

**PLAN CHANGE 13 – TE RAPA RACECOURSE
PRIVATE PLAN CHANGE**

to

HAMILTON CITY DISTRICT PLAN

**SECTION 42A HEARING REPORT
12 July 2023**

**Report on Plan Change 13 - Te Rapa Racecourse Private
Plan Change**

Document:

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Appendix A – Supporting Technical Reports

Appendix B – Summary of Submissions Received

Appendix C – Applicant’s Updated District Plan Amendments

1 Report Overview

Introduction

- 1.1 My name is Kylie Maree O'Dwyer. I hold the qualifications of a Bachelor of Social Science in Resource and Environmental Planning from the University of Waikato and a Post-Graduate Diploma in Planning from Massey University. I have also been a full Member of the New Zealand Planning Institute since 2009.
- 1.2 I am a Principal Planner at Tonkin and Taylor Limited. I have approximately 23 years' planning experience, with 15 years' experience working in Hamilton including five years employment at Hamilton City Council (HCC) in consenting and policy roles. I have been a planning consultant based in Hamilton since 2013. Accordingly, I am familiar with the Hamilton City District Plan and with the strategic land use, growth management and environmental issues in and around Hamilton City.
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this report is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.4 I have prepared this report in accordance with section 42A of the Resource Management Act 1991 (RMA) with respect to the request for a plan change (plan change) to the Hamilton Operative District Plan (District Plan) lodged by Waikato Racing Club Incorporated (WRCI). The plan change is to rezone approximately 6.5 hectares of the Te Rapa Racecourse, which is currently zoned Major Facilities in the District Plan, to Medium Density Residential Zone (with a small area of industrial zone), with a supporting Precinct Plan. The plan change has been given the reference 'Plan Change 13' (PC13) by HCC.
- 1.5 I have received and rely upon expert advice relating to urban design, transport, stormwater, water, wastewater, geotechnical, acoustic and land contamination matters. The advice received on these matters has informed the recommendations in this report and I have identified in this report where this advice is relied upon. These supporting reports/letters/emails are attached to this report as Appendix A.
- 1.6 I have considered and assessed the relief sought in the submissions and further submissions received in relation to PC13. Submissions are discussed within the report in sections 5 and 6.
- 1.7 No formal pre-hearing meetings concerning submissions covered by this evidence have been undertaken pursuant to clause 8AA, Schedule 1 of the RMA. However, some informal pre-hearing discussions have been conducted with the applicant with the aim of refining the proposed district plan provisions and limiting any points remaining in contention.
- 1.8 This report focuses on the merits of the plan change itself including amendments to the District Plan provisions, the matters raised in the submissions and the relief sought by the submitters. I have also pursuant to clause 29, Schedule 1 of the RMA, recommended an additional rule be included.
- 1.9 By way of clarity this is a report on the merits of the plan change and the submissions received

and contains recommendations to the Hearing Commissioners. The Hearing Commissioners will make decisions based on the submissions that have been lodged and all information presented at the time of the hearing. The recommendations made in this report are not the Commissioner's decision.

Background to Private Plan Change 13

- 1.10 The plan change was lodged with HCC in September 2022. Pursuant to Schedule 1, clause 25 of the RMA, an assessment of the plan change request was completed in mid-November 2022. The outcome of the assessment was that the HCC Chief Executive under delegated authority accepted the plan change for processing on the 23 November 2022. PC13 was subsequently publicly notified on the 15 February 2023.
- 1.11 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (Enabling Housing Supply Act) was enacted in December 2021. It is relevant to the plan change as clause 25(4A) of Schedule 1 of the RMA directs that a specified territorial authority must not accept or adopt a plan change request if it does not incorporate the Medium Density Residential Standards (MDRS) as required by section 77G(1). HCC is currently incorporating the MDRS into the District Plan through Plan Change 12 (PC12) which was notified on 19 August 2022.

Report Structure

- 1.12 This report is divided into eight parts as follows:

Section 1 – Report Overview
Section 2 – Proposed Plan Change
Section 3 – Submissions Received
Section 4 – Statutory Assessment
Section 5 – Assessment Environmental Effects and Issues
Section 6 – Assessment of Submissions
Section 7 – Section 32AA RMA
Section 8 - Summary and Recommendations

- 1.13 This report contains the following appendices:
- Appendix A – Supporting Technical Reports
 - Appendix B – Summary of Submissions Received
 - Appendix C – Updated District Plan Changes from Applicant

2 Proposed Plan Change

Environmental Context

- 2.1 A comprehensive description of the site and locality is set out in section 2 of the Plan Change AEE document. The following is a summary of that description.
- 2.2 The location of the plan change is within the Te Rapa Racecourse site located at 37 Sir Tristram Avenue and Ken Browne Drive in Te Rapa, Hamilton and owned by WRCl. The racecourse site comprises the racecourse itself, the grandstand and spectator areas, buildings, stables, training facilities and car parking areas.
- 2.3 The current use of the racecourse is described in the plan change as including various race day

events, training and hospitality functions such as corporate events and weddings. This includes 18 scheduled race days per year¹. Vehicle access to the racecourse is from Sir Tristram Avenue and Ken Browne Drive. Car parking presently occurs on the sealed area at the rear of the grandstand, on the grassed area south-east of the grandstand, and on grassed areas north-east of the grandstand. Access for horse transport is obtained from Sir Tristram Avenue which leads directly to the existing stables. The plan change states that traffic management is in place on all event days to manage access and car parking.

- 2.4 The Te Rapa Racecourse has existed on this site since 1924 but has reduced in size over time as surplus land has been sold and developed. It is held within three certificates of title which have a combined area of 50.0756 hectares. One of these lots is a long narrow land holding owned by HCC. There is no gazettal related to the use of this council owned site, however it contains a wastewater interceptor and part of the title contains a stormwater service line, both of which are underground. Subsidiary companies of WRCl also own several smaller adjoining properties however these do not form part of the plan change site.
- 2.5 There are various HCC services which pass through the WRCl owned land, including water supply, stormwater and wastewater mains. Some of these services are covered by easements while others have legal rights of conveyance and protection under the Local Government Act 2002. The location of these services is shown on the plans in the Sub-Catchment Integrated Catchment Management Plan (ICMP) in Appendix E to the plan change.
- 2.6 The location of the land to be rezoned is located at the eastern extent of the racecourse site, which the plan change states is underutilised based on current and future operations. The land comprises stables which are surplus to requirements and vacant land which is currently used for carparking on race days but is otherwise unused. The land has frontage to both Ken Browne Drive and Sir Tristram Avenue. The location of the plan change is illustrated in Figure 1 below.

