



Proposed Plan Change 120: Housing Intensification and Resilience (PC120)

to the Auckland Unitary Plan (Operative in part)

Section 32 and Schedule 3C of the Resource Management Act 1991 for qualifying matter:

Significant Ecological Areas (SEA)

EVALUATION REPORT

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Executive Summary

1. This report discussed the implication of applying D9 Significant Ecological Areas Overlay in the Auckland Unitary Plan (Operative in Part) (AUP) as an existing qualifying matter to modify the requirements of Schedule 3C Clauses 4(1)(b) and (c) of the Resource Management Act 1991 (**RMA**) and Policy 3 of the National Policy Statement on Urban Development 2020 – updated May 2022 (**NPS-UD**) in any zone in an urban environment to be less enabling of development.
2. The Significant Ecological Area (**SEA**) qualifying matter is a matter specified in section 77I(a) of the RMA, in accordance with Schedule 3C cls.8(1)(a), and is operative in the AUP when the Auckland housing instrument is notified that makes higher density, as specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD inappropriate in an area. It relates to residential and non-residential urban zones (as well as zones outside urban areas).
3. The areas where the SEA existing qualifying matter is proposed to apply are terrestrial SEA within the area that is the subject of PC120 (i.e., it does not apply to marine SEA, or terrestrial SEA in areas that are not the subject of PC120).
4. The AUP maps identify the SEAs; the SEA overlay is shown within the Natural Resources Overlay heading with the terrestrial SEA's identified within a green outline and cross-hatched.
5. The key issue that arises in respect of the SEA qualifying matter is whether, and to what extent, the level of development specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD is appropriate within terrestrial SEA. The extent of development enabled by these clauses and policy has the potential to adversely affect the values of SEA.
6. Therefore, it is considered inappropriate for the heights and densities enabled in Schedule 3C cls.4(1)(b) and (c) of the RMA or policy 3 of the NPS-UD to apply to properties which are subject to the SEA existing qualifying matter.
7. The impact on housing supply and/or capacity of applying the SEA existing qualifying matter is relatively limited.
8. However, there is a benefit in applying the SEA existing qualifying matter through the existing provisions of Chapter D9 as these provisions will continue to support the protection of areas of significant indigenous biodiversity and the habitats of significant indigenous fauna.

Introduction

1. This report is prepared as part of the evaluation required by Section 32 and Schedule 3C of the RMA for proposed PC120 to the Auckland Unitary Plan (Operative in Part) (**AUP**).
2. The background to and objectives of PC120 are discussed in the overview report, as is the purpose and required content of section 32 and Schedule 3C evaluations.
3. This report discusses the implications of applying SEA as a qualifying matter to the requirements of clause 4(1)(b) or (c) of Schedule 3C of the RMA and the implementation of policy 3 of the National Policy Statement on Urban Development 2020 (**NPS-UD**). This report also evaluates the provisions which have been included in PC120 relating to the management of SEA.
4. The Council may make the relevant building height or density requirements of clause 4(1)(b) and (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD less enabling of development in relation to an area within any zone in an urban environment only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:
 - (a) a matter listed in section 77I(a) to (i) of the RMA;
 - (b) any other matter that makes higher density, as specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD, inappropriate in an area but only if subclause (4) of clause 8 of Schedule 3C is satisfied.
5. Under clause 8(2) of Schedule 3C of the RMA, the evaluation report required under section 32 of the RMA must in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(a) or (1)(b) of clause 8:
 - (a) demonstrate why the Council considers:
 - (ii) that the area is subject to a qualifying matter; and
 - (iii) that the qualifying matter is incompatible with the level of development provided by clause 4(1)(b) or (c) or policy 3 for that area; and
 - (b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and
 - (c) assess the costs and broader impacts of imposing those limits.
6. Under clause 8(4) of Schedule 3C of the RMA, the evaluation report required under section 32 of the RMA must, in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(b) (an "other" qualifying matter), also:
 - (a) identify the specific characteristic that makes the level of development specified by clause 4(1)(b) or (c) or policy 3 inappropriate in the area; and
 - (b) justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
 - (c) include a site-specific analysis that—
 - (i) identifies the site to which the matter relates; and

- (ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
 - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities specified by clause 4(1)(b) or (c) or policy 3 while managing the specific characteristics.
- 7. Under clause 8(5) of Schedule 3C of the RMA, the Council may, when considering existing qualifying matters (a qualifying matter referred to in clause 8(1)(a) of Schedule 3C of the RMA that is operative in the AUP when PC120 is notified), instead of undertaking the evaluation process described in clause 8(2), do all of the following things:
 - (a) identify by location (for example, by mapping) where an existing qualifying matter applies:
 - (b) specify the alternative heights or densities (as relevant) proposed for those areas identified under paragraph (a):
 - (c) identify in the evaluation report why the Council considers that one or more existing qualifying matters apply to those areas identified under paragraph (a):
 - (d) describe in general terms for a typical site in those areas identified under paragraph (a) the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been provided by clause 4(1)(b) or (c) or policy 3:
 - (e) notify the existing qualifying matters in PC120.

Integrated evaluation for existing qualifying matters

- 8. For the purposes of PC120, evaluation of SEA as an existing qualifying matter has been undertaken in an integrated way that combines section 32 and Schedule 3C of the RMA requirements. The report follows the evaluation approach described in the table below.
- 9. The preparation of this report has involved the following:
 - assessment of the AUP to identify any relevant provisions that apply to this qualifying matter
 - development of draft amendments to the operative district plan provisions of the AUP to implement this matter as a Qualifying Matter in accordance with the requirements of Schedule 3C of the RMA
 - review of the AUP to identify all relevant provisions that require a consequential amendment to integrate the application of this qualifying matter
 - review of the AUP Maps to assess the spatial application of this qualifying matter
 - section 32 options analysis for this qualifying matter and related amendments
- 10. The scale and significance of the issues is assessed to be medium.
- 11. This section 32/Schedule 3C evaluation report will continue to be refined in response to any consultation feedback provided to the council, and in response to any new information received.

Table 1: Integrated approach for any matter specified in section 77I(a) to (i) that is operative in the AUP when the Auckland housing planning instrument (PC120) is notified.

