



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:**

OPEN SPACE

EVALUATION REPORT

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Executive Summary

1. This draft report discusses the implication of applying Open Space in the Auckland Unitary Plan(Operative in Part)(**AUP**), as an existing qualifying matter to modify the requirements of Schedule 3C Clause 4(1)(b) or (c) of the Resource Management Act 1991 (**RMA**) and Policy 3 of the National Policy Statement for Urban Development 2020 – Updated May 2022 (**NPS – UD**).
2. Policy 3 of the NPS-UD requires, in relation to tier 1 urban environments, regional policy statements and district plans to enable development:
 - (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
 - (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
 - (c) building heights of at least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
 - (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.
3. Under Schedule 3C cls.8(1)(a) of the RMA, a specified territorial authority may modify the requirements of clauses 4(1)(b) or (c) and policy 3 in any zone in an urban environment to be less enabling of development than provided in those policies only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:
 - a) open space provided for public use, but only in relation to land that is open space.
4. Five zones in the AUP are used to manage activities on land zoned open space:
 - a) Open Space Conservation zone
 - b) Open Space- Informal Recreation zone
 - c) Open Space Sports & Active Recreation Zone
 - d) Open Space Civic Spaces zone and
 - e) Open Space Community zone.
5. Open space zoned land is generally located within an urban environment. Open space zones have been applied across Auckland to all land that is publicly owned open space. In addition, some privately owned land has also been zoned open space in agreement with the landowner.

6. This report discusses the implications of applying Schedule 3C cls.8(1)(a) and s771(f) open space provided for public use, but only in relation to land that is open space, as a qualifying matter to Schedule 3C of the RMA and the implementation of Policy 3 of the NPS-UD.
7. Two issues are considered:
 - a) the provision for residential and/or commercial development in open space zones (development capacity):
 - (i) Option 1 - Status quo – residential and or commercial development is not provided for in the open space zones
 - (ii) Option 2 - Provide for residential and or commercial development on a portion of open space (e.g., within the allowable building envelope and/or where there are existing buildings, car parking
 - (iii) Option 3 – Provide for residential and or commercial development in open spaces
 - b) what are the appropriate height and density of urban form standards for the open space zones (building height & density):
 - (i) Option 1 - Status Quo – retain existing height and density of urban form standards
 - (ii) Option 2 – increase height and density of urban form standards to be the same as the adjacent residential or business zone over part of the open space (i.e., within the building envelope)
 - (iii) Option 3 – increase height and density of urban form standards to be the same as the adjacent residential or business zone over all the open space
8. The options for each of these issues has been evaluated against the following criteria:
 - a) Costs:
 - (i) Costs of applying QM – housing supply / capacity
 - (ii) Costs: Social
 - (iii) Costs: Economic (not otherwise covered by housing capacity issues)
 - (iv) Costs: Environmental
 - b) Benefits
 - (i) Benefits of the QM – social
 - (ii) Benefits – economic
 - (iii) Benefits – environmental
9. The status quo option (no change) is the recommended option for both the provision for residential and/or commercial development in open space zones and the appropriate height standards for the open space zones.

10. The key reasons for these recommendations are:

- a) residential and/or commercial development:
 - (i) open space provides opportunity for recreation – both informal and organised
 - (ii) this has both physical and mental health and social (people gathering) benefits
 - (iii) in coastal and riparian locations, open space provides public access to the coast and rivers, streams
 - (iv) a dispersed pattern of open spaces provides greater accessibility to residents across the region
 - (v) this reduces commute distances and times and therefore costs
 - (vi) a greater number of residents benefit from the increase in land values that open space affords
 - (vii) open space performs an important ecological role, protecting habitats and assisting in the management of stormwater
 - (viii) in coastal and riparian locations, open space provides environmental enhancement of the coast and rivers, streams.
- b) Appropriate height and density of urban form standards in AUP Chapter H7 – Open Space Zones:
 - (i) open space continues to provide opportunity for recreation – both informal and organised and open spaces are not dominated by high buildings/structures
 - (ii) this has both physical and mental health and social (people gathering) benefits
 - (iii) in coastal and riparian locations, open space continues to provide public access to the coast and rivers, streams. This is not obstructed by high buildings and structures
 - (iv) a dispersed pattern of open spaces provides greater accessibility to a greater number of residents across the region
 - (v) this reduces commute distances and times and therefore costs.
 - (vi) a greater number of residents benefit from the increase in land values that open space affords
 - (vii) retention of open space that performs an important ecological role, protecting habitats and assisting in the management of stormwater.
 - (viii) in coastal and riparian locations, open space provides environmental enhancement of the coast and rivers, streams, largely unaffected by buildings and structures.

