

Clause 5A(2) of First Schedule, limited notification assessment – private plan change request from Apexone Limited under the Resource Management Act 1991 at 36A Eaglehurst Road, Ellerslie



To: Marc Dendale, Acting Manager Central South Planning

From: Ewen Patience, Policy Planner

Date: 10 April 2025

The applicant and property details

Applicant's name:	Apexone Limited
Site address:	36A Eaglehurst Road, Ellerslie
Legal description:	Lot 2 DP167980
Site area:	3342 square metres
Zoning:	Business - Light Industry & Residential – Mixed Housing Suburban
Special features, overlays:	<p>Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Mt Wellington Volcanic Aquifer</p> <p>Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Mt Wellington Volcanic Aquifer</p> <p>Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts</p> <p>Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd</p>
Lodgement date:	27 November 2024

Summary

This report considers a private plan change request by Apexone Limited to rezone a portion of 36A Eaglehurst Road from Business - Light Industry (**LIZ**) to Residential - Mixed Housing Suburban (**MHS**) within the Auckland Unitary Plan (Operative in part) (**AUP**).

Clause 5A(2) of Schedule 1 to the Resource Management Act 1991 (**RMA**) provides for limited notification, as follows:

5A Option to give limited notification of proposed change or variation

- (1) *This clause applies to a proposed change or variation.*
- (2) *The local authority may give limited notification, but only if it is able to identify all the persons directly affected by the proposed change or a variation of a proposed policy statement or plan.*

Having regard to the information submitted by Apexone Limited and the assessment undertaken in this report, it is recommended that the private plan change request be processed as limited notified under clause 5A for the following reasons:

- The rezoning is site-specific and involves just 18 per cent of the total site area (600 of a total of 3342m²)
- The land has been used for residential activity for many decades, and the rezoning from LIZ to MHS can be seen to correct an anomaly in the area
- The directly affected sites and persons can be identified with potential adverse effects confined to these sites and persons.

Recommendation

That in accordance with Schedule 1 to the RMA, the private plan change request by Apexone Limited be processed on a limited notified basis for the following reasons:

- The applicant has requested limited notification of the site-specific rezoning request; and
- The council can identify all persons directly affected by the requested rezoning as discussed in this report.

1 The proposal, site and description of surrounds

1.1 Proposal

The private plan change request by Apexone Limited seeks to rezone the rear portion of 36A Eaglehurst Road within the operative AUP - refer Attachment 1 and Figure 2 below. The rear portion is 18 per cent of the site, approximately 600m² of a total of 3342m². It is zoned LIZ and the request is to rezone this to MHS, the operative zoning of the major part of the site. As the Medium Density Residential Standards (MDRS) are required by the RMA to be incorporated into every relevant residential zone, this will be achieved by way of the proposed Eaglehurst Road Precinct (objectives, policies and standards). The precinct has no other purpose.

The site has an unimplemented consent, granted on a non-notified basis in September 2022, for 19 residential units over 21 lots, with the LIZ portion of the subject site set aside as a vacant lot. It can be seen that the LIZ lot would not be a very suitable lot for light industry activity as it would involve business traffic passing through a residential development. The requested rezoning would enable residential development of the total site area in a desirable location just 1 kilometre from the Ellerslie Town Centre (15 minute walk) and 1.4km from the Ellerslie train station (20 minute walk). This is considered to be in alignment with the AUP's objective of quality, compact urban development (Regional Policy Statement, chapter B2.2 and B2.3). The

applicant's objective for the plan change is to "enable consistent residential zoning across the entirety of the site ... thereby removing the split zoning of the property." The rezoning will be "consistent with the consented and anticipated built environment of the site, thereby aligning the zoning with the intended use." (section 32 report, section 4.2).

1.2 Locality and zoning plan

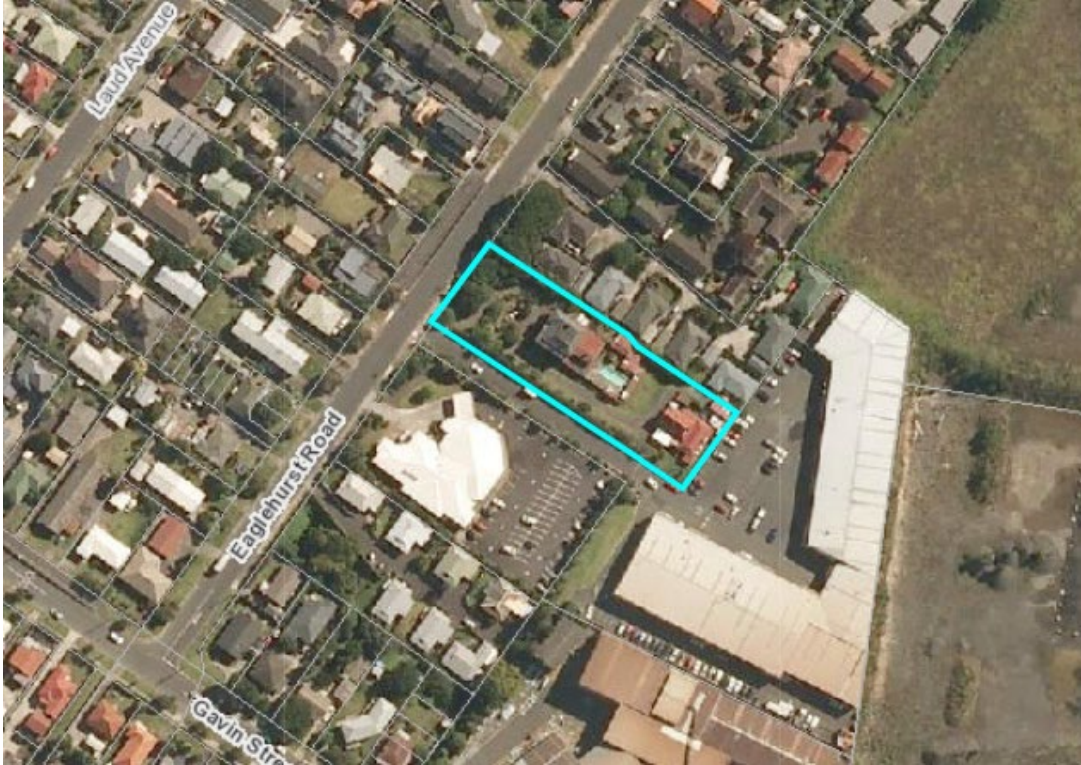


Figure 1: Land subject to the private plan change request (Auckland Council GIS)

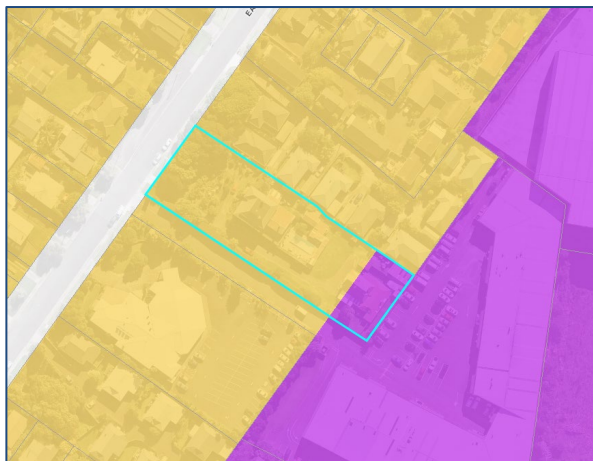


Figure 1: Site and zoning (AUP). The LIZ portion at the rear is to be zoned MHS and have a precinct over it (to incorporate MDRS).

