



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 existing qualifying matter:

Designations

EVALUATION REPORT

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Executive Summary

1. This draft report discusses the implications of applying Chapter K: Designations 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) or (c) of the Resource Management Act 1991 (**RMA**) and Policy 3 of the National Policy Statement on Urban Development 2020 – Updated 2022 (**NPS-UD**) in any zone in an urban environment to be less enabling of development.
2. The AUP maps clearly show spatially where designations apply through the notation of the designation number in each requiring authority's schedule and the identification of the designation boundary (outlined in brown).
3. Designations are a qualifying matter which has been specified in sections 771(g) of the RMA for 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.
4. Auckland Council is required to incorporate designations in its AUP through the statutory requirements of Part 8 of the RMA.
5. Designations protect the land subject to the designation from being used for activities, such as undertaking any use of the land, subdividing the land or changing the character, intensity, or scale of the use of the land. Landowners whose property is affected by a designation need to seek approval from a requiring authority to undertake any activity within the designation boundary that would otherwise prevent, or hinder, the requiring authority from being able to undertake its works/project to which the designation relates.
6. As designations protect the land within the designation boundary, it is considered appropriate that the existing designations in Chapter K: Designations and Schedules of the AUP is an effective and efficient method. A zoning response is not required as the underlying zoning does not apply to works, which could otherwise require a district plan resource consent, where the works/project are in accordance with the purpose, and any associated conditions, of the designation.
7. The effect of the qualifying matter on housing supply and/or capacity are specific to the land subject to a designation, and located within any zone within the urban environment subject to Schedule 3C cls.4(1)(b) or (c) of the RMA and Policy 3 of the NPS-UD. While it is considered appropriate to apply these clauses and policy in regard to the underlying zones of designations, the housing supply and/or capacity on land within the designation boundary may not be realised until a designation is removed by the requiring authority.
8. However, applying the designation qualifying matter ensures that the requiring authorities have greater certainty that the land subject to the designation will not be subdivided, developed, or used for a more intensive activity that may be inappropriate or incompatible with the works provided for by the designation.

9. The application of the designation qualifying matter also contributes to 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. Introduction

10. This report is prepared as part of the evaluation required by Section 32 and Schedule 3C of the RMA for PC120 to the AUP.
11. 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.
12. This report discusses the implications of applying designations as a qualifying matter to the requirements of clauses 4(1)(b) or (c) of Schedule 3C of the RMA and the implementation of policy 3 of the NPS-UD. This report also evaluates the provisions which have been included in PC120 relating to the designations qualifying matter.
13. The Council may make the relevant building height or density requirements of clauses 4(1)(b) or (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD less enabling of development in relation to an area within an urban residential or non-residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters present:
 - (a) a matter listed in section 77I(a) to (i)
 - (b) any other matter that makes higher density, as specified by clauses 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.
14. 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.
15. 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.

16. 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 the Auckland housing planning instrument (**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 the Auckland housing planning instrument.

2. Integrated evaluation for qualifying matters

17. For the purposes of PC120, evaluation of designations as a 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.

18. 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
 - consideration of the planning evidence for Topic 009Q Designations, and the Independent Hearing Panel recommendation provided for Plan Change 78 in relation to the Business City Centre Outstanding Matters topic hearing
 - consideration of the planning evidence provided for Topic 009Q Designations for the Plan Change 78 Metropolitan Centres Outstanding Matters topic hearing.
19. The scale and significance of the issues is assessed to be minor. The majority of designations are on land owned by a requiring authority. However, there are designations, such as road widening/route protection designations, where the land is yet to be acquired by the requiring authority. There may be some impact on housing supply/development capacity in those latter cases. However, the operative designation in the AUP already protects the land from being used for activities other than provided for by the designation so there is already an effect on that land. The development capacity may not be realised until such time that a designation is removed from a property subject to a designation in the operative AUP.
20. 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 (PC120) is notified)

Standard sec 32 steps	Plus clause 8 Schedule 3C steps
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 PC120 is notified) and describe the existing qualifying matter. Identify by location (for example, by mapping) where an existing qualifying matter applies. [refer to Section 3 of this report]
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. [refer to Section 4 of this report]

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. [refer to Section 5 of this report]
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. [refer to Section 5 of this report]
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. [refer to Section 5 of this report]
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. [refer to Section 5 of this report]

3. Issues

21. The qualifying matter being evaluated is the designations qualifying matter. Designations have been identified as a specific qualifying matter under the following sections of the RMA:

- a. Schedule 3C, cl.8(1)(a) and Policy 3 – a matter specified in sections 771(a) to (i):
 - i. Sections 771(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.