11. This s 32 report addresses the integration of Open Space as an existing qualifying matter into the AUP.

Introduction

1. This report is prepared as part of the evaluation required by Section 32 and Schedule 3C of the RMA for PC120 to the 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 Open Space as an existing qualifying matter to meet the requirements of clause 4(1)(b) of Schedule 3C of the RMA and the implementation of Policy 3 of the NPS-UD. This report also evaluates the provisions that have been included in PC120 relating to Open Space.
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 of the NPS-UD:
 - (e) notify the existing qualifying matters in the Auckland housing planning instrument.

Integrated evaluation for existing qualifying matters

8. For the purposes of PC120, evaluation of the open space 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 low.
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	Open space is 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). Open space is required to provide for recreational activities, sport, conservation of natural flora and fauna, protection of historic heritage and sites of significance to mana whenua. Open space also provides public access in many places to the coast, lakes and rivers. The qualifying matter can be identified through the GIS viewer.
Identify and discuss objectives / outcomes	This qualifying matter is necessary to support a well-functioning urban environment where people can enjoy a wide range of open spaces and recreational facilities, activities, experiences and functions- refer Policy 1 NPS-UD. Open space is also considered to be a qualifying matter under Subpart 6, 3.32(1)(d) of the NPS-UD. Chapter B2.7 in the Auckland Regional Policy Statement refers to open space and states: Objectives (1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities. (2) Public access to and along Auckland's coastline, coastal marine area, lakes, rivers, streams and wetlands is maintained and enhanced. (3) Reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied, or mitigated. Policies (1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions (2) Promote the physical connection of open spaces to enable people and wildlife to move around efficiently and safely. (3) Provide a range of open spaces and recreation facilities in locations that are accessible to people and communities. B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form Auckland Unitary Plan Operative in part 12 (4) Provide open spaces and recreation facilities in areas where there is an existing or anticipated deficiency. (5) Enable the development and use of existing and new major recreation facilities.

	(6) Encourage major recreation facilities in locations that are convenient and accessible to people and communities by a range of transportation modes. (7) Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities. (8) Avoid, remedy or mitigate significant adverse effects from the use of open spaces and recreational facilities on nearby residents and communities. (9) Enable public access to lakes, rivers, streams, wetlands and the coastal marine area by enabling public facilities and by seeking agreements with private landowners where appropriate. (10) Limit public access to and along the coastal marine area, lakes, rivers, streams and wetlands by esplanade reserves, esplanade strips or other legal mechanisms where necessary for health, safety or security reasons or to protect significant natural or physical resources.
Identify and screen response options	Open Space is not well suited for the application of Policy 3 residential intensification requirements. If open space was subject to residential intensification, it would negate its function for open space purposes. The only “nested” residential activities provided across the five open space zones are: a) Campgrounds b) Single workers accommodation c) Visitor accommodation, huts and lodges Depending on the open space zone, these activities are either permitted, discretionary or non-complying. There is no provision for residential dwellings in the open space zones. Accordingly, there are no density standards for the open space zones. (a) Option 1 is status quo- residential and or commercial development is not permitted in open space zones (b) Option 2 – provide for residential and or commercial development on a portion of open space e.g., existing buildings, car parking (c) Option 3- Provide for residential and or commercial development in open spaces.
Collect information on the selected option(s)	While residential density has increased in residential zones, this has not had an effect on the operation of open space or its amenity values. Open Space as a qualifying matter will not limit residential or business development capacity or density, as this qualifying matter only applies to building heights within open space areas as provided for in Chapter H7 – Zones.

