

**Beach Haven Road Apartments Limited**  
**Section 32 Assessment Report**  
**13 Cresta Ave and 96 Beach Haven Road, Beach Haven**  
**Private Plan Change Request**

**November 2023**

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- Appendix 3: Auckland Unitary Plan Objectives and Policies Assessment Table
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## 1.0 THE APPLICANT AND PROPERTY DETAILS

<b>To:</b>	Auckland Council
<b>Site Address:</b>	13 Cresta Avenue and 96 Beach Haven Road, Beach Haven
<b>Applicant's Name:</b>	Beach Haven Road Apartments Limited
<b>Address for Service:</b>	Barker & Associates Ltd PO Box 1986 Shortland Street Auckland 1140 Attention: Rachel Morgan / Jess Parulian
<b>Legal Description:</b>	Refer to Records of Title as <b>Appendix 2</b>
<b>Site Area:</b>	7,147m <sup>2</sup> Approximately
<b>AUP Zoning:</b>	Residential – Single House Zone
<b>Overlays:</b>	None
<b>Designations:</b>	Designations: Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence
<b>Existing Controls:</b>	Macroinvertebrate Community Index – Urban
<b>Additional Limitations:</b>	Overland flow path
PC 78 Zoning:	PC78 - Residential – Mixed Housing Urban Zone
PC 78 Management Layers:	N/A
PC 78 Qualifying Matters:	PC78 - Infrastructure Water and/or Wastewater Constraint Control
<b>Locality Diagram:</b>	Refer to <b>Figure 1</b>
<b>Brief Description of Proposal:</b>	Private Plan Change request rezone the subject site from Single House to Mixed Hosing Urban ( <b>MHU</b> ) as shown in <b>Appendix 1</b> .

## **2.0 INTRODUCTION**

### **2.1 BACKGROUND**

#### **2.1.1 The Applicant**

Beach Haven Road Apartments Limited has 20 years' experience in residential construction and 10 years' experience in developing properties in Auckland and the Waikato Region. This includes the construction of residential dwellings for Housing New Zealand, Kiwi Build and also build to rent developments.

Beach Haven Road Apartments Limited is seeking to rezone 13 Cresta Avenue and 96 Beach Haven Road, Beach Haven from Residential Single House (**SHZ**) to Mixed Housing Urban (**MHU**). Beach Haven Road Apartments Limited envisages that the Plan Change will provide for the redevelopment of the Plan Change area enabling intensive residential development and more efficient use of land adjoining a Local Centre and within walking distance of the Beach Haven Ferry.

### **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 quality intensification near the Beach Haven Local Centre which is within walking distance to the Beach Haven Marina, promoting public transport use and active transport modes. Furthermore, all necessary statutory requirements have been met, including an evaluation in accordance with S32<sup>1</sup> 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.

### 3.0 SITE LOCATION AND DESCRIPTION

#### 3.1 SITE DESCRIPTION

The Plan Change area comprises of two contiguous allotments located at 13 Cresta Ave and 96 Beach Haven Road as shown in the locality plan included as **Figure 1** below. The total area of these two allotments is approximately 7,147m<sup>2</sup> and is located adjacent to the Beach Haven Local Centre. A copy of the Records of Title for these sites are included at **Appendix 2**.