Overview of the qualifying matter

- 22. Part 8 of the RMA requires that territorial authorities make provision in their district plan to give effect to a notice of requirement for a designation lodged by a requiring authority for a public work or project. Requiring authorities include Ministers of the Crown, local authorities, and approved network utility operators.
- 23. Designations in the AUP include existing designations that were rolled over from legacy district plans into the AUP 'without modification' or 'with modification'. The AUP also includes any new notices of requirement for a designation lodged with Auckland Council lodged either as part of the AUP process or since the AUP became operative in 2016.

24. Designations can:
- a. enable the use of land for a public work or infrastructure
 - b. restrict land, water, subsoil, or airspace where there is necessary for the safe and efficient functioning or operation of a public work or infrastructure
 - c. enable work that relates to the construction of eligible infrastructure for which the local authority is a responsible infrastructure authority
 - d. enable activities that are exceptions to the district rules in the AUP
 - e. enable acquisition of private land through the Public Works Act 1981.
25. Each requiring authority's designation states the specific purpose of that designation and any conditions which apply to that designation. The district plan provisions of the AUP do not apply where a work or project is undertaken in accordance with the purpose and conditions of the designation. Conversely, the district plan provisions will apply for works and projects which are not undertaken in accordance with the purpose of the designation and any conditions attached to the designation. In addition, an Outline Plan of Works¹ may be required and any relevant regional consents required by the Regional Policy Statement (RPS) provisions are still necessary.
26. Notices of requirement and designations have an effect on the land affected by the notice of requirement or designation. This means that affected landowners need to seek written approval from the requiring authority responsible for the designation before undertaking any activity within the designation boundary that would hinder or prevent the requiring authority from being able to undertake its works provided for by that designation².

Location of the designation qualifying matter

27. A designation affects a specified area which could either be across a full property, or parts of properties such as in the case of road widening/route protection designations.
28. Designations in the AUP, with various purposes and for different infrastructure, are widely located across Auckland's urban environment. This includes 'any zone in an urban environment' within the areas of land subject to Schedule 3C cls.4(1)(b) or (c) of the RMA and Policy 3 of the NPS-UD.
29. There are some properties which are subject to the designation qualifying matter. This includes the airspace restriction/protection designations (refer to paragraph 39-46 for further discussion on these designations).

¹ Resource Management Act 1991. Part 8, section 176A.

² Resource Management Act 1991, Part 8, sections 176 and 178.

Approach taken in PC120 for the designation existing qualifying matter

30. In regard to PC120, the same issues and approach applies as in PC78. Auckland Council considers that the appropriate zoning to apply is one which includes the requirements of Schedule 3C cls.4(1)(b) or (c) of the RMA and Policy 3 of the NPS-UD for the following reasons:
 - a. designations protect the land for the purpose of the designation
 - b. the underlying district plan provisions do not apply to designations unless the works to be undertaken are not in accordance with the purpose of the designation and any associated conditions attached to the designation
 - c. designations enable requiring authorities to undertake works, projects, and ongoing operation, maintenance and upgrades to their infrastructure
 - d. requiring authority approvals are required where any activity proposed by an affected landowner may hinder or prevent the requiring authority from undertaking its works, projects, or work to which the designation relates.
31. There are designations which have conditions that limit height or where there may be reverse sensitivity issues. This includes the following designations:
 - a. Designation 200 – Ardmore Airport (Ardmore Airport Limited)
 - b. Designation 1102 – Obstacle Limitation, Runway Protection and non-aeronautical Ground Light Restriction (Auckland International Airport Limited)
 - c. Designation 4311 - Whenuapai Airfield Approach and Departure Path Protection (Minister of Defence)
 - d. Designation 8302 - Satellite Earth Station Transmission Path (Television New Zealand Limited)
32. However, in these cases, as the designations take precedence over district plan provisions, they can be relied on to manage the effect of land use and subdivision of land within the designation boundaries.
33. While the above approach is considered appropriate for the designation qualifying matter, there may be other qualifying matters which apply to a site that could necessitate a different approach to the zone applied in PC120.