	There may be some effects such as shadowing, built form, and visual dominance over an open space.
Evaluate option(s) - environmental, social, economic, cultural benefits and costs	Open space is a qualifying matter only in relation to land that is zoned open space and provided for public use. Open space zones within walkable catchments only restrict development where the land is zoned Open Space and qualifies under the NPS-UD criteria. Chapter H7 does not permit residential or business activities and does not constrain development capacity or building height on land outside of Open Space zones. Within Open Space zones, accessory buildings must comply with zone-specific height limits. Policy 1 of NPS-UD specifically recognises the value of open space as forming part of a well-functioning urban environment. Open space performs multiple roles by providing for natural spaces, open spaces to kick a ball or play, walk dogs, recreational opportunities and provide access to the coast, lakes and rivers. 7857.45 ha of land is zoned open space, and it is unable to be developed for residential purposes. Some privately owned open space could be developed for urban purposes but would require a plan change to the AUP that reaches operative status to amend the zoning of the site to a residential or business zone.
Overall judgement as to the better option (taking into account risks of acting or not acting)	Open Space is recognised in the NPS-UD as a qualifying matter that is an essential element of development well-functioning urban environments. The AUP open space zones set an appropriate balance between enabling some modest developments for community facilities (toilets, club rooms, related parks infrastructure) in line with recreational values.

Issues

- The qualifying matter being evaluated is the Open Space qualifying matter which provides Open Space for public use, but only in relation to land that is open space. Open space is an existing qualifying matter (as specified in section 77I(a) to (i) of the RMA) that is operative in the AUP.

Objectives and Policies (existing)

13. The relevant AUP objectives and policies, that support the Open Space qualifying matter are as shown below in the table:

AUP Chapter	Objective / Policy	Summary of matter addressed
RPS – B2 – Urban Growth and form	Policy B2.4.1(3)	Residential growth should be aligned with areas where land within and adjacent to centres and corridors or in close proximity to public transport and social facilities(including open space) or employment opportunities is the primary focus for residential intensification
	Objective B2.7.1, 2,3	Objective (1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.
	Policy B2.7.2(1) – (10)	Objective (2) Public access to and along Auckland's coastline, coastal marine area, lakes, rivers, streams and wetlands is maintained and enhanced. Objective (3) Reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied, or mitigated. B2.7.2. Policy (1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions. (2) Promote the physical connection of open spaces to enable people and wildlife to move around efficiently and safely.

AUP Chapter	Objective / Policy	Summary of matter addressed
		(3) Provide a range of open spaces and recreation facilities in locations that are accessible to people and communities. B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form Auckland Unitary Plan Operative in part 12 (4) Provide open spaces and recreation facilities in areas where there is an existing or anticipated deficiency. (5) Enable the development and use of existing and new major recreation facilities. (6) Encourage major recreation facilities in locations that are convenient and accessible to people and communities by a range of transportation modes. (7) Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities. (8) Avoid, remedy or mitigate significant adverse effects from the use of open spaces and recreational facilities on nearby residents and communities. (9) Enable public access to lakes, rivers, streams, wetlands and the coastal marine area by enabling public facilities and by seeking agreements with private landowners where appropriate. (10) Limit public access to and along the coastal marine area, lakes, rivers, streams and wetlands by esplanade reserves, esplanade strips or other legal mechanisms where necessary for health, safety or security reasons or to protect significant natural or physical resources
	Chapter H7 Objectives	Seeks to provide passive and recreational needs of communities.

AUP Chapter	Objective / Policy	Summary of matter addressed
		Adverse effects of the use and development of open space areas of residents and communities should be avoided or reduced.
	Chapter H7 Policies	a) Designing, developing, and managing open spaces b) Providing for the needs of the local and wider community c) Enable the efficient use of parks resources to be adaptable and multi-functional d) Provide for people of different ages and abilities e) Are safe and attractive to users f) Reflect natural, heritage and landscape values of the area g) Reflect Mana whenua values where appropriate and provide opportunities for residents and visitors to experience Māori cultural heritage h) Protection of sites and features of significance to mana whenua i) Development of appropriate parks infrastructure
Chapter H7 Open Space zones	Five zones are used to manage activities on land zoned open space	Open Space – Conservation Zone Open Space – Informal Recreation Zone Open Space – Sports and Active Recreation Zone Open Space – Civic Spaces Zone Open Space – Community Zone

14. Open Space zones apply across the region – in both rural and urban areas. Within urban areas they are located throughout all urban zones including residential and

business and centres. The Open Space qualifying matter applies in a similar way to designations, where the qualifying matter is protected from residential intensification by virtue of its status as reserve/open space.

