

# SECTION 32 ASSESSMENT REPORT

36A Eaglehurst Road, Ellerslie

Private Plan Change Request

December  
2024

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## **APPENDICES**

Private Plan Change Request	Lodgement email, Section 32 report and AEE.
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## 1 APPLICANT AND PROPERTY DETAILS

<b>Site Address:</b>	36a Eaglehurst Road, Ellerslie
<b>Applicant's Name:</b>	Apexone Ltd
<b>Address for Service</b>	Planning Agent:  OP Planning Consultancy Limited PO Box 64-453 Botany Town Centre op.planning@xtra.co.nz 027 277 8897
<b>Legal Description</b>	LOT 2 DP 167980
<b>Site Area:</b>	3,342m <sup>2</sup>
<b>Auckland Unitary Plan ("AUP") Zoning &amp; Precinct:</b>	Business – Light Industry Zone Residential - Mixed Housing Suburban Zone
<b>Special features, overlays etc:</b>	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
<b>Controls:</b>	Controls: Macroinvertebrate Community Index - Urban
<b>Designations:</b>	Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd
<b>Non-Statutory</b>	Overland Flow Path (minor)
<b>Locality Diagram:</b>	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 2<sup>nd</sup> 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 8<sup>th</sup> 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 3,342m<sup>2</sup> 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', 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