4. AUP approach to managing existing qualifying matter

34. Chapter K of the AUP includes each of the requiring authority's designations and any associated conditions attached to those designations provide for the protection, and management, of land within the boundary of a designation.
35. As such, there are no specific regional and/or district plan objectives, policies, or standards related to designations. However, designations are recognised in Chapters E26 Infrastructure, E27 Transport, and H22 Strategic Transport Corridor Zone of the AUP as having the potential to also apply when undertaking an assessment of a site.

36. The management approach in the AUP, to provide for designations, as required by Part 8 of the RMA, includes through:
- identifying requiring authority's designation in the AUP maps
 - schedules in Chapter K of the AUP for each requiring authority which provides details of each of the designations, including the purpose of the designation and any associated conditions.
37. This approach in the AUP was extensively addressed through the Proposed AUP hearings process 2014 – 2016.
38. This approach has also been tested through PC78 in relation to the City Centre and Outstanding Matters topic hearings. The Independent Hearings Panel (IHP) recommendation endorsed and adopted the Council's section 32 evaluation and recommended the retention of designations as a qualifying matter. Auckland Council's decision accepted the IHP's recommendation and this qualifying matter is operative in the AUP in relation to the City Centre.

Approach taken for airspace restriction designations

39. Chapter K Designations in the AUP includes airspace designations that apply spatially to areas of Auckland subject to the requirements of Schedule 3C cls.4(1)(b) or (c) of the RMA and Policy 3 of the NPS-UD and limits building heights as shown below in Table 2:

Table 2 – Airspace restriction designations subject to Schedule 3C cls.4(1)(b) or (c) or Policy 3 of the NPS-UD

Designation No. and name	Requiring Authority	Designation Purpose	Relevant Walkable catchment
Des. 200 Ardmore Airport	Ardmore Airport Limited	Airport purposes – the purpose of this designation is to provide for the efficient operation and growth of Ardmore Airport by enabling airport activities and flights while defining	Papakura, Takaanini Train Station, Te Mahia Train Station, Manurewa Train Station

Designation No. and name	Requiring Authority	Designation Purpose	Relevant Walkable catchment
		airport approach and land use controls. ³	
Des. 1102 Obstacle Limitation, Runway Protection and non-aeronautical Ground Light Restriction	Auckland International Airport Limited	Purpose is related to the specifications for obstacle limitation surfaces, runway end protection areas, and ground lights adjacent to extended runway centre lines.	Manukau, Papakura, Botany, Sylvia Park, Newmarket, New Lynn, Mount Albert, Pōhatu Bus Station, Koata Bus Station, Te Taha Wai Bus Station, Penrose Train Station, Ellerslie Train Station, Greenland Train Station, Remuera Train Station, Mt Albert Train Station, Avondale Train Station, New Lynn Train Station, Takaanini Train Station, Manurewa Train Station
Des. 4311	Minister of Defence	Defence purposes (as defined by section 5 of the Defence Act 1990) – protection of approach and departure paths.	Albany, Takapuna, Westgate, Albany Bus Station, Rosedale Bus Station, Smales Farm Bus Station, Akoranga Bus Station
Designation 8302	Television New Zealand Limited	Satellite earth station transmission path -	Local Centre (Jervois Road)

³ Designation 200 serves a dual purpose of also identifying permitted aircraft noise contours which correlate with those in the AUP Chapter D24 Aircraft Noise Overlay.

Designation No. and name	Requiring Authority	Designation Purpose	Relevant Walkable catchment
		areas subject to height restrictions.	