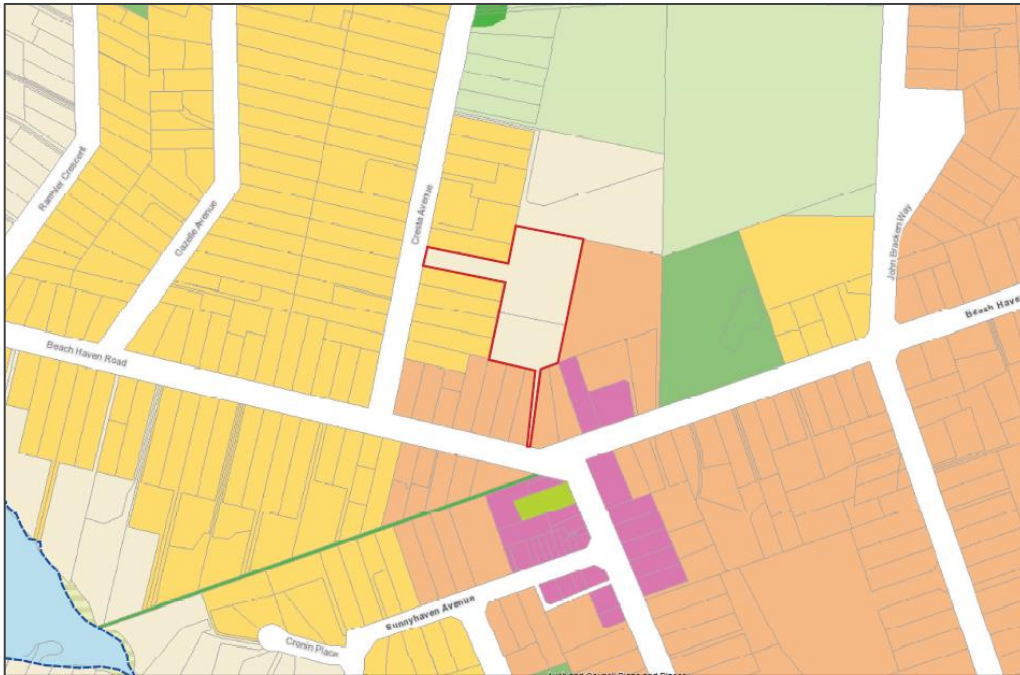


**Figure 1: Aerial map showing the location of the Plan Change area (Source: Auckland Council Geomaps)**

The Plan Change area is located within the Residential – Single House zone refer **Figure 2**. The Plan Change area is subject to a Designations: Airspace Restriction

<sup>1</sup>S32 of the RMA

Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence.



**Figure 2: AUP zoning with the site outlined in yellow (Source: Auckland Council Geomaps)**

The Plan Change area is irregular in shape and consists of two panhandle shaped allotments, therefore the majority of the site is rear as defined in the AUP(OP). The 13 Cresta Ave allotment has a 15m wide frontage to Cresta Ave. This is consistent with the width of other sites along Cresta Ave, with a pattern of infill development within the immediate neighbourhood. The second panhandle is 3.05m wide and has frontage to Beach Haven Road.

The topography of the Plan Change area varies across the site. There are two large areas relatively flat land on the south eastern part of the site. There is a large gully which traverses the middle of the site which conveys the flood hazards on site and as they low point of the site, there is existing stormwater infrastructure within this area. The subject site slopes in a northerly direction towards 29 Cresta Avenue, with gradients ranging from 4% in the central portion of the site, to approximately 6% towards the northern section of the site. There are no known heritage items/places, significant indigenous habitat or vegetation within the Plan Change area.

Auckland Council's Geomaps indicates that the central portion of the Plan Change area is subject to a flood plain and traversed by overland flow paths.

The Plan Change area is currently vacant, as all existing buildings have been removed and excavation works are underway across the site in accordance with the approved bulk earthworks consent (LUC60384512-A). Adjoining the site to the north are two

other Single House Zoned sites. These properties, 29 and 29A Cresta Ave both contain a single dwelling and garage and the majority of the site is covered with mature vegetation which lines the banks of the watercourse that traverse the site.

Adjoining the eastern boundary of the Plan Change area, at 118-122 Beach Haven Road is a multi-unit residential development comprising of 41 units in four three storey buildings. Consent for these units was granted in 2016.

### **3.2 SURROUNDING AREA / LOCAL CONTEXT**

The plan change area is located with the suburb of Beach Haven. This is primarily accessed from Beach Haven Road which is a main Arterial Road. The pattern of development within this area is linear and characteristic of infill subdivision. The majority of the neighbourhood is residential and characterised by one-two storey dwellings. These buildings are largely from the mid-twentieth century and are rectangular sites that are approximately 15m in width. There are nine Kainga Ora projects within the Beach Haven area at various stages of completion, which seek to intensify their land holdings within this area<sup>2</sup>.

The Local Centre is located in and around a roundabout on Beach Haven Road and Rangatira Road. This area comprises of single – two storey commercial buildings with a range of land uses. This includes superettes, real estate agencies, hair dressers, pharmacy and food and beverage outlets. The built form within this area can be characterised finer grain strip retail, apart from the eastern side of Rangatira Road in which there are residential units. The commercial buildings provide a continuous edge along their street boundary, with verandas provided over the footpath.

The zoning pattern of the wider area spanning out from Beach Haven Local Centre is, very loosely, concentric. At its core is Local Centre zoning, surrounded by MHU and MHS zones, with the exception being the Plan Change area and the two adjoining sites to the north. From there, it transitions to Single House zone adjacent to the coast and where permanent watercourses are present.