¹ There will be a few additional race days over the next two years whilst the Ellerslie Racecourse is being upgraded.



Figure 1 PC13 site (proposed residential outlined red and proposed industrial outlined yellow)
 (Source: Request for Plan Change, Bloxham Burnett and Olliver, January 2023)

- 2.7 There are two sites within the south-east corner of the plan change site which are owned by WRCl but are occupied by Ecostream Irrigation Ltd as a storage yard in conjunction with their existing engineering workshop, and Hamilton Veterinary Services for rear access and carparking for the vet premises fronting Te Rapa Road. A metalled driveway from Ken Browne Drive along the southern boundary of the plan change site provides access to these two sites. The plan change states that occupation of these sites is on a month-to-month basis meaning they can be terminated with one months' notice.
- 2.8 The area adjacent to the plan change site consists of light industrial and commercial premises to the north, east and south and residential development to the south including the Metlifecare Forest Lake Gardens retirement village and the Bupa retirement village. These are located on land that was formerly part of the racecourse site. Immediately to the north of Sir Tristram Avenue is land used for the Thoroughbred Business Park, which is recognised in the District Plan as an overlay over the Major Facilities Zone. Currently it is occupied by an office building and a recently consented childcare centre. The wider area also contains community facilities including Minogue Park and Waterworld aquatic centre.
- 2.9 The Te Rapa Racecourse is bordered to the west by the North Island Main Trunk Railway (NIMT). Further to the west is the Crawford Street Freight Village.

Description of the Plan Change Request

- 2.10 The applicant for the plan change is the WRCl which is the owner and operator of the Te Rapa Racecourse. The plan change is to rezone approximately 6.5 hectares of the Te Rapa Racecourse which is currently zoned Major Facilities in the District Plan to Medium Density Residential Zone (with a small area of Industrial Zone), with a supporting precinct plan. In making this change, the plan change implements the MDRS as directed in section 77G(1) of the RMA.
- 2.11 The plan change states that various options for the underutilised land have been considered, however residential land use is the preferred option because of a shortage of residential land in Hamilton, the complementary nature of residential land uses to the racecourse, the opportunity to create a unique development taking advantage of the racecourse environment, and the location is close to employment areas and commercial centres. It is also consistent with residential use of land to the south of the racecourse.
- 2.12 The proposed layout of the site is based on a concept plan prepared by Chow Hill which is part of the urban design report in Appendix D to the plan change. From this a precinct plan was developed to inform the spatial elements of the site. The precinct plan is proposed to become part of the District Plan with a rule that requires all development on the site to be in general accordance with it (Rule 4.8.12 a.).
- 2.13 Key features of the plan change include:
- The applicant expects a residential yield of approximately 200 residential dwellings based on a mix of single dwellings, duplexes, terrace houses and apartments. This creates a gross density of approximately 31 dwellings per hectare.
 - A small area of land fronting Te Rapa Road is to be rezoned industrial to fit with the adjacent land uses in this row.
 - The applicant expects the residential environment will be integrated with the Te Rapa Racecourse, with the higher density residential development overlooking the racetrack.
 - A stormwater wetland will be constructed providing for attenuation and treatment of stormwater runoff, located where an overland flow path and wastewater and stormwater lines cross the site.
 - An internal roading network to provide for access to all future properties in accordance with the recommendations in the Integrated Transportation Assessment (ITA) at Appendix F to the plan change. This includes slow speed streets that aim to avoid 'rat running' through the site.
 - Various open space areas including an indicative playground adjacent to the wetland which are expected to be a combination of public and private areas.
 - Residential buildings will be set back from the adjoining industrial zone boundaries by 30m. This setback will be a landscaped open space area/road around the eastern and southern perimeter of the site.
 - Internal pedestrian walkways and pedestrian connections to the existing built environment surrounding the site.
 - External roading changes to mitigate transportation effects of the plan change including a banning of right turns from Sir Tristram Avenue and a new signalised pedestrian crossing of Te Rapa Road.
 - Road access to the rear of the veterinary premises will be retained.
 - The storage yard at the rear of Ecostream Irrigation Ltd will be removed.

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act

- 2.14 Exemptions to the implementation of the MDRS to urban areas are set out in the National Policy Statement on Urban Development (NPS-UD) as ‘qualifying matters’. Qualifying matters include matters of national importance as identified in section 6 of the RMA. The plan change identifies two qualifying matters on this site which are:
- The area of land shown as the overland flow path on the precinct plan on the basis that this is a natural hazard pursuant to section 6(h) of the RMA².
 - The 30m setback from the industrial zone pursuant to section 77I(j)³ of the RMA - any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied. Section 77L requires a site specific evaluation which is provided within the plan change documents.
- 2.15 The plan change has aligned with the relevant HCC Medium Density Residential Zone provisions as drafted for PC12 which include the MDRS and in some instances are more enabling than the MDRS. PC12 is yet to be heard and the notified provisions are not yet operative.
- 2.16 The requirements of the Enabling Housing Supply Act create some specific obligations for this plan change. Clause 6 of Schedule 3A of the RMA requires that two specified objectives and five specified policies be included in the plan change. They have consequently been included in the plan provisions in Appendix A to the plan change.
- 2.17 The plan change notes that the District Plan “city wide” provisions which will apply to relevant residential zones, and which have been amended by PC12, are not included within PC13 unless the amendment is appropriate at a site-specific level. It is envisaged that the amendments to the city-wide provisions introduced by PC12 will apply to the PC13 land in due course, on the basis that the zoning is changed to Medium Density Residential Zone which is a zone within PC12 that city-wide provisions will apply to.

Summary of Proposed Amendments to the District Plan

- 2.18 It is important to note that the plan change provisions will set the framework for development, however resource consents for land use and subdivision will be required from HCC before development can proceed. These consents will detail the development layout of the site and the land to be vested in HCC. Resource consent will also likely be required under the National Environmental Standard for Soil Contamination (NES-Soil).
- 2.19 The plan change amends the zoning of the site from Major Facilities Zone to Medium Density Residential Zone and a small area of Industrial Zone. There are a number of associated changes to the District Plan proposed. These changes identify the plan change area as the ‘Te Rapa Racecourse Medium-Density Residential Precinct’. Appendix A of the plan change contains the proposed District Plan wording as notified.
- 2.20 In response to submissions and informal pre-hearing discussions, further amendments were made by the applicant to various provisions. The updated proposed District Plan provisions as currently

² It should be noted this does not include the low flood hazard area which can accommodate residential development provided it is suitably designed. This would be assessed as part of the resource consent process.

