prepare a regional policy statement (often referred to as an RPS). RPS's provide an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the region.

An RPS is required to state:

- Significant resource management issues for the region.
- Resource management issues of significance to iwi authorities.
- Objectives sought to be achieved.
- Policies in regard to significant issues and objectives
- Methods (excluding rules) to be used to implement the policies.
- Principle reasons for adopting the objectives, policies and methods.
- Environmental results anticipated.
- Processes to deal with cross boundary issues.
- The local authority responsible for specifying objectives, policies and methods for land use control in respect of natural hazards, hazardous substances and indigenous biological diversity.
- Procedures for monitoring.

The AUP is a combined plan with the regional provisions marked up to provide plan users with guidance on interpretation. A well-functioning urban environment is a desirable outcome to be achieved from sound resource management practises and decision-making. The outcome is therefore outlined in objectives and policies.

Qualifying matters are a specific finite set of values that should be protected and they in turn limit urban development, particularly height and density. The qualifying matters may be applied as overlays, rules in zones and Auckland-wide rules.

Provisions on resilience to the effects of climate change in the RPS provide guidance in the development of district and regional plan provisions that will give effect to the NPSUD.

7.3 Information used

The list of reports, documents and evidence that have been used in the development of this section 32 report are listed below:

Table 3: Information used

Name of document, report, plan or working group	How did it inform the development of the plan change
National Policy Statement on Urban Development 2020	Provides the policy direction on well-functioning urban environment and qualifying matters
Auckland Unitary Plan Regional Policy Statement	Sets out the policy framework that the NPS-UD policy can be considered against.
Well-functioning Urban Environment literature review	Qualitative based assessment of how to best express the terminology in the AUP.
Qualifying Matters working group	Working group evaluated the existing qualifying matters in the AUP against Policy 3 NPS-UD. Identified gaps in policy framework that has resulted in three new qualifying matters for three waters infrastructure capacity, transitions, and the application of the low-density residential zone in combination with specific overlays for coastal erosion, Significant Ecological Areas and Special Character.
AUP monitoring under section 35 of the Act on the effectiveness of existing natural hazard provisions.	Provided guidance on how well existing natural hazard provisions were working including from the perspective of resilience to the effects of climate change.
Technical reports including: Auckland's Climate Plan: Review of the Auckland Unitary Plan, Prepared for Auckland Council Prepared by Tonkin & Taylor Ltd, December 2021 Development of the Auckland Heat Vulnerability Index, Auckland Council Technical Report 2019/012 Climate Change Risks in Auckland, Auckland Council Technical Report, TR2019/019 Auckland Region climate change projections and impacts, Niwa, January 2018 Discussions with the council specialists on coastal hazards,	These reports and specialist advice informed: <ul style="list-style-type: none"> • evaluation of strengths in weaknesses in the AUP on climate change and resilience gaps that need to be addressed. • risks related to the effects of climate change in Auckland

8.0 Consultation

8.1 Relevant Sections of Resource Management Act and Local Government Act

Schedule 1 of the Act contains the process for the preparation, change and review of policy statements and plans.

Section 1A – Mana Whakahono a Rohe, requires that a proposed policy statement or plan must be prepared in accordance with any applicable Mana Whakahono a Rohe.

At the time of preparing PC 80, Auckland Council had not entered into any Mana Whakahono a Rohe with iwi. One request had been received however from Nga Tai Ki Tāmaki and a Mana Whakahono a Rohe is in the process of being developed.

Part 3 of Schedule 1 states:

- (1) *During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—*
 - (a) *the Minister for the Environment; and*
 - (b) *those other Ministers of the Crown who may be affected by the policy statement or plan; and*
 - (c) *local authorities who may be so affected; and*
 - (d) *the tangata whenua of the area who may be so affected, through iwi authorities; and*
 - (e) *any customary marine title group in the area.*
- (2) *A local authority may consult anyone else during the preparation of a proposed policy statement or plan....*
- (4) *In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.*

Section 82 of the Local Government Act outlines the principles of consultation. These are:

- (1) *Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:*
 - (a) *that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:*

- (b) *that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:*
- (c) *that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:*
- (d) *that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:*
- (e) *that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:*
- (f) *that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.*

(2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

Section 4A of the Act - Further pre-notification requirements concerning iwi authorities states:

- (1) *Before notifying a proposed policy statement or plan, a local authority must—*
 - (a) *provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and*
 - (b) *have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.*
- (2) *When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.*

And in addition to the above, recent legislation changes to the Act introduced section 32(4A):

- (4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*

- (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

8.2 Consultation with mana whenua / iwi authorities

Clause 3(1)(d) of Schedule 1 to the Act, states that local authorities shall consult with tangata whenua of the area who may be so affected, through iwi authorities, during the preparation of a proposed policy statement or plan. Due to the nature and scale of PC 80 and the fact that it affects the entire region, all mana whenua iwi were consulted with on the content of the plan change.

Focus Wānanga were held with mana whenua to introduce and discuss the draft NPS-UD and IPI plan changes as part of a programme of consultation. This included changes to the RPS as well as the other proposed changes. The Focus Wānanga were held on 14 and 17 June 2022.

Feedback from mana whenua that specifically related to the topics of well-functioning urban environments, qualifying matters and resilience to the effects of climate change included:

- Support for precincts that recognise and protect Māori cultural values being treated as qualifying matters and those protections to be retained. Some examples were Mangere Gateway Sub-Precinct E (Ihumātao site), Long Bay Precinct, and Puhinui Precinct and there other sites not currently scheduled or in precincts that need protection.
- Retain all volcanic viewshafts at current locations and heights.
- Retaining all height sensitive areas in current locations with new density controls (coverage and landscape).
- Outstanding Natural Feature Overlay retained as a Qualifying Matter and all mapped areas retained.
- No intensification of public open space and no public open space to be affected by intensification.
- The Sites and Places of Significance Overlay to remain as a Qualifying Matter.
- Require a resource consent process for intensification in residential areas with limited water and wastewater capacity.
- The existing SEA overlay to be retained as a Qualifying Matter and no mapping is proposed to change.
- Inclusion of a qualifying matter to reduce residential intensification near the Pukekiwiriki Pā under section 6(e) of the Act, and for similar reasons, low density zoning for Pararekau Island and around Pukekohe Hill.
- Inclusion of Māori design principles.
- Effect of intensification (including reverse sensitivity) around Māori Special Purpose Zone Land
- Provision for intensification and Papakāinga and on Māori owned land.
- Effects of development in the coastal environment including the effects of sea level rise.

- Concern about inadequate transport accessibility, including lack of parking and excessive walking distances.
- Effects on the Waitakere Ranges Heritage Area and requests for qualifying matters.
- Provisions for urban trees supported.

A draft copy PC 80 was also forwarded to all Auckland’s 19 iwi as required under Section 4A of the first schedule of the Act.

Comment was received from Te Rūnanga o Ngāti Whātua. The feedback concerned drafts on sections B7 and B8 of the RPS and an earlier draft section 32 report on resilience to the effects of climate change. Many of the comments were general ones and not specifically related to well-functioning urban environments, resilience to the effects of climate change or qualifying matters. The comments are summarised in the following table.