15. The Open Space qualifying matter seeks to keep recreational and conservation values of park land intact for the use and enjoyment of Auckland's residents. Depending on the zoning, it may also be used for water catchments (Waitakere Ranges and Ardmore), protection of intact wetlands, significant ecological areas and high natural character areas. In coastal and riparian locations, open space provides public access to the coast, rivers and streams.
16. Many of Auckland's public open spaces are also places where there are known historic heritage values and places of significance to mana whenua. In most but not all cases, existing AUP overlays protect these values. However, there are some locations where the Open Space zoning provides the primary protection of these section 6 values. Access to quality public open space is part of creating a well-functioning urban environment.

Development of Options

17. 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.

18. The three options that have been evaluated in the section 32 and Schedule 3C assessment of the Open space qualifying matter are:

- **Option 1:** Status Quo – Residential or business development is not provided for in Open Space zones
- **Option 2:** Provide for residential and or business development on a portion of open space (e.g. within the allowable building envelope and or where there are existing building and carparking.
- **Option 3:** Provide for residential and business development in Open Space zones.

Consequences for development capacity

19. The consequences for the provision of development capacity by accommodating the Open Space qualifying matter are nil where the development is for a open space purpose. However, where a business activity (such as a sport club house or a community facility) wishes to intensify or establish itself, the level of development that would be prevented from occurring 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 is expressed through the height rules within the Open Space zones.
20. If an area of open space zone is within a walkable catchment of a rapid transit stop or a centre (where 6, 10, or 15 storeys might otherwise be required), the height limits in AUP Chapter H7 still apply – typically 4, 8 or 10 metres. This is because open space zones are not intended for residential or business development or intensification. The role of open space zones is to provide for recreation, ecology and public access.
21. Building height standards for open space zones are found in Table H7.11.1.1 and constrain the intensification expectations of Policy 3(c) and 3(d) because open space zones are identified as qualifying matters under the RMA. The building height limits also ensure that accessory buildings within open space zones remain low-rise, supporting their intended function while maintaining accessibility and protecting landscape and ecological values.
22. The qualifying matter excludes 7857.45 hectares of land within the urban environment from residential and business development that is enabled by Policy 3 of the NPS-UD.
23. The assessment of the impact on development capacity (such as limiting building height or density in the area subject to the qualifying matter) will need to draw on separate capacity assessment work being undertaken by Council. Given that open space is not, and has never been anticipated to be used for residential purposes, the effect on residential capacity is zero. The height limits for non residential activities are constrained, however the heights for community facilities are expected to not be affected by the constraints.

Evaluation of options

24. To determine the most appropriate response for Open Space as an existing qualifying matter, each of the three options needs to be evaluated in the context of Clause 8(1)(a) of Schedule 3C of the RMA and the objectives and policy 3 of the NPS-UD.

25. The evaluation of options is considered below under two issues:

- a. Issue 1: Provision for residential and/or commercial land uses and development in the open space zones
- b. Issue 2: Heights of buildings/structures and density or urban form in the open space zones.

Issue 1. Provision for residential and/or commercial land uses and development in the open space zones

26. Options to be considered are:

- a) Status quo (non-complying)
- b) Provide for residential and or commercial development on a portion of open space (the allowable buildable area)
- c) Provide for residential and or commercial development in open space zones

Table 1 Evaluation of options

Qualifying matter	Option 1 Status Quo – Residential and or commercial development is not provided for in the Open space zones	Option–2 Provide for residential and or commercial development on a portion of open space(e.g. within the allowable building	Option 3 – provide for residential and or commercial development in open space zones
Costs			
Costs of applying QM – housing supply / capacity	7857.45ha of land is unavailable for housing. However this is not considered to be an impact as there is no expectation that open space is to be made available for residential activities, given the capacity provided elsewhere	A reduced percentage of land is available for open space activities.	All open space is potentially available for housing and commercial activities.
Costs: Social	Land supply is constrained by 7857.45 ha. This includes sites that	A reduction in open space and opportunities for recreation – both informal and organised.	The same or similar costs apply as for Option 2 but of a greater scale and significance.

