



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:

Combined Wastewater Servicing Constraint

EVALUATION REPORT

Table of Contents

Executive Summary.....	3
Introduction	5
Integrated evaluation for qualifying matters.....	6
Issues.....	8
Development of Options.....	13
Consequences for development capacity.....	17
Evaluation of options	17
Risks or acting or not acting.....	21
Effectiveness and efficiency.....	22
Description of how the qualifying matter is to be implemented	22
Conclusion.....	22
47. In conclusion:.....	22
Consultation summary	23

Executive Summary

This evaluation report supports Proposed Plan Change 120 (**PC120**) to the Auckland Unitary Plan (Operative in Part), assessing the Combined Wastewater Servicing Constraint as a qualifying matter (**QM**) under Section 32 and Schedule 3C of the Resource Management Act 1991 (**RMA**). The QM applies to 15,008 residential zoned sites that are connected to the Combined Wastewater Network in the Auckland Isthmus, where servicing constraints limit the feasibility of intensification.

The Combined Wastewater Servicing Constraint QM addresses existing limitations in the Combined Wastewater Network, which collects both stormwater and wastewater. The overflows from the Combined Wastewater Network pose public health and environmental risks that are increased with more frequent rain events and increases of domestic wastewater. Many of the affected sites are proposed for intensification due to their proximity to rapid transit stations, the city centre and other centres. The areas that the combined waste water network applies to is mapped in Appendix 1.

The QM is considered to align with the Auckland Regional Policy Statement (**ARPS**) objectives:

- B2.2.1(1): Compact urban form and efficient infrastructure use.
- B2.4.2(4) & (6): Lower intensity in constrained areas and infrastructure-first development.
- B3.2.1(5) & B3.2.2(4): Integration of land use and infrastructure planning.

As alternative methods (e.g., on-site storage, community solutions) were considered impractical, three options based on using the RMA tools of the Auckland Unitary Plan (Operative in Part) were identified and evaluated. There were:

1. Status Quo – retain current zoning that limits development.
2. Directed Development – enable intensification without applying the QM and rely on the Water Supply and Wastewater Network Bylaw 2015 to manage connections.
3. QM Approach – rezone the sites in accordance with clause 4(1)(b) of Schedule 3C of the RMA and the implementation of policy 3 of the National Policy Statement on Urban Development (**NPS-UD**) and apply control layer that requires resource consent for new dwellings, subdivision and certain permitted activities.

The QM in reality does not significantly reduce enabled capacity, as the constraints exist regardless of the QM, and development of the 15,008 residential zoned sites will be delayed if they cannot get permission to connect to the Combined Wastewater Network until infrastructure upgrades are completed. However, the application of the QM (Option 3) is preferred because of its transparency as it is shown in the Auckland Unitary Plan (Operative in Part) maps and zone text and applies to the specific sites affected.

The QM could result in reduced overflows and will result in alignment of development with infrastructure planning. It will more clearly cause delays in achieving development to the height and density sought through clause 4(1)(b) of Schedule 3C of the RMA and policy 3 of the NPS-UD and will trigger resource consent requirements. However, delays in achieving

development to the height and density sought through clause 4(1)(b) of Schedule 3C of the RMA and policy 3 of the NPS-UD on the 15,008 residential zoned sites would occur in any case as connection to the networks by enabling development on the sites can be declined under the Water Supply and Wastewater Network Bylaw 2015. Either way, development is delayed. The QM however, avoids unforeseen consequences and supports infrastructure alignment and is the most efficient and effective method to manage development until infrastructure is upgraded.

The QM is implemented through a Combined Wastewater Network Control layer being included in the planning maps and activity tables in the residential zones being amended to require restricted discretionary activity status for development and subdivision on affected sites.

The conclusion is that the QM ensures that development on the 15,008 sites is only enabled where and when infrastructure can support it. It is noted that this is a temporary constraint that will be lifted as upgrades to the stormwater networks in the areas the sites are connected to are completed. The approach balances enabling development with protecting public health and the environment.

