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**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON A NOTIFIED PROPOSAL FOR PROPOSED PLAN CHANGE 78 TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART) UNDER CLAUSE 6 OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991**

**This is a submission on Proposed Plan Change 78 - Intensification (“PPC78”) from Auckland Council (“the Council”) on the Auckland Unitary Plan (Operative in Part) (“the Plan”):**

**The specific provisions of the proposal that this submission relates to:**

PPC78 in its entirety. Kāinga Ora support in part PPC78 and seek relief in line with the below submission points.

**The Kāinga Ora submission is:**

1. Kāinga Ora Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
  - i. Provide people with good quality, affordable housing choices that meet diverse needs;
  - ii. Support good access to jobs, amenities and services; and

- iii. Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Auckland region.
3. Kāinga Ora therefore has an interest in PPC78 and how it:
  - i. Gives effect to the National Policy Statement on Urban Development (“**NPS-UD**”) and The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**the Housing Supply Act**”);
  - ii. Minimises barriers that constrain the ability to deliver housing development across the housing continuum; and
  - iii. Provides for the provision of services and infrastructure and how this may impact on the existing and planned Kāinga Ora housing developments.
4. The Kāinga Ora submission seeks amendments to PPC78 in the following topic areas:
  - i. **Residential Zones** – Kāinga Ora seeks amendments to residential zone provisions as follows:
    - a) **Single House Zone (“SHZ”)** - Kāinga Ora seeks deletion of the SHZ in its entirety. Consistent with the Housing Supply Act definition of ‘relevant residential zone’ and Auckland Council’s definition of ‘urban environment’ as set out below from the s32 report, Kāinga Ora considers that the MDRS requires implementation across the 23 ‘settlements’<sup>1</sup> currently excluded (e.g., Helensville, Clarks Beach, Glenbrook Beach, Karaka, Maraetai, Riverhead, etc.), thereby necessitating application of the Mixed Housing Urban Zone in such areas as a minimum:

*“All land zoned residential, business and adjoining special purpose zones and open space zones as identified in the AUP, including the Hauraki Gulf Island Section, which includes metropolitan Auckland, all towns, and all rural and coastal towns and villages.”*

- b) **Low Density Residential Zone (“LDRZ”)** - Kāinga Ora seeks deletion of the LDRZ in its entirety. Kāinga Ora opposes the blanket approach of implementing the LDRZ across large extents of Auckland’s residential areas as a means of managing a range of qualifying matters, each with a distinct set of values. As described in subsequent submission points, Kāinga Ora considers that the Mixed Housing Urban and Terraced Housing and Apartment Building Zones should be spatially applied across all relevant residential areas and where applicable, qualifying matters should be managed separately via overlay provisions.
- c) **Mixed Housing Suburban Zone (“MHSZ”)** - Kāinga Ora seeks deletion of the MHSZ in its entirety, consistent with its submission on the SHZ.
- d) **Mixed Housing Urban Zone (“MHUZ”)** - Kāinga Ora seeks amendments to provisions of the MHUZ to support the implementation of the MDRS and to remove specific references to qualifying matters, consistent with its position on the functions of zones and overlays. Kāinga Ora proposes amendments to:
- 1) Improve consistency across development standards applying to up to three dwellings and those applying to four or more dwellings;
  - 2) Enable up to five storey development in identified locations where adjacent to land zoned for ten storey Terrace Housing and Apartment Buildings, to allow for a ‘stepping down’ of building heights; and
  - 3) Simplify and streamline matters of discretion and associated assessment criteria.

Kāinga Ora also seeks spatial changes to the extent of the MHUZ to better give effect to the Housing Supply Act and Policy 3 requirements - notably, application of the MHUZ across the 23 ‘settlements’ currently excluded and those areas shown in notified planning maps as LDRZ, as illustrated in **Appendix 2**.

- e) **Terrace Housing and Apartment Building Zone (“THABZ”)** - Kāinga Ora seeks amendments to provisions of the THABZ to support the implementation of the MDRS and Policy 3 and to remove specific references to qualifying

matters, consistent with subsequent submission points. Kāinga Ora proposes further changes to:

- 1) Improve consistency across development standards applying to permitted and restricted discretionary activities, and enable increased scales and intensities of residential development as a permitted activity;
- 2) Support the THABZ purpose as a high density residential zone, including enabling development of at least six storeys zone-wide with additional heights achievable in proximity to certain centres; and
- 3) Simplify and streamline matters of discretion and associated assessment criteria, along with certainty for applicants as to what will be assessed through the resource consenting process.