Qualifying matter	Option 1 Status Quo – Residential and or commercial development is not provided for in the Open space zones	Option–2 Provide for residential and or commercial development on a portion of open space(e.g. within the allowable building	Option 3 – provide for residential and or commercial development in open space zones
	are well suited to intensive housing and within walkable catchments e.g. within centres, adjacent to transport routes, infrastructure ready.	Correspondingly reduced opportunities for people to provide for their physical and mental health and social (people gathering) benefits. Difficulties in achieving a well- functioning urban environment with inadequate public open space. Particularly as there are parts of Auckland that already have deficiencies in open space.	
Costs: Economic (not otherwise covered by housing capacity issues)	More land is required on the edge of Auckland in greenfield areas to provide for growth.	Reduced accessibility to open space for some residents (where portions of open space are developed) Increased commute distances and times for people to be able to access open space.	The same or similar effects apply as for Option 2 but of a greater scale or significance.
Costs: Environmental	A less compact city requires greater commuting. If this occurs using private vehicles there is greater potential for traffic congestion and air pollution.	Loss of open space and its ecological functions of protecting habitats and assisting in the management of stormwater. In coastal and riparian locations, loss of open space and the opportunity for environmental enhancement of the coastal edges rivers, and streams.	The same or similar costs apply as for Option 2 but of a greater scale and significance.

Qualifying matter	Option 1 Status Quo – Residential and or commercial development is not provided for in the Open space zones	Option–2 Provide for residential and or commercial development on a portion of open space(e.g. within the allowable building	Option 3 – provide for residential and or commercial development in open space zones
		Loss of ability to achieve climate change goals where public open space is an important option for significantly increasing tree cover in the region.	
Benefits			
Benefits of applying the QM - social	Open space provides opportunity for recreational benefits – both informal and organised. This has both physical and mental health and social (people gathering) benefits. In coastal and riparian locations, open space provides public access to the coast and rivers, streams.	Increased accessibility between housing and open space, particularly for those houses developed on portions of open space.	The same or similar benefits apply as for Option 2 but of a lesser scale and significance (as housing occupies a greater percentage of open space).
Benefits - economic	A dispersed pattern of open spaces provides greater accessibility to residents across the region. This may reduce commute distances and times and therefore costs. A greater number of residents benefit from the increase in land values that open space affords.	Increase land available for housing. This land includes sites that are well suited to intensive housing. E.g. within centres and adjacent to transport routes. Income derived from the sale/development of portions of open space can be reinvested in remaining existing open spaces.	The same or similar benefits apply as for Option 2 but of a greater scale and significance.

Qualifying matter	Option 1 Status Quo – Residential and or commercial development is not provided for in the Open space zones	Option–2 Provide for residential and or commercial development on a portion of open space(e.g. within the allowable building	Option 3 – provide for residential and or commercial development in open space zones
Benefits – environmental	Open space performs an important ecological role, protecting and supporting habitats and assisting with the management of stormwater. In coastal and riparian locations, open space provides environmental enhancement of the coast and rivers, streams.	Enhanced amenity values for housing that is located on portions of open space. Ability to undertake environmental enhancement of remaining existing open spaces (see economic benefits above).	The same or similar benefits apply as for Option 2 but of a lesser scale and significance (as housing occupies a greater percentage of open space).