³ The plan change states that this is also pursuant to section 77I(f) - open space provided for public use, but only in relation to land that is open space. However no public open space is proposed as part of this plan change.

proposed by the applicant are attached to this report as Appendix C. The key changes to the District Plan chapters proposed through the plan change are described below.

2.21 Chapter 4 Residential Zones

- New site-specific objectives and associated policies that seek to provide for a variety of housing types and sizes including terrace housing, duplexes and apartments that respond to housing needs and demand and the neighbourhood's planned urban character including up to 4 storey buildings; and a medium density residential environment with high levels of amenity and connectivity with nearby urban services and development. Policy 4.2.16d (now c) has been amended to state that development should be designed to avoid, remedy or mitigate reverse sensitivity effects.
- Inclusion of the Te Rapa Racecourse Medium-Density Residential Precinct within Activity Table 4.5.4. The activity table contains a list of residential activities with a racecourse precinct bespoke activity status. Noise sensitive activities (which include residential units) within the Noise Sensitive Area as shown on the precinct plan (refer below) are a restricted dictionary activity.
- Inclusion of the precinct plan as Figure 4.5-1 (shown below).
- A requirement for all development on the site to be in general accordance with the precinct plan (Rule 4.8.12 a.).
- A 30m setback for noise sensitive activities from the boundary of the industrial zoned land.
- Permeability requirements which vary slightly from those contained within the District Plan.
- Stipulated road upgrades that must be in place prior to the issue of code of compliance certificates or when the internal road network connects to Sir Tristram Drive.
- A restriction on the use of the carpark shown on the precinct plan to be used in association with the veterinary clinic.
- A requirement that the open space areas as shown on the precinct plan must be established inclusive of landscaping and a 1.8m high solid fence on the boundary with the industrial land prior to the issue of code of compliance certificates and must be legally secured in perpetuity.



Figure 2 Precinct Plan 4.5-1 (Source: Request for Plan Change, Bloxham Burnett and Olliver, January 2023)

2.22 Chapter 9 Industrial Zones

- Various amendments to reduce the development restrictions on industrial zoned land where it adjoins a residential zone. Refer to section 5 of this report for further information.

2.23 Chapter 23 Subdivision

- An activity status table specifically for the Te Rapa Racecourse Medium-Density Residential Precinct.
- Subdivision of lots within the Low Flood Hazard Area shown on the precinct plan are a restricted discretionary activity and must include a flood risk assessment report.

- 2.24 Chapter 25.4 Hazardous Facilities
 - Amendment to Rule 25.4.5 to apply the distance in the rule to the boundary of the Medium Density Residential Development as shown on the precinct plan.
- 2.25 Chapter 25.5 Landscaping and Screening
 - Various amendments to reduce the development restrictions on industrial zoned land where it adjoins a residential zone. Refer to section 5 of this report for further information.
- 2.26 Chapter 25.6 Lighting and Glare
 - An amendment to Rule 25.6.4.4 to require the spill of light from the industrial zones into the residential zone to be measured from the 30m setback rather than the zone boundary.
- 2.27 Chapter 25.8 Noise and Vibration
 - An amended noise performance standard for sites in industrial zones that have a common boundary with the Te Rapa Racecourse Medium-Density Residential Precinct (maximum of 65dB LAeq), measured within the racecourse precinct.
 - No noise standard for Te Rapa Racecourse when received within the Te Rapa Racecourse Medium-Density Residential Precinct.
- 2.28 Chapter 1.2 Information Requirements
 - A requirement for a landscape plan for all subdivisions that create open spaces shown on the precinct plan.
- 2.29 Chapter 1.3 Assessment Criteria
 - Bespoke assessment criteria for the Te Rapa Racecourse Medium-Density Residential Precinct including noise insulating and built form criteria for sites within the Noise Sensitive Area shown on the precinct plan, and criteria regarding the compatibility with the overland flow path and management of flooding effects within the low flood hazard area shown on the precinct plan.

Section 32 Report

- 2.30 Section 5 of the plan change AEE report and Appendix B to the plan change contain the Section 32 evaluation. This includes evaluation of the MDRS and the qualifying matters.
- 2.31 Section 7 of this report addresses section 32AA RMA requirements.

3 Submissions Received

- 3.1 The proposed plan change was publicly notified on the 15 February 2023 and a total of 26 submissions were received. A summary of the submissions is contained as Appendix B and the full submissions are located on HCC's website. Three further submissions were received and full copies also available on HCC's website.

4 Statutory Assessment

Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River)

- 4.1 Section 9(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 confirms that the Vision and Strategy for the Waikato River (Te Ture Whaimana o Te Awa o Waikato) applies to the Waikato River and activities within its catchment affecting the Waikato River. As well as being deemed

part of the Waikato Regional Policy Statement in its entirety pursuant to Section 11(1) of the Settlement Act, the Vision and Strategy prevails over any inconsistent provision in a national policy statement and Sections 11 to 15 of the Settlement Act prevail over Sections 59 to 77 of the RMA.

- 4.2 The Vision and Strategy document contains a number of objectives and strategies regarding the restoration and protection of the health and well-being of the Waikato River, and the relations of iwi and communities with the river. I consider that the proposal is in accordance with the Vision and Strategy as the plan change will result in improvements to the quality of stormwater runoff in this location. The precinct plan includes a stormwater wetland which will treat and attenuate stormwater from the future development. The plan changes states that the wetland will also manage stormwater from the adjacent racecourse which currently flows into the receiving environment in an uncontrolled manner. The wetland is also sized to potentially accommodate stormwater from industrial areas upstream of the site.

Resource Management Act 1991

- 4.3 Schedule 1 links the private plan change process back to the provisions of Part 1 (Council initiated plan changes) via clause 29. Section 74 of the RMA outlines the matters to be considered by a territorial authority in relation to a change to the District Plan. Section 74(1) requires that a territorial authority prepare and change its district plan in accordance with:

- Its functions under section 31;
- The provisions of Part 2;
- Its duty under section 32;
- a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
- Any regulations

- 4.4 Section 31 specifies the functions of territorial authorities which include:

- The establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resource of the district (city);
- The establishment, implementation and review of objectives, policies and methods to ensure there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (city);
- The control of any actual or potential effects of the use, development, or protection of land; and
- The control of the emission of noise and the mitigation of the effects of noise.