Standard sec 32 steps	Plus clause 8 Schedule 3C steps for existing qualifying matter
Issue Define the problem- provide overview/summary providing an analysis of the qualifying matter	Identify whether an area is subject to an existing qualifying matter (a qualifying matter referred to in clause 8(1)(a) of Schedule 3C of the RMA that is operative in the AUP when the Auckland housing planning instrument (PC120) is notified) and describe the existing qualifying matter. Identify by location (for example, by mapping) where an existing qualifying matter applies.
Identify and discuss objectives / outcomes	Identify relevant RPS / district level objectives and policies. Specify the alternative heights or densities (as relevant) proposed for those the area where the existing qualifying matter applies.
Identify and screen response options	Consider a range of reasonably practicable options for achieving the objectives including alternative standards or methods for these areas having considered the particular requirements in clause 4(1)(b) or (c) of Schedule 3C of the RMA or Policy 3 of the NPS-UD and assess the efficiency and effectiveness of the provisions.
Collect information on the selected option(s)	Describe in general terms for a typical site in the identified areas the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been provided by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD.
Evaluate option(s) - environmental, social, economic, cultural benefits and costs	Provide an assessment of the benefits and costs of the options in the light of the new objectives introduced by the NPS-UD relating to well-functioning urban environments.
Overall judgement as to the better option (taking into account risks of acting or not acting)	Conclusion as to the implications of the qualifying matter for development capacity to be enabled by NPS-UD in the areas where the qualifying matter applies.

Issues

12. The qualifying matter being evaluated is the SEA qualifying matter which seeks to identify areas of significant indigenous biodiversity value and protect these areas from the adverse effects of subdivision, use and development.
13. The SEA qualifying matter is a matter specified in section 77I(a) of the RMA, in accordance with Schedule 3C cls.8(1)(a), and is operative in the AUP when the Auckland housing instrument is notified that makes higher density, as specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD inappropriate in an area. It relates to residential and non-residential urban zones (as well as zones outside urban areas).
14. SEA are found throughout the Auckland Region across a range of different zones and locations. They are shown on the AUP Planning Maps.
15. The key issue that arises in respect of the SEA qualifying matter is whether, and to what extent, the level of development specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD is appropriate within terrestrial SEA.
16. PC120 will enable greater levels of development within the following locations/areas:
 - a. walkable catchments of the Maungawhau, Kingsland, Morningside, Baldwin Ave and Mt Albert Stations.¹
 - b. walkable catchments of:²
 - i. existing and planned rapid transit stops; and
 - ii. the edge of city centre zones and metropolitan centre zones.
 - c. within and adjacent to:³
 - i. Neighbourhood centre zones;
 - ii. Local centre zones; and
 - iii. Town centre zones.
 - d. urban zoned land within the area that is subject to PC120 not otherwise captured in the scenarios above.
17. The extent of development enabled in the above areas has the potential to adversely affect the values of SEA.
18. Section 6(c) of the RMA seeks the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The AUP identifies SEA on the planning maps – terrestrial and marine. A range of provisions in the AUP seek to protect these areas by avoiding the adverse effects of subdivision, use and development.
19. A breakdown of the zoning of the land which is within the SEA_T overlay within the Auckland Region is set out in the tables and figures below.

¹ RMA Schedule 3C clause 4(1)(b) and (ba)

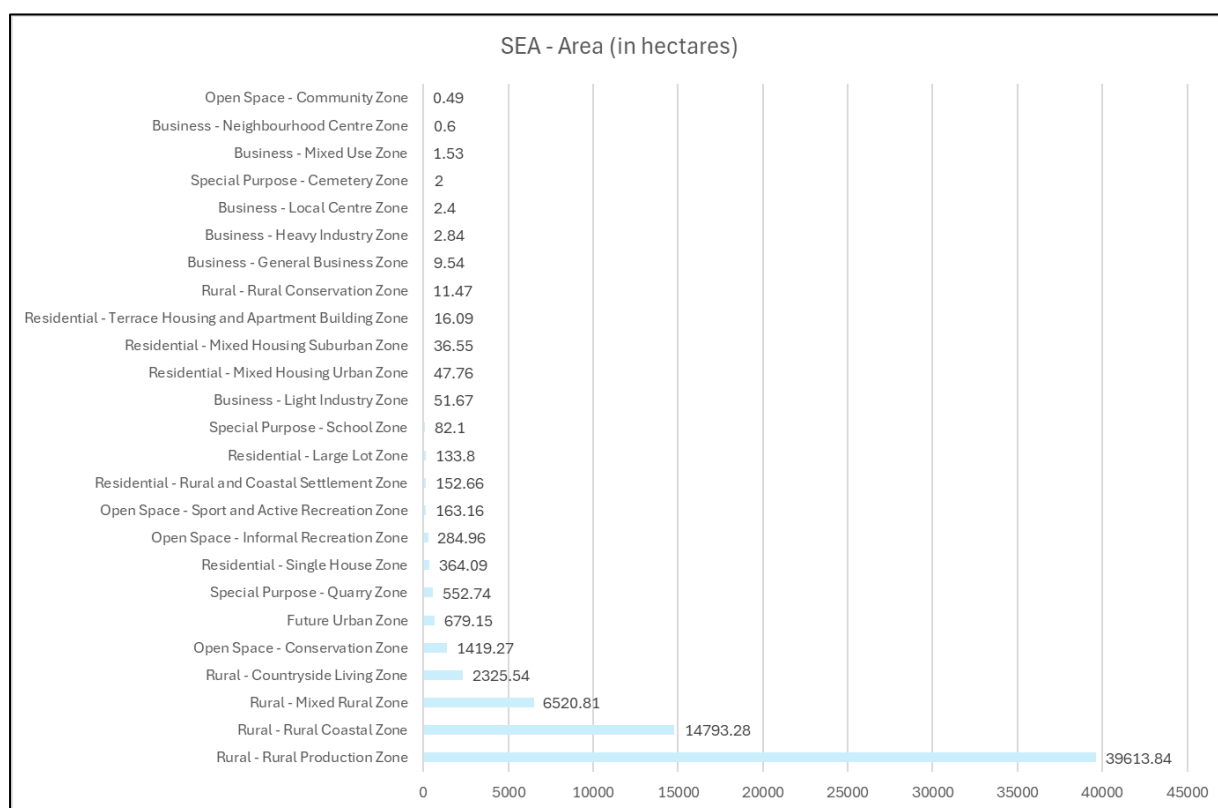
² NPS-UD Policy 3(c)

³ NPS-UD Policy 3(d)