27. Option 1 is the recommended option for the reasons outlined above.

Issue 2: Heights of buildings/structures and density or urban form in the open space zones

Options to be considered are:

- a) Status quo – retain existing height and density of built form standards in Open Space zones
- b) Increase heights for non residential buildings to be the same as the adjacent residential or business zone over part of the open space
- c) Increase heights for non residential buildings to be the same as the adjacent residential or business zone over all the open space

Qualifying matter	Option 1 Status Quo – Retain existing height and density of urban form standards	Option–2 Increase height and density of urban form standards to be the same as the adjacent residential or business zone over part of the open space(e.g., only in relation to land that is not open space – existing buildings, carparking)	Option 3 – Increase height and density of urban form standards to be the same as the adjacent residential
Costs			
Costs of applying QM – housing supply / capacity	Allowable building heights are significantly less than the adjacent residential and business zones. Additional height is not considered necessary.	A portion of the open space enables significantly higher buildings. Detracts from the amenity values of the open space and potentially, adjacent properties.	The same or similar costs apply as for Option 2 but of a greater scale and significance.
Costs: Social	The scale of development on open space remains low. Less opportunity for more intensive recreational facilities (e.g., multi-storey recreation facilities). (Note: currently, in the open space zones, new buildings that do not comply with one or more of the standards are a discretionary activity)	Loss of the feeling of “openness” and spaciousness of the open space. Detracts from the amenity values of the open space and potentially, adjacent properties. Costs could be mitigated by only applying greater building heights to some categories of open space e.g., Open Space – Sport and Active Recreation zone. (Note: currently, in the open space zones, new buildings that do not comply with one or more of the standards are a discretionary activity)	The same or similar costs apply as for Option 2 but of a greater scale and significance.
Costs: Economic (not otherwise)	An increasing amount of open	Reduced accessibility to open space for some	The same or similar costs apply as for Option 2 but

Qualifying matter	Option 1 Status Quo – Retain existing height and density of urban form standards	Option–2 Increase height and density of urban form standards to be the same as the adjacent residential or business zone over part of the open space(e.g., only in relation to land that is not open space – existing buildings, carparking)	Option 3 – Increase height and density of urban form standards to be the same as the adjacent residential
covered by housing capacity issues)	space in other locations is required if existing open spaces are not able to be used more efficiently, with higher buildings.	residents and workers (where portions of open space are developed with higher buildings).	of a greater scale and significance
Costs: Environmental	A less compact city requires greater commuting. If this occurs using private vehicles there is greater potential for traffic congestion and air pollution. Less efficient use of open space thereby requiring additional open space in greenfield areas.	Potential loss of open space and its ecological functions of protecting habitats and assisting in the management of stormwater (where portions of open space are developed with higher buildings). In coastal and riparian locations, loss of open space and the opportunity for environmental enhancement of the coastal margins. Visual effects of higher buildings on the natural character of the coast and margins of lakes, rivers and streams.	The same or similar costs apply as for Option 2 but of a greater scale and significance
Benefits			
Benefits of applying the QM - social	Open space continues to provide opportunity for recreation – both informal and organised.	Increased accessibility between housing and commercial activities (including commercial recreation) open space, particularly for those	The same or similar benefits apply as for Option 2 but of a lesser scale and significance (as higher buildings occupy a greater percentage of open space).

Qualifying matter	Option 1 Status Quo – Retain existing height and density of urban form standards	Option–2 Increase height and density of urban form standards to be the same as the adjacent residential or business zone over part of the open space(e.g., only in relation to land that is not open space – existing buildings, carparking)	Option 3 – Increase height and density of urban form standards to be the same as the adjacent residential
	Open spaces are not dominated by high buildings/structures. This has both physical and mental health and social(people gathering) benefits. In coastal and riparian locations, open space continues to provide public access to the coast and rivers, streams. This is `not obstructed by high buildings and structures.	houses developed on portions of open space. Potential for greater use of underutilised open spaces. Increased opportunity for social interaction.	
Benefits - economic	A dispersed pattern of open spaces provides greater accessibility to a greater number of residents across the region. A greater number of residents benefit from the increase in land values that open space affords.	Increased land available for higher buildings within the urban environment. This land includes sites that are well suited to intensive housing, commercial and recreation uses e.g., within centres, adjacent to transport routes. Income derived from the sale/development of portions of open space at greater heights can be reinvested in remaining existing open spaces.	The same or similar benefits apply as for Option 2 but of a greater scale and significance.