Kāinga Ora also seeks spatial changes to the extent of the THABZ and introduction of additional heights via Height Variation Control (“**HVC**”) as illustrated in **Appendix 2**.

- ii. **Planning Maps** – Kāinga Ora seeks changes to the spatial extents of relevant residential zones and associated heights of residential and business zones by way of HVC where located within a walkable catchment of an existing or planned Rapid Transit Stop (“**RTS**”) and/or where located adjacent to or within a walkable catchment of certain centres. Moreover, Kāinga Ora considers that where a centre zone spatially intersects with a RTS, there is a compounding effect on surrounding amenity values, level of service, and ability to support residential intensification. To this end, Kāinga Ora seeks further consequential changes to walkable catchments and building heights to reflect this approach and considers this supports the well-functioning urban environment sought by the NPS-UD. Relief in this regard is set out in **Appendix 3** and summarised as follows:

**a) Policy 3(c) Walkable Catchments**

- 1) **City Centre Zone (“CCZ”)** – Kāinga Ora seeks application of the THABZ within a 2km (approx. 20-25 minutes) walkable catchment from the edge of the CCZ.

- 2) **Metropolitan Town Centre Zone (“MCZ”)** - Kāinga Ora seeks application of the THABZ within a 1200m (approx. 15 minutes) walkable catchment from the edge of any MCZ.
- 3) **RTS** – Kāinga Ora seeks application of the THABZ within a 1200m (approx. 15 minutes) walkable catchment from a RTS. It is noted that Kāinga Ora consider the Onehunga Train Line to form part of the Rapid Transit Network.
- 4) **Frequent Transit Network (“FTN”)** – Kāinga Ora generally seeks to apply the THABZ within 400m (approx. 5 minute walk) of stops on FTN routes with service to or through a MCZ or the CCZ, and in some highly accessible locations up to 800m (approx. 10 minute walk). The proposed approach is considered to be consistent with Policy 3(d) in providing for building heights and densities commensurate to level of commercial activity and community services, and takes its lead from the Policy 3(c) approach to RTS, MCZ, and CCZ.

**b) Policy 3(d)**

- 1) **Town Centre Zone (“TCZ”)** - Kāinga Ora seeks application of the THABZ within 800m (approx. 10 min walk) from the edge of the TCZ, except in identified settlements.
- 2) **Local Centre Zone (“LCZ”)** - Kāinga Ora seeks application of the THABZ within 400m (approx. 5 min walk) from the edge of the LCZ, except in identified settlements.
- 3) **‘Settlements’** – Kāinga Ora seeks application of the MHUZ across residential areas within the 23 identified settlements to implement the MDRS and Policy 3(d).

**c) HVCs**

- 1) **Walkable Catchments of the City Centre Zone (“CCZ”)** – Kāinga Ora seeks increased heights of between 10-12 storeys within walkable catchments to be applied to the THABZ and most business zones located within that catchment.

**2) Walkable Catchments of the Metro Centre Zone (“MCZ”)** - Where the MCZ coincides spatially with the location of a RTS, Kāinga Ora seeks increased heights of between 10-12 storeys within walkable catchments, to be applied to the THABZ and most business zones located within that catchment.

**3) Walkable Catchments of RTS** – Where the location of a RTS coincides spatially with a TCZ or LCZ, Kāinga Ora seeks increased heights of up to 8 storeys within a smaller walkable catchment, to be applied to the THABZ and most business zones located within that catchment. The same approach is proposed where the TCZ or LCZ does not directly overlap with (but is within 100m of) a RTS, as it is considered that at such a distance the same ‘compounding effect’ on the ability to support intensification would occur.

**4) MHUZ** – Kāinga Ora seeks consequential amendments to heights within the MHUZ via HVC where it adjoins land proposed through this submission to be 10 storey THABZ. In particular, a 5-storey height limit (18m) in these locations would enable an appropriate transition from the high-density residential urban form sought in the THABZ to the medium-density residential urban form sought in the MHUZ, and would provide for a more comprehensive height hierarchy i.e. ‘stepping down’ of building heights, to better manage building scale and related effects.

iii. **Business Zones** – Kāinga Ora seeks amendments to business zone provisions as follows:

**a) CCZ** - Kāinga Ora seeks unlimited height to be applied in the General height area, as well as the removal of qualifying matters regarding specific density provisions such as streetscape improvement and landscaping; special amenity yards; street sightlines, outlook space and building in relation to boundary etc. Kāinga Ora considers that these do not meet the criteria set out in section 77R of the Act.