40. The designations listed in Table 2 have conditions on the designations which limit development in relation to height, and/or activity locations to ensure the safe movement of aircraft and the unimpeded path required for the satellite earth station transmission path.
41. The conditions of Auckland International Airport Limited's Designation 1102 limit or restrict development and/or activities for the safety, and associated risks, of aircraft landing or taking off. This risk is reduced by limiting the range of activities permitted and the number of persons that can be exposed to the risk.
42. Condition 1 of Ardmore Airport Limited's Designation 200 similarly limits the heights of buildings, structures and trees. The condition further specifies that where its airspace designation intersects with that for Auckland International Airport Limited, the lower height restriction is to apply.
43. Condition 1 of Designation 4311 requires the approval in writing from the NZDF prior to the erection of any building, change in use of land or building, or any subdivision of land within the areas of the designation shown on planning maps as 'land use and subdivision subject to NZDF approval'. Condition 2 limits the heights of development within the approach and departure path obstacle limitation surfaces as shown on the planning maps and explained by the text 'Explanation of Protection Surfaces Whenuapai Airfield' and Diagram MD1A.
44. Designation 4311 (for NZDF's Whenuapai Airbase), specifically the Obstacle Limitation Surface within the designation, affects heights within the Westgate Walkable Catchment. Therefore, Designation 4311 needs to be identified as a qualifying matter in accordance with section 77I(g) of the RMA as it modifies the requirements of Policy 3 of the NPS-UD to be less enabling of development.
45. Designation 8302 (TVNZ's earth station transmission path) includes a diagram of areas within the designation where there are height restrictions.
46. The effect of the airspace restriction designations on the heights and densities enabled by Schedule 3C of the RMA and Policy 3 of the NPS-UD will depend on where a property is located within the designation boundary. In most cases, there will be no effect on the development capacity. However, identifying these designations as a qualifying matter ensures that an assessment occurs as part of a resource consent to ascertain whether the designation will be affected by a proposed development.

Amendments required to district plan objectives and policies

47. No amendments are required to the AUP objectives, policies, or standards in response to the requirements of Schedule 3C cls.4(1)(b) and (c) and Policy 3 of the NPS-UD.
48. Chapter K Designations and Schedules – Using Chapter K has been marked up to identify that some designations are a qualifying matter in relation to any zone in an urban environment subject to the requirements in Schedule 3C cls.4(1)(b) and (c) and Policy 3 of the NPS-UD. The mark-up is shown below:

...

Some designations in the urban environment within ~~relevant residential zones or urban non-residential zones~~ the Business – City Centre Zone are qualifying matters in accordance with sections ~~771(g) and 770(g)~~ of the RMA.

Some designations are a qualifying matter in accordance with Schedule 3C cls.8(1)(a) of the RMA.

...

49. The operative text in the first line shown above needs to be amended as section 770(g) of the RMA applies only to the parts of PC78 that have been heard and made operative.
50. Chapter E26 Infrastructure has also been marked up as shown below. This is because there is already a reference which states that designations may also apply to the infrastructure activities provided for in Chapter E26.

E26.1.1 Introduction

Infrastructure is provided for on the basis of Auckland-wide provisions. Additional infrastructure provisions (zones, overlays and precincts), such as the National Grid Corridor Overlay, Auckland Airport Precinct and the Strategic Transport Corridor Zone are also provided throughout the plan and should be referred to where applicable. Designations may also provide for infrastructure.

Some designations are qualifying matters in accordance with Schedule 3C cls.8(1)(a) of the Resource Management Act 1991.

...

5. Development of Options

51. 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
- 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.

Section 32 requires a range of options to be considered.

52. The two options that have been evaluated in the section 32 and Schedule 3C assessment of the designation qualifying matter are:
- **Option 1:** apply the requirements in Schedule 3C cls.4(1)(b) and (c) of the RMA and Policy 3 of the NPS-UD without applying designations as a qualifying matter
 - **Option 2:** apply designations as a qualifying matter in accordance with Schedule 3C cl.8(1)(a) of the RMA.

Consequences for development capacity

53. The consequences for the provision of development capacity by accommodating the designation qualifying matter may not be less enabling than that enabled by Schedule 3C cls.4(1)(b) and (c) of the RMA and Policy 3 of the NPS-UD. However, the housing supply and/or capacity of the land affected by the qualifying matter may not be realised until the designation is removed, either in part, or in its entirety by the requiring authority responsible for a designation.
54. A draft map for PC120 has been produced by Auckland Council, which reflects the designations identified in Chapter K – Schedules and Designations as shown in the AUP maps, where the qualifying matter would apply. There are some properties in areas subject to the requirements of Schedule 3C cls.4(1)(b) and (c) of the RMA and Policy 3 of the NPS-UD.