Table 2: PC120 zoning of land within the SEA overlay within the Auckland Region

Zone	Area of SEA in zone (ha)	% total SEA area within zone
Rural - Rural Production Zone	39613.84	58.8893%
Rural - Rural Coastal Zone	14793.28	21.9914%
Rural - Mixed Rural Zone	6520.81	9.6937%
Rural - Countryside Living Zone	2325.54	3.4571%
Open Space - Conservation Zone	1419.27	2.1099%
Future Urban Zone	679.15	1.0096%
Special Purpose - Quarry Zone	552.74	0.8217%
Residential - Single House Zone	364.09	0.5413%
Open Space - Informal Recreation Zone	284.96	0.4236%
Open Space - Sport and Active Recreation Zone	163.16	0.2426%
Residential - Rural and Coastal Settlement Zone	152.66	0.2269%
Residential - Large Lot Zone	133.8	0.1989%
Special Purpose - School Zone	82.1	0.1220%
Business - Light Industry Zone	51.67	0.0768%
Residential - Mixed Housing Urban Zone	47.76	0.0710%
Residential - Mixed Housing Suburban Zone	36.55	0.0543%
Residential - Terrace Housing and Apartment Building Zone	16.09	0.0239%
Rural - Rural Conservation Zone	11.47	0.0171%
Business - General Business Zone	9.54	0.0142%
Business - Heavy Industry Zone	2.84	0.0042%
Business - Local Centre Zone	2.4	0.0036%
Special Purpose - Cemetery Zone	2	0.0030%
Business - Mixed Use Zone	1.53	0.0023%
Business - Neighbourhood Centre Zone	0.6	0.0009%
Open Space - Community Zone	0.49	0.0007%
TOTALS	67,268.34	100%

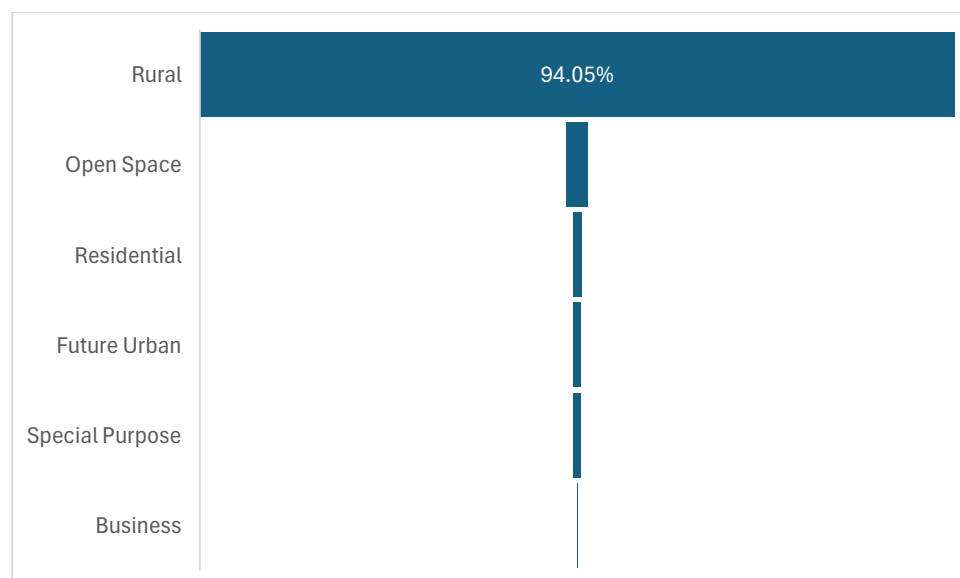
Figure 1: PC120 zoning of land within the SEA overlay within the Auckland Region



20. The above data demonstrates that just over 94% of the total area of SEA in the Auckland is within rural zoned land as per the zoning proposed by PC120, and 2.77% in Open Space zoned land. Of the remaining 3.17% of SEA in Auckland, 1.12% is in Residential zoned land; 1.01% in the Future Urban zone, 0.95% in the Special Purpose zones; and 0.1% in the Business zones.⁴

⁴ As per GIS data extracted as at 8 September 2025

Figure 3: Summary of the PC120 zoning of land within the SEA overlay within the Auckland Region (by zone type)



21. An overview of the Auckland Regional Policy Statement (**RPS**) and District Plan objectives and policies that relate to the SEA Overlay is set out in **Table 4** below. Rules and provisions in the AUP that relate to terrestrial SEA are found in the following chapters:

Chapter	Summary of provisions
E3 Lakes, rivers, streams and wetlands	Effects on the values of significant ecological areas is a matter of discretion (there are no controlled activities in this Chapter).
E11 Land disturbance – Regional	Table E11.4.3 contains specific provisions that relate to land disturbance in the SEA overlay. The activity status depends on the type of land disturbance proposed, and activities range from permitted to discretionary activities. In general (subject to certain exceptions), earthworks of up to 5m²/5m³ are provided for as permitted activities,⁵ and otherwise require consent as a restricted discretionary activity. There is a range of associated standards;⁶ matters of control,⁷ and matters of discretion.⁸

⁵ AUP Table E11.4.3 Activity table – overlays: Rules A27, A28, A29 & A30

⁶ AUP E11.6.2 General Standard (7) & (8)

⁷ AUP E11.7.1 Matters of Control (1)(h)

⁸ AUP E11.8.1 Matters of Discretion (1)(i) & (2)

Chapter	Summary of provisions
E12 Land disturbance – District	Consideration of the potential effects on significant ecological and indigenous biodiversity values is one of the matters of control when assessing controlled activities. ⁹ This is also a matter of discretion. ¹⁰
E15 Vegetation management and biodiversity	Activity Table E15.4.2 sets out the activity status of vegetation management in SEA and a number of other overlays. A series of standards are also included to manage effects on SEA (E15.6). Of particular note, standard E15.6.5 enables up to 300m² of vegetation alteration or removal within a SEA for a building platform and access way for up to one dwelling per site (as a controlled activity).¹¹ If this is exceeded, consent as a discretionary activity is required.¹²
E26 Infrastructure	Sub-section E26.3 contains specific provisions related to vegetation management associated with infrastructure and network utilities in SEAs. Essentially permits vegetation removal and alteration subject to a range of standards (which place limits on total area disturbed/size of branches able to be trimmed/removed). Effects on SEA is a matter of control and a matter of discretion.
E38 Subdivision - Urban	Provisions in Chapter E38: - Require subdivision plans to show any areas identified as SEA (E38.6.6) - Require the site shape factor in residential zones to be located outside any SEA (E38.8.1.1(2)(f)) - Enables a specific subdivision regime for sites within the SEA overlay (E38.8.2.5) provided that the SEA is legally protected (by protective covenant) and maintained in accordance with the process outlined in Appendix 15 to the AUP.