1.3 Site and description of surrounds

The applicant's agent has provided the following description:

"The surrounding area is a mixture of low to medium density residential to the north and west of the site, to the south and east of the site is commercial and industrial activities. The site itself sits on the border of the residential/industrial divide of Ellerslie. To the rear of the site is a

medium sized commercial hub, which has access provided by a two-way driveway that also provides alternative access to the church located at 40 Eaglehurst Road”.

The applicant also identifies the notable Pōhutukawa tree listed at 36 Eaglehurst Road which overhangs the front, northern corner of 36A Eaglehurst Road.

I have visited the site and locality (31 March 2025) and concur with the applicant’s description. The ‘commercial hub’ (Eaglehurst Industrial Court) currently consists of 16 commercial/industrial units with activities including commercial door suppliers, ‘chemdry’ cleaning depot, corporate apparel suppliers and car repairs. The large parking area in front of the industrial units creates a buffer between the light industrial units and the subject site. There are however three other LIZ properties approximately 60 metres from the subject site and current and potential future industrial activities on these properties also need to be considered in terms of possible reverse sensitivity effects.

There has been some new residential development in the immediate locality with the most recent being a four-unit residential development at 38 Gavin Street (in the MHS zone) south of the subject site and abutting the light industry zone (BUN60369921 consented 8 April 2021). This development has been designed with its back facing the LIZ zone boundary and its front facing the north-west. I would anticipate any new development of the rezoned portion of 36A Eaglehurst Road, if approval was obtained, being designed in a similar manner given the same alignment of the land parcel relative to the LIZ boundary.

2 Notification assessment

2.1 Effects assessment

The request involves a rezoning of land from LIZ to MHS and the application of a precinct over this land to incorporate MDRS provisions. The MDRS provisions would enable three units up to 11m in height as a permitted activity¹, being more enabling in terms of height than the MHS zone which provides for 8m in height. No other changes are proposed to the operative AUP.

The applicant has provided an effects assessment of the request in Section 7 of the section 32 report under the headings of ‘quality built environment’ and ‘servicing’, including stormwater, wastewater and transport. In response to requests for further information the applicant also addressed reverse sensitivity, loss of business land, soil contamination and overland flow path (responses to Council’s letter of 20 December 2024).

Quality built environment

Section 7.1 of the section 32 report states that the MHS zone of the AUP manages design quality and built environment outcomes through various standards such as ‘height to boundary’ and ‘yards’ and that these “will ensure that visual amenity, sunlight access and privacy effects will be appropriately managed as they relate to surrounding neighbours.” I agree with this statement.

With respect to the rezoned portion of the site where MDRS would apply, the section 32 report states: “The proposed precinct provisions capture the relevant MDRS standards to ensure

¹ Subject also to satisfying other development standards

effects associated with visual amenity, privacy and sunlight access are appropriately addressed with respect to on-site amenity and adjoining neighbours for up to three units within the precinct.”

I note that the MDRS are mandated by the RMA and so additional height - up to 11m - is enabled for up to three units as a permitted activity. However, given the intensity of development that has been consented, at one unit per 141 square metres, I would anticipate that more than three units would be built on the rezoned land – potentially four or five - which means that the MDRS standards fall away and the MHS zone standards apply. Furthermore, a new overall consent may be sought for the whole site involving many more than four units. Four or more units is a restricted discretionary activity and different standards apply. The section 32 report states: “Overall, the effects on the environment as they relate to urban design matters will be appropriately managed with the MHS zone provisions where development is of more than three units.” I concur with this conclusion. A consent would most likely be required and this means that Council, and potentially any affected neighbours where more than minor infringements of standards occurred, would be able to evaluate any potentially adverse effects. The MHS zone description states:

“Resource consent is required for four or more dwellings and for other specified buildings in order to:

- achieve the planned suburban built character of the zone;
- achieve attractive and safe streets and public open spaces;
- manage the effects of development on neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and
- achieve high quality on-site living environments.”

The matters for discretion for restricted discretionary activities in the MHS zone address all the matters referred to here as well as parking, access and traffic (H4.8.1(2)).

The applicant has identified at Figure 5 of the report (copied below) the ‘directly affected parties’ as being those that are adjacent to the site.

I consider that with respect to visual effects and site to site amenity aspects of ‘quality built environment’ it is the owners/occupiers of the properties to the north and south of the site that are ‘directly affected’ and not persons beyond these. The visual effects at the front of the site would not be significantly different to what has already been consented (on a non-notified basis). The visual effects of the rezoning will be primarily confined to the rear of the subject site and be noticeable for the MHS property immediately north (36 Eaglehurst Road) and to a lesser extent the MHS site, 40 Eaglehurst Road, to the south across the two-way driveway into 38 Eaglehurst Road.



Figure 3: Applicant's 'directly affected parties' (Figure 5 of section 32 report)

Traffic and parking

Given the likelihood of a greater overall number of residential units arising from the rezoning, potentially giving rise to more traffic and parking in the street, I consider that the owners/occupiers of 13, 13A and 5 (units 1 to 4) Eaglehurst Road should be added as directly affected parties. The nature of the road in front of 36A Eaglehurst Road is such that any overflow parking in the street is likely to stretch beyond 7-11 Eaglehurst Road to 5 and 13 Eaglehurst Road (refer Figure 3 above). The road design can be seen in the Google streetview image that follows, at Figure 4:



Figure 4: Google streetview of road outside 36A Eaglehurst Road (which is on the right)

There is a slip road which drops down from the road and gives access to properties opposite 36A Eaglehurst Road (7, 9 and 11). A fence separates the carriageway from the slip road. This means passengers could not exit to the left from cars parked in the road along that fenceline. This in turn means that any overflow parking from the subject site may need to be further along the road affecting 5 Eaglehurst Road (four units) and 13 Eaglehurst Road (two units). For this reason I consider the owners/occupiers of these two properties should also be included as directly affected parties.

Water and wastewater

The consented 19-unit development has demonstrated that water and wastewater services are available to the site. Regarding wastewater disposal, an extension to the public line would be installed. The section 32 report states that “the design will adequately service the consented resource development and is anticipated to have the capacity to service potential residential development as enabled by this Plan Change”. A representative from Watercare Services Ltd has advised that there are no concerns with the rezoning proposed. Therefore, I do not consider any other persons than those that occupy adjacent properties, and who may be affected by any construction in the road, are affected in terms of these services.

Stormwater and overland flow path

Stormwater disposal is proposed via soakage holes. The section 32 report states that investigations for the consented 19-unit development determined that there would be adequate storage and soakage for the 10% AEP storm event including for lot 21 which is the vacant LIZ lot created (proposed to be rezoned). The soakholes would need to be maintained on a regular basis via an Operations and Maintenance Plan. As such there would be no ongoing off-site effects except for short term construction effects potentially affecting directly adjoining owners/occupiers.

