



***APPLICATION FOR PROPOSED PLAN CHANGE  
UNDER SECTION 73 OF RESOURCE MANAGEMENT ACT 1991  
AT 83 REMUERA ROAD***



**APPLICATION FOR PRIVATE PLAN CHANGE TO MEET THE REQUIREMENTS OF  
SCHEDULE 1 CLAUSE 22 OF THE RESOURCE MANAGEMENT ACT 1991**

**TO:** Auckland City Council  
Private Bag 92 516  
Wellesley Street  
**Auckland**

**APPLICANT:** Ottow Burke and Associates (“the Applicant”)

**THE NAMES AND ADDRESSES OF THE OWNER AND OCCUPIER OTHER THAN THE APPLICANTS ARE:**  
**OWNER:** Remuera Road Investments Limited

**THE LOCATION OF THE ACTIVITY:** 83 Remuera Road, Remuera

**LEGAL DESCRIPTION:** Lot 2 DP 145215, NA 86A/623

**NAME OF AGENT:  
ADDRESS FOR SERVICE:** Green Group Limited  
PO Box 105 153  
**Auckland**  
Attn: Nesh Pillay

**ADDRESS FOR ACCOUNTS:** Ottow Burke and Associates  
14 Galatos Street, Newton  
P O Box 91 516, AMSC  
**Auckland**

**RMA SCHEDULE 1 CLAUSE 22 REQUIREMENTS**

**PURPOSE:** To rezone Residential 7b land and additional modifications stated in the attached report

**REASONS:** To enhance the utility of the site and to reflect existing uses and additional reasons stated in the attached report

**SECTION 32 ANALYSIS:** See Section 5 of attached report

**ASSESSMENT OF EFFECTS:** See Section 5.0 of attached report

**DATED AT AUCKLAND:** 23 December 2008

**SIGNED**

**Nesh Pillay**  
**Duly Authorised Agent for Ottow Burke and Associates**



## 1.0 Introduction

- 1.1 This application outlines the resource management issues associated with a request by Ottow Burke & Associates to the Auckland City Council ('the Council') as the owner of 83 Remuera Road to amend the zoning of this property from Residential 7b to Residential 8c.
- 1.2 The planning site ('the Site') is comprised of a single certificate of title being Lot 2 DP 145215 (NA86A/623). The site has an area of 2831m<sup>2</sup>.
- 1.3 A copy of the certificate of title is attached.
- 1.4 The Resource Management Act 1991 ('the Act') provides the opportunity to apply for a private plan change to an Operative District Plan where certain preconditions are able to be complied with.
- 1.5 These matters are set out at section 25(4) of Part II of the 1<sup>st</sup> Schedule to the Act. The proposal in our opinion accords with these requirements such that the Council is able to consider this proposal in terms of the provisions of the Schedule.
- 1.6 Part II of the 1<sup>st</sup> Schedule of the Act provides for "Requests for Changes to Policy Statements and Plans of Local Authorities and Requests to Prepare Regional Plans" and states:
  - "21. *Requests*
  - (1) *Any person may request a change to a district plan or regional plan 9including a regional coastal plan)*"And:
  - "22. *Form of request –*
  - (1) *A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan change to a policy statement or plan.*
  - (2) *Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of the Fourth Schedule, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan."*
- 1.7 In this case the Operative District Plan ('the Plan') is the *Isthmus Section of the Auckland City District Plan* made Operative in 1998.
- 1.8 The subject site has, despite its present commercial land use activities



established over many years, been accorded with a residential zoning.

- 1.9 It is requested that the Plan make provision for the uses that exist on this site currently and are expected to exist in the foreseeable future by way of change to the Plan and to introduce a zoning type that provides for more intensive residential on site.
- 1.10 Greater control over amenity and certainty to the land owners will result both in and adjacent to the subject site.
- 1.11 The change comprises the sustainable and appropriate development of natural and physical resources. The use and development of the site is considered to comprise development consistent with existing residential amenity.
- 1.12 As the following assessment outlines the effects of the activity are constrained to the site subject to the zoning and subject to appropriate development controls being imposed on development will not give rise to adverse effects that are more than minor.
- 1.13 In accordance with the provisions of Clause 22 of the Act, this document shall serve as written notice of the plan change request and also of the following requirements:

Purpose of the plan change:

The purpose of this plan change is to rezone the subject site to the Residential 8c zone

Reasons for the plan change:

The change is sought to enhance the utility of the property in keeping with its location at the fringe of the Central Area and to allow for the development of the site as a high intensity residential property

Section 32 evaluation:

See Section 5 of this report.