⁹ AUP E12.7.1 Matters of Control (1)(i)

¹⁰ AUP E12.8.1 Matters of Discretion (1)(k)

¹¹ AUP E15.4.2 Activity Rule A29

¹² AUP E15.4.2 Activity Rule A24

Objectives and Policies (existing)

22. The relevant AUP objectives and policies that support the SEA qualifying matter are set out in the table below.

Table 4: Operative AUP objectives and policies that support the SEA qualifying matter

AUP Chapter	Objective / Policy	Summary of matter addressed
Regional Policy Statement B7.2.1 Objectives	(1) Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision use and development. (2) Indigenous biodiversity is maintained through protection, restoration and enhancement in areas where ecological values are degraded, or where development is occurring.	RPS Objective B7.2.1.1 reflects the language of section 6(c) of the RMA – to protect areas of significant indigenous biodiversity value from the adverse effects of subdivision, use and development. RPS Objective B7.2.1.2 seeks to maintain indigenous biodiversity through protection, restoration and enhancement.
Regional Policy Statement B7.2.2 Policies	(1) Identify and evaluate areas of indigenous vegetation and the habitats of indigenous fauna in terrestrial and freshwater environments considering the following factors in terms of the descriptors contained in Schedule 3 Significant Ecological Areas – Terrestrial Schedule: (a) representativeness. (b) stepping stones, migration pathways and buffers. (c) threat status and rarity. (d) uniqueness or distinctiveness; and (e) diversity (2) Include an area of indigenous vegetation or a habitat of indigenous fauna in terrestrial or freshwater environments in the Schedule 3 of Significant Ecological Areas – Terrestrial Schedule if the area or habitat is significant.	Policy B7.2.2.1 sets out the criteria against which areas of indigenous vegetation and the habitats of indigenous fauna are evaluated to determine their significance (terrestrial and freshwater environments only). Policy B7.2.2.2 states that significant areas in freshwater or terrestrial environments should be included in the Terrestrial SEA schedule.

AUP Chapter	Objective / Policy	Summary of matter addressed
	(3) Identify and evaluate areas of significant indigenous vegetation, and the significant habitats of indigenous fauna, in the coastal marine area considering the following factors in terms of the descriptors contained in Schedule 4 Significant Ecological Areas – Marine Schedule: (a) recognised international or national significance; (b) threat status and rarity; (c) uniqueness or distinctiveness; (d) diversity; (e) stepping stones, buffers and migration pathways; and (f) representativeness. (4) Include an area of indigenous vegetation or a habitat of indigenous fauna in the coastal marine area in the Schedule 4 Significant Ecological Areas – Marine Schedule if the area or habitat is significant. (5) Avoid adverse effects on areas listed in the Schedule 3 of Significant Ecological Areas – Terrestrial Schedule and Schedule 4 Significant Ecological Areas – Marine Schedule. (5A) Improve the resilience of areas listed in the Schedule 3 of Significant Ecological Areas – Terrestrial Schedule and of Schedule 4 Significant Ecological Areas – Marine Schedule to the effects of climate change.	Policy B7.2.2.3 sets out the criteria against which areas of indigenous vegetation and the habitats of indigenous fauna are evaluated to determine their significance (coastal marine areas only). Policy B7.2.2.4 states that significant areas in the coastal marine area should be included in the Marine SEA schedule. Policy B7.2.2.5 seeks that adverse effects on scheduled SEAs should be avoided. Policy B7.2.2.5A seeks that the resilience of scheduled SEAs to the effects of climate change should be improved.
Significant Ecological Areas Overlay D9.2 Objectives	(1) Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development.	Objective D9.2.1 reflects the language of section 6(c) of the RMA and RPS Objective B7.2.1.1 – to protect areas of significant indigenous biodiversity value from the adverse effects of subdivision, use and development.

AUP Chapter	Objective / Policy	Summary of matter addressed
	(2) Indigenous biodiversity values of significant ecological areas are enhanced. (3) The relationship of Mana Whenua and their customs and traditions with indigenous vegetation and fauna is recognised and provided for.	Objective D9.2.2 reflects the language of RPS Objective B7.2.1.2 – seeking to enhance the indigenous biodiversity values of SEA. Objective D9.2.3 seeks to recognise and provide for the relationship of mana whenua and their customs and traditions with indigenous vegetation and fauna – reflecting section 6(e) of the RMA.
Significant Ecological Areas Overlay D9.3 Policies	(1) Manage the effects of activities on the indigenous biodiversity values of areas identified as significant ecological areas by: (a) avoiding adverse effects on indigenous biodiversity in the coastal environment to the extent stated in Policies D9.3(9) and (10); (b) avoiding other adverse effects as far as practicable, and where avoidance is not practicable, minimising adverse effects on the identified values; (c) remedying adverse effects on the identified values where they cannot be avoided; (d) mitigating adverse effects on the identified values where they cannot be avoided or remediated; and (e) considering the appropriateness of offsetting any residual adverse effects that are significant and where they have not been able to be mitigated, through protection, restoration and enhancement measures, having regard to Appendix 8 Biodiversity offsetting. (2) Adverse effects on indigenous biodiversity values in significant ecological areas that are required to be avoided, remedied, mitigated or	Policy D9.3.1 sets out the ways in which the effects of activities on significant ecological areas should be managed, including through an effects management hierarchy. Policy D9.3.2 comprehensively describes the range of adverse effects that can

AUP Chapter	Objective / Policy	Summary of matter addressed
	offset may include, but are not limited to, any of the following: (a) fragmentation of, or a reduction in the size and extent of, indigenous ecosystems and the habitats of indigenous species; (b) fragmentation or disruption of connections between ecosystems or habitats; (c) changes which result in increased threats from pests on indigenous biodiversity and ecosystems; (d) loss of buffering of indigenous ecosystems; (e) loss of a rare or threatened individual, species population or habitat; (f) loss or degradation of originally rare ecosystems including wetlands, dune systems, lava forests, coastal forests; (g) a reduction in the abundance of individuals within a population, or natural diversity of indigenous vegetation and habitats of indigenous fauna; (h) loss of ecosystem services; (i) effects which contribute to a cumulative loss or degradation of habitats, species populations and ecosystems; (j) impacts on species or ecosystems that interact with other activities, or impacts that exacerbate or cause adverse effects in synergistic ways; (k) loss of, or damage to, ecological mosaics, sequences, processes, or integrity; (l) downstream effects on wetlands, rivers, streams, and lakes from hydrological changes further up the catchment; (m) a modification of the viability or value of indigenous vegetation and habitats of indigenous fauna as a	affect indigenous biodiversity values.