The Beach Haven Wharf is located approximately 800m to the west of the Beach Haven Local Centre which is accessible by bus. This ferry and provides a 40-minute ferry service to the Auckland CBD via Hobsonville. These operate every 20-60 mins during peak commuting hours.

There are three bus stops located in the Local Centre. Beach Haven Road and Rangatira Road are both arterial roads and are serviced by the Frequent Transit Network (FTN) with buses going to the CBD, Newmarket and the Auckland City Hospital via Ponsonby Road. There are also frequent connections to Smales Farm, Takapuna and the North Shore Hospital. In July 2020, Auckland Transport upgraded

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<sup>2</sup> Source: <https://www.birkdalebeachhaven.org.nz/kainga-ora>



the zebra crossing, extended a raised table, traffic island and installed new footpaths within the Local Centre.

The Plan Change area is well served by amenities, with Beach Haven Primary, Birkenhead College, Birkdale Intermediate and Creative Kids Early Childhood Education in the wider area. There is an extensive open space network within the area which sit on either side of the Hellyers Creek inlet. This includes Tui Park and Shepards Park at the end of Cresta Ave, which contains a range of recreation facilities including a fitness trail, learn to ride bike trail, play equipment, sports fields and facilities.

Shepards Park is the starting point of the Hellyers Creek Path which is a 6km coastal walk. The long-term aspirations of the Kaipatitiki Local Board are to create a coastal connection between Shepards Park and Tui Park, however the timing for this has not been specified.

## 4.0 DESCRIPTION OF THE PLAN CHANGE REQUEST

### 4.1 DESCRIPTION OF THE PROPOSAL

This Plan Change seeks to rezone 13 Crest Ave and 96 Beach Haven Road from Residential Single House zone to the Residential Mixed Housing Urban, as shown in **Figure 3** below.



**Figure 3: Proposed zoning, with the Plan Change area outlined in red**

The spatial extent of the Plan Change area has been limited to two contiguous allotments, 13 Cresta Ave and 96 Beach Haven Road as opposed to all four Single House zoned sites. As described above, there is a natural watercourse that runs through 29 and 29A Cresta Ave. In this case, the watercourse is not considered a natural/sensible boundary given that these sites are subject to a number of other limitations such as a steeper topography that would make more intensive development challenging, and the SEA overlay.

## **4.2 PURPOSE AND REASONS 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 greater density to make efficient use of highly accessible land close to the Beach Haven Local Centre and public transport. The reason for this Plan Change is that the applicant, who is the majority landowner of the Plan Change area, intends to develop the site in a manner consistent with the MHU zones, which this Plan Change request will enable.

The 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 the report. The evaluation of Plan Change concludes that these amendments are the most appropriate way to achieve the purpose of the RMA.

## **5.0 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 councils 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 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 and 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 3:** *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:*

*(b) 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 area is located within centre and is also highly accessible to a range of public transport, open space and education options. As discussed in Section 6.1.1 the Plan Change provides for increased development capacity therefore ensuring the efficient use of this highly accessible land and promoting development that is public transport orientated given the proximity to the ferry and frequent bus routes.

### **5.1.2 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 27<sup>th</sup> 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.

### **5.1.3 National Planning Standards**

The National Planning Standards came into effect on 5 April 2019. These codify the structure, mapping, definitions and noise/vibration metrics of District, Regional and Unitary Plans. Auckland Council has 10 years to implement these changes, which this Plan Change can be incorporated into once it is made operative.

### **5.1.4 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 18<sup>th</sup> 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. Other related plan changes, PC 79-83, have also been notified. In this case, the site is within the proposed Mixed Housing Urban Zone (MHU) and is identified by PC78 as subject to a qualifying matter being the Infrastructure Water and/or Wastewater Constraint Control. 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. In regards to the qualifying matter, it is noted the applicant has an existing agreement with Watercare to ensure the site can be adequately serviced. Further, the proposed precinct provisions have captured the relevant MDRS standards contained within Schedule 3A of the RMA.

The objectives and policies of the MDRS are relevant when considering the proposed plan change and have been incorporated into the proposed Beach Haven Precinct, as 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 in area with well-established social and physical infrastructure. The site is within walking distance to the Beach Haven Local Centre and will provide much needed housing stock within this area. Future residential development on this site 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 strategic location of the site, 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 an underutilisation of 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 more intensive 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 and is consistent with the apartment building to the east at 120 Beach Haven Road.

***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 is a qualifying matter on the site under PC 78, however, the applicant has an agreement with Watercare to address this matter. The proposed Beach Haven precinct provisions have captured the MDRS standards.