Introduction

1. This report is prepared as part of the evaluation required by Section 32 and Schedule 3C of the RMA for Proposed Plan Change 120 to the Auckland Unitary Plan (Operative in Part) (**AUP**).
2. The background to and objectives of PC120 are discussed in the overview report, as is the purpose and required content of evaluations under section 32 and Schedule 3C of the RMA.
3. This report discusses the implications of applying the Combined Wastewater Servicing Constraint as a QM to 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 which have been included in PC120 relating to intensification on sites that are connected to the Combined Wastewater Network. Restrictions on intensification need to be in place because of the limited capacity in some areas for the Combined Wastewater Network to collect both stormwater and wastewater during some rain events and the resulting public health and environmental issues associated with overflows from the network.
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.

Integrated evaluation for qualifying matters

7. For the purposes of PC120, evaluation of the Combined Wastewater Servicing Constraint 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.
8. 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 QM 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 QM
 - section 32 options analysis for this QM and related amendments
 - review of Watercare datasets related to sites within the combined wastewater network.
9. The scale and significance of the issues is assessed to be medium.
10. 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 not currently operative in the AUP and**
- **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**

Standard s32 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 a qualifying matter and describe the qualifying matter.
Identify and discuss objectives / outcomes	Identify relevant ARPS / district level objectives and policies. Describe why the Council considers that 1 or more qualifying matters apply to the identified areas, and whether the qualifying matter is incompatible with the level of development provided by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD for that area. 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.
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) of Schedule 3C of the RMA and/or Policy 3 of the NPS-UD and assess the efficiency and effectiveness of the provisions. Site-specific analysis that evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter.
Collect information on the selected option(s)	Assess the impact that limiting development capacity, building heights or density (as relevant) will have on the provision of development capacity. Site-specific analysis that evaluates an appropriate range of options to achieve the greatest heights and densities specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD while managing the specific characteristics.

Evaluate options – costs for housing capacity	Assess the costs and broader impacts of imposing those limits on development capacity.
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.
Selected method / approach	Describe how the preferred approach to implementing the qualifying manner is limited to only those modifications to the extent necessary to accommodate the qualifying matter; and how the qualifying matter is applied.
Overall judgement as to the better option (taking into account risks of acting or not acting)	Conclusion as to the implications of the qualifying matter for development capacity to be enabled by NPS-UD in the areas where the qualifying matter applies.

Issues

11. The QM being evaluated is the Combined Wastewater Servicing Constraint (in the form of the Combined Wastewater Network Control). This has been applied to specific sites within the Auckland Isthmus area that are currently connected to wastewater networks that collect both wastewater and stormwater in a single piped system i.e. “the combined wastewater network”.
12. The combined wastewater network consists of pipes, pump stations, engineered overflow points (**EOPs**) and manholes and the wastewater and stormwater collected from connected properties and from roads. The combined wastewater network collects wastewater from domestic and non-domestic properties as well as stormwater runoff from private properties and roadside catchpits. During rain events the stormwater runoff from connected properties and roads leads to a substantial increase in combined flows. These flows can sometimes exceed the capacity of the combined wastewater network and result in combined sewage overflows at EOPs, pump stations and possibly manholes along the network. EOPs are located in parks, some discharge to the coast and some are located on private properties (in people’s back yards). The effects of overflows are compounded during long duration flood events.
13. Overloading of the combined wastewater networks is highly likely to result in an increase in wastewater overflow events at EOPs, pump stations, and at manholes due to significantly greater flows during and after wet weather events. This will inevitably lead to unavoidable adverse environmental effects and potentially public health risks in

some locations (such as at recreational swimming sites). The qualifying matter has therefore been applied to 12,584 residential zoned sites that are connected to a combined wastewater network because of existing servicing constraints.

