

**Date:** Wednesday 19 June 2024  
**Time:** 10.07am  
**Meeting Room:** Kaipātiki Local Board Office  
**Venue:** 90 Bentley Avenue  
Glenfield

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## **Kaipātiki Local Board**

# **OPEN MINUTE ITEM ATTACHMENTS**

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## Feedback from Kaipātiki Local Board: PC 99 (Private): 96 Beach Haven Road and 13 Cresta Avenue

19 June 2024

The Kaipātiki Local Board welcomes the opportunity to input into PC 99: 96 Beach Haven Road and 13 Cresta Avenue, Beach Haven.

The below feedback has been prepared by Chairperson John Gillon on behalf of the Kaipātiki Local Board.

The Kaipātiki Local Board holds serious concerns about the proposed plan change to the Auckland Unitary Plan to rezone approximately 7,147m<sup>2</sup> of land at 13 Cresta Avenue and 96 Beach Haven Road, Beach Haven, from 'Residential – Single House Zone' to 'Residential – Mixed Housing Urban Zone' and the proposal to introduce a precinct to both sites incorporating the Medium Density Residential Standards in accordance with section 77G(1) and Schedule 3A of the Resource Management Act 1991.

**We oppose Plan Change 99 (PC 99) in its entirety and ask that it be declined.**

The Kaipātiki Local Board requests the opportunity to present to any hearing on PC 99.

Single House Zone is the correct zoning for this site at 96 Beach Haven Road and 13 Cresta Avenue. It was likely to have originally been applied to the site due to the lack of appropriate infrastructure in the vicinity, and we believe that this holds true today.

We are therefore very concerned that a large development of the size that could be enabled by PC 99 may not be supported by public infrastructure in the Beach Haven area, especially when it hasn't been expected in the Unitary Plan nor planned for:

- We are aware that Beach Haven Primary School is at capacity, and although it recently received new classrooms, they are to support existing students and those coming from other recent developments in the area. The school is still at or near capacity.
- We are aware that traffic is already increasing in the area; there has been an increase in parked cars on residential roads, including Beach Haven Road near the site.
- We are aware that there is inadequate wastewater infrastructure in the vicinity, and likely to be for up to 15 years (Watercare have recently completed a project to increase capacity to the east of the Kahika Pumpstation, but not yet to the west where the site is located);
- We are aware that there is inadequate stormwater infrastructure in the vicinity, as demonstrated by localised flooding in the 2023 storms, and overflows at local wastewater pump stations caused by excessive stormwater.
- We are aware that Auckland Council does not have plans for additional open space or parkland in the vicinity to support an increase in population, nor is there planned budget to purchase land for this purpose.

## Submitter Views

We note that a large majority of submitters opposed the proposal and raise significant concerns about the proposal. In particular, we note that Auckland Council and Watercare oppose the proposal.

We concur with the majority of the points made in the submissions from Auckland Council (#62) and Watercare (#79), and support their stance that PC 99 should be declined. We note the following points raised in their submissions:

- The applicant has not taken into account the presence of a qualifying matter on the site, which means that the MDRS rules enabling higher density do not apply to this site.
- There is no evidence that there is sufficient bulk wastewater capacity in the local network to accommodate a development that could be achieved under PC 99.
- Wastewater capacity constraints in Beach Haven are not expected to be resolved for up to 15 years.
- There has been insufficient assessment of the flood effects on downstream properties from the scale of development that could be achieved under PC 99.

It is not coincidence that the site is currently zoned for minimum housing.

## Local Community

Following an extensive public consultation period, the Unitary Plan was adopted by Auckland Council, and the site was designated as Residential Single House Zone. The residents of Beach Haven, including neighbours of the site, accepted the outcome of the Unitary Plan process and have long known that development would occur at the site. But they assumed that any future development would comply with the Single House Zone that had been consulted on and adopted.