Qualifying matter	Option 1 Status Quo – Retain existing height and density of urban form standards	Option–2 Increase height and density of urban form standards to be the same as the adjacent residential or business zone over part of the open space(e.g., only in relation to land that is not open space – existing buildings, carparking)	Option 3 – Increase height and density of urban form standards to be the same as the adjacent residential
Benefits – environmental	Retention of open space that performs an important ecological role, protecting habitats and assisting in the management of stormwater. In coastal and riparian locations, open space provides environmental enhancement of the coast and rivers, as they are largely unaffected by buildings and structures.	Enhanced amenity values for land uses, particularly housing that is located on portions of open space. Greater ability to undertake environmental enhancement of remaining existing open spaces (from the income derived from sale /development - see economic benefits above).	The same or similar benefits apply as for Option 2 but of a lesser scale and significance (as housing occupies a greater percentage of open space).

Analysis

28. Option 1 is the preferred option and the option of having no rules is examined in the evaluation below.
29. If Council wishes to intensify Open Space zones as per the requirements of Schedule 3C cl.4(1)(b) or(c) of the RMA and Policy 3 of the NPS - UD it should dispose of the open space land through a formal process and re-zone that land to another urban or rural zoning through a plan change to the AUP. This does happen through the work of the Auckland Urban Development Office
30. Residential or non- residential intensification on open space land is inconsistent with the function of Open Space and public expectations of how parks should operate.

Risks or acting or not acting.

31. Provision for residential and or commercial land uses and development and providing for increased heights and density of urban form of buildings/structures in the Open Space Zones:

Risk of acting:

- a. loss of valuable open spaces at a time when Auckland is intensifying and the need for open space is increasing
- b. reduced accessibility to open space, increased commute distances and times
- c. loss of ecological function - protecting habitats and assisting in the management of stormwater
- d. in coastal and riparian locations, open space provides environmental enhancement of the coast and rivers, streams
- e. reduced likelihood of achieving a well-functioning urban environment
- f. detraction from amenity values of the open space and potentially adjacent properties from higher buildings
- g. loss of the feeling of openness and spaciousness
- h. visual effect of higher buildings on the natural character of the coast, and margins of lakes, rivers and streams
- i. significant public opposition (as evidenced by Eke Panuku land rationalisation proposals through the open space plan changes).

Risk of not acting:

- a. 7857.45 ha of land in urban Auckland is unavailable for housing
- b. land supply is slightly constrained by the qualifying matter
- c. open space land includes sites that are well suited to intensive housing e.g. within centres, adjacent to transport routes, infrastructure ready
- d. a less compact city that requires greater commuting to access open space opportunities.
- e. less opportunity for more intensive recreational facilities (e.g., multi-storey recreation facilities)
- f. increasing amount of open space is required in other locations if existing open spaces are not able to be used more efficiently
- g. less efficient use of open space thereby requiring additional open space in greenfield areas.

- 32. The additional land that would be made available for housing and businesses uses, often in highly desirable locations, versus the provision of open space for the recreation needs of the community and its ecological role of protecting habitats and assisting in the management of stormwater. In coastal and riparian locations, open space provides access to, and environmental enhancement of, the coast, rivers and streams.
- 33. While additional land could be made available for housing and commercial uses, there is less likelihood of achieving a well-functioning urban environment which seeks that there is 'good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces (see Policy 1 of the NPS-UD).
- 34. PC120 is intended to give effect to NPS-UD and the RMA by enabling more growth in Auckland. Open space is recognised in Section 77I in accordance with Schedule 3C cls.8(1)(a) as a qualifying matter in its own right.

35. Open space as an existing qualifying matter does not impact on the ability of the Council to provide for a variety of housing or sites that are suitable for business sectors to develop. This is because it is currently envisaged to be utilised for these purposes (development applications for such uses would be assessed as non-complying activities under the AUP). There is also sufficient opportunity for housing and business activities through the existing appropriately zoned land.
36. Retention of the existing open space zones and the spatial distribution of those zones (i.e., a dispersed pattern across the region) is both an efficient and effective way of giving effect to the requirements of the NPS: UD, the objectives of PC120 and the relevant objectives in the RPS.

Effectiveness and efficiency

37. Option 1 is an efficient and effective method that achieves low cost and high benefits by retaining the five open space zones as existing qualifying matters and upholding current height and density standards for buildings located in those open space zones as provided for in the AUP.