14. Most of the identified combined wastewater networks in the Auckland isthmus area that the 12,584 residential sites proposed to be subject to the QM are connected to, are constrained because of either historical or environmental factors. Some parts of the networks date back to the early twentieth century.
15. In the past, the majority of the sites connected to the combined wastewater network have been identified as 'special character' or limited to low density development with the application of the Residential Single House zone or a zone that triggers the need for resource consent, requiring consideration of effects on the wastewater network.
16. However, with PC120 many of the sites are proposed to have more intensive zoning because they are within walkable catchments of the existing rapid transit stops (for example the stations along the Western Line), or are on the edge of city centre zones or the edge of metropolitan centre zones. As noted under policy 3 of the NPS-UD, they are the locations where intensification is expected to occur.
17. Some sites located in the walkable catchments that are defined by PC120 of the Maungawhau (Mount Eden), Kingsland, and Morningside Stations are enabled under clause 4(1)(b) of Schedule 3C to reach 15 storeys. Some of the sites currently have multiple dwellings on them due to historic development. However, the intensification enabled under policy 3 and required under clause 4(1)(b) of Schedule 3C would enable further development to occur.
18. The QM is therefore applied to 12,584 sites that are either upzoned through PC120 or where there is an increase in height as a result of clause 4(1)(b) of Schedule 3C and policy 3. The purpose of the QM is to make it clear that assessment of any proposed redevelopment or subdivision of these sites (whichever comes first) is required through a resource consent process in order to confirm whether separation of stormwater and wastewater for that site is / has occurred, and whether the improvements planned by Watercare are or Auckland Council are already in place or advanced sufficiently to enable consent to be granted.
19. While the focus of the QM is new residential dwellings, there are other non- residential and commercial activities in the residential zones that would be permitted under PC120 as proposed that could impact the capacity and performance of the combined network. Therefore, where activities that are permitted could result in an increase in the volume of discharges, they are also subject to the QM. In addition, the QM is included as a consideration in the assessment of subdivision proposals.
20. The potential for overflows of domestic wastewater from new residential connections resulting from an increase in the number of residential units enabled by PC120 is incompatible with the level of development provided by clause 4(1)(b) of Schedule 3C

or policy 3 of the NPS-UD due to the density that is permitted in combination with the height enabled. Enabling the development under clause 4(1)(b) of Schedule 3C or policy 3 of the NPS-UD would place more pressure on the capacity of these combined wastewater networks and inevitably if permitted without consideration, would result in unavoidable adverse environmental effects and potentially public health risks. Alternatively, investment in terms of land purchase and / financing of projects would be encouraged due to the zoning, but holding costs would be incurred if at a later date a proposal was stopped as it was not allowed to connect to the network.

21. There is work underway by Watercare Services Limited (**Watercare**) to improve the capacity of combined wastewater networks and to separate the stormwater. Watercare has new sewers and new pump stations that are planned, some are consented and some will be delivered in the short to medium term. These will capture and direct wastewater from the combined wastewater networks they connect to, to the Central Interceptor. This new work is expected to assist in managing the existing frequency and volume of wastewater overflow events. In addition, redevelopment of sites will result in separation of stormwater and wastewater on redeveloped sites.
22. Where on-site separation is combined with stormwater separation projects and new public stormwater pipelines being delivered by Auckland Council, there are expected to be reductions in the frequency and volume of wastewater overflow events. The combined wastewater catchments with existing capacity constraints are described in Appendix 1 – Combined waste water network map. In these areas, the work to reduce spills or to create separate stormwater and wastewater networks is not expected to be sufficiently advanced to result in the identified sites being able to be developed in the short (defined in the NPS-UD as within the next 3 years) or medium term (defined in the NPS-UD as between 3 and 10 years).
23. The planned improvements will not all be delivered at the same time and to all sites. Therefore, in the short term, while measures such as stormwater detention tanks are required by Auckland Council on redevelopment of a site, existing and new stormwater flows discharging into the combined wastewater network from sites (even if delayed) will continue to limit the capacity available for new wastewater connections.
Objectives and Policies (existing)
24. The relevant AUP objectives and policies that support the Combined Wastewater Servicing Constraint qualifying matter are as shown in Table 2 below.