Table 4: Summary of comment from Te Rūnanga o Ngāti Whātua

Comment	Staff notes
B7. Toitū te whenua, toitū te taiao – Natural resources	
Use ‘te ao Māori’ terminology generally, it has mana.	More extensive use of ‘te ao Māori’ could improve the AUP. This should be considered in the next review of the AUP.
In B7.1 statement of issues: Include effects of current land use practices as well as past practises as an issue.	This is a good point and is out of scope for PC 80. This should be considered in next review of AUP.
In B7.1 statement of issues: Change the statement of issue from increased demand for mineral resources to increased demand for natural resources.	This is a good point and is out of scope for PC 80. This should be considered in the next review of the AUP.
In B7.1 statement of issues: Amend to emphasise ‘effective’ management of ...	This is a good point and is out of scope for PC 80. This should be considered in the next review of the AUP.
In B7.2 Indigenous biodiversity objectives: Include cultural values as well as ecological values.	This is a good point and is out of scope for PC 80. This should be considered in the next review of the AUP or the council’s response to the Government’s biodiversity national policy statement after gazettal as it is likely to address this matter in some way.
In B7.2 Policies There is confusion between Auckland Council and council-controlled organisations not being aligned. Individual council-controlled organisations have been observed to against the policy.	Alignment is a valid expectation. However, this relates to implementation as well as policy preparation and the two main council-controlled organisations are statutorily independent. Considerable effort has been expended in alignment between the council, Watercare and Auckland Transport in preparing the PC 80 and IPI plan changes, particularly in relation to qualifying matters.
In B7.2 existing Policy 4	Policy 4 relates to scheduling of marine significant ecological areas (SEA) which

<p>How is it known whether this relates to a single tree or stand of trees. Concerned about long-term destruction of te taio.</p>	<p>can include mangrove forest. Mangroves are scheduled as a group in SEA rather than as individual trees. No change required.</p>
<p>In B7.2 proposed new Policy 5A on improving the climate resilience of marine and terrestrial significant ecological areas (SEA): How will Auckland Council do this as we already see a significant impasse and tauwi developers against the system, which ends up costing the council and ultimately iwi and other ratepayers who pay. e.g. the \$1billion funding required for Civil infrastructure in the subdivision in South Auckland.</p>	<p>The proposed RPS policy is implemented through the existing SEA schedules and existing SEA policy and rules. Terrestrial SEA are also proposed to be a qualifying matter which affects what type of zoning gets applied to particular sites with SEA. There will need to more proactive consideration of this in consenting of developments. In the future, more consideration will have to be given to how SEA can 'migrate' of adjust as climate changes. This is a long-term issue and will involve operational as well as regulatory approaches.</p>
<p>B7.3 Freshwaters systems Objectives Current examples of mowing down trees for the sake of a view how can you couch your korero when your actions bely the facts.</p>	<p>Presume this relates to the publicised example of a local board deliberately deciding to mow trees recently planted. No change to the RPS required.</p>
<p>B7.3 existing Policy 1(c) The NPS-UD may conflict with this policy on reducing the effects of discharges on freshwater systems.</p>	<p>Yes, to a degree the NPS-UD does conflict with protection of freshwater systems as it does not prioritise protection of the natural environment in urban areas. However, the National Policy Statement on Freshwater Systems must also be considered. Known urban areas with wastewater or stormwater constraints are proposed as qualifying matters.</p>
<p>B7.3 existing Policy 1(d) Comment on communicating to mana whenua and doing a good job.</p>	<p>Striving to do a good job is important. No specific change to the RPS required.</p>
<p>B7.3 Existing Policy 4 Include enhancement of wetlands Include cultural safety as well as public safety</p>	<p>Enhancement is covered in Policy 4 (d) an (6)</p>
<p>B7.7 Explanation Concerned about the effect of runoff from development and the lack of infrastructure planning by the council.</p>	<p>There are existing earthworks rules that can control runoff from initial development. The NPS-UD does not expressly allow intensification or development generally to be declined because infrastructure is not available or funded. Nevertheless, qualifying matters are proposed for some specific areas of severe infrastructure constraints.</p>
<p>B7.7 Explanation</p>	<p>Electric vehicles are currently unaffordable for most Pakeha and Māori but this will</p>

Mana whenua cannot afford electric vehicles (in relation to air emissions).	change in the future as more enter the second hand market. This issue is outside the scope of PC 80.
B7.7 Explanation How does council work to reduce exceedance of air emissions.	Air quality is monitored and discharges are regulated. Data indicates that the number of exceedances is going down over time.
Various grammatical comments on parts of B7.	These are outside the scope of PC80.
B8. Toitū te taiwhenua - Coastal environment	
B8.2 existing Policies 1 and 3: Requests that criteria for identification of outstanding or high natural character areas include cultural values as factor.	Identification of sites with high cultural values is addressed in RPS section B6 Mana Whenua. There is the potential, in some cases, for these culturally significant areas to overlap with areas that have outstanding or high natural character.
B8.2 existing Policy 5: Request inclusion of Maramataka and mara kai	Policy 5 is about enabling land uses practices and restoration to rehabilitate and enhance natural character. The request relates to use of the Māori lunar calendar and gardening for food. It is not clear whether this is appropriate or not in the context of this particular policy. It is not within the scope of PC80.
B8.3 Subdivision, use and development Objective 3: Question as to whether objective 3 implies a requirement for an economic analysis about efficient use of natural and physical coastal resources.	The use of 'efficiently' in this policy is used in its ordinary sense of maximising benefit while minimising waste. It does not necessarily require an economic analysis, but one may be appropriate in some cases.

8. 3 Local Board and community engagement

Due to timing constraints local boards were not specifically consulted on draft RPS text in for PC 80. However, local boards were briefed in 2021 on the general concepts of well-functioning environments and qualifying matters as they apply to the AUP generally. Local board representatives have also participated during 2022 in council processes on well-functioning environments (which includes climate resilience) and qualifying matters; in terms of their implementation through district plan or regional plan provisions and the Intensification Planning Instrument plan change in particular.

Local Boards have not given significant consideration to the amendments to the RPS, as their focus has been on the district plan level amendments. Their district plan level feedback has been considered in the context of ensuring that the RPS meets the requirements of the NPS-UD while providing the correct policy basis for the district plan provisions.

9.0 Development and evaluation of options

9.1 Methods for evaluating options

The criteria used to select options for consideration to address the resource management issues and achieve the objective were:

- I. Achievable/able to be implemented.
- II. Acceptable RMA practice.
- III. Timeliness – able to be implemented in a timely manner.
- IV. Addresses the RMA issue.

Two other factors have influenced the options considered. These are:

- That analysis of the RPS (see section 4 and 7 above) already addresses well the matters that go to a well-functioning urban environment and qualifying matters.
- The desire to amend as little of the RPS as possible given its relatively recent adoption and generally comprehensive coverage of issues.

Table 5 below outlines the section 32 requirements to assess the options for addressing the resource management issue (well-functioning urban environments, qualifying matters and resilience to the effects of climate change).

Table 5: Criteria for the evaluation of options

Subcomponents of section 32 of the Act		Criteria
Appropriateness	s32(1)(a) and s32(1)(b) of the Act	Is this option the most appropriate way in which to address the issue at hand? In doing so, is this option the most appropriate way to meet the objective of the AUP and the purpose of the Act?
Effectiveness	s32(1)(b)(ii) of the Act	How successfully can this option address the issue? Does this option successfully meet the objectives of the AUP and the purpose of the Act?
Efficiency	s32(1)(b)(ii) of the Act	Does this option address the issue at lowest cost and highest net benefit?
Costs	s32(2) of the Act	What are the social, economic, environmental or cultural costs and/or negative impacts that this option presents?