- 1.14 This report explains the purpose of, and reasons for, the proposed plan change, and contains an evaluation under Section 32 of the Act. The request describes the environmental effects of the change taking into account the provisions of Schedule 4 and the provisions of the District Plan.
- 1.15 Specifically the proposal will result in the following changes to the Planning Maps:

Planning Map D09, Page 1:	Shall have the Residential 8c zone applied to the subject site while presently they are zoned Residential 7b
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- 1.16 It is considered that for the reasons set out below, the proposal is merited and

is recommended to Council for consideration and approval.

## 2.0 The Site

- 2.1 The subject site is located on the southern side of Remuera Road, approximately 380m east of the intersection of Remuera Road and Broadway, Newmarket and 105m west of the intersection of Remuera Road and St Marks Road, Newmarket.
- 2.2 The site is located down a long driveway which has recently been the subject of an approved Auckland City Council application (Council reference LUC20080179801) to widen and upgrade to allow for simultaneous entry and exit. This upgrade will allow for the intensification of the site to occur in a safe and practical manner.
- 2.3 The site sits in the middle of the interface between the Newmarket shopping district and more traditional residential suburb of Remuera. To the immediate east of the site is the St Mark's Anglican Church, which acts as a natural watershed between the commercial and residential areas.
- 2.4 As a result of the Church to the east, the railway tracks to the south and the commercial/medical properties to the west and north, the site does not have any traditional residential properties in close proximity.