Regarding the overland flow path on the front of the site, the applicant provided the following response:

“The subject site is at the top of the catchment and Auckland Council’s GIS Maps indicates a minor overland flow path (OLFP) begins in the western section of the site, exits midway along the western boundary and continues down Eaglehurst Road to the north. A flood risk assessment was undertaken by Barry Satchell Consultants Ltd and indicates that the level of effect on the consented development would be less than minor, and the OLFP can be contained in the proposed channel design. As the OLFP does not extend into the plan change area (to the east), it is not anticipated that there will be any potential adverse effects for future development.”

I consider the management of the overland flow path would have no off-site effects but that there would be short term construction effects in creating soak holes. I consider that only immediately adjoining properties to the north and south of the subject site would be affected, as indicated in Figure 3 above.

Soil contamination

The resource consent investigations indicated that various contaminants were present at the property. The applicant responded to further questions as follows:

“A Detailed Site Investigation (DSI) was undertaken by Fraser Thomas Limited (dated 22 February 2022), which involved intrusive soil sampling across the subject site. The soil results identified numerous exceedances of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCSCS) and the discharge criteria of the Auckland Unitary Plan: Operative in Part (AUP(OP)). In particular, lead exceeded the NESCSCS and AUP(OP) at six sampling locations, and three additional exceedances of the AUP(OP) were noted at different sampling locations. Based on the test results, it is likely that any future subdivision or disturbance of soil on the site will likely require resource consent as a Restricted Discretionary Activity under Regulation 7 of the NESCSCS and a Remedial Action Plan (RAP) will be required as part of the process.”

I conclude that the effects of the soil contamination will be effectively managed in the process of obtaining the required resource consent and a consent with conditions under NESCSCS should ensure that there would be no effects outside the property. If there were effects it would be for immediately adjoining properties only, at the time of construction and of short duration, with any removal of contaminated soil that may be required.

Loss of business land

The applicant was asked to comment on the effects of the loss of LIZ land from the locality with the rezoning. It was noted that it appeared the land had not been used for business purposes, but rather as residential, for many years:

“Based on a review of historic aerial photographs, the plan change area has included an existing residential dwelling at the rear of the site, with images indicating that the dwelling has occupied the site since approximately 1996 or earlier. The site does not appear to have been used for industrial purposes historically, as allowed by the underlying zoning. The loss of 600 m² of industrial-zoned land represents a very small fraction of the total available industrial land in Ellerslie and Auckland. This minor reduction is unlikely to significantly affect the overall supply of industrial land. While the rezoning will reduce the potential for zone-enabled industrial activity, rezoning approximately 600 m² of land from industrial to residential is not anticipated to have adverse effects in terms of the overall availability of industrial land.”

I concur with this conclusion. The area of 0.060 hectares is not significant when compared with the LIZ land in the immediate Ellerslie locality, at 62 hectares, and the LIZ land for Auckland as a whole at 4588 hectares (source, Geospatial Team).

Accordingly, I do not consider any person is affected by the very small loss of LIZ land that the rezoning involves.

Reverse sensitivity

The applicant was asked to address the potential adverse effect of greater reverse sensitivity arising from the proximity of new residential uses to the LIZ land to the east by reference to the nature of the industrial activities that are near the land to be rezoned. The response follows:

“It is acknowledged that rezoning land for residential purposes adjacent to the Business Light Industry zone may lead to potential reverse sensitivity effects, such as noise pollution, visual impact, air quality concerns, and light pollution. Currently, the activities to the rear of the

subject site include logistics, manufacturing, storage, and distribution, which typically do not generate significant odour, dust, or noise. The buildings on the adjacent site are set back approximately 30 metres from the site boundary, with a car park providing a buffer between the proposed development area and the existing activities. This buffer is expected to effectively mitigate any adverse effects by attenuating noise, reducing visual interference, and minimising the impact of light pollution, thereby creating a more suitable environment for residential living while allowing industrial operations to continue without significant disruption.”

I agree with this conclusion. The light industry activities at 38 Eaglehurst Road (Eaglehurst Industrial Court) are not the type that tend to generate odour, dust or noise and do not appear to be those that would generate activity after normal business hours. The car repair is on the south side of the building and faces to the south. As there are 16 individual units at this address it is expected that there would at times be moderate to significant amounts of traffic on the driveway immediately south of the subject site.

Industrial activities in units and on sites can change over time and sites can be redeveloped which may give rise to new effects. It is noted that the site east of 38 Eaglehurst Road, 40 Leon Leicester Avenue, is approximately 60m from the subject site and is largely undeveloped and is used primarily as a concrete batching plant. The site to the south of 38 Eaglehurst Road is also approximately 60m from the subject site and is used for galvanising. It has recently been granted new consents including for air discharge consents (February 2025). The applications were processed on a limited notified basis and were notified to nearby properties including 36 and 36A Eaglehurst Road. The property to the north-east of the subject site is also approximately 60m away and is occupied by a large relatively new development which deals in on-line grocery shopping. I consider that it would be appropriate to notify the occupiers/owners of these properties, in addition to 38 Eaglehurst Road, as directly affected in terms of potential reverse sensitivity effects.



Figure 5: Aerial photograph indicating LIZ properties approximately 60m (red lines) from subject site (yellow)

It is noted that LIZ policy H17.3(7) is: "Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas." The question is whether the greater proximity of new residential uses limits the capacity of light industrial activities to be able to satisfy this policy and meet the applicable standards for addressing environmental effects (such as noise, air pollutants and light spill).

2.2 Directly affected persons/parties

The local authority may give limited notification, but only if it is able to identify all the persons directly affected by the proposed change.

The local authority must serve limited notification on all persons identified as being directly affected by the proposed change.

Based on the effects discussed above, I consider it is possible to identify all the persons directly affected by the proposed change to the AUP for the following reasons:

1. The proposed rezoning is site-specific, involves a small land area at the rear of the subject site and all immediately adjoining and directly affected properties can be identified. The scale and nature of the rezoning is such that it will not impact the wider environment or persons (owners/occupiers) beyond the immediate locality.
2. The proposed precinct applies to only the rezoned portion of land and is required to give effect to a mandatory RMA requirement, being the incorporation of the MDRS. While this precinct enables more height than the underlying/adjoining MHS zone, the increased enablement does not add to the number of 'directly affected parties' who could be affected and should be notified, being those immediately adjacent. It is noted also that the height enabled in the LIZ zone is 20m which is significantly more than the 11m of MDRS.
3. The potential visual and amenity effects of the rezoning are capable of being managed by the provisions of the precinct and the MHS zone and it is only the occupants/owners of immediately adjoining properties that could be adversely affected, and any significant infringements of the applicable development standards would most likely come to their notice.
4. The effects involved in servicing the proposed rezoned area are only of concern in the immediate area, being the road reserve in front of the site where extensions of public underground lines are required. Construction may generate short term effects for immediate neighbours. The construction of on-site stormwater management (soak holes) may have minor effects immediately outside the site, and the minor overland flow path runs into the road reserve and its natural course is not required to be altered from what has already been consented. A resource consent is required to manage any contaminated soil on the site and this process should ensure that effects are confined to the site and do not affect adjoining properties.
5. The effect of reverse sensitivity is a matter potentially concerning the LIZ properties to the north-east, east and south of the subject site, in addition to the abutting 38 Eaglehurst Road, where established industrial/commercial uses are operating approximately 60m away from the subject site, and notification to these owners/occupiers will occur so that any specific

issues can be identified and addressed given that sensitive residential uses will be enabled to be closer to those industrial/commercial uses.