Benefits	s32(2) of the Act	What are the social, economic, environmental or cultural benefits and/ or positive impacts that this option presents?
Risks	s32(2)(c) of the Act	What are the risks of addressing this issue? What are the risks of not addressing this issue?

The table below contains a description of how the criteria are to be “scored”.

Table 6: Evaluation rankings

Subcomponents of section 32 of the Act	Ranking		
	Poor	Moderate	Strong
Appropriateness	Not appropriate in addressing issue	Somewhat addresses the issue	Appropriate in addressing the resource management issue
Effectiveness	Not effective in addressing issue	Somewhat effective in addressing issue	Addresses the issue effectively
Efficiency	Not efficient	Somewhat efficient	Efficient in addressing issue
Costs	Poses a high cost and/or had negative impact	Moderate costs and/or negative impacts	Little cost and/or negative impacts
Benefits	Little benefit and/or positive impacts	Moderate benefits and/or positive impacts	High benefit and/or positive impacts
Risks	High risks	Moderate risks	Low risk

9.2 Description and evaluation of options – well-functioning urban environment

Given it is considered that the RPS already addresses the matters that contribute to a well-functioning urban environment, except reduction of greenhouse gas emissions, there are three options to address this issue.

9.2.1 Options

1. Option 1 – Do nothing. Do not add anything to the RPS about well-functioning urban environment and rely on the NPS-UD.
2. Option 2 - Limited amendments to the RPS to fill gaps, strengthen or clarify matters that contribute to a “well-functioning urban environment”.
3. Option 3 - Minor amendments to the RPS policies to add reference to “well-functioning urban environment” without changing any other detail of the policies relating to well-functioning urban environment.

9.2.2 Evaluation

The assessment of the options against the selection criteria is outlined in the table below.

Table 7: Assessment of possible options against the selection criteria.

Criteria	Option 1 – Do not add anything to the RPS about well-functioning urban environment and rely on the NPS-UD.	Option 2 Limited amendments to the RPS to fill gaps, strengthen or clarify matters that contribute to a “well-functioning urban environment”.	Option 3 - Minor amendments to the RPS policies to add reference to “well-functioning urban environment” without changing any other detail of the policies.
Achievable/able to be implemented	Yes	Yes	Yes
Acceptable RMA practice	Yes	Yes	Yes
Timeliness – able to be implemented in a timely manner	Yes	No	Yes
Addresses the RMA issue	No	Yes	Yes

All the options are valid RMA approaches, and have strengths and weaknesses as outlined below.

The evaluation of the options is summarised in the table below.

Table 8: Evaluation of possible options against the evaluation criteria - well-functioning urban environment

Evaluation Criteria	Option 1 – Do not add anything to the RPS about well-functioning urban environment and rely on the NPS-UD.	Option 2 Limited additions to the RPS to fill gaps, strengthen or clarify matters that contribute to a “well-functioning urban environment”.	Option 3 - Minor amendments to the RPS policies to add reference to “well-functioning urban environment” without changing any other detail of the policies.
Appropriateness	There is no requirement to amend the RPS in respect of well-functioning environment so this option could be appropriate.	Amends the RPS to reflect national policy guidance but major change is unnecessary as the RPS already addresses well the matters that contribute to a well-functioning environment.	Amends the RPS to reflect national policy guidance without making major changes to the RPS. Major change is unnecessary as the RPS already addresses well the matters that contribute to a well-functioning environment and is more comprehensive than the matters set out in the NPS-UD Policy 1.
Effectiveness	Does not update the RPS to reflect the NPS-UD.	Updates the RPS in a comprehensive way to implement the well-functioning environment NPS-UD policy.	Updates the RPS to acknowledge the well-functioning urban environment NPS-UD policy without making major changes to the RPS.
Efficiency	No costs to the council or stakeholders.	Time consuming. Not efficient as it makes changes that are not necessary as the RPS adequately address the matters the contribute to a well-functioning urban environment.	Minimal resources and time involved. Minimal change to existing RPS policy direction but still recognises the concept of well-functioning urban environment.
Costs	No costs	Cost to the council and stakeholders as more material to consider and potentially make submissions on	Little cost as minor amendments and the RPS already addresses many of the matters that contribute to well-functioning urban environments.

Benefits	Doesn't change the RPS.	Increases the robustness of the RPS in terms of well-functioning urban environments. Demonstrates political responsiveness to the NPS-UD.	Gives added strength to the RPS on well-functioning urban environments. Minimises the amount of change to the RPS. Demonstrates political responsiveness to the NPS-UD.
Risks	Does not demonstrate responsiveness to the NPS-UD	Exposes more of the RPS to change and could result in the RPS policy direction being undermined.	Missed opportunity to make the RPS better. Exposes the RPS to change. Doesn't demonstrate enough responsiveness to the NPS-UD.

9.2.3 Summary of analysis and recommendations – well-functioning urban environment

A summary of the analysis of the options is set out in the table below.

Table 9: Summary comparison of options – well-functioning urban environment

Evaluation Criteria	Option 1 – Do not add anything to the RPS about well-functioning urban environment and rely on the NPS-UD.	Option 2 Limited additions to the RPS to fill gaps, strengthen or clarify matters that contribute to a “well-functioning urban environment”.	Option 3 - Minor amendments to the RPS policies to add reference to “well-functioning urban environment” without changing any other detail of the policies.
Appropriateness	Moderate - no requirement to amend the RPS.	Moderate - enables comprehensive changes to the RPS to reflect well-functioning urban environment but these are not necessary.	Strong - enables appropriate minimal changes to the RPS to reflect well-functioning urban environments.
Effectiveness	Poor - does not address the issue.	Strong - enables comprehensive changes to the RPS to reflect well-functioning urban environments.	Moderate - enables appropriate minimal changes to the RPS to reflect well-functioning urban environments.

Efficiency	Moderate - lowest financial cost, but lowest net benefit.	Poor – Financial costs for low benefits.	Strong – incorporates well-functioning urban environments with little additional modification to the RPS.
Costs	Strong - lowest financial costs, but costs further down the track from not addressing issue.	Poor - Higher financial cost for little additional benefit.	Strong - enables appropriate changes to the RPS to reflect Well-functioning urban environments at minimal cost.
Benefits	Poor – RPS does not integrate well-functioning urban environments into it.	Moderate – enables comprehensive changes to the RPS to reflect well-f functioning urban environments but limited added value.	Strong – incorporates well-functioning urban environments with little additional modification to the RPS.
Risks	Moderate – policy does not deliver well-functioning urban environments.	Poor – high risks of change to more of the operative RPS.	Strong – low risk that other aspects of the RPS challenged.
Summary	Not recommended	Not recommended	Recommended option

The preferred option is Option 3 - Minor amendments to the RPS policies to add reference to “well-functioning urban environment” without changing any other detail of the policies. This option gives effect to the NPS-UD while balancing the costs with the benefits and incorporates well-functioning urban environment without exposing too much of the RPS to further change. It recognises that the RPS already addresses a wider range of matters that go to a well-functioning urban environment than does the NPS-UD Policy 1.

