

Additional Topic¹ Allocation Form

Submitter name	Falls Road LP
Submission number	2134
Further submission number	
Date	17 March 2023

This form is to be completed by submitters who wish to have their submissions allocated to additional hearing topics. Please use the [Guide to creating topic and subtopic parties lists](#) to determine your current hearing topics.

You must send your Additional Topic Allocation Form (Form) to the Hearing Advisor npsudhearings@aucklandcouncil.govt.nz, as soon as possible or no later than 10 working days before the council's evidence is due.

On receipt of your Form, the Independent Hearing Panel (IHP) chair will determine whether to allow the request.

The IHP will make all Forms and its decision available on the Independent Hearing Panel webpage.

Note: Submitters will retain allocation of original hearing topics whether or not the chair grants the request.

Additional Topic Allocation Criteria

The allocation request will only be permitted where:

- The primary submission is directly 'on' the requested topic, or if indirectly 'on' the requested topic reasons are to be provided why the additional allocation should be granted.
- The requested topic has not already been heard.
- The request is received no later than 10 working days prior to the council evidence exchange for the hearing topic (generally 25 working days before the hearing)
- The decision is consistent with the principles set out in [IHP Hearing Procedures](#) document dated December 2022 and any other Panel document.

Please complete the table(s) below:

¹ Topic in this context means topic or subtopic depending on specificity of the request.

Request 1


Submission point number (if any)	2134.1
Requested topic allocation	Qualifying Matters - Additional
Requested subtopic allocation	Qualifying Matters - Additional
Reasons	Submission 2134, in particular submission point 2134.1 is directly "on" the topic of "Qualifying Matters - Additional". The submission is also similar in content and the decisions sought to other submissions which have been coded to this topic. The submission includes discussion around the "application of qualifying matters" and whether this has been applied correctly and achieves the purpose of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
Text of submission 'on' the topic	"The submission seeks that Rezone Section 8 SO511361 to Residential Mixed Urban Zone, incorporating the MDRS with no Qualifying Matters;" "The s32 Report does not demonstrate: ... why the council considers the qualifying matter is incompatible with the level of development permitted by the MDRS... Assess the impact that limiting development capacity will have on the provision of development capacity; or assess the costs and broader impacts or proposing those limits... And in relation to 77L - Does not justify why the characteristic (qualifying matter) makes the level of development promoted by the Amendment Act inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. Restricting the application of the Residential- Mixed Housing Urban Zone is not justified for this land. The Qualifying Matters that are relevant to the land are controlled by other operative rules within Chapter E the AUP-OP"

Request 2

Submission point	
Requested topic allocation	
Requested subtopic allocation	
Reasons	
Text of submission 'on' the topic	

You are welcome to attach additional pages if more space is required.

Panel Decision – if granted in part, please specify below.

Granted	Declined ✓	Date: 30 March 2023	Signature: 
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Reason:

The requested topic has not been heard. The requests were received more than 10 working days prior to the council's exchange of evidence.

Request 1 is declined as the submission point is not 'on' Topic 013 Qualifying matters (additional).

The requester refers to similar submission points [inferred as Submissions #2043,#2217] coded into Topic 013. Notwithstanding, the topic addresses matters relating to proposals seeking to introduce new qualifying matters to limit the scale of development enabled by MDRS, including to geographic areas like Herald Island and Warkworth. The submission challenges the appropriateness / justification of applying qualifying matters and is seeking to ensure their zoning proposal is free of qualifying matters. This is not a request to apply new qualifying matters to the site, therefore not 'on' Topic 013.