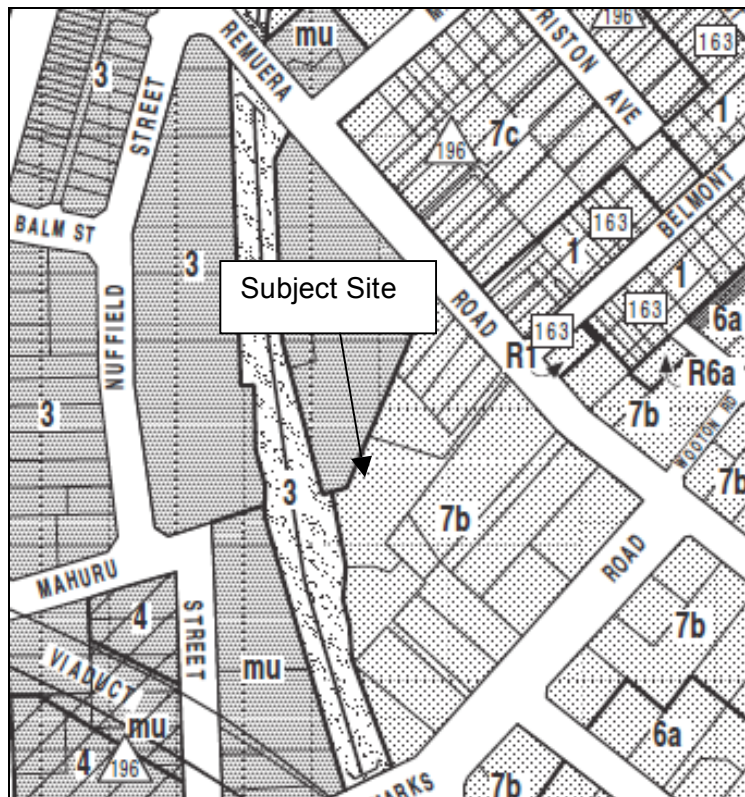


Figure 1: Planning Map D09-01

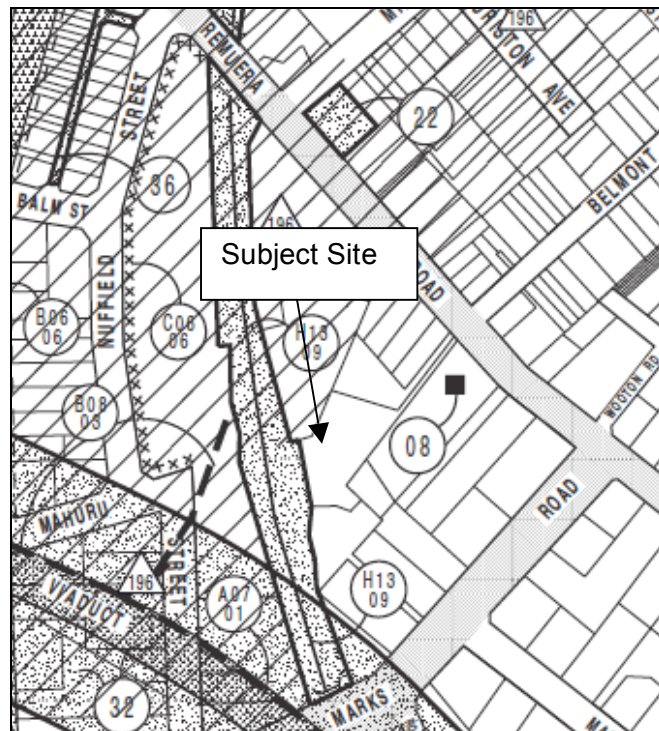


Figure 2: Planning Map D09-02

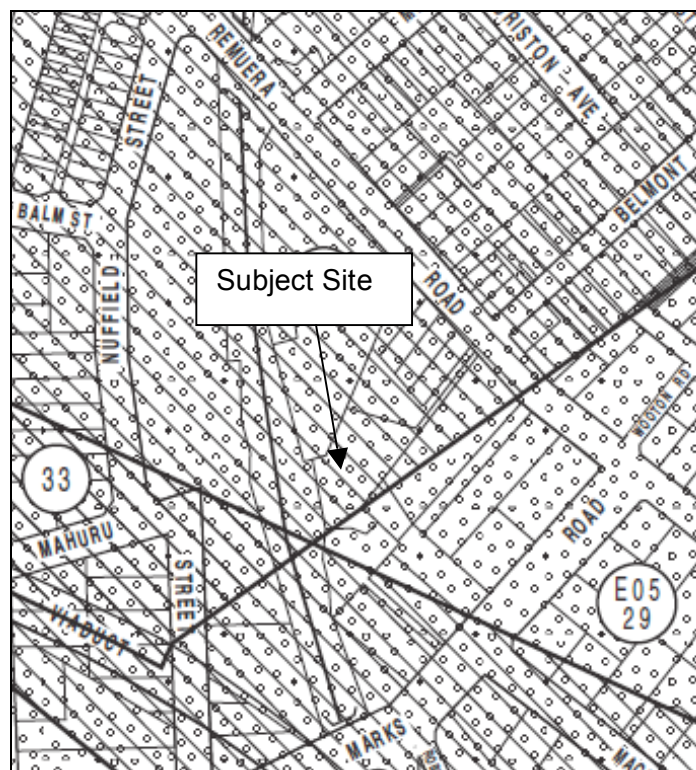


Figure 3: Planning Map D09-03

- 2.5 The site is currently occupied by a large building which serves as an educational library for the use of teachers and schools in the wider Auckland area.
- 2.6 The site is well served by transport connections. State Highway 1 has north and south bound onramps 500m and 200m distant respectively, and offramps from the north and south 500m and 1000m distant respectively.
- 2.7 The Newmarket train station is 400m away, and Broadway, at a distance of 380m is a transit point for buses travelling to numerous suburbs around the eastern part of the City.

### 3.0 District Plan Provisions

#### 3.1 Auckland City District Plan: Isthmus Section 1999.

- 3.2 The proposal seeks to change the provisions of the Auckland City District Plan: Isthmus Section as these apply to the properties subject of this Plan change.
- 3.3 The applicant for the Plan Change seeks that the subject site be rezoned from residential 7b to a more appropriate Residential 8c. The applicant considers that the most appropriate manner by which regulatory controls are imposed on the site is by way of a plan change. This approach appears logical and was supported through preliminary discussions with the Council. Whilst the option of a resource consent remains available it was considered that in terms of commercial flexibility and certainty of use that a plan change was the 'better' approach to adopt in all of the circumstances.
- 3.4 The District Plan helpfully specifies the circumstances under which Council will consider an application to rezone land. These tests or criteria are discussed in the context of the subject application, and are as follows:
- 3.5 *7.5.1.1 Changes in Zoning*

*Provision is made for changes to occur in the residential zoning pattern. It is recognised that over time the local environment and infrastructural constraints in a residential area, that initially determined its zoning, may change. In such circumstances the zone applied may no longer be appropriate.*

*Where this occurs the Council may either initiate a change to the Plan or may consider a formal request for a change from residents in the area. In assessing a change in zoning the Council will consider:*

- *The physical characteristics and functions of activities provided for in the proposed zone and their effect on the local environment;*

Comment: The Residential 8c zone allows for a high density of residential development, given the physical separation of the site with more traditional residential areas, and its proximity to the Newmarket commercial area, it is

considered that the effects will not have an adverse effect on the local environment that is more than minor.