The proposed amendments make it explicit, in a simple way using the NPS-UD language, that the RPS policy needs to result in the creation of well-functioning urban environments and integrates the NPS-UD concept with existing policy. The policy on well-functioning urban environments in the NPS-UD also states that the matters listed are a minimum, therefore presenting scope for additional matters to be considered.

Option 1 does not give effect to the NPS-UD through the RPS.

Option 2 would give effect to the NPS-UD but is not efficient as it would be making changes that are not necessary as the RPS already adequately address the matters that contribute to well-functioning urban environment. Also, it has greater costs for limited benefit and greater risks to the RPS from more of it being exposed to change.

9.2.4 Recommendation – well-functioning urban environment

Option 3 provides the strongest option for the council in terms of addressing well-functioning urban environment in the RPS for the reasons outlined in the analysis above.

9.3 Description and evaluation of options – qualifying matters

Given it has been determined that the RPS already addresses qualifying matters, see discussion in sections 4, 6 and 7 above. There are two options to address the issue.

9.3.1 Options

1. No changes to the RPS as the objectives and policies i.e., a status quo option.
2. Minor amendment to the RPS objectives and policies to add reference to the words “qualifying matters” without changing any other detail of the policies.
3. Do a plan change to the RPS following the Intensification Streamlined Planning Process (ISPP) hearings.

9.3.2 Evaluation

The assessment of possible options against the selection criteria is outlined in the table below:

Table 10: Assessment of possible options against the selection criteria

Criteria	Option 1 – No changes to the RPS as qualifying matters are addressed implicitly	Option 2 - Minor amendment to the RPS objectives and policies to add reference to the words “qualifying matters”	Option 3- Do change to RPS later following ISPP hearings
Achievable/able to be implemented	Yes	Yes	Yes
Acceptable RMA practice	No- would leave a policy gap between NPS-UD and RPS level decision-making	Yes	Yes, but would not provide for integrated planning decisions
Timeliness – able to be implemented in a timely manner	Yes- requires no action	Yes	No- the ISPP would not be able to influence outcomes retrospectively
Addresses the RMA issue	No	Yes	Yes, but timing is an issue

Option 2 is preferable for addressing qualifying matters comprehensively in the AUP and guiding future decision-making in accordance with the NPS-UD.

The assessment of possible options against the evaluation criteria is outlined in the table below:

Table 11: Assessment of possible options against the evaluation criteria

Criteria	Option 1- No changes to the RPS as qualifying matters are addressed implicitly	Option 2 - Minor amendment to the RPS objectives and policies to add reference to the words “qualifying matters”	Option 3- Do change to RPS following ISPP hearings
Achievable/able to be implemented	Yes- involves doing nothing	Yes- it is possible to undertake plan change concurrently with IPI plan change	Yes- if it is completed after ISPP it would be simpler from a resourcing perspective
Acceptable RMA practice	Not really because it leaves a lack of guidance for decision-makers assessing notices of requirement, plan changes and significant resource consents	Yes- sound resource management practice to deal with issues in a timely manner	Yes - but would not provide for integrated decision-making
Timeliness – able to be implemented in a timely manner	Not really- a ‘do nothing’ approach that doesn’t advance anything	Yes	No- would look like the council would be giving itself an advantage
Addresses the RMA issue	No- leaves a policy gap	Yes- appropriately references qualifying matters in the AUP	Yes- but removes it from ISPP oversight

All the options are valid RMA approaches and have strengths and weaknesses as outlined below.

9.3.3 Summary of analysis and recommendations – qualifying matters

The evaluation of the options against the evaluation criteria is as follows:

Table 12: Evaluation of possible options against the selection criteria qualifying matters

Evaluation Criteria	Option 1 – No changes to the RPS as qualifying matters	Option 2 - Minor amendment to the RPS objectives and policies to add reference to the	Option 3- Do change to RPS following ISPP hearings

	are addressed implicitly	words “qualifying matters”	
Appropriateness	Poor- the Act and NPS-UD have introduced new terminology.	Strong- addresses changes at the same time as IPI plan change is notified.	Moderate- possible under legislation but may lead to re-litigation of qualifying matters.
Effectiveness	Moderate- RPS current framework is sufficient	Strong- provides for plan integration from day one.	Moderate- allows for direction to be clear from Independent Panel and Minister but would then involve further delay.
Efficiency	Poor- does not deal with plan integration or policy cascade between national, regional and local planning.	Strong- is an efficient and effective use of commissioner, staff and submitter time.	Poor use of time when qualifying matters at RPS level could be considered concurrently with the IPI plan change.
Costs	Moderate- there are spill-over effects from not changing the plan in terms of decisions that may either enable or block development occurring.	Strong- minimises costs by bundling all plan changes together, administratively efficient.	Moderate- there would be some decisions made over 18 months without the benefit of clear plan/policy integration.
Benefits	Poor- short term benefits in allowing resource to be spent in other directions but will need to be addressed in the long-term.	Strong- it may be possible for the ISPP hearings to also consider related plan changes at the same time.	Strong - Panel/Minister’s policy direction to be clear before notification.
Risks	Moderate- will lead to more challenges.	Strong – allows submitters to deal with qualifying matter issues across the board at the same time.	Moderate- there may be some investment decisions that will go ‘on hold’ until the policy direction is clear.

A summary of the analysis of all 3 options is:

1. Option 1 is a ‘do nothing’ approach that involves no work but there is an ‘opportunity cost’ of not addressing the issue in a timely manner.
2. Option 2 is the preferred approach as it represents the best way to introduce the term into the plan, provides for integrated decision-making and efficient and effective use of resources.
3. Option 3 is the second preference as still dealing with the issue, albeit after the IPI has been heard and determined.

9.3.4 Recommendation – qualifying matters

The preferred option is Option 2 for the reasons outlined in the analysis above.

9.4 Description and evaluation of options – resilience to the effects of climate change

There are some existing references to the effects of climate change the RPS. However, the specific direction in the NPS-UD on urban resilience to the effects of climate change is not currently addressed expressly or comprehensively in the RPS. Options are selected against this background.

9.2.1 Options

1. Option 1 – Do nothing. Do not amend the RPS and rely on existing RPS provisions the NPS-UD.
2. Option 2 – Selected amendments to the RPS to fill gaps, strengthen or clarify matters in the relevant sections of the RPS on urban resilience to the effects of climate change and provide guidance for its implementation in the district plan or regional plan sections of the AUP.
3. Option 3 – Rewrite of the RPS with a separate comprehensive stand-alone section on all climate change issues.

9.2.2 Evaluation

The assessment of the options against the selection criteria is outlined in the table below.

Table 13: Assessment of possible options against the selection criteria.

Criteria	Option 1 – Do not amend the RPS and rely on the NPS-UD.	Option 2 - Amendments to the RPS to fill gaps, strengthen or clarify matters in the relevant sections of the RPS on urban resilience to the effects of climate change and provide guidance for its implementation in the district plan or regional plan sections of the AUP.	Option 3 - Rewrite of the RPS with a separate comprehensive section on climate change issues including both greenhouse gas emission’s reduction and resilience to the effects of climate change.