AUP Chapter	Objective / Policy	Summary of matter addressed
Auckland Regional Policy Statement B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form	Objective B2.2.1(1) A quality compact urban form that enables all of the following: (a) a higher-quality urban environment; (b) greater productivity and economic growth; (c) better use of existing infrastructure and efficient provision of new infrastructure; (d) improved and more effective public transport; (e) greater social and cultural vitality; (f) better maintenance of rural character and rural productivity; and (g) reduced adverse environmental effects <i>Policy B2.4.2.(4)</i> Provide for lower residential intensity in areas: (a) that are not close to centres and public transport; (b) that are subject to high environmental constraints; (c) where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character; (d) where there is a suburban area with an existing neighbourhood character; and (e) where there are other qualifying matters listed in	This objective underpins the strategic alignment of land use and infrastructure planning as it supports zoning patterns that maximize land efficiency and coordinate development capacity with infrastructure delivery. The provision of the Combined Wastewater Services Constraint will support the objectives as it will enable a higher -quality urban environment, sequence development to align with improvements to existing infrastructure and ensure that adverse environmental effects are not exacerbated. The ARPS has a strong focus on the integration of development with the provision of appropriate infrastructure and the efficient provision of infrastructure. For example, ARPS (Policy B2.4.2.(4)) recognises that lower residential intensity is appropriate in areas that are subject to high environmental constraints and B2.4.2.(6) which also relates to residential intensification, requires council to ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification. Enabling densities on sites with existing wastewater servicing constraints in the expected life of the current AUP will not be consistent with direction set by

AUP Chapter	Objective / Policy	Summary of matter addressed
	Chapter A that justify that limitation. <i>Policy B2.4.2.(6)</i> Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification, including, as a qualifying matter, limiting intensification prior to upgrade of capacity in areas of known water and wastewater infrastructure constraints.	the ARPS and in particular Policy B2.4.2.(6).
	Objective B3.2.1 (5) Infrastructure planning and land use planning are integrated to service growth efficiently. Policy B3.2.2.(4) Avoid where practicable, or otherwise remedy or mitigate, adverse effects of subdivision, use and development on infrastructure.	The application of the Combined Wastewater Services Constraint supports the objective, as it will ensure that landuse planning is integrated with infrastructure planning. It is a method that implements Policy B3.2.2(4).

25. These objectives and policies are relevant to the QM as they reflect the outcome of the approach taken through the Proposed AUP hearings process 2014 – 2016. The Auckland Regional Policy Statement 2016 (“ARPS”) policies as outlined in council evidence at the hearings to the Proposed AUP¹ resulted in the down-zoning of sites to Single House Zone where infrastructure constraints were present. In the case of the Mixed Housing Urban and Terrace Housing and Apartment Buildings zones, it was important to ensure that resource consents were not approved for development that was unable to be serviced without generating significant environmental or health and safety effects.
26. Connecting the level of development specified by clause 4(1)(b) or Policy 3 to the sites connected to the combined wastewater network without the application of the QM will

¹ Statement Of Evidence Of Nicholas Jon Roberts On Behalf Of Auckland Council Planning – Residential Zones 9 September 2015, Topics: 059 Residential objectives and policies; 060 Residential activities; 062 Residential development controls; and 063 Residential controls and assessment para 20.64

result in adverse effects, because either the resulting overflows during wet weather events are unable to be avoided or developers will only learn about the limited capacity when they apply for a connection(s) to the network. This usually occurs after developers have incurred significant expense.

27. The Combined Wastewater Servicing Constraints QM is designed to ensure intensification does not occur on sites that currently have servicing constraints until an adequate level of service can be provided. The QM will ensure:
- a well-functioning urban environment is maintained in areas with identified wastewater servicing constraints
 - people and communities in these areas can continue to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
 - intensification is integrated with infrastructure planning and funding decisions
 - intensification is adequately serviced by wastewater infrastructure.
28. The Combined Wastewater Servicing Constraints QM will not frustrate the outcomes to be achieved by the NPS-UD over the next 30 years nor unnecessarily constrain intensification in urban Auckland because:
- it is applied to 12,584 sites; a small proportion of the total number of residential zoned sites
 - the constraint will be uplifted once upgrades to infrastructure have been completed, or new infrastructure is provided to service the identified sites.