- *Methods of ensuring that the amenity values experienced by the local community will not be adversely affected and where possible will be enhanced by the proposed zone;*

Comment: The proposed plan change will take a library that functions in a semi commercial manner, and allow for the comprehensive redevelopment of the site in a manner consistent with its (current) residential zoning.

- *Ensuring that factors such as any infrastructural constraints experienced by the local environment (in particular drainage and roading), and the ability for development to access services, shopping and leisure opportunities, are at a level consistent with the intensity of development likely to result from the proposed zone.*

Comment: The attached engineering report comments on the impact of the proposed plan change on infrastructure. The report concludes provided the impermeable area on site is not increased (the concept plan provided with this plan change decreases the level of impermeable area on site), it is unlikely that stormwater detention will be required.

3.6 The Objectives and Policies of the Residential 8c zone are listed below. The Objectives and Policies of a zone can be used to assess the character of development likely to take place within a zone, and the appropriateness of a zone to a given locality. We comment on these as follows:

3.7 7.6.8.1 Objectives and Policies

*Objective*

*To provide opportunities for a more compact lifestyle, in appropriate locations, while catering for future population growth within the Auckland Isthmus.*

Comment: The Residential 8c zone allows for more intensive development of a site for residential accommodation, and for a more permissive development controls regime. The effects of this intensification of the site will no be no more than minor, due to the fact that surrounding properties are largely given over to commercial, rail or church uses, the effects on any person are limited. The location of the site, with good transport links, and close proximity to services and employment centres is such that the proposed intensification can occur in appropriate locations.

*Policies*

- *By promoting the development of higher density apartment, terraced housing and townhouse residential development within specified growth areas, through the application of the Residential 8 zone, in a manner which respects the surrounding built and natural environment and protects neighbouring sites from the adverse effects of development.*

- *By directing compact residential living to appropriate locations which will have sufficient infrastructure capacity to accommodate such growth and which avoid compromising significant natural, historic or cultural features.*
- *By promoting growth within locations which are within walking distance of major transport nodes, existing town centres zoned Business 2 and 3 and recreational opportunities.*
- *By promoting quality, and innovative design solutions for developments, by requiring the application of urban design criteria.*

Comment: The policies of the Residential 8c zone generally accord with our earlier commentary. The zone allows for a greater level of development of a site, with more intensive occupation. In our opinion the site, and wider locality, are well suited, and indeed very appropriate for development of this nature, and the receiving environment is capable of amalgamating the effects of such activities into its general amenity.

3.8 The strategy for the Residential 8c is included below. The strategy broadly sets out the Council's ambitions for the adoption and development of the zone within the Isthmus. We comment on the strategy in relation to the proposal as follows:

3.9 7.6.8.2 Strategy

3.10 The Residential 8 zone is applied to residential land close to the Central Area, adjacent to existing centres, or main transport nodes, which is located within a specified growth areas. The purpose of the zone is to facilitate the outcomes of Council's adopted growth management strategy through the provision of more liberal densities than found in the other residential areas of the City.

3.11 Subsequent to a Residential 8c zone being applied to the property, the following development controls would apply:

7.8.2.3 Maximum Height:	17 m
8.8.2.3 Maximum Stories:	5
7.8.2.4(iii) HIRB at Res 7 boundary:	3m + 45 degrees
7.8.2.7 Max Building Coverage and Impermeable Surface:	60% (increasable to 80%)
7.8.2.8 Minimum Permeable Surface:	40% (reducible to 20%)
7.8.2.15 Parking:	Studio/One Bedroom = 1 space Two bed, >75m <sup>2</sup> = 1 – 2 spaces Four bed = 2 spaces 1 visitor space per 5 units 1 Loading space per 10 units