AUP Chapter	Objective / Policy	Summary of matter addressed
	result of the use or development of other land, freshwater, or coastal resources; (n) a reduction in the historical, cultural, and spiritual association held by Mana Whenua or the wider community; (o) the destruction of, or significant reduction in, educational, scientific, amenity, historical, cultural, landscape, or natural character values; (p) disturbance to indigenous fauna that is likely or known to increase threats, disturbance or pressures on indigenous fauna; or (q) increases in the extinction probability of a species. (3) Enhance indigenous biodiversity values in significant ecological areas through any of the following: (a) restoration, protection and enhancement of threatened ecosystems and habitats for rare or threatened indigenous species; (b) control, and where possible, eradication of plant and animal pests; (c) fencing of significant ecological areas to protect them from stock impacts; (d) legal protection of significant ecological areas through covenants or similar mechanisms; (e) development and implementation of management plans to address adverse effects; (f) re-vegetating areas using, where possible, indigenous species sourced from naturally growing plants in the vicinity with the same climactic and environmental conditions; or (g) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in	Policy D9.3.3 sets out a range of ways by which indigenous biodiversity values in SEAs can be enhanced.

AUP Chapter	Objective / Policy	Summary of matter addressed
	restoring, protecting and enhancing areas. (4) Enable activities which enhance the ecological integrity and functioning of significant ecological areas including: (a) the management and control of pest species that threaten indigenous biodiversity; and (b) managing works in the vicinity of kauri, such as deadwood removal or earthworks, to control kauri dieback disease by preventing the spread of soil and kauri plant material. (5) Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land: (a) trimming of vegetation; (b) vegetation removal to maintain existing open areas, including tracks; (c) vegetation removal to establish and maintain a reasonable cleared area around a building; (d) vegetation removal required to maintain lawfully established activities, structures and buildings; (e) vegetation removal necessary to provide for a dwelling on a site; (f) vegetation removal necessary to provide for marae and papakainga on Māori land; (g) vegetation removal in areas of high wildfire risk to manage this risk; and (h) vegetation removal necessary to provide access and exit for emergency service vehicles. (6) While also applying Policies D9.3(9) and (10) in the coastal environment, avoid as far as practicable the removal of vegetation and loss of biodiversity in significant	Policy D9.3.4 describes activities that should be enabled to enhance SEAs. Policy D9.3.5 sets out the range of vegetation management activities that are provided for in SEAs to provide for the reasonable use and management of land. Policy D9.3.6 describes the ways in which the removal of vegetation in SEAs should be minimised from the

AUP Chapter	Objective / Policy	Summary of matter addressed
	ecological areas from the construction of building platforms, access ways or infrastructure, through: (a) using any existing cleared areas on a site to accommodate new development in the first instance; (b) assessing any practicable alternative locations and/or methods that would reduce the need for vegetation removal or land disturbance; (c) retaining indigenous vegetation and natural features which contribute to the ecological significance of a site, taking into account any loss that may be unavoidable to create a single building platform for a dwelling and associated services, access and car parking on a site; (d) designing and locating dwellings and other structures to reduce future demands to clear or damage areas of significant indigenous biodiversity, for example to provide sunlight or protect property; (e) avoiding as far as practicable any changes in hydrology which could adversely affect indigenous biodiversity values; (f) implementing measures to maintain existing water quality and not increase the amount of sediment entering natural waterways, wetlands and groundwater; and (g) using techniques that minimise the effects of construction and development on vegetation and biodiversity and the introduction and spread of animal and plant pests. (7) Provide for the role of Mana Whenua as kaitiaki in managing biodiversity, particularly in Treaty Settlement areas, and for cultural practices and cultural harvesting in significant ecological areas where the mauri of the resource is sustained.	construction of building platforms, access ways or infrastructure. Policy D9.3.7 seeks to provide for the role of Mana Whenua as kaitiaki.

AUP Chapter	Objective / Policy	Summary of matter addressed
	(8) Manage the adverse effects from the use, maintenance, upgrade and development of infrastructure in accordance with the policies above, recognising that it is not always practicable to locate and design infrastructure to avoid significant ecological areas.	Policy D9.3.8 relates to the management of adverse effects arising from infrastructure .
<i>Remaining objectives and policies in Chapter D9 relate to the coastal environment; and to the Brookby and Drury Quarries.</i>		

23. In summary, the objectives of the RPS and district plan that are relevant to the SEA qualifying matter and the management approach in the AUP seek to:
- protect areas of significant indigenous biodiversity value from the adverse effects of subdivision, use and development;¹³
 - maintain indigenous biodiversity in areas where ecological values are degraded, or where development is occurring;¹⁴
 - enhance the indigenous biodiversity values of SEA;¹⁵ and
 - recognise and provide for the relationship of mana whenua and their customs and traditions with indigenous vegetation and fauna.¹⁶
24. The Council considers that the SEA qualifying matter applies to the area that is the subject of PC120 due to the extent of development that is anticipated to be provided for in order to give effect to clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD.
25. It is proposed to use the zoning of land as the preferred method to manage the potential effects of the level of increased development enabled by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD on SEA within the area that is the subject of PC120. Specifically, PC120 applies the Residential – Single House (**SH**) Zone to any site that is currently within a residential zone in the AUP; and where 30% or more of that site is also within a terrestrial SEA.

Development of Options

9. Section 32 of the RMA requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The overall objective (purpose of the proposal) of Plan Change 120 has two key objectives – it proposes:
- measures to better manage significant risks from natural hazards region-wide; and

¹³ AUP Objective B7.2.1.1 and Objective D9.2.1

¹⁴ AUP Objective B7.2.1.2

¹⁵ AUP Objective D9.2.2

¹⁶ AUP Objective D9.2.3

- an amended approach to managing housing growth as a result of no longer incorporating the medium density residential standards (MDRS), but providing for intensification in a way that complies with clause 4 of Schedule 3C of the RMA by:
 - providing at least the same amount of housing capacity as would have been enabled if Plan Change 78: Intensification (PC78), as notified, was made operative, including by providing for additional intensification along selected Frequent Transit corridors and modifying zoning in suburban areas through an amended pattern of Residential - Mixed Housing Urban and Mixed Housing Suburban zones;
 - enabling the building heights and densities specified in clause 4(1)(b) and (c) of Schedule 3C of the RMA within at least the walkable catchments of Maungawhau (Mount Eden), Kingsland, Morningside, Baldwin Avenue and Mount Albert Stations;
 - giving effect to Policy 3 (c) and (d) of the National Policy Statement on Urban Development 2020 (NPS-UD) through intensification in other walkable catchments and land within and adjacent to neighbourhood, town and local centres;
 - enabling less development than that required by clause 4(1)(b) and (c) of Schedule 3C or Policy 3 of the NPS-UD where authorised to do so by clause 8 of schedule 3C.