Achievable/able to be implemented	Yes	Yes	No (lack of time)
Acceptable RMA practice	Yes	Yes	No (lack of legal jurisdiction on emissions, and the NPS-UD does not apply to the rural environment)
Timeliness – able to be implemented in a timely manner	Yes	Yes	No
Addresses the RMA issue	No (incomplete)	Yes	Yes (setting aside the legal constraints)

The evaluation of the options is summarised in Table 13.

Table 14: Evaluation of possible options against the evaluation criteria - well-functioning urban environment

Evaluation Criteria	Option 1 – Do not amend the RPS and rely on the NPS-UD.	Option 2 – selected amendments to the RPS to fill gaps, strengthen or clarify matters in the relevant sections of the RPS on urban resilience to the effects of climate change and provide guidance for its implementation in the district plan or regional plan sections of the AUP.	Option 3 - Rewrite of the RPS with a separate comprehensive section on climate change issues including both greenhouse gas emission’s reduction and resilience to the effects of climate change.
Appropriateness	The high level and very generalised policy of the NPS-UD would not be fully given effect to in the AUP. Existing gaps would remain.	Amends to RPS to fill existing RPS policy gaps giving better guidance to the district and regional plan to implement urban resilience to the effects of climate change.	This would not be appropriate in the short term because the council does not (as of August 2022) have jurisdiction to consider greenhouse gas emissions, and

			the NPS-UD focuses on urban issues only.
Effectiveness	Does not update the RPS to reflect the NPS-UD in a comprehensive way. Only partially effective at implementing resilience to the effects of climate change	Updates the RPS in a comprehensive way to give effect to the NPS-UD in implementing urban resilience to the effects of climate change.	This option may be more effective in the long term, but consideration would still need to be given as to how climate change is to be integrated across all strands of the RPS and the AUP as a whole. It would also not be effective in the short term given current statutory and resource constraints.
Efficiency	Moderate efficiency	This is the most efficient option at the current point of time to implement the NPS-UD requirements on urban resilience to the effects of climate change.	This would be a less efficient option at the current point in time within the current statutory context of the Act and the NPS-UD.
Costs	There are no plan change costs and no new implementation costs. However, there may be medium to long term and unanticipated costs to communities if urban areas are not resilient.	There are plan change costs, and potentially some additional implementation costs arising from a more comprehensive approach to resilience.	This is the highest immediate cost option though both future cost streams and benefit streams are difficult to quantify in the long term.
Benefits	There are no new plan change preparation, or subsequent new implementation costs	Benefits to the community from gradual improvements to urban resilience to the effects of climate change. This is more important in the context of increased urban intensification because more intensified urban environments are more affected by and	There may be higher benefits from this approach in the longer term, but those benefits cannot be realised in the existing statutory context of the Act (including the MDRS) and the NPS-UD.

		less naturally resilient to the effects of climate change.	
Risks	Does not demonstrate responsiveness to the NPS-UD and urban communities are increasingly affected by climate change.	Less risks associated with the effects to climate change on urban communities	Risk associated with attempting to go beyond what the law currently allows.

9.2.3 Summary of analysis and recommendations – resilience to the effects of climate change

A summary of the analysis of the options is set out in the table below.

Table 15: Summary comparison of options – resilience to the effects of climate change

Evaluation Criteria	Option 1 – Do not amend the RPS and rely on the NPS-UD.	Option 2 - Amendments to the RPS to fill gaps, strengthen or clarify matters in the relevant sections of the RPS on urban resilience to the effects of climate change and provide guidance for its implementation in the district plan or regional plan sections of the AUP.	Option 3 – Rewrite of the RPS with a separate comprehensive section on climate change issues including both greenhouse gas emission’s reduction and resilience to the effects of climate change.
Appropriateness	Moderate - based on limited existing provisions in the AUP on the effects of climate change.	Strong – gives better effect to the NPS-UD on resilience to the effects of climate change.	Poor.
Effectiveness	Moderate effectiveness	Strong - enables more comprehensive implementation to	Poor effectiveness in the current statutory context.
Efficiency	Moderate - lowest implementation cost, but lowest benefit	Strong - the most efficient option	Poor
Costs	Moderate – low short-term costs, but costs to the	Moderate – there are additional short-term costs but this may be	Poor – higher early costs with benefits

	community increasing in the long term.	offset in the longer term by reduced costs from the effects of climate change.	difficult to realise in the short term.
Benefits	Poor – due to less comprehensive approach to resilience to the effects of climate change.	Moderate – enables improved resilience of intensive urban communities to the effects of climate change.	Poor as benefits cannot be realised.
Risks	Moderate	Strong	Poor
Summary	Not recommended	Recommended	Not recommended

A summary of the analysis of all three options is:

- Option 1 is a 'do nothing' approach that requires no new work now but there is a long-term cost of not adequately equipping urban communities to be resilient to the effects of climate change particularly as the density of urban built form increases. This is a significant cost in the context of increased urban intensification which is inherently more a risk from the effects of climate change relative to low density urban form.
- Option 2 is the preferred option as it provides for a more comprehensive approach to resilience to the effects of climate change in our future urban communities.
- Option 3 is not an appropriate option in the current statutory context as of August 2022 but may become appropriate as the statutory context evolves in the future. It could be reconsidered in future as RMA reform progresses over the next few years.

9.2.4 Recommendation – resilience to the effects of climate change

Option 2 is the recommended option for the council to amend the RPS to give effect to the NPS-UD requirements for urban resilience to the effects of climate change for the reasons outlined in the analysis above.

10.0 Conclusion

The objectives of PC 80 are to give effect to the NPS-UD by:

- Integrating concepts and terms for well-functioning urban environment, urban resilience to the effects of climate change and qualifying matters introduced through NPS-UD into the RPS.
- Integrating reference to qualifying matters between the regional plan and district plan. There will be consequential changes to the AUP Chapters A, D (overlays), Auckland-wide and zone rules to annotate qualifying matters throughout the AUP.

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the council shall carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
- Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also take into account:

- The benefits and costs of policies, rules, or other methods; and

The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

A section 32 analysis of options has been undertaken in accordance with section 32(1)(b) and (2) of the Act. Three options each for well-functioning urban environments, qualifying matters and resilience to the effects of climate change have been analysed above in sections 5-9 of this report.

This recommended options best achieve Part 2 of the Act and the purpose or objectives of relevant national and regional planning documents. In addition to the NPS-UD, these include:

- New Zealand Coastal Policy Statement 2010;
- Local Government Act 2002;
- Waitakere Ranges Heritage Area Act 2008;
- Hauraki Gulf Marine Park Act 2000;
- The Auckland Plan 2050;
- The AUP Regional Policy Statement 2016.

PC80 is the most efficient, effective and appropriate means of addressing the resource management issue identified.

List of Attachments

Attachment	Name of Attachment
1	Proposed PC 80 Text
2	NPS-UD Comparison with the Regional Policy Statement - well-functioning urban environments

Attachment 1

Proposed Amendments to the Auckland Unitary Plan (Operative in Part)

Chapter B Regional Policy Statement

B2. Tāhuhu whakaruruhau ā-taone Urban growth and form

B2.1. Issues

Growth needs to be provided for in a way that does all of the following:

(1A) contributes to well-functioning urban environments;

(1B) improves resilience to the effects of climate change...

B2.2.1. Objectives

(1A) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

(1) A quality compact urban form and well-functioning urban environment that enables all of the following...