3.12 **Concept Sketch Proposal**

3.13 A concept sketch to illustrate a 'development envelope' has been prepared and is attached at Annexure 2.



- 3.14 This sketch shows a hypothetical development design achieving the development controls for the Residential 8c zone.
- 3.15 The building 'envelope' complies with the height in relation to boundary controls applying to neighbouring residential zones to the north and south (the site to the south is zoned residential, although it operates as a business, and appears to have been developed pursuant to the rules of a Business or consent).
- 3.16 The site plan shows that considerable landscaping can be provided about the site, to enhance the amenity of the site, and reduce the impact on neighbouring residential areas, as well as increase natural ground soakage by decreasing the level of building coverage and impermeable surface on site.
- 3.17 It is reiterated that this concept sketch does not form an actual proposal for development, and is limited in its purpose to demonstrating that a functional and complying development could be constructed on the site.
- 3.18 Development as a Residential Site**
- 3.19 It is relevant to compare the concept sketch to a complying residential development (under the development controls applicable to the site presently).
- 3.20 The Residential 7b zone allows for a maximum height of 12.5m, with 35% building coverage. coverage, with a minimum of 40% landscaped permeable surface. When one considers the need for a business to provide on site parking (thereby reducing building coverage), the building envelope of a complying residential development are not dissimilar to that which is feasible as a business premises (unless one were to resort to underground parking)
- 3.21 We are of the opinion that the development controls of the Residential 8c zone serve to adequately mitigate the affects of the slightly enhanced development envelope, in particular, the fact that the construction of any residential units require resource consent. this can be conducted in a sustainable manner.
- 3.22 Traffic Engineer's Report**
- 3.23 The report attached at [Annexure C](#) sets out the likely traffic impacts if the site were to be developed to its full potential. This report has been prepared in order to reassure Council that a possible 'worst case' development will not have an adverse traffic impact on Remuera Road that is more than minor.
- 3.24 In general terms the 'full potential' development that could arise as a result of the plan change has been identified as 50 units.
- 3.25 A table has been prepared by the traffic engineers comparing the anticipated maximum trip generation associated with a proposed development in comparison with the existing trip generation generated by the existing



commercial development.

- 3.26 As is evident in the table, the total future trip generation in the peak hour will be similar to that previously generated by the site in the morning peak and less than that previously generated by the site in the evening peak hour.
- 3.27 Therefore the traffic engineer does not consider there to be an effect on the surrounding road network as a result of any future developments.

### 3.28 **Infrastructure Engineering Report**

- 3.29 The report attached at Annexure D sets out a preliminary infrastructure capacity report for the development. The report undertakes a preliminary investigation and capacity assessment of the public stormwater and wastewater infrastructure of the subject site and proposed concept.
- 3.30 The report considered that stormwater detention would not be required provided the development does not increase impervious areas draining to the public stormwater system and does not introduce any existing areas not already draining to the system (the concept development reduces the level of impermeable surface on site).

### 3.31 **AUCKLAND REGIONAL POLICY STATEMENT**

- 3.32 The proposal has been assessed against the document known as Proposed Change 6 “Giving Effect to the Regional Growth Concept and Integrating Landuse and Transport” and the provisions of proposed Plan Change 175 which is concerned with managing growth in accordance with the RPS and the LGAA.
- 3.33 We have inspected these documents, and consider that in the broad terms they set out, that the proposed plan change is not contrary to the principles or intentions of these policy documents, particularly. We particularly note that in the case of the Regional Growth Concept, the wording of the document seems to indicate that it is more appropriately defined as a prescription for local bodies on how best to plan for, manage and respond to already evident growth patterns on the region.
- 3.34 In the context of a small site, these documents serve as a helpful guideline regarding the best locations for future growth, and in our opinion, expansion of existing suburban centres finds favour with that directive, specifically, the location of the site near to an existing commercial centre, with strong transport links.

## **4.0 Effects of Change in Zoning**

- 4.1 The Plan Change is required to be assessed against the Schedule of Effects at Section 4 of the Plan, which in turn directs regard be had to Annexure 9 of the Plan.

4.2 An assessment of the proposal against the provisions of Annexure 9 is as follows:

4.3 *1.0 EFFECTS WHICH MAY NEED TO BE ADDRESSED*

*1.1 EFFECT ON LAND, FLORA AND FAUNA*

*1. Effect on any outstanding natural features or landscape.*

*2. Effect on*

*– Fauna*

*– Flora including scheduled trees*

*– Items subject to a heritage order, and waahi tapu.*

Comment: The site does not exhibit any outstanding natural features or landscape, and is not the habitat for flora or fauna, or any scheduled trees. There is no heritage order applicable to the site.

*3. Effect on pervious/vegetated areas both on-site and offsite (including any wetland or wildlife habitat) and changes to stormwater runoff (quality, quantity, location).*

Comment: The attached infrastructure engineer's report concludes that the effect of this on the local stormwater network will not be an issue provided the amount of impermeable area on site is not increased.