26. Section 32 requires a range of options to be considered.

27. The four options that have been evaluated in the section 32 and Schedule 3C assessment of the SEA qualifying matter are:

- **Option 1:** No zoning response to the presence of SEA.
- **Option 2:** Amend the zoning response (sites with 30% or more land within SEA are included in the SH zone).
- **Option 3:** Retain status quo approach to the zoning response (sites with 20% or more land within SEA are included in the SH zone).

Consequences for development capacity

28. The consequences for the provision of development capacity by accommodating the SEA qualifying matter are outlined below and are based on the consequences applying to a range of 'typical site scenarios' based on the prescriptions of clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD.

29. For the purposes of this evaluation, a range of 'typical site scenarios' have been assessed, as described below:

- a. walkable catchments of the Maungawhau, Kingsland, Morningside, Baldwin Ave and Mt Albert Stations.¹⁷
- b. walkable catchments of:¹⁸

¹⁷ RMA Schedule 3C clause 4(1)(b) and (ba)

¹⁸ NPS-UD Policy 3(c)

- i. existing and planned rapid transit stops; and
 - ii. the edge of city centre zones and metropolitan centre zones.
- c. within and adjacent to:¹⁹
 - i. Neighbourhood centre zones;
 - ii. Local centre zones; and
 - iii. Town centre zones.
- d. urban zoned land within the area that is subject to PC120 not otherwise captured in the scenarios above.

Walkable catchments of specified train stations

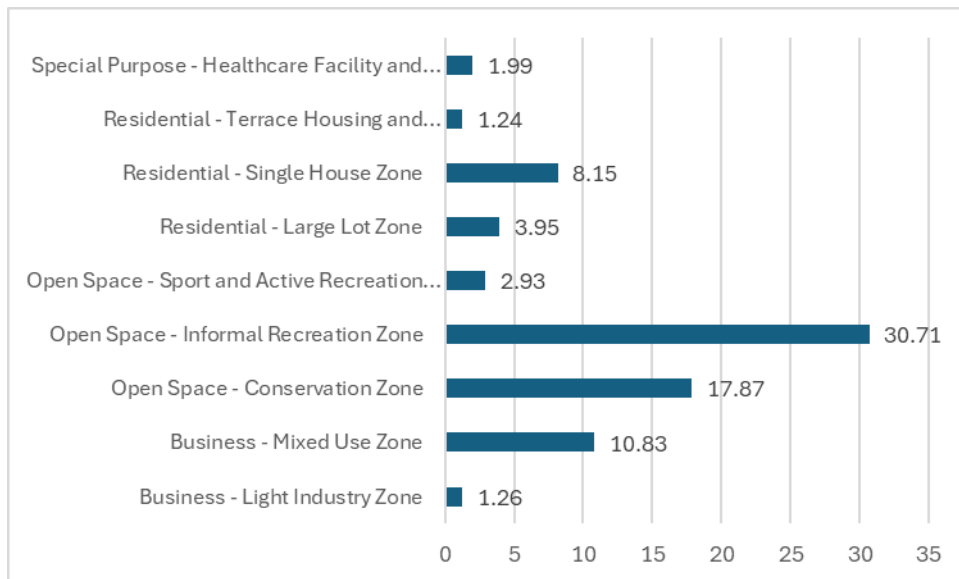
- 30. Clauses 4(1)(b) and (c) of Schedule 3C require Auckland Council to enable greater heights and densities within at least a walkable catchment of the Maungawhau, Kingsland, Morningside, Baldwin Ave and Mount Albert Stations.
- 31. There are no identified SEA values within the walkable catchments of the stations specified in Clauses 4(1)(b) and (c) of Schedule 3C, so the SEA qualifying matter has not affected the development capacity enabled in these locations.

Remaining walkable catchments and Policy 3d areas

- 32. Of all the land within the identified walkable catchments (excluding those addressed above), 78.93ha is within an identified SEA. Of the land in walkable catchments that is within identified SEAs, 51.51ha (65%) affects land that is in Open Space zones. 12.09ha (15%) affects land that is in Business zones; and 1.99ha (3% affects land in the Special Purpose zone.
- 33. 13.34ha (17%) of the land within walkable catchments that is within an identified SEA is residential; the majority of which is on land which is proposed to be included in the SH zone (8.15ha / 10%). Notably, only 1.24ha (2%) is on land that is proposed to be included in the Terraced Housing and Apartment Buildings (**THAB**) zone. The remaining 5% is in the Large Lot Residential zone.

Figure 2: Area of land within walkable catchments that is also within SEA (by proposed zone) (area in hectares)

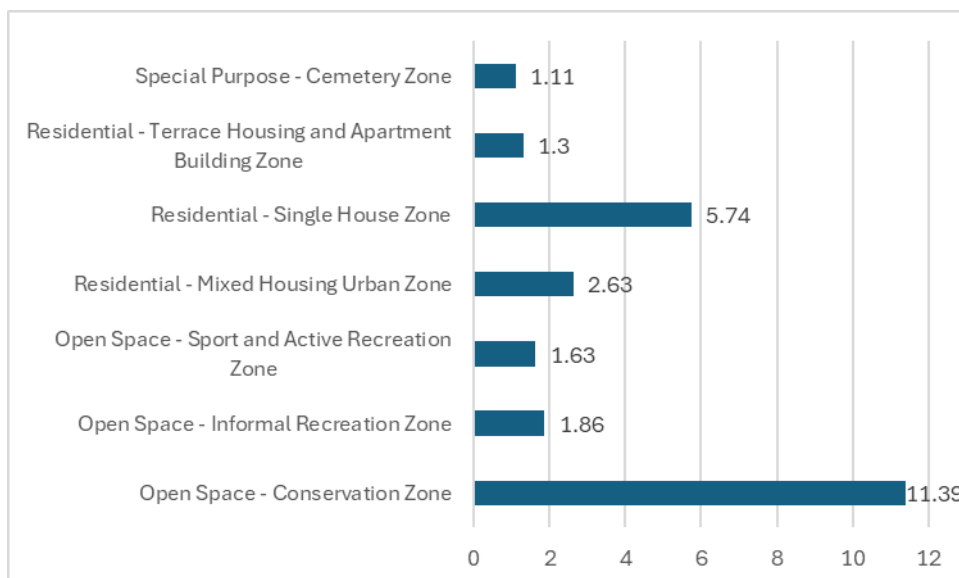
¹⁹ NPS-UD Policy 3(d)