***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 Beach Haven Precinct.

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

This policy is captured in the proposed Beach Haven Precinct.

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

This policy is captured in the proposed Beach Haven Precinct.

Having regard to the above, it is considered the proposal is consistent with the intention of the RMA Reform and MDRS objectives and policies.

## **5.2 COUNCIL STRATEGIC 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<sup>3</sup>:

- 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;*

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<sup>3</sup> Auckland Plan 2050, pg. 206.

- 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 adjacent to the Beach Haven Local Centre and is exceptionally well serviced by public transport as it is within walking distance to the ferry and on a Beach Haven FTN / frequent bus route. It also is in close walking distance to a range of social amenities such as open space, education, community and cultural facilities. The Plan Change area is serviced by existing infrastructure.

The Plan Change provides an opportunity to increase development capacity, maximising the efficient use of highly accessible centre land. Development capacity is maximised through rezoning the site from Single House to Mixed Housing Urban which allows for more intensive residential development.

In terms of quality development, it is considered that the existing planning framework within the MHU zone can be relied upon to achieve quality built outcomes for development of this site.

Overall, the Plan Change is consistent with the strategic direction of the Auckland Plan and will contribute to achieving a quality compact approach to urban growth, while ensuring that good design is embedded through the development.

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

## **6.0 REGIONAL POLICY STATEMENT 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 adjacent to a Local Centre, that contributes to a quality compact form. The change in zone will enable an increase in residential density on land which is accessible by ferry and the frequent transit network (FTN) that runs along Beach Haven Road and Rangatira Road. The increased density also enables more residential capacity within walking distance to Beach Haven Primary, Birkenhead College, Birkdale Intermediate, Creative Kids Early Childhood Education Tui Park and Shepards Park, which contains a range of recreation facilities including a fitness trail, learn to ride bike trail, play equipment, sports fields and facilities. 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 MHU zone to the Plan Change area will be consistent with development within the existing neighbourhood. The existing provisions in the MHU 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.

### *Summary*

The Plan Change is consistent with the policy direction of the RPS. A comprehensive assessment of the proposed plan change against the relevant objectives and policies of the RPS are provided at **Appendix 3**. This demonstrates that the Plan Change will give effect to the RPS.

## **6.2 MANA WHENUA CONSULTATION AND ENGAGEMENT**

An email was sent on the 21 December 2020 to the following mana whenua groups requesting feedback on the proposed private plan change:



- Ngāi Tai ki Tāmaki - Ngāi Tai ki Tāmaki Tribal Trust
- Ngāti Maru - Ngāti Maru Rūnanga Trust
- Ngāti Pāoa - Ngāti Paoa Iwi Trust
- Ngāti Pāoa - Ngāti Paoa Trust Board
- Ngāti Tamaterā - Ngāti Tamaterā Settlement Trust
- Ngāti Te Ata - Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohūa
- Ngāti Whanaunga - Ngāti Whanaunga Incorporated
- Ngāti Whātua o Kaipara - Ngā Maunga Whakahii o Kaipara Development Trust
- Ngāti Whātua Ōrākei - Ngāti Whātua Ōrākei Trust
- Te Ākitai Waiohūa - Te Ākitai Waiohūa Iwi Authority
- Te Kawerau ā Maki - Te Kawerau Iwi Settlement Trust
- Te Rūnanga o Ngāti Whātua - Te Rūnanga o Ngāti Whātua

A response was received from Ngā Maunga Whakahii o Kaipara Development Trust, Ngāti Whātua Ōrākei Trust and Ngāi Tai ki Tāmaki Tribal Trust confirming that no further action was required. This correspondence is included at **Appendix 8**.

## 7.0 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 by various experts, which are attached as appendices to this report.

### 7.1 QUALITY BUILT ENVIRONMENT

An Urban Design assessment of the proposed Plan Change has been undertaken by Barker and Associates and is included at **Appendix 5**. The Urban Design assessment assesses how the proposed rezoning sought through the Plan Change will facilitate a quality built environment.

The Urban Design assessment finds that the change in zone will enable land to be used in a more efficient manner and will utilise existing services and established infrastructure. Given that the Plan Change area is a rear site, there is unlikely to be any discernible change to the streetscape as a result of future developments enabled by the rezoning.

With respect to how a more intense development within the Plan Change area will achieve quality built environment outcomes the urban design assessment concludes that the AUP already manages design quality in the MHU 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.