*4. Effect on*

*– Water courses and drains*

*– Groundwater aquifers*

*– Catchment boundaries.*

Comment: The site is not intersected by any watercourses or drains, and development of the site will not affect any aquifers or river catchments.

*5. Effect on the stability of the site and abutting sites.*

Comment: The site is not known to be unstable, and is generally very flat. It is likely that consent will be required for earthworks, once a development design is settled upon. However, Council will apply scrutiny to any consents that are required, and likely nominate conditions to mitigate their effects.

*6. Effect on adjacent sites.*

*– Effect on any recreational use*

*– Reflections/glare*

*– Shadows*

*– Overspill floodlighting.*

Comment: The concept sketch illustrates that a development can be established on the site that complies with the building in relation to boundary control. The effects of light spill and glare will be addressed at time of resource

consent.

*7. Effects of short duration which may arise during construction. (diversion works etc.)*

Comment: No specific proposal is applied for here. Should consent be required in the future, the effects of construction will be assessed at that time. Commentary would be speculative and is subject to Council control by resource consent.

#### 4.4 1.2 EFFECT ON OR EXPERIENCED BY PEOPLE

- 1. Effect on the amenity values of the area including dominant and special character elements such as spaciousness and design.*
- 2. Effect on the visual coherence on the streetscape.*
- 3. Effects of changes to local wind patterns on pedestrians.*
- 4. Effect on sightlines to volcanic cones.*
- 5. Effect on Maori cultural values.*
- 7. Effects of short duration which may arise during construction (noise, dust etc.)*
- 8. Effect of any noise generated.*
- 9. Effect of any particulate or gaseous emissions arising either by design or accident on*
  - Public health*
  - The quality of the environment.*
- 10. Effect on public safety of any radio frequency electromagnetic waves which may be generated.*
- 11. Effect of any radioactive or other hazardous substances to be stored or used on the site on*
  - Public health*
  - The quality of the environment.*

Comment: The proposal will not have an adverse effect on the amenity values of the area, nor on any special character elements. The proposed plan change will not have an adverse effect on public safety or environmental amenity.

#### 4.5 1.3 EFFECTS ON INFRASTRUCTURE

- 1. Effect on common drains and public drains including ARC sewers.*
- 2. Effect on any water/gas/power/telecommunication utilities.*
- 3. Effect of sun or wind or rain on any materials or chemicals or their containers stored in open yards.*
- 4. Effect of stormwater produced from a rainstorm having an annual exceedence probability of 2% (1 in 50 years) on the stormwater drainage system (pipes, watercourses and secondary flow paths).*
- 5. Effect of wastewater generated on sewerage system (capacity, chemical content).*

Comment: The attached infrastructure engineer's report concludes that the effects of the activity will not have an adverse effect on the surrounding



underground network. There are no known issues with power and telecommunication utilities.

4.6 **1.4 EFFECTS FROM TRAFFIC AND PARKING**

1. *Effects arising from the amount, type and distribution of any traffic generated.*
2. *Effect on the local roading system (overspill parking, traffic flow, accidents and safety).*
3. *Effect of the location of parking areas on adjacent sites (particularly residential).*

Comment: The attached traffic engineer's report concludes that the effects of traffic and parking will be no more than minor on the continued functioning and safety of the street network.

4.7 **1.5 EFFECTS FROM MAJOR SITE ACCIDENT OR ACT OF GOD**

*Effects on*

- *Public health*
- *Infrastructure*
- *Ecosystems*
- *Amenity values.*

*In assessing the extent of an effect, account shall be taken of:*

- (a) *Any positive or adverse effect; and*
- (b) *Any temporary or permanent effect; and*
- (c) *Any past, present, or future effect; and*
- (d) *Any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect; and also includes -*
- (e) *Any potential effect of high probability; and*
- (f) *Any potential effect of low probability which has a high potential impact.*

*The application should include a description of the forecasting methods used to assess the effects of the activity on the environment, and where a probability evaluation is necessary, eg. risk of a major accident, mathematical calculations and supporting evidence should be supplied. Applicants should indicate any difficulties experienced due to technical deficiencies or lack of knowledge. Where an assessment is inadequate, or extremely complex, the Council may commission a report from a consultant at the applicant's expense. Where the application relates to an activity not commonly established in the district, or where the activity may include new, unusual or unique features which may impinge on the environment, particular reference should be made to these in the application.*

Comment: The application is not for any specific activity, but rather for a Plan Change. It is not possible to assess a plan change against such criteria, other than to reiterate that hazardous facilities are not provided for in the Residential 8c zone and that development will be subject to resource consent.