6. The effect of the loss of business land to residential zoning is not significant in this case given the small land area involved (when compared with the LIZ areas for Ellerslie and for Auckland), its rear lot positioning and its long-standing use in non-industrial use. Accordingly, no persons are considered affected by this loss of LIZ land in this location.
7. The addition of residential land to the subject site will enable a greater intensity of residential development which will generate more traffic and potential effects in the road serving the site. There is potential for vehicle movements and any overspill of parking to affect properties/people across the road as well as immediately adjacent on the same side of the road. The owners/occupiers of 5, 7, 9, 11 and 13 Eaglehurst Road are all potentially affected and should be notified. Beyond these properties the additional effects of traffic would not be noticeable given the relatively high volumes generated by the sixteen business units at 38 Eaglehurst Road (Eaglehurst Industrial Court) and the LIZ properties on Gavin Street and Leon Leicester Avenue to the south.

2.3 Limited notification assessment – conclusion

Given the assessment above, it is recommended that the private plan change request be limited notified. Notice of the request should be served on the directly affected persons identified in Table 1 below:

Table 1: Addresses of directly affected properties to be notified and reasons

Address	Reasons
1/36 Eaglehurst Road, Ellerslie 2/36 Eaglehurst Road, Ellerslie 3/36 Eaglehurst Road, Ellerslie 4/36 Eaglehurst Road, Ellerslie 5/36 Eaglehurst Road, Ellerslie 6/36 Eaglehurst Road, Ellerslie 7/36 Eaglehurst Road, Ellerslie	Owners/occupiers of these properties to the north of the subject site may be subject to visual impact / amenity effects arising from a greater intensity of residential development, and may be subject to the effects of greater traffic and kerb-side parking arising from the greater intensity. There may be short term noise and dust effects from construction activity on the site and in the road reserve.
Unit 1, 38 Eaglehurst Road, Ellerslie Unit 2, 38 Eaglehurst Road, Ellerslie Unit 3, 38 Eaglehurst Road, Ellerslie Unit 4, 38 Eaglehurst Road, Ellerslie Unit 4A, 38 Eaglehurst Road, Ellerslie Unit 5, 38 Eaglehurst Road, Ellerslie Unit 5A, 38 Eaglehurst Road, Ellerslie Unit 6, 38 Eaglehurst Road, Ellerslie Unit 7, 38 Eaglehurst Road, Ellerslie Unit 8, 38 Eaglehurst Road, Ellerslie Unit 9, 38 Eaglehurst Road, Ellerslie Unit 10, 38 Eaglehurst Road, Ellerslie Unit 11, 38 Eaglehurst Road, Ellerslie	Owners/occupiers of these LIZ zoned properties to the north-east, east and south of the subject site may be subject to reverse sensitivity effects arising from new residential uses on the subject site.

Unit 12, 38 Eaglehurst Road, Ellerslie Unit 13, 38 Eaglehurst Road, Ellerslie Unit 14, 38 Eaglehurst Road, Ellerslie 60 Leon Leicester Avenue, Mount Wellington 40 Leon Leicester Avenue, Mount Wellington 40 Gavin Street, Mt Wellington	
1/5 Eaglehurst Road, Ellerslie 2/5 Eaglehurst Road, Ellerslie 3/5 Eaglehurst Road, Ellerslie 4/5 Eaglehurst Road, Ellerslie 7 Eaglehurst Road, Ellerslie 9 Eaglehurst Road, Ellerslie 11 Eaglehurst Road, Ellerslie 13 Eaglehurst Road, Ellerslie 13A Eaglehurst Road, Ellerslie	Owners/occupiers of these properties across the road from the subject site may be subject to the effects of greater traffic and kerb-side parking arising from a greater intensity of residential development. There may be short term noise and dust effects from construction activity on the site and in the road reserve
40 Eaglehurst Road, Ellerslie	Owners/occupiers of this property south of the subject site may be subject to visual impact / amenity effects arising from a greater intensity of residential development. There may be short term noise and dust effects from construction activity on the site and in the road reserve.

3 Local board views

The Ōrākei Local Board has not been approached by the applicant regarding the private plan change request, and its views on notification have not been sought. The board will be able to comment on the request once it has been notified.

4 Mana whenua views

The applicant has not had any contact with mana whenua groups to date. Mana whenua will be able to comment on the plan change request once it has been notified.

5 Notification recommendation

That the private plan change request by Apexone Limited for 36A Eaglehurst Road, Ellerslie be limited notified under clause 5A(2) of Schedule 1 to the RMA.

Accordingly, it is recommended that the private plan change request is processed on a limited notified basis with the directly affected parties being those listed in Table 1 of this report, and as depicted in Attachment 2.

Prepared by:



Ewen Patience

Reporting Planner

Date: 10 April 2025

Reviewer:



Clare Wall Shaw

Team Leader - Planning

Date: 11 April 2025

6. Approved for release

Limited notification recommendation reviewed and released for consideration.



(signed by Marc Dendale, acting with delegated authority for Celia Davison, Manager Central South Planning)

Date: 15 April 2025

Attachment 1: Section 32 report by Apexone Limited

SECTION 32 ASSESSMENT REPORT

36A Eaglehurst Road, Ellerslie

Private Plan Change Request

December
2024

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1 APPLICANT AND PROPERTY DETAILS

Site Address:	36a Eaglehurst Road, Ellerslie
Applicant's Name:	Apexone Ltd
Address for Service	Planning Agent: OP Planning Consultancy Limited PO Box 64-453 Botany Town Centre op.planning@xtra.co.nz 027 277 8897
Legal Description	LOT 2 DP 167980
Site Area:	3,342m ²
Auckland Unitary Plan ("AUP") Zoning & Precinct:	Business – Light Industry Zone Residential - Mixed Housing Suburban Zone
Special features, overlays etc:	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Mt Wellington Volcanic Aquifer Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Mt Wellington Volcanic Aquifer Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts Plan Changes, Plan Change 78 - Intensification
Controls:	Controls: Macroinvertebrate Community Index - Urban
Designations:	Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd
Non-Statutory	Overland Flow Path (minor)
Locality Diagram:	Please see next page



Figure 1: Site Locality

2 INTRODUCTION

2.1 Background

Resource Consent was issued on a non-notified basis, subject to conditions on the 2nd September 2022 to construct 19 residential units and subsequent subdivision (Council ref: BUN60380705). To date, this resource consent has not been implemented.

Given that the subject site is subject to a 'split zoning', the applicant's building agent has had prior correspondence with Council to rezone the rear part from light industry zone to mixed housing suburban, to be in keeping with the rest of the sites zoning and correct this anomaly (please see email from Celia Davison dated 8th February 2024).

Hence, this Section 32 Assessment report and request.

2.2 Accepting the Plan Change Request (Clause 25)

The Council has discretion to accept or reject a Plan Change request in accordance with Clause 25 of Schedule 1 of the RMA, subject to the matters set out in Clause 25(4)(a)-(e). Given that the AUP has now been operative for more than two years, the Council is able to reject the Plan Change request only on the following grounds:

- The Plan Change request is frivolous or vexatious (clause 25(4)(a));
- The Plan Change request is not in accordance with sound resource management practice (clause 25(4)(c));

- The Plan Change request would make the plan inconsistent with Part 5 - Standards, Policy Statements and Plans (clause 25(4)(d)).