(g) reduced adverse environmental effects; and

(h) improves resilience to the effects of climate change.

(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is:

(a) integrated with the provision of appropriate infrastructure; and

(b) resilient to the effects of climate change.

B2.2.2. Policies

(2) Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:

(a) promote the achievement of a quality compact urban form;

(aa) contribute to a well-functioning urban environment...

(l) avoiding areas with significant natural hazard risks and where practicable avoiding areas prone to natural hazards including coastal hazards and flooding, including the effects of climate change and sea level rise on the extent and frequency of hazards; and...

(4) Promote urban growth and intensification within the urban area 2016 (as identified in [Appendix 1A](#)), enable urban growth and intensification within the

Rural Urban Boundary, towns, and rural and coastal towns and villages, in a way that contributes to a well-functioning urban environment and avoid urbanisation outside these areas.

(6) Identify a hierarchy of centres that supports a quality compact urban form and contributes to a well-functioning urban environment:.....

(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that contribute to a well-functioning urban environment and that do all of the following:....

(c) ...

(ca) incorporate resilience to the effects of climate change; and...

B2.3. A quality built environment

B2.3.1. Objectives

(1) A quality built environment and well-functioning urban environment where subdivision, use and development do all of the following...

(f) are resilient respond and adapt to the effects of climate change.

B2.3.2. Policies

(1) Manage the form and design of subdivision, use and development so that it contributes to a well-functioning urban environment and does all of the following...

...

(g) improves resilience to the effects of urban heating resulting from the effects of climate change, including by improving urban tree canopy cover; and

(h) provides for water reuse and rainwater collection and use.

B2.4. Residential growth

B2.4.1. Objectives

(1) Residential intensification supports a quality compact urban form and contributes to a well-functioning urban environment.

(1A) Residential intensification is limited in some areas to accommodate qualifying matters.

(2) Residential areas are attractive, healthy, resilient to the effects of climate change and safe with quality development that is in keeping with the planned built character of the area.

B2.4.2. Policies

Residential intensification

- (2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space, except where qualifying matters reduce building height and/or density of urban form, which contribute to a well-functioning urban environment.
- (3) Provide for medium residential intensities in areas that are within moderate walking distance to centres, public transport, social facilities and open space, whilst limiting height and/or density of urban form in areas where there are qualifying matters.
- (4) Provide for lower residential intensity in areas:
 - (a) that are not close to centres and public transport;
 - (b) that are subject to high environmental constraints and qualifying matters;
 - (c) where there are qualifying matters and there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character; and...
- (5) Avoid intensification in areas:
 - (a) where there are qualifying matters and there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character; or
 - (b) that are subject to significant natural hazard risks including the effects of climate change on the frequency and extent of the natural hazards..

B2.5. Commercial and industrial growth

B2.5.1. Objectives

- (2) Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a compact urban form and contributes to a well-functioning urban environment.
- (2A) Commercial and industrial activities are resilient to the effects of climate change.
- (3) Industrial growth and activities are enabled in a manner that does all of the following...
 - (c) manages conflicts between incompatible activities by applying relevant qualifying matters;

B2.5.2 Policies

- (2) Support the function, role and amenity of centres by encouraging commercial and residential activities within centres, ensuring development that locates within centres contributes to a well-functioning urban environment and the

following...

- (4) Enable new metropolitan, town and local centres which contribute to a well-functioning urban environment following a structure planning process and plan change process in accordance with [Appendix 1 Structure plan guidelines](#), having regard to all of the following...

- (g) any significant adverse effects on the environment, qualifying matters or on natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character...

(10) ...

- (10A) Require commercial and industrial activities to be located, designed and developed with best practice resilience to the effects of climate change.

B2.6. Rural and coastal towns and villages

B2.6.1. Objectives

- (1) Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:

(c) ...

(ca) is resilient to the effects of climate change...

B2.6.2. Policies

- (1) Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following...

(h) uses best practice to improve resilience to the effects of climate change.

B2.7. Open space and recreation

facilities B2.7.1. Objectives

- (1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities which contribute to a well-functioning urban environment.

(4) Open space and recreation facilities are resilient to the effects of climate change.

B2.7.2. Policies

- (1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions and which contribute to a well-functioning urban environment...

(11) Require best practice resilience to the effects of climate change in open space and associated recreation and biodiversity.

B2.8. Social facilities B2.8.1. Objectives

- (1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety and which contribute to a well-functioning urban environment...
- (4) Social facilities are resilient to the effects of climate change.

B2.8.2. Policies

- (1) Enable social facilities that are accessible to people of all ages and abilities to establish in appropriate locations which contribute to a well-functioning urban environment as follows...
- (4) In growth and intensification areas identify as part of the structure plan process where social facilities will be required and enable their establishment in appropriate locations which contribute to a well-functioning urban environment.
- (7) Require social facilities to use best practice in resilience to the effects of climate change.

B2.9. Explanation and principal reasons for adoption

Para 1

A broad strategy is needed to address the resource management issues arising from the scale of urban growth in Auckland. The objective of a quality compact urban form and a well-functioning urban environment is supported by a primary policy approach of focussing residential intensification in and around commercial centres and transport nodes and along major transport corridors.

Para 4

A compact urban form can deliver a range of benefits and contributes to a well-functioning urban environment by...

- limiting intensification where there are qualifying matters;
- promoting an integrated approach to land use and transport; ~~and~~
- providing investment certainty about use and development strategies; and
- improving resilience to the effects of climate change.

Para 6

In addressing the effects of growth, a key factor is enabling sufficient development

capacity in the urban area and sufficient land for new housing and businesses over the next 30 years and which contribute to a well-functioning urban environment. It is also important to ensure that urban environments are resilient to the effects of climate change...

Toitū te whenua, toitū te taiao – Natural resources

B7.2.2 Policies

(5A) Improve the resilience of areas listed in the Schedule 3 of Significant Ecological Areas – Terrestrial Schedule and Schedule 4 Significant Ecological Areas – Marine Schedule to the effects of climate change.

B7.3.2 Policies

(5) Manage subdivision, use, development, including discharges and activities in the beds of lakes, rivers, streams, and in wetlands, to do all of the following...

...

(aa) improve resilience to the effects of climate change...

B7.4.2 Policies

(9) Manage stormwater by all of the following:

(a) requiring subdivision, use and development to...

(ii)...

(iii) improve resilience to the effects of climate change...

B7.7 Explanation and principal reasons for adoption

Para 3

Areas containing threatened ecosystems and species require effective management to protect them, and enhance their resilience which is important for the long-term viability of indigenous biodiversity and to help respond to the ~~potential~~ effects of climate change.

B8. Toitū te taiwhenua - Coastal environment

B8.2.2 Policies

(4)...

(4A) Provide for the natural systems that support natural character to respond in a resilient way to the effects of climate change including sea level rise over at least 100 years.

B8.3.1. Objectives

- (7) In areas potentially affected by coastal hazards, including sea level rise over at least 100 years, subdivision, use and development avoid increasing the risk of social, environmental and economic harm.

B8.4.2 Policies

- (1) Subdivision, use and development in the coastal environment must, where practicable, do all of the following...
 - (d) take into account the likely impact of coastal processes and climate change, including sea level rise over at least 100 years, and be set back sufficiently to not compromise the ability of future generations to have access to and along the coast.