34. Of all the land within the Policy 3d areas, 25.66ha is within an identified SEA. Of the land in the Policy 3d areas that is within identified SEAs, 14.48ha (58%) affects land that is in Open Space zones and 1.11ha (4.33%) affects land in the Special Purpose zone.

35. 9.67ha (37.69%) of the land within Policy 3d areas that is within an identified SEA is residential; the majority of which is on land which is proposed to be included in the SH zone (5.74ha / 22.37%). Notably, only 1.3ha (5.07%) is on land that is proposed to be included in the Terraced Housing and Apartment Buildings (**THAB**) zone. The remaining 10% is in the Mixed Housing Urban (**MHU**) zone.

Figure 3: Area of land within Policy 3d areas that is also within SEA (by proposed zone)



36. In the case of sites where less than 30% of the site is within an identified SEA, the presence of the SEA values has had no impact on the zoning of the site and has therefore not affected the development capacity enabled on those sites.

37. In the case of sites where 30% or more of the site is within an identified SEA, the presence of the SEA values has informed the zoning of the site (where it is within a residential zone), resulting in the SH zone being applied to the site. Other values and/or natural hazards are often also present which may have contributed to the site being included in the SH zone.
38. However, if the presence of SEA values is the only qualifying matter in a clause 4(1)(b) or (c) or Policy 3 area, the SEA values may have meant (in the most extreme sense) that a site which could have been included in the THAB zone has now been included in the SH zone.
39. Proposed amendments to the THAB zone seek to enable a range of height limits depending on the location of the THAB zoned land, and its strategic importance relative to the provisions of clause 4(1)(b) or (c) or Policy 3. At the most enabling level, development in the THAB zone is provided for up to 50m in height, with residential development provided for as a restricted discretionary activity.²⁰ There are no limits on density per se, with the ultimate number of residential units enabled informed by the suite of development controls and site-specific characteristics that apply. By contrast, the maximum height in the SH zone is 8m, and density is limited to 1 dwelling per site.
40. The other key consideration is the extent of sites in the THAB zone that can be comprised of impervious surface (a combination of paved and built coverage), which remains unchanged by PC120 at 70% of the site. In the SH zone, the maximum impervious surface on sites is limited to 60% of the site.
41. If a site which could have been included in the most enabling of the THAB zoned areas has instead been included in the SH zone due to 30% or more of the site being within an SEA, significantly less development will be enabled on that site. The actual impact that the SEA qualifying matter has had in these areas on the overall development capacity is likely to be relatively minor given the overall extent of SEA in these areas.

Evaluation of options

42. To determine the most appropriate response for SEA as a qualifying matter, each of the options needs to be evaluated in the context of the objectives and policy 3 of the NPS-UD. To reiterate, the options that have been evaluated are as follows:
- **Option 1:** No zoning response to the presence of SEA.
 - **Option 2:** Amend the zoning response (sites with 30% or more land within SEA are included in the SH zone).
 - **Option 3:** Retain status quo approach to the zoning response (sites with 20% or more land within SEA are included in the SH zone).

²⁰ This is in instances where THAB zone applies to land as well as a Height Variation Control enabling heights of up to 50m.

Table 5: Evaluation of options

	Option 1 – No zoning response	Option 2 – Apply zoning response to the presence of SEA on residential sites	Option 3 – Retain status quo zoning response
Costs			
Costs: housing supply / capacity	Option 1 will not directly result in any reduction in the extent of development that could otherwise be enabled under Options 1 and 3 on residentially zoned sites with SEA values present on 30% or more of sites, noting that the provisions of the overlay would continue to apply (and these rules limit the extent of development that is enabled within the SEA). This option is considered to be a relatively low cost overall when compared to Options 1 and 3.	Option 2 will likely result in a reduction in the extent of development that could otherwise be enabled under Option 1 on residentially zoned sites with SEA values present on 30% or more of sites. Option 1 will likely be slightly more enabling of development than Option 2 as the threshold at which a zoning response applies is 30% (rather than 20%). Option 2 makes no difference to the zoning of residentially zoned sites where the SEA values present are less than 30% of the site. This is considered to be a relatively medium cost overall when compared to Options 1 and 3.	Option 3 will likely result in a reduction in the extent of development that could otherwise be enabled under Options 1 and 2 on residentially zoned sites with SEA values present on 30% or more of sites. Option 2 makes no difference to the zoning of residentially zoned sites where the SEA values present are less than 30% of the site. It is anticipated that the total area of the sites within the SEA overlay in residential areas that would otherwise be 'upzoned' if not for the presence of an SEA on 20% or more of the site would be greater than that affected by Option 2. This option is considered to be a relatively high cost overall when compared to Options 1 and 2.
Costs: Social	No social costs are anticipated in relation to Option 1 beyond the potential social costs that can arise from housing supply/capacity issues as outlined above; and from environmental costs as outlined below.	No social costs are anticipated in relation to Option 2 beyond the potential social costs that can arise from housing supply/capacity issues as outlined above; and from environmental costs as outlined below.	No social costs are anticipated in relation to Option 3 beyond the potential social costs that can arise from housing supply/capacity issues as outlined above; and from environmental costs as outlined below.
Costs: Economic (not otherwise covered by housing capacity issues)	Option 1 could result in greater economic costs (than could otherwise arise from Options 2 and 3) falling to applicants and council (and ratepayers) due to greater levels of resource consent activity arising from landowners seeking to develop land within SEA. This is because it has been zoned in a way that sets	Option 2 could result in moderate economic costs (than could otherwise arise from Options 1 and 3) falling to applicants and council (and ratepayers) due to the levels of resource consent activity arising from landowners seeking to develop land within SEA. This is because more sites would be zoned in a way that	Option 3 could result in less economic costs (than could otherwise arise from Options 1 and 2) falling to applicants and council (and ratepayers) due to lesser levels of resource consent activity arising from landowners seeking to develop land within SEA. This is because more sites would be zoned in a way that minimises