In relation to (a), considerable technical analysis has been undertaken to inform the Plan Change, which is detailed in the report below. For this reason, the proposal cannot be described as frivolous or vexatious.

'Sound resource management practice' is not a defined term under the RMA, however, previous case law suggests that the timing and substance of the Plan Change are relevant considerations. This requires detailed and nuanced analysis of the proposal that recognises the context of the Plan Change area and its specific planning issues.

In this context, the Plan Change is considered to be in accordance with sound resource management practice as it is consistent with the outcomes sought in the Auckland Plan and Regional Policy Statement in relation to intensifying existing urban areas that are serviced by public transport to achieve a quality compact urban form. The Plan Change will enable for future residential development to occur on a site that has an existing consented development for the majority of the site. The Plan Change site is considered appropriate for residential development as it is located within close proximity to public amenities. Furthermore, all necessary statutory requirements have been met, including an evaluation in accordance with S32 with supporting evidence.

In relation to (c), the Plan Change is considered to be consistent with the sustainable management purpose of the RMA as detailed throughout this report.

On this basis, the merits of the proposal should be allowed to be considered through the standard Schedule 1 process.

3 SITE LOCATION AND DESCRIPTION

3.1 Site Description

The site is located at 36a Eaglehurst Road, Ellerslie, and is legally described as Lot 2 DP 167980. The site is rectangular in shape, has a total area of approximately 3,342m² and located on the eastern side of the road reserve. Two disused standalone dwellings currently occupy the site; one within the centre of the site, and another to the rear. Large, mature trees line the road boundary of the site, and there is hedging along the southern boundary of the site which runs the entire length. The site is relatively flat in nature and there are no other defining features of note.

Regarding the statutory layers applicable to the site, it should be noted that the site has a split zoning with Residential - Mixed Housing Suburban Zone towards the front, and Business - Light Industry Zone to the rear of the site (as shown in Figure 2 below).



Figure 2: Site and Zoning (Source: AUP(OP))

Auckland Council's GIS shows the presence of a minor Overland Flow Path within the front yard of the site. Whilst not within the subject site, there is a protected Pohutukawa tree located within the boundary of 36 Eaglehurst Road that overhangs into the subject site.



Figure 3: Overland Flow Path (Source: Auckland Council GIS)

3.2 Surrounding Area / Local Context

The surrounding area is a mixture of low to medium density residential to the north and west of the site, to the south and east of the site is commercial and industrial activities. The site itself sits on the border of the residential/industrial divide of Ellerslie. To the rear of the site is a medium sized commercial hub, which has access provided by a two-way driveway that also provides alternative access to the church located at 40 Eaglehurst Road.

4 DESCRIPTION OF THE PLAN CHANGE REQUEST

4.1 Description of the Proposal

This plan change seeks to re-zone a portion of 36a Eaglehurst Road, Ellerslie from Business - Light Industry Zone to Residential - Mixed Housing Suburban Zone, so that the whole site is zoned Residential – Mixed Housing Suburban as shown in the image below. The spatial extent of the Plan Change area does not extend further than the property boundaries.



Figure 4: Proposed zoning (Source: AUP(OP))

4.2 Purpose and Reason for the Plan Change

Clause 22(1) of the RMA requires that a Plan Change request explains the purpose of, and reasons for the proposed plan change.

The purpose of the Plan Change, or the objective of the Plan Change, is to enable consistent residential zoning across the entirety of the site [at 36A Eaglehurst Road, Ellerslie] thereby removing the split zoning of the property. As discussed above, resource consent has been granted for a high-density residential development. The proposed plan change will be consistent with the consented and anticipated built environment of the site, thereby aligning the zoning with the intended use.

This report provides an assessment of effects of the Plan Change and an evaluation of the Plan Change prepared in accordance with Section 32 of the RMA. Supporting expert assessment reports are appended to this report. The evaluation of the Plan Change concludes that the proposed rezoning is the most appropriate way to achieve the purpose of the RMA.

5 POLICY FRAMEWORK

5.1 National policy documents

5.1.1 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 (NPSUD 2020) sets out the objectives and policies for well-functioning urban environments under the Resource Management Act 1991. The NPSUD 2020 contains objectives and policies that require council to carry out long term planning to accommodate growth and ensure well-functioning cities. There is an emphasis on allowing for growth 'up' and 'out' in a way that contributes to a quality urban environment, and to ensure that their rules do not necessarily constrain growth. Councils must also enable higher density development in areas close to employment, amenity, infrastructure and demand. Further, the objectives and policies aim to allow for the diverse and changing needs of communities and future generations to ensure that New Zealand's urban environments enable all people to provide for their social, economic and cultural wellbeing.

There are a number of objectives and policies that are of particular relevance when considering the proposed plan change listed below with emphasis added:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

(a) the area is in or near a centre zone or other area with many employment opportunities.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities and future generations.

Objective 8: New Zealand's urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.

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

(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

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect.

The Plan Change is located within close proximity to the Ellerslie town centre, and is also highly accessible to public transport, open space, and education options. The Plan Change will enable residential development on a site that has an approved resource consent for residential development for the majority of the site. The Plan Change will provide for housing close to jobs, community services and main transport routes.

5.1.2 RMA Reform: Auckland Council – Plan Change 78

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act was announced on the 20 December 2021 and has been designed to improve housing supply in New Zealand's five largest cities by speeding up implementation of the National Policy Statement on Urban Development (NPS-UD) and enabling more medium density homes. The Act requires Councils to adopt the Medium Density Residential Standards (MDRS) and their plan changes must be notified before 20 August 2022.

Auckland Council notified Plan Change 78 (PC 78) Intensification on 18th August 2022 which is an Intensification Planning Instrument ('IPI') prepared under section 870F, and seeks to give effect to the NPS-UD and incorporate the MDRS into relevant residential zones. In this case, the subject site is proposed to be up-zoned to Residential – Mixed Housing Urban however this does not extend into the Plan Change area due to the current Business zoning. Whilst the area has not been identified for up-zoning, and the Plan Change, through the proposed precinct provisions, will be consistent with the intention of the MDRS.

The objectives and policies of the MDRS are relevant when considering the proposed plan change and have been incorporated into the proposed Eaglehurst Road precinct, and have been summarised below.

Objective 1: A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

In this case, the site is located within an area with well-established social and physical infrastructure. The site is in close proximity to the Ellerslie town centre and will provide additional housing stock within the area. Future residential development will contribute to the social, economic and cultural wellbeing of the future owners.

Objective 2: A relevant residential zone provides for a variety of housing types and sizes that respond to—

(i) housing needs and demand; and

(ii) the neighbourhood's planned urban built character, including 3-storey buildings.

The site is located within established residential area. Given the proximity to employment areas and close proximity to the Ellerslie township, it is considered that the proposed plan change zoning would respond better to the housing demand in the area, compared to the current AUP zoning which is inconsistent with the consented environment on the site.

Policy 1: Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:

The proposed plan change zoning enables residential development on this site consistent with the three-storey built form intended for residential areas under the MDRS. The existing pattern of development within the area is predominantly single and two storey detached units to the north, south

and west, therefore providing for higher density development on the site will provide a good variety of housing typologies within this area.