B10. Ngā tūpono ki te taiao - Environmental risk

B10.2. Natural hazards and climate change

B10.2.1. Objectives

- (4) The effects of climate change on natural hazards, including effects on sea level rise, over at least 100 years and on the frequency and severity of storm events, is recognised and provided for.

B10.2.2. Policies

- (1) Identify areas potentially affected by natural hazards, giving priority to those at high risk of being affected, particularly in the coastal environment, and including areas susceptible to coastal inundation and erosion as a result of sea level rise over at least 100 years.
- (4) Assess natural hazard risks...

across a range of probabilities of occurrence appropriate to the hazard, including, at least, a 100-year timeframe for evaluating flooding and coastal hazards, including sea level rise in response to global warming.
- (6) Adopt a precautionary approach to natural hazard risk assessment and management in circumstances where:
 - (a) the effects of natural hazards and the extent to which climate change will exacerbate such effects are uncertain but may be significant, including the possibility of low-probability but high potential impact events, and also sea level rise over at least 100 years; or...
- (12) Minimise the risks from natural hazards to new infrastructure which functions as a lifeline utility by:
 - (a) assessing the risks from a range of natural hazard events including sea level rise, and low probability but high potential impact events such as tsunami, earthquake and volcanic eruptions...
- (13) Require areas potentially affected by coastal hazards over the next 100 years to do all of the following...
 - (b) do not increase the intensity of activities that are vulnerable to the effects

of coastal hazards beyond that enabled by the Plan, and reduce intensity over time in areas of high risk where this is necessary to implement managed retreat...

B10.3.2. Policies

- (2) Manage the use and development of land for hazardous facilities:
 - (a) so that such facilities are resilient to the effects of natural hazards, including sea level rise over at least 100 years...

Attachment 2

NPS-UD Comparison with the Regional Policy Statement

Well-functioning urban environments

This paper sets out the context of where “well-functioning urban environment” is used in the NPS-UD and what it is needed for.

It also provides a high-level comparison of “well-functioning urban environment” with existing provisions in the RPS to assess to what extent the RPS already addresses the “well-functioning urban environment” matters.

In the NPS-UD the meaning of “well-functioning urban environment” is set out in Policy 1 and is:

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

a) have or enable a variety of homes that:

(i) meet the needs, in terms of type, price, and location, of different households; and

(ii) enable Māori to express their cultural traditions and norms; and

b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and

c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

e) support reductions in greenhouse gas emissions; and

f) are resilient to the likely current and future effects of climate change.

Use of the term “well-functioning urban environment”

There are five circumstances where “well-functioning urban environment” is used in the NPSUD. These need to be kept in mind when determining the definition of the term. The circumstances are:

Policy 6

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

(c) the benefits of urban development that are consistent with well-functioning urban environments....

Policy 8:

Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- a) unanticipated by RMA planning documents; or*
- b) out-of-sequence with planned land release.*

Responsiveness planning

- 3) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:
 - (a) would contribute to a well-functioning urban environment;....**

Using evidence and analysis

- 1) When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must:.....
 - c) use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:
 - (i) achieving well-functioning urban environments;.....***

Future Development Strategy

- 2 The purpose of an FDS is: to promote long-term strategic planning by setting out how a local authority intends to:
 - b) achieve well-functioning urban environments in its existing and future urban areas; and.....**

Relationship with current RPS

NPS V RPS

This section compares the NPS-UD “well-functioning urban environment” provisions against the RPS to assess whether the NPS-UD matters are covered in the RPS.

Firstly, set out below is the Urban Growth and Form objective which in many respects covers the matters that are central to a “well-functioning urban environment”. Only item f) doesn’t fit.

B2.2. Urban growth and form B2.2.1.

Objectives

- (1) A quality compact urban form that enables all of the following:
 - (a) a higher-quality urban environment;*
 - (b) greater productivity and economic growth;*
 - (c) better use of existing infrastructure and efficient provision of new infrastructure;*
 - (d) improved and more effective public transport;*
 - (e) greater social and cultural vitality;**

- (f) better maintenance of rural character and rural productivity; and
- (g) reduced adverse environmental effects.

The following table sets out the NPS-UD policy on well-functioning urban environment and identifies the corresponding relevant matters from the RPS Quality built environment policy.

Table 1 NPSUD issues covered by RPS

<p style="text-align: center;">NPSUD well-functioning urban environment</p>	<p style="text-align: center;">RPS Does the RPS address well-functioning urban environment matters?</p>
<p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p>	
<p>a) have or enable a variety of homes that:</p>	<p>Yes B2.2.2 Policy (2) (f) <i>(f) provide choices that meet the needs of people and communities for a range of housing types and working environments</i></p> <p>Policy (7)(b) <i>(b) Provide for a range of housing types and employment choices</i></p> <p>B2.3.1 (1) (c) <i>(c) contribute to a diverse mix of choice and opportunity for people and communities;</i></p> <p>B2.4 Residential Growth Objective (4) Policy (1)</p>
<p>(i) meet the needs, in terms of type, price, and location, of different households; and</p>	<p>Yes B2.3.1 (1) (c) (see above)</p>
<p>(ii) enable Māori to express their cultural traditions and norms; and</p>	<p>Yes B2.3.1 (1) (c) (see above)</p>
<p>g) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</p>	<p>Yes B2.5 Commercial and industrial growth is very enabling of a range of activities in a range of locations.</p>
<p>h) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</p>	<p>Yes B2.3.2 (2) (a) and (b) <i>(a) providing access for people of all ages and abilities;</i> <i>(b) enabling walking, cycling and public transport and minimising vehicle movements; and</i></p>

	<p>B2.2 Objective 1(d) <i>(d) improved and more effective public transport.</i></p> <p>Policy 2.2.2 (2)(d) <i>(d) integrated land use and transport supporting a range of transport modes</i></p> <p>Policy 5(c) <i>Enable higher residential intensification: (c) close to public transport, social facilities (including open space) and employment opportunities</i></p> <p>B2.7 Open space and recreation facilities B2.8 Social facilities</p>
<p>i) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</p>	<p>Yes – B2.2.2</p> <p>Policy (1) <i>Include sufficient land within the Rural Urban Boundary that is appropriately zoned to <u>accommodate at any one time a minimum of seven years’ projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, after allowing for any constraints on subdivision, use and development of land.</u></i></p> <p>Policy (2) <i>Ensure the location or any <u>relocation</u> of the Rural Urban Boundary</i></p> <p>Policy 7 on enabling rezoning of land within the RUB</p> <p>B2.3.1((1)(e) <i>(e) are capable of adapting to changing needs; and...</i></p>
<p>j) support reductions in greenhouse gas emissions; and</p>	<p>Yes B10 Environmental Risk</p>
<p>k) are resilient to the likely current and future effects of climate change.</p>	<p>Yes B2.3.1 (f) <i>(f) respond and adapt to the effects of climate change.</i></p> <p>B8 Coastal Environment B10 Environmental Risk</p>

The RPS B2 does address many of the issues raised under “well-functioning urban environment”. Other sections of the RPS also address a number of aspects too.

Essentially at a general level the RPS addresses, all of the matters raised under “well-functioning urban environment” in the NPS-UD.