Development of Options

29. 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.

30. In addition, as the Combined Wastewater Networks Constraint QM is a qualifying matter that is "any other matter that makes higher density, as specified by clause 4(1)(b) of Schedule 3C of the RMA and policy 3 of the NPS-UD inappropriate in an area", a site specific analysis is required that evaluates an appropriate range of options to achieve the greatest heights and densities specified by clause 4(1)(b) of Schedule 3C of the RMA and by policy 3 of the NPS-UD, while managing the specific characteristics.
31. The three options that have been evaluated in the section 32 and Schedule 3C assessment of the Combined Wastewater Servicing Constraints QM are:
 - **Option 1: Status Quo** – dwelling densities, heights and activities provided for as permitted activities in the current AUP residential zones and current zones as applied in the current AUP on the sites connected to the Combined Wastewater Networks
 - **Option 2: Directed development** – dwelling densities and heights and activity status provided for under Clause 4(1)(b) of Schedule 3C of the RMA and/or policy 3 of the NPS-UD on sites connected to the Combined Wastewater Networks resulting from changes to the zone rules (such as increased heights and by way of rezoning) and rely on Te Ture ā-Rohe Whakaroto Wai me te Pae Kōtuitui Wai Para 2015 / Water Supply and Wastewater Network Bylaw 2015 to manage effects of development on the sites
 - **Option 3: QM-** activity status to be included in the residential zones applied to dwellings on the sites in areas subject to the Combined Wastewater Network.
32. Given the specific nature of the Combined Wastewater Network, there are a limited number of alternative standards or methods that were able to be identified to achieve greater heights and densities on the 12,584 sites subject to the QM.
33. It is possible that there are market led methods that could be used where network capacity becomes a 'tradeable commodity'. 'Buying' capacity from adjacent sites connected to the network may be possible but this would not guarantee scale. Developing 'community solutions' may be achievable (with scale) but would need to be

agreed by Watercare. On site storage of wastewater and tankering the waste to a treatment plant has occurred elsewhere in advance of bulk services being upgraded however experiences with these schemes in the region suggests that this would be unacceptable in isthmus Auckland.

Table 3 below provides a comparison between the options.

Option 1	Option 2	Option 3
Large numbers of sites connected to the combined wastewater network are zoned Single House zone. This zone permits an existing dwelling prior to 30 September 2013 to be converted to two dwellings. In addition, a large site could be subdivided into vacant lots or an existing house could be subdivided around to create a new vacant lot. In the Mixed Housing Suburban and Urban zones, up to three dwellings are permitted on a site and a dwelling that existed prior to 30 September 2013 to be converted to two dwellings. In addition, a large site could be subdivided into vacant lots or an existing house could be subdivided around to create a new vacant lot. Four or more dwellings and integrated residential developments and supported residential care accommodating greater than 10 people per site would require assessment as a restricted discretionary activity.	Sites within walkable catchments have their zoning changed to another more intensive zone or Terrace Housing and Apartment Buildings zone with an increased height due to their location. Increased height • 6 storeys / 22m • 10 storeys / 31.5m • 15 storeys / 50m Activity status under the operative zone is largely unchanged. Developers find out that a development is unable to connect to the combined wastewater network when they apply for a connection to Watercare. This process normally occurs towards the end of the building consent phase.	The presence of the QM is transparent as the AUP planning maps show the sites that are connected to the combined wastewater network. The capacity of the network must be assessed as part of the resource consent process in terms of development of the site. This may prove that the site is in an area where it is possible to connect to an existing separated local stormwater pipe that is part of the public stormwater network. It may also mean that the developer is able to consider if it is possible to mitigate the capacity issues in some way. Other permitted activities are also proposed to be subject to the QM.