Policy 2: Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga)

In this case, there are two potential qualifying matters (Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay, and Airspace Restriction Designation (1102)) on the site under PC 78, however, it is anticipated that these will not preclude the site from residential MDRS development in the future, and therefore the precinct provisions do not specify these as qualifying matters to height or density.

Policy 3: Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

This policy is captured in the proposed Eaglehurst Road Precinct.

Policy 4: Enable housing to be designed to meet the day-to-day needs of residents.

The Plan Change will enable residential development to occur on the rear of the site and align with the consented development under BUN60380705, which has shown to be able to meet the day-to-day needs of residents. Furthermore, this policy is captured in the proposed Eaglehurst Road Precinct.

Policy 5: Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

This policy is captured in the proposed Eaglehurst Road Precinct.

5.2 Council strategy plans

5.2.1 Auckland Plan 2050

The Auckland Plan is the key strategic document which sets the Council's social, economic, environmental and cultural objectives. A key component of the Auckland Plan is the Development Strategy which sets out how future growth will be accommodated up to 2050. The Auckland Plan focusses on a quality compact approach with future development focused within Auckland's urban footprint, meaning most growth will occur in existing urban areas.

In terms of the form of development, the Auckland Plan takes a quality compact approach to growth and development. The Auckland Plan defines this as.

- a) *Most development occurs in areas that are easily accessible by public transport, walking and cycling;*
- b) *Most development is within reasonable walking distance of services and facilities including centres, community facilities, employment opportunities and open space;*
- c) *Future development maximises efficient use of land; and*
- d) *Delivery of necessary infrastructure is coordinated to support growth in the right place at the right time.*

Achieving a quality compact approach for future development is twofold. There needs to be sufficient capacity for growth across Auckland and good design needs to be embedded in all development.

The Plan Change area is in close proximity to the Ellerslie township and is well serviced by public transport and the State Highway network to the southwest of the site. It is also in close walking distance to social amenities such as open space, education, community and cultural facilities. The Plan Change area is serviced by existing and proposed infrastructure.

The Plan Change provides an opportunity to increase development capacity, maximising the efficient use of land and will align the underlying zoning with the consented environment of the site. Overall, the Plan Change is consistent with the Auckland Plan and will contribute to achieving a quality compact approach to urban growth, while ensuring that good design is achieved.

These strategic objectives of the Auckland Plan are reflected in the AUP objectives and policies, which are assessed below.

6 REGIONAL POLICY STATEMENTS AND PLANS

6.1 Auckland Unitary Plan (Operative in Part)

The Regional Policy Statement (RPS) sets out the overall strategic statutory framework to achieve integrated management of the natural and physical resources of the Auckland Region. The RPS broadly gives effect to the strategic direction set out in the Auckland Plan. Of particular relevance to this Plan Change is Chapter B2 of the RPS which contains provisions directing urban growth and form in Auckland.

B2.2 Urban Growth and Form

There is strong direction to achieve a quality compact urban form, with growth primarily located within the Metropolitan area and other centres as defined in Appendix 1A of the AUP. Sufficient development capacity is required to accommodate residential and commercial growth with social facilities to support growth. There is an emphasis on achieving a higher quality urban environment and better use of existing infrastructure, through enabling higher residential intensities in areas closest to centres, the public transport network, open space and large social facilities and amenities.

The Plan Change is consistent with this policy direction as it provides for higher residential density in close proximity to a Town Centre that contributes to a quality compact form. The increased density also enables more residential capacity within walking distance to local amenities. This supports the efficient utilisation of a land resource and existing infrastructure.

B2.3 A Quality Built Environment

The objectives and policies within B2.3 seek to achieve a quality built environment by ensuring that development responds to the qualities and characteristics of the site. There is an emphasis on achieving a high level of amenity and safety for pedestrians, supporting the planned future development, reinforcing the hierarchy of centres and corridors, contributing to a diverse mix of choice for people and communities and maximising resource and infrastructure efficiency.

The Plan Change presents an opportunity to achieve quality built environment objectives and contribute a range of housing choice within the local area. The application of the MHS zone to the Plan Change area will be consistent with development within the existing neighbourhood. The existing provisions in the MHS zone will achieve a quality built environment, in particular by ensuring that the bulk and location of buildings are managed by height in relation, height and yard controls and assessment matters for multi-unit development.

7 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 76 of the RMA states that in making a rule, the territorial authority must have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect. This section details the actual and potential effects that the Plan Change provisions may have on the

environment. This assessment is based on analysis and reporting undertaken, which are attached as appendices to this report.

7.1 Quality Built Environment

As detailed above, the front portion of the site has been approved for medium density residential, which includes 19 two storey town houses along the southern boundary and parking / access along the north boundary. The Plan Change will enable the land at the rear of the site to be used in a more efficient manner in line with what has been consented for the rest of the site, and will utilise the existing / proposed infrastructure (as detailed below).

With respect to how a more intense development will achieve quality, built environment outcomes, the AUP already manages design quality in the MHS zone, through the existing development controls. In particular, the height in relation to boundary, outlook and yard controls will ensure that visual amenity, sunlight access and privacy effects will be appropriately managed as they relate to surrounding neighbours.

The proposed precinct provisions capture the relevant MDRS standards to ensure effects associated with visual amenity, privacy and sunlight access are appropriately addressed with respect to on-site amenity and adjoining neighbours for up to three units within the precinct.

Overall, the effects on the environment as they relate to urban design matters will be appropriately managed with the MHS zone provisions where development is of more than three units.

7.2 Servicing

An infrastructure report was prepared by Barry Satchell Consultants Limited which was used to support the resource consent application (reference BUN60380705) for the residential development for the front of the site. Moreover, it is considered that the report has sufficient information to support the Plan Change, which has been summarised below.

7.2.1 Stormwater

As part of the residential development, onsite soakage testing was undertaken to investigate the possibility of disposal of stormwater via soakage. Following investigations, it was recommended that stormwater could be managed via rockbore soakholes and storage on site for the discharge from the proposed development. It was determined that there would be adequate storage and soakage to provide stormwater disposal for the 10% AEP storm event. The soakholes would need to be maintained on a regular basis, with recommendations provided via an Operation and Maintenance Plan.

7.2.2 Wastewater

The proposed wastewater disposal has been designed in accordance with Watercare Services Limited code of practice, with the proposed design shown in the drainage design plans as detailed in Appendix F of the Infrastructure Report. The site will be serviced by extending a 150mm dia public line to connect to the existing public line in Eaglehurst Road. The design will adequately service the consented resource development and is anticipated to have the capacity to service potential residential development as enabled by this Plan Change.

7.2.3 Transport

The site is of a size whereby onsite parking and manoeuvring can occur allowing vehicle to exit the site onto Eaglehurst Road in a forward-facing manner. Regarding accessibility through all modes of transport, the site has good accessibility to various transport modes; walking, cycling, bus and private vehicles. The two-way vehicle access and pedestrian path (as consented under BUN60380705) will

provide adequate access for the Plan Change area. It is anticipated that the generated traffic effects are considered to be negligible and there is no reason, from a transport perspective, to preclude approval of the proposed plan change.