- 4.5 Sections 74(2) and 74(2A) require that in addition to the requirements of section 75(3) and (4), a territorial authority shall have regard to:

- Any proposed regional policy statement or proposed regional plan;
- Any management plans and strategies prepared under other Acts; and
- Any relevant planning document recognised by an iwi authority and lodged with the territorial authority.

4.6 Section 75 states what a district plan must state (section 75(1)) which includes objectives, policies and rules and what they may state (section 75(2)) which includes issues, other methods and reasons. It also outlines that a district plan must give effect to (section 75(3)):

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (ba) a National Planning Standard; and
- (c) any regional policy statement.

and what a district plan must not be inconsistent with (section 75(4)):

- (a) a water conservation order; or
- (b) a regional plan for any matter specified in section 30(1).

4.7 The procedure for requests to change a District Plan are set out in Part 2 of Schedule 1. As set out in clause 22, the request must contain an evaluation report prepared in accordance with section 32 and an assessment of environmental effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.

4.8 The provisions of Part 2, Section 32, National Planning Standards, the relevant planning documents and the relevant strategies and iwi planning documents are assessed below. The New Zealand coastal policy statement is not relevant to this plan change being an inland area some distance from the coast. There is no applicable Proposed Regional Policy Statement and water conservation orders are not applicable to this plan change.

4.9 As assessment of environmental effects is provided in section 5 of this report.

RMA Part 2

4.10 The plan change AEE document (Section 7.1) sets out that in accordance with the Supreme Court 2014 decision *Environmental Defence Society Inc. vs the New Zealand King Salmon Co Ltd*, Part 2 of the RMA needs to be considered if the applicable planning documents cannot be fully relied on in terms of incorporating Part 2 matters. The AEE notes that the NPS-UD post-dates the Waikato Regional Policy Statement (WRPS) and District Plan so must be given particular weight as it cannot be assumed that the policy matters in the NPS-UD are fully covered in the WRPS and District Plan. I agree with this assessment, noting that the WRPS and District Plan are currently being amended to incorporate the NPS-UD.

4.11 For completeness the plan change AEE document includes an assessment against Part 2 of the RMA (section 7.1.1). The plan change asserts that it is consistent with sections 5 (purpose), 6 (matters of national importance), 7 (other matters) and 8 (Treaty of Waitangi) of the RMA, and I concur with this assessment. The sustainable management purpose of the RMA is being given effect to through the proposed plan change. The plan change will enable underutilised land to be used for residential purposes thereby increasing the amount of housing supply within Hamilton. The plan change contains provisions designed to avoid, remedy or mitigate environmental effects or to address matters raised in submissions and these are discussed later in this report.

Section 32 Evaluation

- 4.12 Under section 32 of the RMA an evaluation report must examine whether the objectives of the proposal are the most appropriate way for achieving the purpose of the RMA, and whether the provisions in the proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for the provisions. This evaluation is set out in Section 5 and Appendix B of the Plan Change AEE document and is summarised below. Pursuant to section 32AA of the RMA a further evaluation will need to be undertaken in support of the release of decisions on the proposed plan change with respect to any changes to the proposal that arise through the hearing process.
- 4.13 There is no specific plan change objective set out in the plan change documentation, however it details that the racecourse site contains an area of underutilised land which has development capability beyond that in which it is currently zoned for (Major Facilities). The nature of the racing industry has changed such that the land will not be required for racing purposes.
- 4.14 The applicant's section 32 evaluation has been undertaken in three tiers. The land use options for the site, the RMA process options to achieve the preferred land use and thirdly an analysis of the options for the key proposed objectives, policies and rules.
- 4.15 The following land use options were considered by the applicant to address the objective:
- Rezoning for residential land use.
 - Rezoning for industrial land use.
 - A combination of residential and industrial land use.
- 4.16 The applicant considers that residential zoning of the site to Medium Density Residential is the most appropriate use of the site for the following reasons:
- Hamilton is currently experiencing significant residential growth and there is demand for additional housing.
 - If the racecourse was to ever vacate the site, industrial land use may be suitable on other parts of the site which are close to the North Island Main Trunk or Sunshine Avenue/Mainstreet Place which are industrial streets.
- 4.17 Rezoning of the site to Medium Density Residential means there is a pocket of land (approximately 1100m²) adjacent to the entrance to Sir Tristram Avenue that will be isolated from the balance of the racecourse. Land use options for this site were do nothing (retain the Major Facilities Zone) or rezone it to industrial land use. As it will be separated from the remainder of the racecourse the option of retaining the current zoning has been discarded.
- 4.18 The benefits and costs of the land use options have been assessed by the applicant and it was determined that rezoning for residential land use would yield the most benefits in comparison with the costs. Environmental benefits include compatibility with the racecourse and the opportunity for an attractive gateway to the racecourse, integration with existing residential activities on the southern boundary, a large enough area to enable a comprehensive residential design, open space areas which can be shared with the racecourse, and stormwater improvement through the provision of the stormwater treatment wetland. Economic benefits include utilisation of existing infrastructure, creation of additional housing, utilisation of a scarce land resource and supporting WRCl's ongoing financial viability. Social benefits include additional housing choice near employment and commercial centres and enhancing housing supply. There are no identified cultural benefits.