	Option 1 – No zoning response	Option 2 – Apply zoning response to the presence of SEA on residential sites	Option 3 – Retain status quo zoning response
	unrealistic development expectations. This is considered to be a relatively high cost overall when compared to Options 2 and 3.	unrealistic development expectations to a greater extent than Option 1, but slightly less than Option 3. This is considered to be a relatively medium cost overall when compared to Options 1 and 3.	unrealistic development expectations to a greater extent than Options 1 and 2. This is considered to be a relatively low cost overall when compared to Options 1 and 2.
Costs: Environmental	Option 1 could result in greater environmental costs (than would otherwise arise from Options 2 and 3) due to greater development pressure on SEA areas arising as a result of significantly increased development potential. This is considered to be a relatively high cost overall when compared to Options 2 and 3.	Option 2 could result in slightly more environmental costs than would otherwise arise from Option 3, but less than Option 1. This is because slightly less sites with SEA areas on them would be included in the SH zone than would otherwise be included under Option 3. This is considered to be a relatively medium cost overall when compared to Options 1 and 3.	Option 3 could result in the least environmental costs (than would otherwise arise from Options 1 and 2). This would be due to the greatest level of 'reduced development pressure' on SEA areas arising due to the relatively high inclusion of sites in the SH zone. This is considered to be a relatively low cost overall when compared to Options 1 and 2.
Benefits			
Benefits: Social	No direct social benefits are anticipated in relation to Option 1 beyond the potential social benefits that can arise from environmental benefits as outlined below.	No direct social benefits are anticipated in relation to Option 2 beyond the potential social benefits that can arise from environmental benefits as outlined below.	No direct social benefits are anticipated in relation to Option 3 beyond the potential social benefits that can arise from environmental benefits as outlined below.
Benefits: Economic	Option 1 could result in greater economic benefits to landowners as they could potentially realise a greater level of development capacity on their land than may otherwise be available under Options 2 and 3. This is considered to be a relatively high benefit overall when compared to Options 2 and 3.	Option 2 could result in some economic benefits to landowners as they could potentially realise a greater level of development capacity on their land than may otherwise be available under Option 3, but less than that enabled under Option 1. This is considered to be a relatively medium benefit overall when compared to Options 1 and 3.	Option 3 would likely result in relatively low economic benefits to landowners as they could potentially realise a lower level of development capacity on their land than may otherwise be available under Options 1 and 2. This is considered to be a relatively low benefit overall when compared to Options 1 and 3.
Benefits: Environmental	Option 1 would likely result in the least environmental benefits (than would otherwise arise from Options 2 and 3) due to greater development pressure on SEA areas	Option 2 would likely result in some environmental benefits than would otherwise arise from Option 1 due to slightly less development pressure on SEA areas.	Option 3 would likely result in the greatest environmental benefits (than would otherwise arise from Options 1 and 2) due to the least level of development pressure on

	Option 1 – No zoning response	Option 2 – Apply zoning response to the presence of SEA on residential sites	Option 3 – Retain status quo zoning response
	arising as a result of significantly increased development potential. This is considered to be a relatively low benefit overall when compared to Options 2 and 3.	This is considered to be a relatively medium benefit overall when compared to Options 1 and 3.	SEA areas arising as a result of the greatest number of residential sites being included in the SH zone. This is considered to be a relatively high benefit overall when compared to Options 1 and 2.

Analysis

43. In light of the above analysis, Option 2 is the preferred option as it generally results in medium levels of costs and benefits as compared to Options 1 and 3.

Risks or acting or not acting.

44. Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
45. The SEA are existing areas that have been scheduled in the AUP through a process under Schedule 1 of the RMA. The information, locations and extents of these places are considered certain and sufficient for their assessment as a qualifying matter.

Effectiveness and efficiency

46. The overall objective of PC120 is to give effect to the requirements of clause 4(1)(b) or (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD. The RPS objectives for SEA seek to protect these areas from the effects of inappropriate subdivision, use and development.
47. Given the extent of residentially zoned land in the SEA overlay, it is considered most efficient and effective to include sites with 30% or more of their area in the SEA overlay in the SH Zone. This will minimise the potential for additional development pressure that could compromise the values of the SEA overlay and is consistent with the approach taken in the operative AUP.

Description of how the qualifying matter is to be implemented

48. The SEA qualifying matter is to be implemented by a zoning response. Where residentially zoned sites have 30% or more of their area within a SEA, they will be included in the SH zone. The AUP provisions that manage activities within the SEA Overlay will continue to apply throughout Auckland, including in the area to which PC120 relates.

Overall conclusion

49. The SEA overlay is the primary mechanism within the AUP for protecting terrestrial, freshwater and marine areas of significant indigenous biodiversity value from the adverse effects of subdivision, use and development, thereby responding directly to section 6(c) of the RMA.

50. Of the land within walkable catchments that is also within identified SEAs, 83% of this land is in non-residential zoned land. Of the land within Policy 3d areas that is also within identified SEAs, 62% affects non-residential zoned land.
51. The application of the SEA qualifying matter as a zoning response will have limited effect on the provision of housing capacity and supply but will support the protection of significant ecological areas from the adverse effects of subdivision, use and development.

Information Used

Name of document, report, plan	How did it inform the development of the plan change
Operative Auckland Unitary Plan	Extent of SEA in the planning maps. Details of the SEA in the schedule. Provisions that relate to the management of activities in SEA.
GIS data	Understanding the extent of SEA within the clause 4(1)(b) or (c) or Policy 3 locations, and the operative and proposed zoning of land in these areas; as well as the remaining areas to which PC120 applies.
Plan Change 78 – Section 32 report for Significant Ecological Areas	Background to the approach that was taken in Plan Change 78 to the management of SEA.

Consultation Summary

The First Schedule to the RMA sets out the relevant consultation requirements.

Limited consultation on PC 120 has been undertaken, and this is detailed in the Auckland Council September 2025 report entitled:

CONSULTATION AND ENGAGEMENT ON A PROPOSED PLAN CHANGE POTENTIALLY REPLACING PROPOSED PLAN CHANGE 78 – INTENSIFICATION SUMMARY REPORT

MĀORI ENGAGEMENT CONSULTATION SUMMARY REPORT