7.3 Summary of Effects

The actual and potential effects of the proposed Plan Change have been considered above, and based on this assessment it is considered that the area is suitable for the change in zone from Business – Light Industry to MHS and will result in positive effect on the environment. Further, the development can be serviced by existing infrastructure.

8 SECTION 32 ANALYSIS

8.1 Appropriateness of the Proposal to Achieve the Purpose of the Act

Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives of the proposed Plan Change are the most appropriate way to achieve the purpose of the RMA.

8.1.1 Objectives of the Plan Change

The Plan Change is to rezone the Plan Change area to MHS zone. The AUP objectives which relate to this zone includes:

Mixed Housing Suburban Zone – H4.2

- (1) Housing capacity, intensity and choice in the zone is increased.*
- (2) Development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached).*
- (3) Development provides quality on-site residential amenity for residents and adjoining sites and the street.*

8.1.2 Assessment of the Objectives against Part 2

The objectives identified in Section 8.1.1 are operative and therefore have been thoroughly assessed against Part 2 of the RMA through the AUP plan review process. This assessment therefore focusses on evaluating the appropriateness of applying these objectives to the Plan Change area.

Section 5 of the RMA identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Applying the objectives of the MHS zone to the site is consistent with Part 2 of the RMA, given that the Plan Change area will provide opportunities for quality intensification in an area with excellent accessibility to public transport and amenities, enhancing the social, cultural and economic well-being of future residents of the Plan Change area.

Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for in achieving the purpose of the RMA. This includes the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins; protection of outstanding natural features and landscapes, the protection of areas of significance indigenous vegetation and significant habitats of indigenous fauna; maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers; the relationship

of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; the protection of historic heritage; the protection of protected customary rights and the management of significant risks from natural hazards.

The objectives of the MHS zone, and the AUP objectives more widely, would not compromise the recognition of, or provision for these matters of national importance for the reasons set out in Section 8 of the report above. There is no protected historic heritage on the site and the proposal will not exacerbate risks from natural hazards.

Section 7 of the RMA identifies a number of “other matters” to be given particular regard by Council. Specific matters from section 7 that are relevant to the Plan Change include:

(b) The efficient use and development of natural and physical resources – The Plan Change will support the efficient use of natural and physical resources by applying the MHS zone that will provide for more intensive residential development in a highly accessible area.

c) The maintenance and enhancement of amenity values and

f) Maintenance and enhancement of the quality of the environment – The MHS zone provisions will enable a connected and high-quality urban environment to be achieved.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that this proposal will not offend against the principles of the Treaty of Waitangi.

The Plan Change is a more effective means of achieving the sustainable management purpose of the RMA than the current planning framework or an alternative (as detailed below). It is considered that the objectives of the Plan Change are the most appropriate way to achieve the purpose of the RMA.

8.2 Appropriateness of the Provisions to Achieve the Objectives

8.2.1 The Objectives

Section 32(1)(b) of the RMA requires an evaluation to examine whether the provisions (i.e., policies and methods) of the proposed Plan Change are the most appropriate way to achieve its objectives by:

- Identifying other reasonably practicable options for achieving the objectives;
- Assessing the efficiency and effectiveness of the objectives;
- Summarising the reasons for deciding on the provisions.

As the proposed Plan Change is amending the AUP, the above assessment must relate to the provisions and objectives of the proposed Plan Change, and the objectives of the AUP to the extent that they are relevant to the proposed Plan Change and would remain if the Plan Change were to take effect.

The following sections address the matters set out in Schedule 1 and Section 32 of the RMA on the basis of the themes listed above.

8.3 Other Reasonably Practicable Options for Achieving the Objectives

The AUP objectives which have particular relevance for the proposal:

- 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 urban growth; (c) better use of existing infrastructure and efficient provision of infrastructure; (d) improved and more effective public transport; (e) greater social and cultural vitality; and (g) reduced adverse environmental effects.
- B2.3.1 (1) A quality built environment where subdivision, use and development do all of the following: (a) respond to the intrinsic qualities and physical characteristics of the site and area,

including its setting; (b) reinforce the hierarchy of centres and corridors; (c) contribute to a diverse mix of choice and opportunity for people and communities; (d) maximise resource and infrastructure efficiency; (e) are capable of adapting to changing needs; and (f) respond and adapt to the effects of climate change.

- B2.3.1(2) Innovative design to address environmental effects is encouraged.
- B2.3.1(3) The health and safety of people and communities are promoted.
- B2.4.1 (3) 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.
- H4.2.(1) Housing capacity, intensity and choice in the zone is increased.
- H5.2(1) Land near the Business – Metropolitan Centre Zone and the Business – Town Centre Zone, high-density residential areas and close to the public transport network is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport.

In determining the most appropriate method for achieving the objectives of the Plan Change, consideration has been given to the following other reasonably practicable options:

- Option 1 – Maintain the Business – Light Industry Zone (status quo)
- Option 2 – Plan Change (Rezone the Plan Change area to Mixed Housing Suburban) and establish a Eaglehurst Road Precinct.
- Option 3 - Rezone the Plan Change area to Mixed Housing Urban) and establish a Eaglehurst Road Precinct

8.3.1.1 Evaluation of Other Reasonably Practicable Options

Benefits	Costs	Efficiency and Effectiveness
Option 1: Maintain the Business – Light Industry Zone (status quo)		
Maintains the operative AUP zoning and provides continued certainty for neighbours.	The Business – Light Industry Zone would mean that future residential development, similar to that of the consented environment, would require unnecessary resource consents to align the overall use of the site.	This is not considered effective in achieving the efficient use of the land and achieving the objective for affordable housing in the RPS.
Option 2: Plan Change (Rezone the Plan Change area to Mixed Housing Suburban) and establish a Eaglehurst Road Precinct)		

<p>The Plan Change area is part of a site that has a split zoning whereby the front portion is currently the zoning for which this Plan Change is seeking (MHS).</p> <p>Makes efficient use of land in an area with well-established social and physical infrastructure.</p> <p>Enables increased density and a greater range of housing types within Ellerslie.</p>	N/A	<p>This option is effective at achieving B2.3.1 (1), B2.3.1 (2) and B2.3.1 (3) as the rezoning responds directly to the residential context, will provide intensification within an existing centre and utilise existing social and physical infrastructure.</p> <p>Further, this option is consistent with the RMA Reform, in particular, the MDRS objectives, policies and standards which have been captured in the proposed Eaglehurst Road Precinct provisions.</p>
Option 3: Plan Change (Rezone the Plan Change area to Mixed Housing Urban) and establish a Eaglehurst Road Precinct)		
<p>Rezoning the plan change area to Residential Mixed Housing Urban would result in split zoning across the site, however these zones would be aligned being both residential.</p> <p>This option would enable increased density on the site and a greater range of activities in line with the existing residential zone.</p>	<p>Rezoning the plan change area resulting in split zoning would result in inconsistencies in terms of the objectives and policies.</p>	<p>Given potential uncertainty, this is not considered effective in achieving the efficient use of the land and achieving the objective for affordable housing in the RPS.</p>

8.3.1.2 Summary of Reasons for Deciding on the Provisions

Option 2 is preferred. The application of the Residential – Mixed Housing Suburban zone to the Plan Change area included as part of this request, is the most appropriate mechanism for achieving the objectives of the AUP because it will support the efficient use of land close to public transport and amenities and responds appropriately to the residential context (RPS B2.3.1 (1), B2.3.1 (2) and B2.3.1 (3)).