Overall, the effects on the environment as they relate to urban design matters will be appropriately managed with the MHU zone provisions.

## 7.2 TRANSPORT

An Integrated Transport Assessment (ITA) has been prepared by Commute and is included at **Appendix 6** to this report. The assessment considers the accessibility of the site through all modes of transport, and the ability of the existing road network to safely and efficiently accommodate traffic generated by a potential development and concludes the following:

- *The site has good accessibility to various transport modes: walking, cycling, bus, ferry and private vehicle;*
- *For the purposes of assessment, it is assumed that 72 dwellings can be developed on the site. The effects of the proposed increase in vehicles are expected to be negligible with all existing roads and intersections capable of accommodating this additional traffic;*
- *Sufficient parking can be provided on-site;*
- *A two-way vehicle access and pedestrian path can be provided from the development onto Cresta Avenue at the existing access strip serving 13 Cresta Avenue. Sight distance from the vehicle crossing is considered acceptable and meets relevant guidelines. Further detail can be provided at subsequent resource consent stages should the Plan Change be approved;*
- *The proposed development is consistent with, and encourages, key regional and district transport policies.*

*From our assessment of the proposal, 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.*

Based on the foregoing, it is considered that the proposal is appropriate from a transportation perspective.

## 7.3 OPEN SPACE AND COMMUNITY FACILITIES

The Plan Change area is highly accessible to open space and community facilities. In particular, Shepards Park, Tui Park, Hilders Park, Sunnyhaven Avenue Reserve and

Drome View Reserve are located within an 800m walking catchment. Shepards Park contains a range of recreation facilities including a fitness trail, learn to ride bike trail, play equipment, sports fields and facilities.

The Plan Change area is also well serviced by community facilities. Beach Haven Primary School is located within an 800m walking catchment along Rangatira Road. Birkdale North School, Birkdale Primary School, Birkenhead College and Birkdale Intermediate School are located within a 2km catchment of the Plan Change area. Furthermore, Beach Haven Local Centre is a retail and employment area which offers a range of amenities and services.

In summary, the surrounding open space, amenities and social facilities, are accessible by active and public modes of transport, and are of a sufficient size to cater for the social and cultural needs and well-being of future residents of the Plan Change area.

#### **7.4 SERVICING**

An infrastructure report was prepared by Airey Consultants Ltd to inform the Plan Change, which is included at **Appendix 7** to this report. An assessment of the infrastructure within the local area has been undertaken as well as an overview on other civil engineering considerations such as flood hazards.

The proposed rezoning will result in an increase in impervious surface area which can be managed by stormwater devices. A high-level capacity assessment of the public stormwater, waste water and water supply system has been undertaken, and Airey Consultants concludes that the proposed redevelopment on site can occur and can be serviced by existing and proposed infrastructure. Furthermore, there are options for utility services to be provided to the site.

In terms of flooding, Geomaps indicates that an overland flow path traverses the site. A desktop Flood Assessment was undertaken and concludes that the overland flow path will not have any detrimental effect on further development. Furthermore, the Geotechnical investigation concludes that the site is suitable for development.

Overall, it is considered that existing infrastructure can be utilised to service the Plan Change. Furthermore, the overland flow path on the site can be accommodated for within a development on site and a geotechnical report concludes that the ground conditions are suitable for development.

#### **7.5 STORMWATER**

A stormwater management plan (SMP) has been prepared by Aireys Consultants. This confirms that the proposal accords with the requirements of Council's Network

Discharge Consent and that the effects of a future development in relation to stormwater can be appropriately managed. In this regard, we note that the maximum impervious area under both the Single House zone and the MHU zone are the same at 60 per cent, and the change of zone itself will not result in any differences to how stormwater would be managed through the resource consent process.

## 7.6 SUMMARY OF EFFECTS

The actual and potential effects of the proposed Plan Change have been considered above, based on extensive reporting and analysis undertaken by a wide range of technical experts. On the basis of this analysis, it is considered that the area is suitable for the change in zone from Single House to MHU and will result in positive effects on the environment in terms of the social and economic well-being of the community. Further, the development can be serviced by existing infrastructure.

## 8.0 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 MHU zone. The AUP objectives which relate to these zones include:

- Mixed Housing Urban Zone - 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.*
  - (2) *Development is in keeping with the neighbourhood's planned urban built character of predominantly three-storey buildings, in a variety of forms and surrounded by open space.*
  - (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 MHU 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 MHU 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 MHU 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 MHU 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<sup>4</sup>.