**b) MCZ** - Kāinga Ora seeks to remove maximum height controls and apply unlimited height across this zone except where qualifying matters apply, to enable further capacity for commercial uses, given the level of employment and services that these centres support.

- c) **TCZ** – Kāinga Ora seeks to increase the base height within the TCZ to enable 6 storeys, with additional heights enabled through the HVC. Kāinga Ora also seeks the removal of any height restrictions contained in the operative HVC below the proposed base height for TCZ and request consequential changes to the Height in Relation to Boundary Control to enable the increased base height in TCZ..
- d) **LCZ** - Kāinga Ora seeks to increase the base height within the LCZ to enable 6 storeys, with additional heights enabled through the HVC. Kāinga Ora also seeks the removal of any height restrictions contained in the operative Height Variation Control below the proposed base height for LCZ and request consequential changes to the Height in Relation to Boundary Control to enable the increased base height in LCZ.
- e) **Neighbourhood Centre Zone (“NCZ”)** - Kāinga Ora seeks increased heights as identified through HVC.
- f) **Business – Mixed Use Zone (“MUZ”)** - Kāinga Ora seeks increased heights as identified through HVC.
- g) **Business – General Business Zone (“GBZ”)** - Kāinga Ora seeks Kāinga Ora seeks increased heights as identified through HVC.

iv. **Qualifying Matters**

- a) **General approach to Qualifying Matters** – Kāinga Ora requests that the vast majority of qualifying matters be managed via overlays, an example of where this is not requested is for the flooding qualifying matter. Qualifying matters are additional provisions that apply to sites and are therefore more appropriately captured and communicated by overlays, rather than zones or precincts. This approach would align with the National Planning Standards.
- b) Kāinga Ora also consider that qualifying matters have not been dealt with consistently and request that rather than different approaches being applied to manage qualifying matters that they be dealt with consistently and that they are not managed within zones. Examples of inconsistent approaches proposed include using different thresholds to ‘downzone’

sites as has been done for flooding vs Significant Ecological Areas, or using no thresholds at all i.e. Outstanding Natural Features and Landscapes.

- v. **Auckland Light Rail Exclusion Area** – Kāinga Ora considers that the Auckland Light Rail Exclusion Area is within scope of PPC78 and seeks that the MDRS and Policy 3 requirements are implemented within this area as required by the Housing Supply Act and the NPS-UD. Kāinga Ora also consider that the approach to the Auckland Light Rail Exclusion Area is inconsistent with the approach to other planned rapid transit, such as the Eastern Busway. Notwithstanding the relief sought for both the Auckland Light Rail Exclusion Area and the Eastern Busway, Kāinga Ora consider that a mechanism needs to be in place flagging how future plan change processes will be undertaken for future planned rapid transit. Kāinga Ora seeks that all relief sought by its submission be applied to the Exclusion Area as illustrated in **Appendix 2**.
  
- vi. **Special Housing Areas** – Kāinga Ora considers that whilst Special Housing Areas were established under separate legislation, this does not preclude these areas from being re-zoned under subsequent plan changes. In particular, it is noted that many of these areas would meet the definition of ‘relevant residential zone,’ necessitating implementation of the MDRS and Policy 3 requirements. Special Housing Areas still form part of the AUP which is required to give effect to the Enabling Housing Legislation, and as such Kāinga Ora seeks that all relief sought by its submission be applied to identified Special Housing Areas as illustrated in **Appendix 2**.
  
- vii. **Related matters** - Kāinga Ora seeks relief to other areas of the Plan as follows:
  - a) **Introduction** – minor amendments to Table A1.4.8.1 to delete references to the LDRZ and the Beachlands Transport Infrastructure Constraint.
  
  - b) **General rules** – minor amendment to C1.6A(2) to delete reference to an overlay rule.
  