- 4.19 The following RMA process options were considered by the applicant to achieve the objective:
- Do nothing.
 - Lodge non-complying activity resource consent applications.
 - Wait for the next Hamilton City District Plan review and make submissions to seek the rezoning.
 - Rezone by private plan change.
- 4.20 The benefits and costs of the process options have been assessed by the applicant and it was determined that rezoning through a private plan change would yield the most benefits in comparison with the costs. Environmental benefits include the opportunity to holistically consider the site and set plan provisions for future development thereby enabling flexibility in future development options, alignment with the MDRS, and improvements in stormwater management. Economic benefits include increasing housing supply, efficient use of water and wastewater infrastructure and earlier realization of economic benefits for the racing club. Social benefits include additional housing. There are no identified cultural benefits.
- 4.21 The benefits and costs of the key proposed plan provisions were assessed by the applicant. This includes new Objective 4.2.16 and associated policies, zoning as medium density residential instead of general residential, inclusion of the precinct plan, inclusion of a 30m setback from the adjoining industrial zone, inclusion of the low flood hazard area on the precinct plan and provisions that require upgrade of transport infrastructure. The applicant determined that for each of these the benefits outweighed the costs (refer to Appendix B of the plan change). In summary, the site specific objective and policies are tailored for the specific outcomes that are sought for this site; rezoning to Medium Density Residential zoning on a brownfields site is an efficient use of land; the precinct plan will guide development and provide greater certainty in the management of potential effects, the setback will provide acoustic benefits, the low flood hazard area will assist in the management of this hazard and the transport infrastructure requirements will improve transport safety and efficiency.
- 4.22 The applicant has summarised the reasons for the option chosen. The reasons include that rezoning properly enables and supports medium density residential development on the land and will assist in the provision of additional housing supply. Rezoning enables appropriate district plan provisions to be developed to enable high quality development without the upfront costs and risks associated with seeking a non-complying activity resource consent. Waiting for the next district plan review would represent significant delay in the redevelopment of the site. The proposed provisions align with the MDRS and are consistent with the wider District Plan provisions.
- 4.23 The section 32 evaluation is generally concurred with. Given the strong directives from central government to increase the supply of residential development capacity in Hamilton (Enabling Housing Supply Act, NPS-UD) I consider that the rezoning of underutilised racecourse land for residential purposes to be an efficient use of land that would achieve the sustainable management purpose of the RMA. Use of the site for medium density residential zoning will achieve a greater yield of residential development without the implications of 'retrofitting' this type of development into an existing residential area. The plan change process enables appropriate provisions to guide the future development of this site and is the most appropriate process to establish a change on this site whilst enabling the wider public to submit on the process. The proposed District Plan provisions as amended post notification are supported as the most appropriate way to achieve the objectives subject.
- 4.24 Section 32(4A) requires that a summary of advice from iwi authorities concerning the proposal and a summarised response to that advice is provided. The applicant states within the plan change that engagement with iwi has been undertaken throughout the preparation of the plan change process which dates back to 2016 and has been updated in 2022. Engagement has taken place with Waikato-Tainui, Te Haa o Te Whenua o Kirikiriroa (THaWK) and Ngati Wairere. Iwi consultation and outcomes are

summarised in section 9.3 of the AEE document and a letter from THaWK confirming support for the plan change is contained in Appendix J. The plan change states that Waikato-Tainui was also consulted with and the outcome of that consultation was an updated assessment of the Waikato-Tainui Environmental Plan. The plan change states that this was provided to Waikato-Tainui but no further feedback was received and the applicant has further confirmed that no feedback has been received to date. I note that Waikato-Tainui have not submitted on the plan change.

Relevant Planning and Policy Documents

National Policy Statement on Urban Development 2020

4.25 As outlined above, section 75(3)(a) of the RMA states a district plan must give effect to any national policy statement. The NPS-UD represents a key part of the government's response to housing supply and affordability issues. As stated on the Ministry for the Environment's website, the NPS-UD 2020 recognises the national significance of:

- having 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;
- providing sufficient development capacity to meet the different needs of people and communities.

HCC is currently implementing the requirements of the NPS-UD through PC12 and is a Tier 1 local authority.

4.26 The objectives of the NPS-UD seek well-functioning environments - as outlined above (Objective 1), to improve housing affordability by supporting competitive land and development markets (Objective 2), encouraging people to live in areas near a centre or place of many employment opportunities and/or an area well-served by public transport (Objective 3), an expectation that urban environments will change over time in response to changing needs (Objective 4) and urban development decisions are integrated with infrastructure planning (Objective 6). There are therefore clear policy directives within the NPS-UD that are relevant to PC13.

4.27 Relevant policies include enabling a variety of homes (Policy 1(a)), and good accessibility for people between housing, jobs, community services, natural spaces and open spaces including by way of public or active transport (Policy 1(c)). Policy 3(d) requires district plans to enable: *within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.* Policy 8 requires that local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments.

4.28 The overall emphasis of the NPS-UD objectives and policies stated above is about enabling sufficient housing capacity through intensification of urban areas, particularly in locations that are near a centre or place of many employment opportunities and are well-served by active and public transport. Development also needs to be integrated with infrastructure.

4.29 I consider that the plan change will give effect to these objectives and policies of the NPS-UD. The site is located in close proximity (350m to 400m walking distance) to the Garnett Avenue neighbourhood centre and various employment opportunities within Te Rapa. It is also located close to Minogue Park and Waterworld aquatic centre which includes a gym/fitness centre. Provisions will

be included within the District Plan which require footpath extensions to connect with bus stops including a raised safety platform over the service lane and a signalized crossing of Te Rapa Road. It is also anticipated that Te Rapa Road will become a potential growth and rapid transport corridor (refer to comments on the Hamilton-Waikato Metropolitan Spatial Plan and Hamilton Urban Growth Strategy below). The development will be adequately serviced with three waters infrastructure (refer to section 5 of this report for further information).

National Policy Statement on Freshwater Management 2020

- 4.30 The National Policy Statement of Freshwater Management (NPS-FM) sets out the overarching objectives and policies for the management of freshwater under the RMA. The NPS-FM manages freshwater in a way that seeks to give effect to the concept of Te Mana o te Wai, improve degraded water bodies and maintain or enhance all others. The NPS-FM contains one objective which prioritises the health and well-being of water bodies and freshwater ecosystems.
- 4.31 The NPS-FM is relevant to the plan change through the stormwater run-off generated by the site which will eventually be discharged to the Waikato River. The plan change responds to this by including a stormwater treatment wetland on the precinct plan for the site (refer to Figure 2). The wetland will detain and treat stormwater from the development prior to discharge to the reticulated stormwater network. The wetland has been sized to potentially include stormwater runoff from sites upstream of the racecourse, which is an additional benefit. The plan change notes that additional measures can be provided on the site such as rain harvesting tanks. This detail will be considered at the time of resource consent for the future development.
- 4.32 The proposed stormwater management measures for the site have and the ICMP have been evaluated by Greg Cumming from Beca on behalf of HCC. Mr Cumming concludes that the proposed solutions for stormwater provided in the ICMP is fit for purpose, subject to more detailed analysis and design at the resource consent stage.
- 4.33 I therefore consider that the plan change will give effect to the NPS-FM. Further comment on stormwater is contained in section 5 of this report.

National Planning Standards

- 4.34 As outlined within the plan change, the National Planning Standards provide national consistency for the structure, form, definitions and electronic accessibility of RMA plans and policy statements to make them more efficient and easier to prepare and use. HCC has not yet implemented the National Planning Standards in its District Plan and the plan change does not therefore use the National Planning Standards.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 4.35 Section 74(1)(f) of the RMA states that a district plan must be in accordance with any regulations. This includes regulations within National Environmental Standards. Of relevance to the plan change is the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Soil).
- 4.36 The plan change documentation includes a Preliminary Site Investigation (PSI) at Appendix I. The PSI concludes that soil contamination could exceed applicable standards under the NES Soil in specific areas and that a resource consent will therefore be required before development can proceed. The resource consent stage can ensure the future Detailed Site Investigation is aligned

with the residential development proposed and can require the land is made safe prior to residential use. There are no specific district plan provisions that will be required as part of the plan change in relation to the NES Soil.