4.8 **1.6 EFFECTS ON EXISTING CENTRES IN BUSINESS 2,3, OR 8 ZONES (OR OTHER EQUIVALENT CENTRES BEYOND THE DISTRICT)**

*Effect on*

- *The viability of facilities and services, both commercial and public*
- *The ability of any floor space, that may be already vacant or likely to become vacant as a result of the proposed activity, to be reoccupied or reused*
- *Pedestrian numbers in the centre(s)*
- *Number of vehicle trips to centre(s)*
- *Existing public infrastructure investment*
- *The use of the transport network servicing the existing centre*
- *Roading network and traffic management of the locality and the City*
- *The continuance of dominant activities within existing centres (i.e. those activities which attract most people to the centre(s)).*

Comment: The subject site will form part of the wider Newmarket built area. By expanding housing stock available in this area, the proposed Plan Change will enhance the viability of neighbouring commercial businesses by increasing the patronage of various Newmarket businesses, and reduce the need for vehicle trips as local residents will be able access varied services locally.

This is a sustainable use of the site which will enable communities to provide for their wellbeing. The attached reports conclude that the effect of infrastructure and the traffic environment will be no more than minor. The proposal will not detract from the continuance of the dominant activities within the centre (in this case low scale retail and professional services).

## **5.0 Section 32 Analysis**

- 5.1 The Resource Management Act 1991 (“Act”) requires that a plan change to considered in terms of section 132 of the Act, which states;

*[32Consideration of alternatives, benefits, and costs*

*(1)In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—*

- (a)the Minister, for a national policy statement or [[a national environmental standard]]; or*
- (b)the Minister of Conservation, for the New Zealand coastal policy statement; or*
- (c)the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or*
- (d)the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.*

- 5.2 Comment: This report stands to fulfil the Applicant’s obligation under 32(1)(d) of the Act.

*(2)A further evaluation must also be made by—*



*(a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*

*(b) the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*

*(3) An evaluation must examine—*

*(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*

*(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

Comment: Upon receiving a request for Plan Change, it is incumbent upon Council to undertake such an evaluation as directed by Section 32(2) of the Act.

*[[ (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district. ]]*

Comment: The Plan Change requested here does not seek to impose a stricter standard than any national environmental standard.

*(4) For the purposes of [[the examinations referred to in subsections (3) and (3A)]], an evaluation must take into account—*

*(a) the benefits and costs of policies, rules, or other methods; and*

*(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

Comment: For the purposes of Section 32(4), the Applicant offers a consideration of alternatives, benefits and costs below.

*(5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*

Comment: This report stands to fulfil the Applicant's duty under Section 32(5).

*(6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.]*

Comment: The Applicant consents to this report, and its attachments being made available for public inspection.

### 5.3 **Section 32 - Alternatives, Benefits and Costs**

#### 5.4 Alternatives

5.5 A discussion of alternate proposals to this Plan Change request is as follows:



## 5.6 Do Nothing

Comment: An alternative is to retain the Residential 7B zone over the site. However this option would restrict the growth of the Newmarket neighbourhood as a viable residential area in the most logical location for future expansion. It is difficult to identify a more appropriate site for expansion of the residential area. The question of the merit of intensifying the site (rather than leaving it at its present size) is a matter of the economic justification of doing so. On this point, we would suggest that the intention and desire of the Applicant to initiate a Plan Change, and to establish a residential development on the site gives ample evidence that a demand exists for the residential area to be intensified.

## 5.7 Alternative Residential Zone

Comment: It is considered that the Residential 8c zone is the most appropriate zone to assign to the site given its location and previously discussed transport links. The Residential 8c zone provides for high intensity Residential, and the level of development permitted in the zone is considered to be the most appropriate for this environment.

## 5.8 Business Zone

Comment: As the site sits at the interface of commercial and residential activity, a Mixed Use zone may be considered appropriate. However, given that the height limit for the Mixed Use zone is 15m, it is considered that this zone would not provide a density of development that a site such as this warrants. Additionally, given that the site abuts a church, extensive Business activities may not be the most appropriate in terms of their amenity effects on residential zones.