  - c) **Natural Resources and Natural Heritage Overlays:**



- 1) **Wetland Management Areas** – support identification of Qualifying Matter and approach to implementation.
- 2) **Significant Ecological Areas** – support identification of Qualifying Matter but oppose approach to implementation with regards to ‘down-zoning’ to LDRZ and the proposed provisions. Also oppose utilising residential zones to manage issue, seek deletion of proposed provisions.
- 3) **Outstanding Natural Features and Outstanding Natural Landscapes** – support identification of Qualifying Matter but oppose approach to implementation with regards to ‘down-zoning’ to LDRZ.
- 4) **Outstanding Natural Character and High Natural Character** – support identification of Qualifying Matter but oppose approach to implementation with regards to ‘down-zoning’ to LDRZ. Oppose newly proposed special information requirements.
- 5) **Waitākere Ranges** – support identification of Qualifying Matter but oppose approach to implementation with regards to ‘down-zoning’ to LDRZ. Also oppose newly proposed rule that seeks a non-complying activity status for minor dwellings and oppose deletion of supplementary text to activity table.
- 6) **Notable Trees** – support identification of Qualifying Matter and approach to implementation of qualifying matter.
- 7) **Volcanic Viewshafts** – Kāinga Ora opposes Building Sensitive Areas in their entirety and their use as a qualifying matter. Oppose all related provisions.
- 8) **Ridgeline Protection** – Oppose identification of Qualifying Matter as site by site assessment has been not undertaken as required by section 77L. Also oppose approach to implementation with regards to ‘down-zoning’ to LDRZ.
- 9) **Local Public Views** – oppose identification of Qualifying Matter and approach to implementation as site by site assessment has been not undertaken as required by section 77L.

**d) Infrastructure**

- 1) Kāinga Ora supports the identification of the High Aircraft Noise Area (HANA) as a qualifying matter to ensure the safe and efficient operation of Airports and Airfields. However, Kāinga Ora believes that the Moderate Aircraft Noise Area (MANA) is best managed by way of acoustic treatment rather than restricting the density of residential sites within this overlay. Kāinga Ora therefore opposes the proposed blanket density restrictions for residential sites within the MANA overlay.
  - 2) Kāinga Ora opposes the introduction of infrastructure controls (Infrastructure – Combined Wastewater Network Control; Infrastructure – Water and/or Wastewater Constraints Control; and Infrastructure – Stormwater Disposal Constraints Control) into the zone provisions and also opposes this as a qualifying matter in general as Kāinga Ora does not consider that it is supported by the necessary evidential basis as required by the Housing Supply Act. However, if the qualifying matter is retained via the Intensification Planning Instrument (“IPI”) process, such controls should be relocated into an appropriate overlay that should be statutorily mapped in the Plan.
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- e) **Environment Risk** – Kāinga Ora opposes the approach of ‘down-zoning’ sites affected by an identified natural hazard to the LDRZ. Kāinga Ora support the approach of spatially identifying natural hazards on maps however Kāinga Ora seeks that flooding maps are a non-statutory set of interactive maps that sit outside of the plan and therefore can be updated over time without the use of the Schedule 1 RMA process.
  - f) **Natural Resources (Auckland Wide)** – delete the proposed provisions seeking to further restrict land disturbance within the Height Sensitive Areas overlay.
  - g) **Subdivision Urban** – Kāinga Ora seeks consequential amendments to the chapter consistent with its submission.
  - h) **Definitions** – Kāinga Ora seeks amendments to definitions, consistent with its submission on other parts of PPC78.

- i) **Māori Purpose Zone** – Kāinga Ora seeks amendments to the development standards within the Māori Purpose Zone to enable development of a scale generally consistent with that of the MDRS within relevant residential zones.

- 5. The changes requested are made to:
  - i. Ensure that Kāinga Ora can carry out its statutory obligations;
  - ii. Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991;
  - iii. Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
  - iv. Provide clarity for all plan users; and
  - v. Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.
  
- 6. The Kāinga Ora submission points and relief sought can be found within:
  - i. Appendix 1 – Submission Tables 1 and 2 which forms the bulk of the submission.
  - ii. Appendix 2 – Proposed Maps.
  - iii. Appendix 3 – Approach to walkable catchments and HVCs.

**Kāinga Ora seeks the following decision from the Council:**

That the specific amendments, additions or retentions which are sought as specifically outlined in **Appendix 1**, shown in red and are struck through or underlined, are accepted and adopted into the insert abbreviated plan change/proposed plan name, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

**Kāinga Ora wishes to be heard in support of its submission.**

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PPC78 to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora will consider presenting a joint case at a hearing.

  
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**Brendon Liggett**  
**Manager – Development Planning**

## **Kāinga Ora – Homes and Communities**

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