Waikato Regional Policy Statement

- 4.37 Section 75(3)(c) of the RMA requires a district plan to give effect to any relevant Regional Policy Statement. The Waikato Regional Policy Statement (WRPS) provides an overview of the resource management issues of the region and contains the overarching policy framework to achieve the purpose of the RMA. It is currently being amended through Change 1 to give effect to the NPS-UD.
- 4.38 Of particular relevance for this plan change is the urban form and development section. The objectives within this section seek that development of the built environment occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes (Objective UFD-O1). This includes integrating land use and infrastructure planning and ensuring the safe and efficient operation of infrastructure corridors, integrating land use and water planning, minimising land use conflicts including reverse sensitivity, and strategically planning for growth and development to create responsive and well-functioning urban environment including housing choice and sufficient development capacity. Objective UFD-O2 requires achievement of housing bottom lines within the FutureProof area (14,300 dwellings within Hamilton City in the 2020 – 2030 period). Relevant policies include planned and coordinated subdivision, use and development (Policy UFD-P1), co-ordinating growth and infrastructure (UFD-P2) and a number of polices to achieve the anticipated outcomes of the FutureProof growth strategy (Policy UFD-P10, P11, P12).
- 4.39 Integrated management is also relevant to the plan change. Objective IM-O1 of the WRPS requires that natural and physical resources are managed in a way that recognises the needs of current and future generations, the relationships between environmental, social, economic and cultural wellbeing and the interrelationship of natural resources with the built environment. Objective IM-O9 requires that where intensification occurs in urban environments, built development results in attractive, healthy, safe and high-quality urban form which responds positively to local context whilst recognising that amenity values change over time in response to the changing needs of people, communities and future generations, and such changes are not, of themselves, an adverse effect.
- 4.40 I consider that the plan change will give effect to the WRPS for the following reasons:
- The plan change will enable additional residential housing of varying typologies within an existing urban area which is already serviced by infrastructure.
 - The plan change will contribute to the housing bottom line target for the FutureProof area and the density targets for Te Rapa which is a minimum of 20 – 65 dwellings per hectare. The plan change anticipates a gross density of approximately 30 dwellings per hectare (section 10.5 of the plan change AEE document).
 - The plan change has considered its integration with the wider transport environment and requires a number of changes to the transport network which are linked with the timing of development. These changes are principally aimed at making the plan change area safe and connected for pedestrians. This is based on an ITA submitted with the plan change (Appendix F) which has been reviewed by Alastair Black from Gray Matter who concludes that the site is appropriately connected, appears to support intensification and infill and from a transport perspective, and is likely to be consistent with the WRPS.
 - An ICMP has been provided with the plan change (Appendix E) which outlines how the plan change area will be serviced with three waters infrastructure. The ICMP has been evaluated by

Greg Cumming from Beca on behalf of HCC. Mr Cumming concludes that stormwater management of the site can be addressed as demonstrated within the plan change. Any remaining issues can be addressed at the resource consent stage.

- Reverse sensitivity mitigations have been incorporated including a 30m setback from the adjacent residential zone and requirements for housing design within an identified Noise Sensitive Area to achieve suitable internal noise levels.
- Plan change provisions which are designed to achieve an urban form which is consistent with the MDRS and responds to the local context.

Waikato Regional Plan

4.41 Section 75(4)(b) of the RMA states a district plan must not be inconsistent with a regional plan. The operative Waikato Regional Plan (WRP) implements the WRPS and contains objectives, policies and methods to manage the natural and physical resources of the Waikato region. Plan Change 1 Healthy Rivers remains subject to appeals to the Environment Court, but otherwise the WRP is fully operative.

4.42 Section 10.6 of the plan change AEE document states the provisions of the Regional Plan have been taken into account in the ODP and PC13 does not propose any changes that impact on it. Any consents required under the WRP at the time of development will be assessed in detail at that time. I concur with this assessment and note the intention to obtain any required resource consents under the WRP. There is no obvious impediment to obtaining any required resource consents under the WRP.

Hamilton District Plan

4.43 As stated earlier in this report, the Hamilton District Plan is currently subject to several plan changes including PC12 which gives effect to the NPS-UD and incorporates the MDRS. I consider the plan change to be consistent with the strategic objectives of the District Plan, most notably Objective 2.2.1 which requires a sustainable urban form, Objective 2.2.2 which states that urban development is to take place within areas identified for this purpose in a manner which uses land and infrastructure most efficiently and Objective 2.2.6 which requires sufficient housing capacity of 14,300 dwellings as per the WRPS.

4.44 The plan change seeks to utilise semi-vacant land within an urban area for medium density housing development. It represents an efficient use of existing land and can be serviced by infrastructure.

Waikato Tainui Environmental Plan

4.45 Section 74(2A) of the RMA requires that when changing a district plan any relevant planning document recognised by an iwi authority must be taken into account. The relevant document is the Waikato-Tainui Environmental Plan - Tai Tumu, Tai Pari, Tai Ao (WTEP) which is the recognised planning document for Waikato-Tainui Te Whakakitenga o Waikato Inc as the Iwi Authority for Waikato-Tainui.

4.46 The plan change includes an assessment of the plan change against the WTEP in section 10.7 of the AEE document and in Appendix L. The assessment demonstrates that the plan change is consistent with the outcomes sought through the WTEP. I concur with the assessment, in particular:

- The plan change recognises the importance of restoring the health and well-being of the

Waikato River.

- There is provision for Papakainga as a restricted discretionary activity within the Medium Density Residential Zone (or permitted if containing 1 – 3 residential units), refer to the proposed activity status table in Rule 4.5.4.
- Management of any accidental discovery of cultural artefacts through the resource consent process.
- Consideration of the overland flow path across the site as a natural hazard and the use of the flow path for roads and open space.
- Provision of three waters infrastructure servicing for the future development.
- Management of land contamination through the resource consent process.

4.47 I note that the applicant has provided the assessment to Waikato-Tainui and no further advice on it was received.

Management Plans and Strategies

4.48 Section 74(2)(b) of the RMA requires that when changing a district plan, management plans and strategies prepared under other Acts must be had regard to. The following sections consider the relevant management plans and strategies.