In the Terrace Housing and Apartment Buildings zone, dwellings and integrated residential developments and supported residential care accommodating greater than 10 people per site would require assessment as a restricted discretionary activity. Developers may find out that the development is unable to connect to the combined wastewater network when they apply to Watercare for a connection. This process normally occurs towards the end of the building consent phase.		
--	--	--

34. Option 1 would be the primary option for addressing the issue that the QM seeks to manage as it keeps the zoning unchanged and does not to intensify development opportunities on the identified sites until the relevant combined wastewater networks and related stormwater networks are upgraded and capacity is provided. PC120 proposes significant changes to the urban parts of the AUP. A key requirement (set by central government) has been to achieve the same or more capacity for development as PC78. In the context of this particular requirement in clause 4(1)(b) of Schedule 3C of the RMA and policy 3 of the NPS-UD it is clear that this is not an option.
35. Development capacity is required to be increased in walkable catchments by enabling intensification around key public transport infrastructure. However not all of the development is “feasible” at the present time in terms of the capacity of the combined wastewater network. Instead of the QM the existing process could have been retained if relying on the developer confirming with Watercare that the development can connect to the network. Currently, the ability to connect a new dwelling or high occupant activity to the combined wastewater network is considered under the Te Ture ā-Rohe Whakaroto Wai me te Pae Kōtuitui Wai Para 2015 Water Supply and Wastewater Network Bylaw 2015.
36. The Bylaw states that no person may discharge to the wastewater network except through an authorised connection to the network or otherwise as approved by Watercare. The Bylaw also states that stormwater is only directed to the combined system in a combined system area with council approval as a resource consent authority or building consent authority and there is no provision for separate stormwater drainage. As a result of an assessment under the Bylaw, connection may be declined if there is no network to connect to, or the network is constrained.

37. The ability to connect to the combined wastewater network is considered by the council through the resource consent process or at the stage of a building consent. However, this process is not transparent to all and may disadvantage some and result in unforeseen consequences and pressure on Council and Watercare due to the level of work and expense developer may have expended. That is why the option was not adopted.

Consequences for development capacity

38. The consequences for the provision of development capacity by accommodating the Combined Wastewater Network Constraint QM is not significant in reality as the constraint is present whether or not the QM is included in the AUP. Therefore, there is no effect on enabled development capacity as for many sites redevelopment and an increase in density it is not currently feasible. In addition, the QM can be removed from sites if and when the planned infrastructure upgrades occur or a resource consent could be applied for in the interim if there has been an increase in capacity.

Evaluation of options

39. To determine the most appropriate response for Combined Wastewater Network Constraint as a QM, each of the options needs to be evaluated in the context of the objectives and policy 3 of the NPS-UD.

Table 4 Evaluation of Options

Qualifying matter	Option 1	Option-2	Option 3 –
Costs			
Costs of applying QM – housing supply / capacity	Many of the 12584 sites identified with constraints are unlikely to be further developed as they are in the Single House Zone currently and there is already one dwelling on the site. Elsewhere development is not feasible and is largely reflected in the operative zoning pattern	There may be some sites which are developed that are not able to connect to the combined wastewater network and this is not identified until towards the end of the consenting process. This could mean that buildings are not able to be occupied if they have been built or developers have to provide alternative solutions. development is not feasible but this is not reflected in the AUP	No change from the status quo in terms of needing a resource consent. However, the proposed qualifying matter provisions and assessment criteria may mean either a significant reduction in the number of dwellings potentially provided for or that it is made clear that development is not currently feasible as it is clearly shown what the constraint is.
Costs: Social	Wider community concern about not enough housing supply with	While development at the level enabled if connected to the combined wastewater	Delays in achieving the level of development capacity envisaged by the NPSUD until the