Any alternative zone, whilst fulfilling any one of a number of other objectives, would have the result of complicating the planning rules for the area more than necessary, and would not allow for a desirable amount of development, the merit of which is argued in this report.

## 5.9 Resource Consent Application

Comment: An alternative solution would be for the Applicant to realise the utility of the site by making an application for resource consent for high intensity residential activities on the site as it is currently zoned. This would entail making an application for a discretionary activity. The Applicant has reviewed such a proposition, and has elected to pursue the plan change process in order to offer the public an opportunity to have input into the process, and for the site to be developed in a manner consistent with a true Residential 8c zoning, rather than an ad hoc series of consents to give rise to a residential development, which would require fresh consents should the make-up or description of the activity ever change.



#### 5.10 Benefits

5.11 A discussion of the benefits of this Plan Change request is as follows:

5.12 The benefits of this Plan Change are that it will allow for the logical intensification of the Newmarket residential area, with minimal impact on the surrounding residential amenities. It will reduce the number of car trips required by local residents to access employment and other services. The plan change fulfils the purpose of the Act as stated in section 5, which are as follows

#### *5. Purpose*

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

*(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment*

Comment: The proposal fulfils the above objective by allowing the use of the land in the most efficient manner possible, increasing its utility whilst minimising adverse effects on the environment.

#### 5.13 Costs

5.14 A discussion of the costs of this Plan Change request is as follows:

5.15 It has been shown in the attached reports that the effects of the Plan Change on the traffic network and on underground infrastructure will be no more than minor (and in fact comparable to nil).

5.16 The costs of the proposal are those related to the administration of the Plan change, and these are borne solely by the Applicant.

5.17 A tabulated analysis of the benefits and costs of each of the alternatives discussed above follows:

#### **Adopt the Plan Change as proposed (Residential 8c zone)**

<b>Benefits</b>	<b>Costs</b>
Allow for the sustainable use of the land in conjunction with its location	Will shift the frontier between high and low intensity residential

adjacent a growing commercial centre.	housing.
Allow for the intensification of the Newmarket residential stock, and housing close to where people work and shop.	

### **Do Nothing (Status Quo)**

<b>Benefits</b>	<b>Costs</b>
Avoids costs associated with Plan Change	Majority of costs borne by Applicant
	The land will not meet the needs of the Applicant
	The land will not be put to its most sustainable use.

### **Apply a Business Zone (Mixed Use zone)**

<b>Benefits</b>	<b>Costs</b>
Allow for a possible Mixed Use development at the commercial/residential interface	Development controls of Mixed Use zone will permit a greater range of activities that may not be compatible with established residential areas.

### **Resource Consent Application**

<b>Benefits</b>	<b>Costs</b>
Simplify the process by advancing straight to a final development plan for the site	Prevent the continued use of the site as a residential development.
Reduce administrative burden by shortening 'two step' development process.	Increase administrative burden as minor changes to activities may attract further consents.
	No baseline or development controls prevents applicant designing a proposal with complying envelope.

5.18 In summary, the foregoing tables lead one to the conclusion that the plan change as proposed represents the best option for the future development of the site as a high intensity residential site. On balance, none of the other options allow for a level of public participation that the proposal gives rise to.



## **6.0 Conclusion**

- 6.1 The applicants seek consent to a private plan change, which will rezone land currently zoned Residential 7b, to Residential 8c.
- 6.2 The proposal is able to demonstrate that the effects of the activity are minor and confined to the site subject of the application and that such a rezoning is the best logical approach to the long term development of the subject property.
- 6.3 The proposal fulfils the above objective by allowing the use of the land in the most efficient manner possible, increasing its utility whilst minimising adverse effects on the environment.
- 6.4 An analysis of alternative options in terms of s.32 of the Act leads to the conclusion that such a rezoning is logical, reasonable and advances the stipulated criteria of the Plan for such a change. It is acknowledged that the Council may itself consider the rezoning of this land in the upcoming District Plan review. However, the Applicant is prepared in the interests of commercial certainty to shoulder the burden of cost to achieve this desired outcome as soon as possible.
- 6.5 We conclude that the proposal merits approval and recommend it to the Council.

**Nesh Pillay**  
**Duly Authorised Agent for Ottow Burke & Associates**



## **Appendix A Certificate of Title**



## **Appendix B** District Plan Maps D09



## **Appendix C Traffic Impact Assessment**



## **Appendix D** Infrastructural Report



## **Appendix E Concept Plans**