The Waikato Plan

4.49 The Waikato Plan was adopted in 2017 and is the overarching strategic plan for the whole region. It was developed by the region's leaders to address the challenges the region faces. It provides an action plan to support the integrated development of the region for the next 30 years. I consider that the plan change is not contrary to the Waikato Plan.

FutureProof

4.50 The Future Proof Strategy is a 30-year growth management and implementation strategy for a number of sub-regional areas including Hamilton. Elements of FutureProof have been given statutory effect through incorporation into the WRPS and District Plan as outlined previously in this report. FutureProof was updated in 2022 to incorporate the Hamilton-Waikato Metropolitan Spatial Plan and national directives including the NPS-UD. The growth management directives within FutureProof (page 63) include supporting compact urban development and increased densities in a way that provides high quality social, cultural, economic and environmental outcomes. It also directs that a range of housing types be provided, safe and inclusive urban design and minimisation of land use conflicts including reverse sensitivity.

4.51 In my view the plan change is generally consistent with FutureProof.

Hamilton-Waikato Metropolitan Spatial Plan

4.52 The Hamilton-Waikato Metropolitan Spatial Plan is a vision and framework for growth and development in Hamilton and neighbouring districts. Of relevance to the plan change is the concept of development, including urban intensification, around a multi-modal rapid transport network. The Te Rapa area is identified as a key employment node and is part of the 'northern corridor'.

4.53 Although the Metropolitan Spatial Plan is a high-level plan, I consider that the plan change is broadly consistent with it as it will create additional housing within the northern corridor/Te Rapa area.

Hamilton Urban Growth Strategy

- 4.54 Section 10.10 of the plan change AEE document addresses the previous version of the Hamilton Urban Growth Strategy (HUGS) which dates from 2010. HUGS was updated in April 2023 and guides urban growth in Hamilton over the next 50 years. One of the outcomes identified in HUGS is to grow along transport corridors which includes focusing housing and jobs along key corridors, with references to the Metropolitan Spatial Plan. As outlined above, Te Rapa is a key growth corridor and I therefore consider that the plan change is broadly consistent with HUGS.

Waikato Regional Land Transport Plan 2021 – 2051

- 4.55 The Waikato Regional Land Transport Plan (WRLTP) sets out the strategic direction for land transport in the Waikato region for the next thirty years. It is a high-level document covering strategic corridors, management of growth through multi-modal transport solutions, improving road safety, access and mobility including growing public transport, climate change considerations, maintenance of transport assets and integrated planning as the key 10-year transport priorities.
- 4.56 Section 10.8 of the plan change AEE document contains the key transport issues in the region and the relevant regional land transport priorities as set out in the WRLTP. The plan change concludes, based on the ITA submitted with the plan change (Appendix F) that the plan change is in accordance with the strategic direction in the WRLTP. The reasons for this include the proposed safety improvements, the extension of footpaths and the connections to the wider network.
- 4.57 The review of the ITA by Gray Matter states that they agree with the ITA that the plan change is generally consistent with the WRLTP (Appendix 1 of the Gray Matter assessment). I therefore consider that the plan change is consistent with the priorities of the WRLTP. I note that the plan change provides for safety improvement at the Sir Tristram Avenue/Te Rapa Road intersection, footpath extensions including connections to enable pedestrian crossing of Te Rapa Road and connections to bus stops. It is anticipated that the applicant or future developer will be responsible for the provision of the infrastructure upgrades, and the plan change is written in a manner that requires the improvements to be in place prior to development of more than 60 residential units. This matter is commented on further in section 5 of this report.

Access Hamilton

- 4.58 Access Hamilton is HCC's strategy for managing the city's transport needs over a 30-year timeframe. The vision of Access Hamilton is a transport network that enables everyone to connect to people and places in safe, accessible and smart ways. It promotes safety, transport accessibility, a multi-modal transport system and a transport system that supports a quality and compact urban form. It includes a 20-minute city aspiration, that is, people being able to access essential services and meet most daily needs within 20 minutes using active transport, micro-mobility (scooters) or public transport.
- 4.59 Section 10.9 of the of the plan change AEE document contains an assessment against Access Hamilton. It states that Te Rapa Racecourse is identified in Access Hamilton as one of several 'generation and destination nodes' in the Te Rapa locality.
- 4.60 I consider that the plan change is generally consistent with Access Hamilton. As outlined earlier in this report, the plan change site is located close to employment (the Te Rapa area is identified within Access Hamilton as an area of large employment – page 55), community facilities and a

neighbourhood centre, and a number of transport improvements have been identified, including ones that assist with walking and access to public transport.

Conclusion on Relevant Planning and Policy Documents

- 4.61 Overall the plan change is considered to meet the requirements of the RMA with respect to the statutory planning framework.

5 Assessment of Environmental Effects and Issues

- 5.1 Clause 22 of Schedule 1 requires that a plan change shall describe the environmental effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change. Clauses 6 and 7 of Schedule 4 outline the information that must be included in an assessment of environmental effects and the matters that must be addressed.
- 5.2 This section of the report evaluates the environmental effects of the plan change, addresses submitter issues insofar as they raise environmental effects. Section 8 of the plan change AEE document addresses environmental effects supported by the technical appendices to that report. The evaluations below draw on that material, as well as the supporting technical peer review reports attached to this report as Appendix A, and with the benefit of having reviewed the submissions received. This assessment includes an evaluation of the District Plan provisions which have been amended by the applicant in response to submissions.
- 5.3 The evaluations below are structured on a series of topic headings. These are:
- Urban design
 - Noise and vibration/reverse sensitivity
 - Transportation
 - Stormwater
 - Wastewater
 - Water supply
 - Geotechnical
 - Land contamination
 - Other reverse sensitivity effects – lighting and odour
 - Future development
 - Positive effects
- 5.4 Section 8 of the plan change includes an assessment of ecological and archaeological effects. I concur with those assessments and have not repeated them here.

Urban Design

- 5.5 Urban design matters and effects have not been specifically addressed by the applicant in section 8, however the plan change includes an Urban Design Report at Appendix D. Additionally, the applicant has presented the plan change to the Hamilton Urban Design Panel on the 22 May 2022.
- 5.6 The urban design aspects of the plan change have been considered by Colin Hattingh, HCC's former Senior Urban Designer. Mr Hattingh has considered the comments provided by the Urban Design

Panel, noting that the concept plan for the plan change was completely revised to address panel comments on future flexibility, a range of dwelling typologies, improved integration of open space elements and improvements to the road layout. Mr Hattingh has also reviewed the Urban Design Report and highlights the following positive elements of the proposed design and layout:

- A strong building frontage will be presented to the streets and open spaces.
- Buildings at corners and the ends of vistas are expected to be distinctive.
- The buildings which front the proposed landscape margin on the eastern boundaries will address potential noise factors.
- Elements of open space are built into the design to support an attractive urban landscape character.