Qualifying matter	Option 1	Option–2	Option 3 –
	consequential cost of housing.	network would result in an increase in overflows of untreated wastewater to freshwater and coastal water, and onto private and public property, during wet and dry weather with associated nuisance, odour and public health risks; and reduction in public access to waterways and beaches because of poor water quality due to new connections to existing constrained wastewater networks however this is unlikely as connection to the network would not be granted by Watercare. There is the potential for developers to propose for on-site wastewater solutions with associated risk of nuisance and failures in maintenance Reduced mental health and wellbeing of residents associated with overflows	necessary upgrades to the wastewater infrastructure have been completed. Holding costs (interest etc) related to delays in selling land /development Existing development remains on some sites and may not be upgraded causing some sites to appear dilapidated.
Costs: Economic (not otherwise covered by housing capacity issues)	Wider community concern about cost of housing. In the meantime, some sites single family homes may have more investment in them (gentrification)	Developers may propose to fund interim solutions for enabled development until the permanent network is upgraded or constructed including paying for delivery of new infrastructure or for example in some instances tankering out wastewater. Watercare and the council may be placed under pressure to meet the cost of network capacity improvements through interim measures that are in	Cost of the resource consent process and servicing costs. Holding costs (interest etc) related to delays in selling a site subject to wastewater servicing constraints. Developers have to fund assessments of networks and may not be able to recover the cost for development. Existing development remains on some sites and may not be upgraded causing some sites to

Qualifying matter	Option 1	Option–2	Option 3 –
		time replaced by permanent solutions. Clean up costs associated with more frequent wastewater overflows mixing with flood waters are met by ratepayers and insurers. Costs of the clean-ups from the impacts outlined above will increase primarily from increased heavy rainfall events due to climate change. Fines may be imposed from environmental liability for unlawful discharge on developers and on Watercare / Council in terms of their network discharge consents.	appear run down with blight occurring. Some sites remain with single family homes that may have more investment (gentrification) that means that when the constraint is uplifted it may be too costly for the land to be developed.
Costs: Environmental	Development on sites will continue to result in overflows of untreated wastewater in some areas.	Potential increase in overflows of untreated wastewater from the combined wastewater network to freshwater and coastal water, and onto private and public property, during wet and dry weather Inability to meet overflow targets as prescribed in Watercare's wastewater network discharge consent. Impacts outlined above will increase primarily from increased heavy rainfall events due to climate change.	Development on sites that are not constrained will advance and there may be increases in emissions from residents having to travel further as some of these sites on the urban edges will be served by newer infrastructure.
Benefits			

Qualifying matter	Option 1	Option–2	Option 3 –
Benefits of applying the QM - social			Houses are not constructed on sites where there is no or inadequate water and wastewater services until those services are available. Reduced risk of overflows of untreated wastewater from the combined wastewater network to freshwater and coastal water, and onto private and public property, during wet and dry weather.
Benefits - economic			The full development potential of sites may temporarily be limited in response to the constraint. Interim on site solutions may reduce development potential until the infrastructure is in place
Benefits – environmental			Ability to meet overflow targets as prescribed in Watercare’s wastewater network discharge consent. There is a decrease in the number and volume of overflows into streams in the Combined Wastewater Network areas. This is because sites are required to connect to existing separated local stormwater pipe where they are part of the public stormwater network. Where there is no separated local stormwater pipe that is part of the public stormwater network, they will have to show the environmental effects of the development are able to be managed in order to obtain consent.

Analysis

40. The cost of including the Combined Wastewater Servicing Constraint as a QM are:
- Resource consents will be required and may not be granted unless the applicant can demonstrate that the proposed development can be serviced by existing capacity in the wastewater network serving that site, or that the adverse effects are able to be managed by funding the required additional infrastructure or appropriate onsite mitigation
 - The development capacity enabled by PC120 in some parts of walkable catchments in the Isthmus area may not be realised for many years until the mapped control is removed when the constraint is uplifted, unless individual sites are large enough to provide on-site mitigation or other solutions can be found.
41. The benefits of including the Combined Wastewater Servicing Constraint as a QM are:
- Houses are not constructed on sites where there is no or inadequate wastewater services until those services are available
 - There is a reduced risk of overflows of untreated wastewater from the combined wastewater networks to freshwater and coastal water, and onto private and public property, during wet and dry weather
 - The constraint is applied on a temporary basis and will be removed when the required infrastructure is available
 - There may be the ability to enable interim on-site solutions in some instances
 - The overflow targets as prescribed in Watercare's wastewater network discharge consent is better able to be met which has a benefit for water quality and public health
 - There is a decrease in the number and volume of overflows into streams in the area served by the Combined Wastewater Network which has benefits for water quality and public health.