As in any part of Auckland, members of this community have chosen to live in the area based in part on the knowledge of how the community is planned to develop and evolve. So the proposal from the applicant for 81 dwellings (later 72 dwellings) came as such an outrageous shock to the community, that in a short space of time, opposition to the proposed development escalated, culminating in a public meeting on 19 January 2023 attended by 180 concerned local residents. These residents were not opposed to development at the site, but very concerned at the unexpected scale of the proposal, the inadequate local infrastructure and the numerous breaches of the zone rules. There was much relief when the application was rightly refused by the hearing panel.

This new attempt from the applicant to bypass the hearing panel's ruling and maximise intensification on the site by applying for a zone change, has also been met with a great deal of stress and concern from the local community. It is not a surprise to the Local Board that a majority of the submissions received from the public on PC 99 are opposed to it.

## NPS-UD, MDRS and PC 78

The National Policy Statement on Urban Development 2020 (NPS-UD) from the previous NZ Government increases density in line with the Medium Density Residential Standards (MDRS).

According to the MDRS, the site at 96 Beach Haven Road and 13 Cresta Avenue could be increased to three dwellings per site, or six in total, as of right.

Auckland Council's response to the NPS-UD and MDRS is via Plan Change 78 (PC 78) to the Unitary Plan. Under PC 78, the site at 96 Beach Haven Road and 13 Cresta Avenue is subject to the 'Infrastructure – Water and/or Wastewater Constraints Control' qualifying matter, as per policy 3 of the NPS-UD. While permitted activity Density Standards within the MDRS had immediate legal effect from 18 August 2022, they do not have any legal effect on a site that is subject to a qualifying matter.

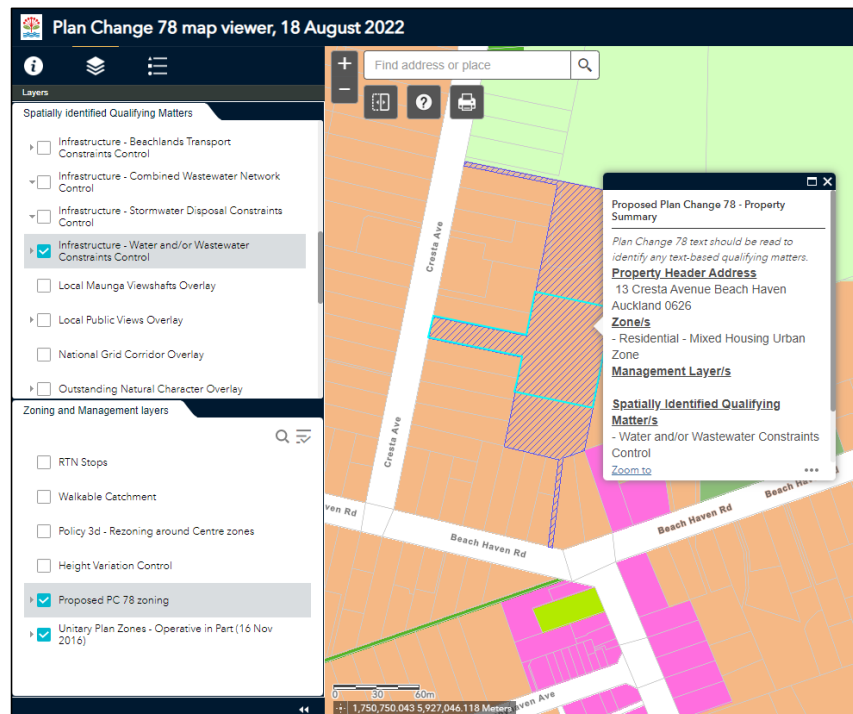


Figure 1- PC 78 Qualifying Matter overlay at 13 Cresta Avenue (also applies to 96 Beach Haven Road)

We believe that the applicant is mistaken in the interpretation of how the MDRS rules apply to the site.

We are also aware that the current Government is proposing changes to the MDRS rules and that the future of PC 78 is also uncertain. It would be inappropriate to grant the applicant the plan change on the basis that the intensification allowed under MDRS will one day apply to the site, as this is not a given.

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