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;

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<sup>4</sup> RMA s32(3)

- (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 Single House zone across the sites (status quo).
- Option 2 – (Plan Change) Rezone the plan change area to Mixed Housing Urban Zone and establish a Beach Haven Precinct
- Option 3 – rezone the Plan Change area to Terrace Housing and Apartment Buildings zone.

### 8.3.1.1 Evaluation of Other Reasonably Practicable Options

Each of these alternatives is discussed below and a summary of the s32(2) matters for the options are set out in Table 9.3.2.1.

**Table 8.3.2.1: Summary of Options Analysis Addressing S32(2) Matters**

Benefits	Costs	Efficiency and Effectiveness
<b>Option 1: Maintain the Single House zone (status quo)</b>		
Maintains the operative AUP zoning and provides continued certainty for neighbours.	The Single House zone would enable up to seven dwellings on the site (1 dwelling: 600m <sup>2</sup> ). This form of development is likely to result in higher housing costs.	The Single House zone is not effective in achieving the efficient use of land and achieving objectives for affordable housing in the RPS.

		This option is not effective at achieving B2.3.1 (1), B2.3.1 (2) and B2.3.1 (3) as it does not enable intensification around centres.
<b>Option 2: Plan Change (Rezoning the Plan Change area to Mixed Housing Urban) and establish a Beach Haven Precinct</b>		
<p>The Plan Change area is largely in single ownership which will enable integrated and comprehensive development. These sites are not subject to any other restrictions or overlays.</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 a short walk to the Beach Haven Centre and FTN.</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. Further, this option is consistent with the RMA Reform, in particular, the MDRS objectives, policies and standards which have been captured in the proposed Beach Haven Precinct provisions.</p>
<b>Option 3: Rezoning the Plan Change area to Terrace Housing and Apartment Buildings zone</b>		
<p>The Plan Change area is largely in single ownership which will enable integrated and comprehensive development. These sites are not subject to any other restrictions or overlays.</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 a short walk to the Beach Haven Centre and FTN.</p>	n/a	<p>This option does not respond directly to the residential context and therefore would not effectively achieve B2.3.2(1)(a).</p> <p>The application of the THAB zone would result in a density of development which would be less effective in achieving a quality-built environment.</p>

### 8.3.1.2 Summary of Reasons for Deciding on the Provisions

Option 2 is preferred. The application of the MHU zone to the Plan Change area included as part of this application, 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 Table 8.3.2.1 above. For this reason, an assessment of the risk of acting or not acting is not required.

### 9.0 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<sup>5</sup>.

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 is set out in the report above will be effectively managed by the provisions of the MHU 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. Mana whenua groups have not raised any issues with the proposal.

The adjacent properties to the Plan Change area are shown in **Figure 4** below and include:

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<sup>5</sup> Clause 5A of Schedule 1, RMA 1991



**Figure 4: Adjacent properties shaded blue and Plan Change Area (with boundary highlighted in red)**

- 5 and 2/5 Cresta Avenue, Beach Haven
- 7 and 2/7 Cresta Avenue, Beach Haven
- 9 and 2/9 Cresta Avenue, Beach Haven
- 11 Cresta Avenue, Beach Haven
- 12 and 2/12 Cresta Avenue, Beach Haven
- 14 and 1/14 – 3/14 Cresta Avenue, Beach Haven
- 15 and 2/15 Cresta Avenue, Beach Haven
- 16 and 2/16 Cresta Avenue, Beach Haven
- 17 and 3/17 Cresta Avenue, Beach Haven
- 29 and 29A Cresta Avenue, Beach Haven
- 88 and 2/88 Beach Haven Road, Beach Haven
- 90 and 2/90 Beach Haven Road, Beach Haven
- 92 and 2/92 Beach Haven Road, Beach Haven
- 94 Beach Haven Road, Beach Haven
- 97 Beach Haven Road, Beach Haven
- 98A – 98C Beach Haven Road, Beach Haven
- 100A – 100D Beach Haven Road, Beach Haven
- 102 Beach Haven Road, Beach Haven
- 116 - 4/116 Beach Haven Road, Beach Haven
- Units 1A, 2A – 2U and 3A – 3U at 118 - 122 Beach Haven Road, Beach Haven

## 10.0 CONCLUSION

This report has been prepared in support of Beach Haven Road Apartments Limited request for a Plan Change to rezone 13 Cresta Avenue and 96 Beach Haven Road, Beach Haven from Single House to the MHU 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 9 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.