8.4 Risk of Acting or Not Acting

In this case, there is sufficient information about the subject matter of the provisions to determine the range and nature of environmental effects of the options set out in 8.3.1.1 above. For this reason, an assessment of the risk of acting or not acting is not required.

9 LIMITED NOTIFICATION ASSESSMENT

Clause 5A of Schedule 1 of the RMA provides Council with the option to limited notify a proposed Plan Change (including a privately initiated Plan Change). The Council may give limited notification, but only if it is able to identify all the persons directly affected by the proposed change or a variation of a proposed policy statement or plan.

In this case, given the site-specific nature of the Plan Change, in our view all directly affected parties can be identified, being those adjacent to the site shown in Figure 4 below. The visual effects of the proposed Plan Change will be experienced by the adjacent sites, which as set out will be effectively managed by the provisions of the MHS zone. The effects of the proposal on the transport network and

wider infrastructure networks will be negligible and will not affect owners and occupiers beyond the adjacent sites. No engagement or consultation has been undertaken with mana whenua groups.

The adjacent properties to the Plan Change area are shown in Figure 5 below and include:

Adjacent Properties	
1/36 Eaglehurst Road, Ellerslie	7/36 Eaglehurst Road, Ellerslie
2/36 Eaglehurst Road, Ellerslie	7 Eaglehurst Road, Ellerslie
3/36 Eaglehurst Road, Ellerslie	9 Eaglehurst Road, Ellerslie
4/36 Eaglehurst Road, Ellerslie	11 Eaglehurst Road, Ellerslie
5/36 Eaglehurst Road, Ellerslie	38 Eaglehurst Road, Ellerslie
6/36 Eaglehurst Road, Ellerslie	40 Eaglehurst Road, Ellerslie



Figure 5: Adjacent properties

10 CONCLUSION

This report has been prepared to support Apexone Ltd request for a Plan Change to rezone part of 36a Eaglehurst Road, Ellerslie from Business – Light Industry Zone to Residential – Mixed House Suburban Zone.

The request has been made in accordance with the provisions of Schedule 1 and Section 32 of the Resource Management Act 1991.

Based on an assessment of environmental effects and specialist assessments, it is concluded that the proposed Plan Change will have positive effects on the environment in terms of the social and economic

well-being of the community. Other potential effects are able to be managed through the application of the AUP zone and Auckland-wide provisions.

An assessment against the provisions of section 32 of the RMA is provided in section 8 of the report. This includes an analysis with respect to the extent to which the objectives of the plan change are the most appropriate to achieve the purpose of the RMA and an examination of whether the provisions of the Plan Change are the most appropriate way to achieve the objectives.

For the above reasons, it is considered that the proposed Plan Change accords with the sustainable management principles outlined in Part 2 of the RMA and should be accepted and approved.

Author & Agent

A handwritten signature in blue ink, appearing to be 'G. Palmer', is written in a cursive style.

Date: December 2024

Appendix A Eaglehurst Road Proposed Zoning and Precinct Boundary Plan

Appendix B Certificate of Title

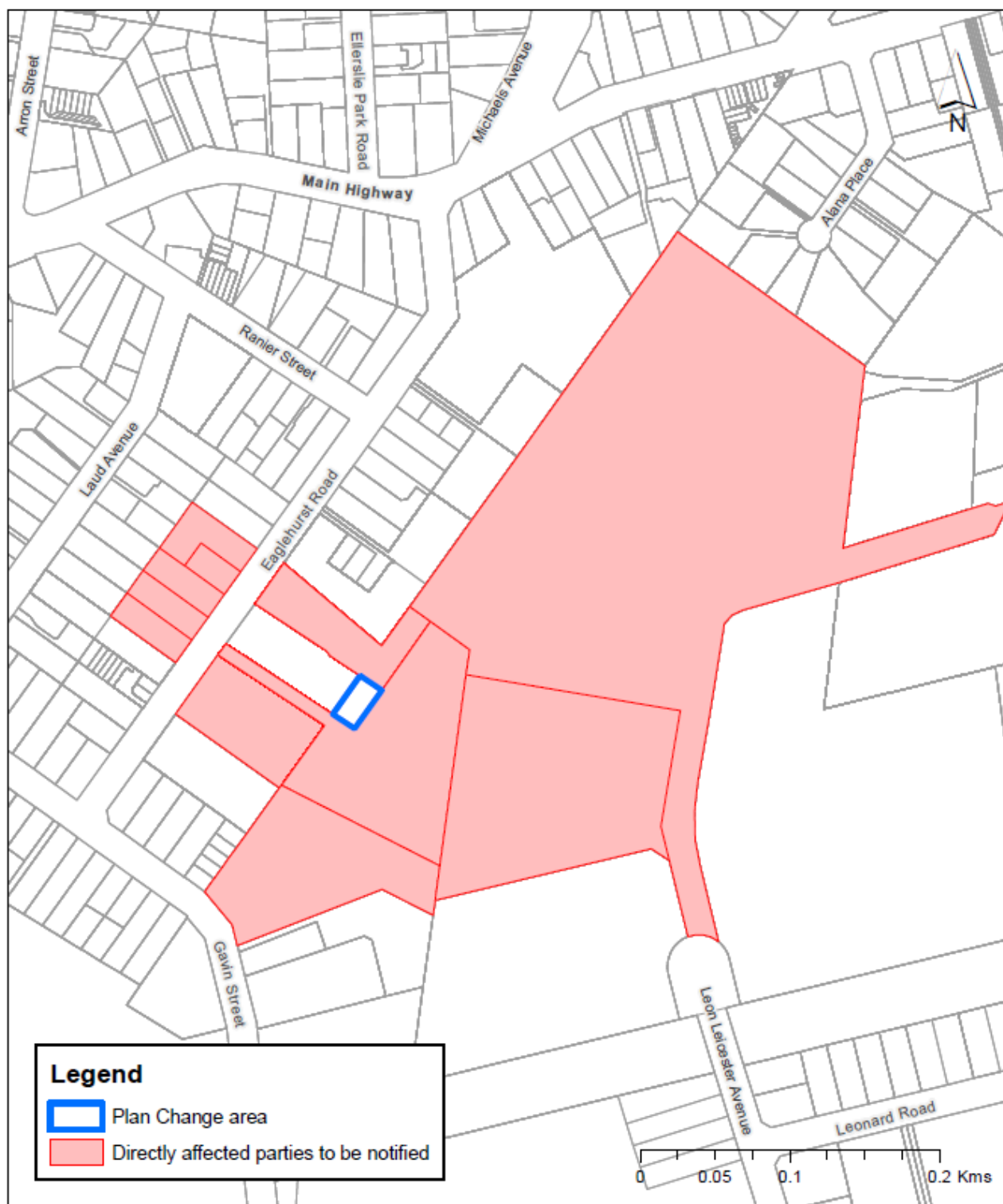
Appendix C Approved Resource Consent BUN60380705

Appendix D Infrastructure Report and Appendices

Appendix E Council Correspondence

Appendix F Eaglehurst Road Precinct Provisions

Attachment 2: Map of directly affected parties



Plan Change Request - 36A Eaglehurst Road, Ellerslie