Evaluation of options

55. To determine the most appropriate response for Designations as a qualifying matter, each of the options needs to be evaluated in the context of the objectives and of clause 4(1)(b) or (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD.

Table 3 Evaluation of options

Qualifying matter	Option 1 – don't apply the designation qualifying matter	Option-2 – apply the designation qualifying matter
Costs of applying QM – housing supply / capacity	Low cost Not applying the designation qualifying matter may enable the heights and density sought in Schedule 3C cl.4(1). However, the operative designations in Chapter K of the AUP would still apply to the land. Therefore, the housing supply and/or capacity may not be realised until such time that a designation is removed.	Low cost Applying the designation qualifying matter will have a minor effect on housing supply and/or capacity. The majority of designations in the AUP are on land owned by requiring authorities. There will be some designations which are for route protection/road widening where the requiring authority has not yet acquired the land. However, the operative designations in the AUP and/or applied through a qualifying matter prevents activities occurring within the land subject to the designation that would prevent or hinder a requiring authority from being able to undertake its works for the purpose of the designation. Designations can only be removed by the requiring authority responsible for its designations. Therefore, there is already an effect on development capacity of the land, within the designation boundary, and the development capacity may only be realised when the designation is removed from the land.
Costs: Social	Low cost Not applying the designation qualifying matter has a low social cost as the operative	Low cost Designations are for different purposes and contribute to a well-functioning urban environment

Qualifying matter	Option 1 – don't apply the designation qualifying matter	Option-2 – apply the designation qualifying matter
	designations in the AUP would still apply to the land subject to a designation.	through provision of critical and significant social, economic and cultural infrastructure i.e. schools, electrical substations, pump stations, roads, state highways, busways, prisons, airports, regional parks, libraries and art gallery etc. There is low cost in applying the designation qualifying matter as the designations in Chapter K already protect the land within the designation boundary.
Costs: Economic (not otherwise covered by housing capacity issues)	No cost Not applying the designation qualifying matter would have no associated economic costs as the height and densities provided for in Schedule 3C cls.4(1)(b) and (c) of the RMA and Policy 3 of the NPS-UD would apply. However, the housing supply/capacity of the land may not be realised until such time as a requiring authority uplifts the designation from a property.	No cost There is no associated economic cost in applying the designation qualifying matter as the height and densities provided for in Schedule 3C cls.4(1) and (c) of the RMA and Policy 3 of the NPS-UD would apply. Designations which are included in Chapter K of the AUP and/or notices of requirement have an effect on the land within the designation boundary. This would be no different if the qualifying matter was applied.
Costs: Environmental	No/Low cost Not applying the designation qualifying matter would have no associated environmental costs as the designations are operative in the AUP and already have an effect on the land subject to a designation.	No/Low cost There is no environmental cost in applying the designation qualifying matter. The existing designations in the AUP usually have conditions which relate to the mitigation of effects associated with the works/project and future works within the designation will need to consider effects under s176A of the RMA.
Benefits of applying the QM - social	Low benefit Not applying the designation qualifying matter would have a low benefit as there are operative designations in the AUP which provide for	High benefit Designations are for different purposes and contribute to a well-functioning urban environment through provision of critical and significant social, economic and

Qualifying matter	Option 1 – don't apply the designation qualifying matter	Option–2 – apply the designation qualifying matter
	infrastructure including social infrastructure such as schools, parks, libraries, museum etc.	cultural infrastructure i.e. schools, electrical substations, pump stations, roads, state highways, busways, prisons, airports, regional parks, libraries and art gallery etc.
Benefits - economic	Low benefit Not applying the designation qualifying matter would have a low economic benefit as there are operative designations in the AUP which provide for critical and significant infrastructure that is required to provide for businesses and economic growth	Low to medium benefit Applying the designation qualifying matter would have a low-medium economic benefit. The operative designations in the AUP provide for critical and/or significant infrastructure which contributes towards the functioning of businesses and enabling economic growth.
Benefits – environmental	Low benefit There is low benefit in not applying the designation qualifying matter. The operative designations in the AUP generally have conditions which mitigate the effects of a work/project.	Low-medium benefit Applying the designation qualifying matter has a low-medium benefit. The designations in the operative AUP generally have conditions which mitigate the effects of a work/project. Requiring authorities are also required to consider the environmental effects of future works in accordance with s176A of the RMA.