Risks or acting or not acting.

42. The risk of not introducing the Combined Wastewater Servicing Constraint as a QM is that the environment and the occupants of sites may experience the adverse effects of low levels of service if ad hoc development occurs as enabled for years until the required infrastructure is provided. The risk of not acting is that overflows may increase in volume and frequency if new developments on the identified sites occur. This is not a permanent effect as in time the capacity of parts of the combined wastewater network will connect to Watercare's Central Interceptor but will be a temporary effect that is unlikely to be adequately mitigated at a community level.
43. The risk of acting and introducing the Combined Wastewater Servicing Constraint as a qualifying matter is that up to 12,584 sites are subject to the possibility that resource consent for additional dwellings will not be granted unless the applicant can demonstrate that the proposed development can be serviced by existing capacity in the network serving that site, or that the adverse effects are able to be managed by funding the required additional infrastructure or appropriate onsite mitigation. However, in reality without the QM the development of the sites would not have been able to connect to the network, however it is possible that for many landowners /developers there would have been some financial or emotional cost incurred before this was found out.

44. The key trade-off of applying the constraint is that the owners of 12,584 individual sites may not be able to fully realise the development enabled under policy 3 until the mapped control is removed when the constraint is uplifted, unless the site they own is large enough to provide on-site mitigation.

Effectiveness and efficiency

45. Overall, including the Combined Wastewater Servicing Constraint as a qualifying matter is the most efficient and effective means of preventing and minimising the potential effects of enabling development as required on the environment until the constraint is able to be removed as the infrastructure is upgraded over the short to medium term. The QM provides granularity as it is applied to specific sites and is identified through the planning maps and through a Land Information Memorandum when sought.

Description of how the qualifying matter is to be implemented

46. The Combined Wastewater Servicing Constraint QM will be accommodated in PC120 through the following:
- Adding a “Infrastructure – Combined Wastewater Network Control” layer to the planning maps as a new control
 - Applying the control layers through mapping to residential zones where a site is identified by Watercare as having wastewater constraints
 - Amending the activity tables in the residential zones to require more than one dwelling on a site identified on the planning maps as being subject to the Combined Wastewater Network Control to be classified as a restricted discretionary activity and including matters of discretion and assessment criteria related to the site’s water and wastewater servicing.
 - Amending the activity tables for subdivision of sites in the Single House Zone, Mixed Housing Suburban and Mixed Housing Urban and Terrace Housing and Apartment Buildings zone identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control to be classified as a restricted discretionary activity and including matters of discretion and assessment criteria related to the site’s wastewater servicing.

Conclusion

47. In conclusion:
- a) The purpose of the QM, having identified sites where wastewater servicing is currently constrained due to the site being connected to a Combined Wastewater Network, is to require development of more than one dwelling to be assessed as a restricted discretionary activity. This is important to ensure that the effects of stormwater connection to the wastewater network and the significant effects of an over-capacity combined wastewater network are considered before consent is granted.
 - b) The impact of the QM on the level of development enabled by PC120 is that 12,584 sites may not be available to be immediately developed to the extent enabled.

- c) As the constraints are temporary and only in place until the infrastructure required is provided, and this may occur over the life of the AUP, the QM as drafted provides for a resource consent to be submitted so that the effects of the development on the wastewater, stormwater and combined systems can be assessed.

On some sites the assessment may show that there is capacity for that particular development to go ahead, or the ability to undertake the necessary mitigation and the development enabled. On other sites it may be possible (and even necessary) for the applicant to agree to fund the stormwater or wastewater infrastructure deficit, or where a funding agreement cannot be developed, for the application to be declined. By providing for development where appropriate to be enabled, the QM can be implemented in a way that has the least impact on the objectives of 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 report entitled:

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

MĀORI ENGAGEMENT CONSULTATION SUMMARY REPORT

APPENDIX 1 – COMBINED WASTE WATER NETWORK MAP

