

To: Eryn Sheilds – Auckland Council
From: Rachel Morgan – Barker & Associates Limited
Date: 7 November 2023
Re: Beach Haven Plan Change Update Memo

Following our initial meeting on 2nd October and subsequent meetings and correspondence, I provide an updated memo summarising the changes to the Plan Change application at 96 Beach Haven Road and 13 Cresta Avenue.

The applicant requests to formally ‘restart’ the Plan Change Application at the above-mentioned address. We understand the timeframes to accept the plan change needs to be extended given the time that has elapsed, and as noted in my email on 26/10/23, I confirm the applicant agrees to extension under s37 of the RMA 1991.

Summary of Changes

The following changes have been made to support this Plan Change application:

- The application has been updated to apply the Residential – Mixed Housing Urban (‘**MHU**’) zoning across the entirety of the site (previously a mix of MHU and Residential – Mixed Housing Suburban (‘**MHS**’)). A copy of the revised zoning map is provided in **Attachment 1** and **Figure 1** below.

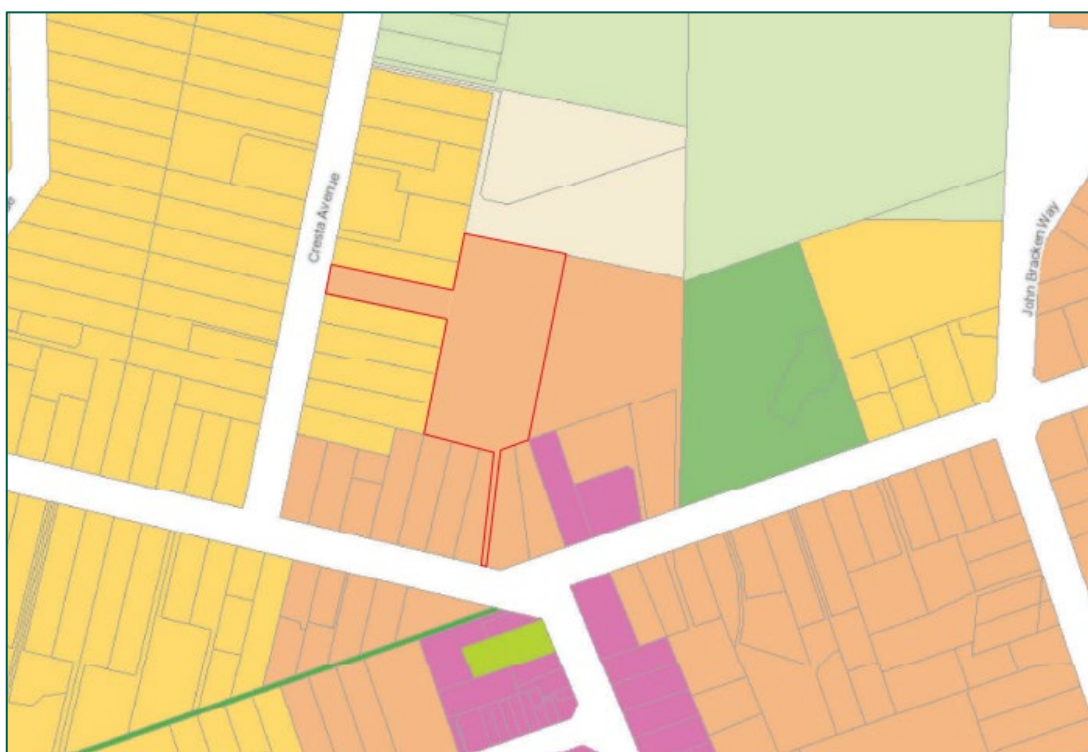


Figure 1: Proposed Zoning Map

- The applicant’s name has changed from ‘Bentley Studios Limited’ to ‘Beach Haven Road Apartments Limited’. The lodged application documents have been updated to reflect this change.

- All the technical documents lodged with the Plan Change application have been updated to reflect the correct MHU zoning proposed on the site. The full suite of updated reports will be provided to Council via a OneDrive link.

The proposed change from the original zoning will not affect the proposed yield or materially change the findings of the technical reports as the new zoning applies to the accessway only (i.e., a non-developable part of the site). Therefore, the overall evaluation provided across the various technical reports will remain unchanged and the conclusions are still accurate to this proposal.

National Policy Documents

Since the Plan Change application was lodged in March 2021, there have been further changes in national legislation and direction which are assessed below:

- RMA Reform – Plan Change 78
- National Policy Statement for Indigenous Biodiversity

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. Under PC 78, the subject site at 96 Beach Haven Road and 13 Cresta Avenue is proposed to be up-zoned to MHU, which is consistent with the zoning sought under this Plan Change application. As such, it is considered the proposal is consistent with the intention of the RMA Reform.

National Policy Statement for Indigenous Biodiversity

In August 2023, the Ministry for the Environment released the National Policy Statement for Indigenous Biodiversity (**NPS-IB**). The NPS-IB contains objectives and policies that require Council's to provide for the long-term protection and management of indigenous biodiversity in the terrestrial environment. In this case, there are no protected trees or significant flora or fauna identified on the subject site. The applicant has an approved resource consent for bulk earthworks (issued on 27th August 2023) and works are currently underway on site. As such, the NPS-IB is not relevant to the assessment of this Plan Change application.

Legal Advice

A summary of the Legal Advice previously presented to Council is provided in **Attachment 2**.

Proposed Plan Change Provisions

As set out in the Legal Advice, under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act the proposed Plan Change must incorporate the MDRS. To implement this, we have prepared a precinct that varies the operative MHU zone provisions to the minimum extent necessary to apply the MDRS, which is included in **Attachment 3**. No other changes are proposed as those further amendments will be addressed through the changes to the underlying MHU zone via Plan Change 78.

The proposal is consistent with the objectives and policies of the MDRS as outlined in Section 32 Report.

Full List of Documents lodged with Plan Change application

Below is a list of the full suite of appendices submitted with this Plan Change application:

- Section 32 Evaluation – Private Plan Change Request
- Appendix 1: Beach Haven Plan Change
- Appendix 2: Records of Title
- Appendix 3: AUP(OP) Objectives and Policies Assessment Table
- Appendix 4: Pre-lodgement Meeting Minutes
- Appendix 5: Urban Design Assessment
- Appendix 6: Integrated Transportation Assessment
- Appendix 7: Engineering and Infrastructure Report
- Appendix 8: Mana Whenua Consultation
- Appendix 9: Stormwater Management Plan