Analysis

56. It is recognised that Part 8 of the RMA provides the legislative framework for designations; however designations have also been provided for as a potential qualifying matter through the specific identification in sections 77I(g) of the RMA in accordance with Schedule 3C cl.8(1)(a) of the RMA.
57. It is considered that the designation qualifying matter ensures that the requiring authorities have greater certainty that the land subject to the designation will not be subdivided, developed, or used for a more intensive activity that may be inappropriate or incompatible with the works provided for by the designation i.e., either increase the risks to others or results in reverse sensitivity effects, particularly where the works are for nationally significant infrastructure (which may also be identified as qualifying matters under 77I(b) and/or sections 77I(e) of the RMA).
58. Identifying that designations are a qualifying matter ensures that an assessment occurs as part of a resource consent to ascertain whether the designation will be

affected by a proposed development and/or whether a requiring authority's approval is required under section 176 of the RMA. This is particularly important in the case of the airspace restriction designations where parts of the land within the designation boundary are subject to the Obstacle Limitation Surfaces for aircraft approaches and departures which could be lower than the heights permitted in the underlying zoning.

Risks or acting or not acting

59. 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. The information about Designations as a qualifying matter, including information about the purpose of each designation, the conditions attached to each designation, and the location of designations is already provided in the AUP. It is considered that this information is certain and sufficient having been through a thorough statutory process to be included in the AUP.
60. In addition, the approach taken for the designation qualifying matter has been tested through the recent hearing process for PC78 in relation to the City Centre hearing topics. The IHP's recommendation, at paragraph [375], endorsed and adopted the Council's s32 evaluation and recommended the retention of designations as a qualifying matter in the City Centre, City Centre Precincts and relevant Qualifying Matters hearing topics⁴.

Effectiveness and efficiency

61. Option 2 is an efficient and effective method as an existing process under Part 8 of the RMA which provides for designations which are incorporated into the AUP that achieves a low cost and has medium to high benefits.

Description of how the qualifying matter is to be implemented

62. The designation qualifying matter will be implemented through the markup of Chapter K Designations – Using Chapter K and Chapter E26 Infrastructure in the AUP. Markups include:
 - a. a statement in Chapter K that designations are a qualifying matter in accordance with Schedule 3C cls.4(1)(b) and (c) of the RMA and Policy 3 of the NPS-UD
 - b. a statement in Chapter E26 that some designations are qualifying matters in any zone in an urban environment which are subject to the requirements of Schedule 3C cls.4(1)(b) and (c) of the RMA and Policy 3 of the NPS-UD
 - c. identification of designations spatially in the Unitary Plan – Management Layers – Designations (as currently shown in the AUP).

Overall conclusion

63. Applying the designation qualifying matter contributes to 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.

⁴ <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/02-pc78-cc-ihp-recommendation-report.pdf>

64. The effect of the qualifying matter on housing supply and/or capacity are specific to the land subject to a designation, and located within any zone in any urban environment subject to Schedule 3C cls.4(1)(b) and (c) of the RMA and Policy 3 of the NPS-UD. While it is considered appropriate to apply these clauses and policy in regard to the underlying zones of designations, the housing supply and/or capacity on land within the designation boundary may not be realised until a designation is removed by the requiring authority.

Information Used

The following reports, documents, evidence, and plan versions were used to help the development of the plan change and assess the designation as an existing qualifying matter.

Name of document, report, plan	How did it inform the development of the plan change
Auckland Unitary Plan (Operative in Part 2016	Chapter K Designations and Schedules. The AUP maps show the location of the designations listed in Chapter K.
AUP Independent Hearing Panel Evidence and recommendations for Topic 074 Designations.	Recognition of designations as a method used by requiring authorities to protect land for works/projects in accordance with the purpose and conditions of a designation.
PC78 Recommendation Report Hearings Topics – City Centre, City Centre Precincts and relevant Qualifying Matters – Topic 009Q Qualifying Matters A-I Designations	Independent Hearing Panel's recommendation supported the approach taken for designations as a qualifying matter as it related to the City Centre. The same approach has been applied in the PC78 Metropolitan Centres and Outstanding Matters Hearing topic and is also relevant to PC120.

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 reports entitled:

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