Description of how the qualifying matter is to be implemented

38. Open space is provided for public use but only in relation to land that is open space as a qualifying matter is to be implemented via the AUP's existing open space zones (i.e., the status quo). These zones are:
 - a) Open Space Conservation zone
 - b) Open Space- Informal Recreation zone
 - c) Open Space Sports & Active Recreation Zone
 - d) Open Space Civic Spaces zone and
 - e) Open Space Community Zone.
39. The reference to "but only in relation to land that is open space" in the NPS: UD has been interpreted as all land zoned open space. There may be parts of open space zoned land that provide community infrastructure such as car parking and/or buildings and structures. These are very much part of the efficient and effective operation of the open space and facilitate its use and enjoyment. For example, clubrooms are often located on sports fields but are still part of the "open space". In addition, existing buildings can be removed, or new buildings developed over time, so that part of the open space that "is open space" changes. For this reason, no changes to the extent of the open space zones to "carve out" areas used for buildings or parking, or other structures are proposed.
40. No changes to the Chapter H7 activity table (to provide for residential or commercial land uses) or to any of the standards, including height, are proposed.

Overall conclusion

41. Open Space as a qualifying matter does not have an effect on the ability to accommodate a variety of housing or sites that are suitable for different business sectors to utilise as the land is not currently able to be utilised for these purposes (resource consent applications for that type of development would be non – complying activities under the AUP).
42. Given the increase in development opportunities that the NPS: UD enables and the supply of land available for development over the next 30 years, additional opportunities for housing and business activities for housing and commercial activities through providing open space zoned land for those activities are not required.
43. Existing and future additional open spaces are, however, required to achieve a well – functioning urban environment(see policy 1 below):

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

- a) have or enable a variety of homes that:*
 - i. meet the needs, in terms of type, price, and location, of different households; and*
 - ii. enable Māori to express their cultural traditions and norms; and*
- b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- e) support reductions in greenhouse gas emissions; and*
- f) are resilient to the likely current and future effects of climate change.*
44. Parts of Auckland already have a deficiency in open space (refer to open space network plans). This means that existing open space will be valued more as people living in more intensive residential neighbourhoods seek open space opportunities for formal and informal recreation.
45. There is a process in place in Auckland Council, managed by the Auckland Urban Development Office which reviews underutilised open space and implements a plan change should an alternative zoning be required in advance of divestment.
46. Open spaces that are vested as reserve are required under Reserves Act 1977 to have their vesting revoked before they can be sold or used for other purposes, such

as residential or commercial activities. Over half of all existing open spaces are vested as reserve.

47. This section 32 assessment concludes that Option 1 – Status Quo – residential and or business development is not provided for in the open space zones, is the recommended option.
48. The height and density of urban form standards in the AUP were subject to a number of submissions during that plan process in 2015-2016. There is the opportunity through a resource consent application to apply for increased height and density of urban form. There is a close relationship between the zoning of the land, the non-provision for residential and commercial land uses and the development standards, including height, relating to buildings and structures.
49. This section 32 assessment concludes that Option 1 - Status Quo – retain existing height and density of urban form standards, is the appropriate option for PC120.
50. The principal reasons for the recommended option is that the alternative options would result in:
 - (a) loss of valuable open space at a time when Auckland is intensifying and the need for open space is increasing
 - (b) reduced accessibility to open space, increased distance and travel times to open space
 - (c) loss of ecological function - protecting habitats and assisting in the management of stormwater
 - (d) in coastal and riparian locations, open space provides environmental enhancement of the coast, rivers and streams
 - (e) reduced likelihood of achieving a well-functioning urban environment
 - (f) detracting from amenity values of the open space and potentially adjacent properties from higher buildings
 - (h) visual effects of higher buildings on the natural character of the coast, and margins of lakes, rivers and streams.
51. The effect of the Open Space Qualifying matter on the level of development enabled by Schedule 3C of the RMA and Policy 3 of the NPS-UD is low. Open space contributes to a well-functioning urban environment and has a very limited impact on the intensification requirement sought by Schedule 3C of the RMA and Policy 3 of the NPS-UD.

Consultation summary

1. 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