RPS V NPS-UD

This section considers the RPS B2.3 A quality-built environment, against the NPSUD “well-functioning urban environment” provisions. It does not comment on whether the RPS objectives and policies are delivering a “quality-built environment” or not.

The table lists the RPS quality-built environment objective and policy and identifies the corresponding relevant matters from the NPS-UD well-functioning urban environment policy.

Table 2 RPS B2.3. A quality-built environment issues covering NPS issues

B2.3. A quality-built environment	NPSUD Policy 1 well-functioning urban environments
B2.3.1. Objectives	
(1) A quality-built environment where subdivision, use and development do all of the following:	
(a) respond to the intrinsic qualities and physical characteristics of the site and area, including its setting;	
(b) reinforce the hierarchy of centres and corridors;	
(c) contribute to a diverse mix of choice and opportunity for people and communities;	(a) have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and
(d) maximise resource and infrastructure efficiency;	
(e) are capable of adapting to changing needs; and	d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
(f) respond and adapt to the effects of climate change.	e) support reductions in greenhouse gas emissions; and

	f) are resilient to the likely current and future effects of climate change.
(2) Innovative design to address environmental effects is encouraged.	
(3) The health and safety of people and communities are promoted.	
B2.3.2. Policies	
(1) Manage the form and design of subdivision, use and development so that it does all of the following:	
(a) supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage;	
(b) contributes to the safety of the site, street and neighbourhood;	
(c) develops street networks and block patterns that provide good access and enable a range of travel options;	
(d) achieves a high level of amenity and safety for pedestrians and cyclists;	
(e) meets the functional, and operational needs of the intended use; and	
(f) allows for change and enables innovative design and adaptive re-use.	
(2) Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following:	c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
(a) providing access for people of all ages and abilities;	
(b) enabling walking, cycling and public transport and minimising vehicle movements; and	
(c) minimising the adverse effects of discharges of contaminants from land use activities (including transport effects) and subdivision.	
(3) Enable a range of built forms to support choice and meet the needs of Auckland's diverse population.	(a) have or enable a variety of homes that: (ii) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and

(4) Balance the main functions of streets as places for people and as routes for the movement of vehicles.	
(5) Mitigate the adverse environmental effects of subdivision, use and development through appropriate design including energy and water efficiency and waste minimisation.	

The RPS B2.3 A quality-built environment policy addresses all except one, (b), of the “well-functioning urban environment” matters. This matter, relating to business sectors, is covered in section B2.5 Commercial and industrial growth of the RPS.

The RPS, under the compact urban form objective and “A quality-built environment” policy, deals more comprehensively with matters that contribute to a “well-functioning urban environment” than does the NPSUD policy itself.

Other parts of B2 Urban Growth and Form

B2.2 on Urban Growth and Form also address many matters that contribute to a well-functioning urban environment. In B2.2.1 Objective 1 on a quality compact urban form does so and is:

- (1) *A quality compact urban form that enables all of the following:*
 - (a) *a higher-quality urban environment;*
 - (b) *greater productivity and economic growth;*
 - (c) *better use of existing infrastructure and efficient provision of new infrastructure;*
 - (d) *improved and more effective public transport;*
 - (e) *greater social and cultural vitality;*
 - (f) *better maintenance of rural character and rural productivity; and*
 - (g) *reduced adverse environmental effects.*

In B2.2.2 Policies Policy 2 addresses a number of matters that contribute to a well-functioning urban environment in the context of locating and relocating the Rural Urban Boundary and states:

- (2) *Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:*
 - (a) *promote the achievement of a quality compact urban form*
 - (b) *enable the efficient supply of land for residential, commercial and industrial activities and social facilities;*
 - (c) *integrate land use and transport supporting a range of transport modes;*
 - (d) *support the efficient provision of infrastructure;*

- (e) *provide choices that meet the needs of people and communities for a range of housing types and working environments; and*
 - (f) *follow the structure plan guidelines as set out in [Appendix 1](#);*
- while:*
- (g) *protecting natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;*
 - (h) *protecting the Waitākere Ranges Heritage Area and its heritage features;*
 - (i) *ensuring that significant adverse effects from urban development on receiving waters in relation to natural resource and Mana Whenua values are avoided, remedied or mitigated;*
 - (j) *avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production;*
 - (k) *avoiding mineral resources that are commercially viable;*
 - (l) *avoiding areas with significant natural hazard risks and where practicable avoiding areas prone to natural hazards including coastal hazards and flooding; and*
 - (m) *aligning the Rural Urban Boundary with:*
 - i. strong natural boundaries such as the coastal edge, rivers, natural catchments or watersheds, and prominent ridgelines; or*
 - ii. where strong natural boundaries are not present, then other natural elements such as streams, wetlands, identified outstanding natural landscapes or features or significant ecological areas, or human elements such as property boundaries, open space, road or rail boundaries, electricity transmission corridors or airport flight paths*

Policy 7 in respect of rezoning land within the RUB also refers to matters that contribute to a well-functioning urban environment and is:

- (7) *Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:*
 - (a) *support a quality compact urban form;*
 - (b) *provide for a range of housing types and employment choices for*

the area;

(c) integrate with the provision of infrastructure; and

(d) follow the structure plan guidelines as set out in [Appendix 1](#).

B2.4 on Residential Growth also addresses many matters that contribute to a well-functioning urban environment. The objectives are as follows:

B2.4. Residential growth B2.4.1.

Objectives

- (7) Residential intensification supports a quality compact urban form.*
- (8) Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area.*
- (9) Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification.*
- (10) An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland's diverse and growing population.*
- (11) Non-residential activities are provided in residential areas to support the needs of people and communities.*
- (12) Sufficient, feasible development capacity for housing is provided, in accordance with Objectives 1 to 4 above, to meet the targets in Table B2.4.1 below:....*

The rest of the B2 covering Commercial and industrial growth, Open Space and recreation facilities and Social facilities are also important to creating a “well-functioning urban environment.

The Open space and recreation objectives are:

B2.7.1. Objectives

- (2) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.*
- (3) Public access to and along Auckland's coastline, coastal marine area, lakes, rivers, streams and wetlands is maintained and enhanced.*
- (4) Reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied or mitigated.*

The Social facilities objectives are:

B2.8.1. Objectives

- (2) *Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.*
- (3) *Social facilities located where they are accessible by an appropriate range of transport modes.*
- (4) *Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated.*

Other parts of the RPS relevant to a “well-functioning urban environment”

Other parts of the RPS also address matters that are important to a “well-functioning urban environment”. These include the following:

- B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure Transport and Energy
- B4 Te tiaki taonga tuku iho Natural Heritage
 - B4.3. Viewshafts
 - B4.5 Notable Trees
- B5. Ngā rawa tuku iho me te āhua – Historic heritage and special character
 - B5.2. Historic heritage
 - B5.3 Special Character
- B6. Mana Whenua
- B7. Toitū te whenua, toitū te taiao – Natural resources
 - B7.2. Indigenous biodiversity
 - B7.3. Freshwater systems
 - B7.4. Coastal water, freshwater and geothermal water
 - B7.5. Air
- B8. Toitū te taiwhenua - Coastal environment
- B10. Ngā tūpono ki te taiao - Environmental risk
 - B10.2. Natural hazards and climate change
 - B10.3. Land – hazardous substances
 - B10.4. Land – contaminated