5.7 In conclusion Mr Hattingh states that in his opinion the plan change is a well-considered proposal which will provide for good quality residential land, that is well-located in relation to a number of other facilities and uses including various community facilities and transport routes and connections. He notes that the Urban Design Report represents a finer grain of detail which is not proposed to be included within the District Plan, however it does not imply that the vision articulated in the report cannot be realised given the plan change touches a number of chapters and introduces a set of provisions for the precinct in conjunction with those introduced through PC12.

5.8 Mr Hattingh's comments are overwhelmingly positive and on this basis I consider the urban design effects of the proposal are positive. I note the precinct plan which is based on the concept plan within the Urban Design Report for the plan change will be included within the District Plan to guide the layout of the new precinct.

Noise and Vibration/Reverse Sensitivity

5.9 The plan change includes an Acoustic Assessment at Appendix G which assesses the acoustic effects of the plan change. The findings and recommendations of the Acoustic Assessment, and the proposed plan changes are summarised below.

5.10 The below summary includes post notification amendments that have been made to the proposed provisions in response to concerns raised by submitters and HCC's Environmental Health Manager. The concerns raised by HCC's Environmental Health Manager were regarding the proposed District Plan drafting which resulted in a high noise incident level to be applied to the new buildings, which would result in the requirement for bespoke and potentially onerous building design to meet acoustic standards which may not be necessary given the 30m setback from the adjoining industrial activities.

- The adjoining industrial zones are currently subject to an upper noise limit of 65dBA (LAeq [15 min] measured at any point within the boundary of any other site within the industrial zone (Rule 28.8.3.7 c.). There is currently no noise limit applying to noise received from industrial sites in the Major Facilities Zone. Existing Rule 25.8.3.7 a. contains noise limits for industrial zones where measured within residential zones. The Acoustic Assessment considers that the noise limits in Rule 25.8.3.7 a. are generally appropriate for the proposed racecourse precinct, however in applying this rule, the industrial activities would be subject to lower noise limits than they are currently which may result in reverse sensitivity issues. Given the industrial zone is already subject to a 65dB LAeq between industrial zoned sites, which effectively means this is already the controlling limit, it is proposed to introduce a new rule (Rule 25.8.3.7 e.) which applies the 65dB LAeq level to noise from industrial land when measured in the Te Rapa Racecourse Medium-Density Residential Precinct.
- No noise limit is proposed for noise from the Te Rapa Racecourse when received at the new precinct. This is based on the internal noise performance requirements that will apply to the new buildings.
- An 'effects area' of 60m measured from the existing industrial zone boundary has been identified in

the Acoustic Assessment. This is shown as a 'Noise Sensitive Area' in Figure 4.5-1 which is proposed to be included within the District Plan. Buildings within the Noise Sensitive Area are restricted discretionary activities. Matters of discretion include the extent to which the buildings meet internal sound levels, using the same levels as existing District Plan Rule 25.8.3.10 e., which applies to noise sensitive activities.

- Additional noise related proposed provisions include a 30m setback for residential units from the boundary of the industrial land (Rule 4.8.2 viii.) and the requirement for a 1.8m high solid fence along the industrial zone boundary (Rule 4.8.12 f.).

5.11 Noise and associated reverse sensitivity issues have been raised by some submitters. Matters raised in submissions include:

- Concerns about reverse sensitivity associated with industrial development and the potential for complaints to be generated from future residents (McMac Properties, Fonterra, Chartwell Investments, Takanini Rentors, Ecostream Irrigation, Shane Burnett Hounsley, Denise Allen – Ecostream Irrigation, Derek Fleet – Purewater Products, Scott Brockett – Custom Utes, Angel Fisher – NTB Racing, Jason and Melanie Trethowen – Green Ladder Construction trading as Ideal Buildings, Mordie Myburgh – Ehome Building Centre, Brent Shadbolt – Miller Electrical, Greg Roberts – Archery Direct, Alan Day – A.L. Day trading as Keyport, Neil Fernworth – Fernworth Investments, Graham and Janice Lewis, Douglas Bruce John Hopkins, Gordon Finlay and Katja Hart, Gill Adshead – Kereru Partnership). These submitters seek that the setback is increased to 60m and a no complaints covenant is imposed on the new development.
- The adequacy of the proposed provisions (Chartwell Investments, Takanini Rentors, Ecostream Irrigation). The submitters seek that provisions are amended to better address reverse sensitivity matters.
- The potential for construction noise and associated disturbance (Murray J. V. Bindon, Lanza International).
- Request to delete standard 25.8.3.7 e. (Kāinga Ora).
- Introduce a 30m setback (on the southern boundary) to mitigate noise from medium density housing (Stephen Lyons).
- Support of the proposed noise and vibration standards (Metcare Limited).

5.12 The Acoustic Assessment, the proposed provisions and the noise and vibration effects of the plan change have been assessed by Peter McGregor, Environmental Health Manager at HCC (refer to Appendix A). Aside from the initial concern about the incident noise level outlined above (which was subsequently addressed), Mr McGregor has not raised any concerns with the Acoustic Assessment or the proposed District Plan provisions. He has however queried how the incident noise level for buildings in the southern part of the site would be determined, which are more remote from the industrial area (and given there is no noise limit for racecourse activities), noting that noise measurements could be used.

5.13 With respect to submitter concerns, Mr McGregor has the following additional comments.

- For reverse sensitivity concerns, Mr McGregor is satisfied that the internal noise design criteria, built form requirement to create an acoustic barrier, orientation of outdoor living areas away from the industrial zone, 30m setback and acoustic fence is sufficient to mitigate external noise effects from industrial sites which could create reverse sensitivity issues. Mr McGregor does not therefore consider that a no complaints covenant is necessary, noting that as a private covenant it would be difficult to enforce as HCC would not be responsible for its enforcement. A larger setback would adversely affect the extent of the developable area which is not considered to be necessary given the full extent of mitigation proposed.
- With respect to the Fonterra submission, the Fonterra site on Crawford Street is approximately 600m away from the subject site and approximately the same distance from the closest unit in the existing

Forest Lake Village. There are very large buildings on the Fonterra site between the outside operational area and the subject area. The distance and screening from these buildings would sufficiently mitigate noise. In addition, there have been no complaints received from residents in the Forest Lake Village or the new Bupa Foxbridge Retirement Village in Minogue Drive indicating the Fonterra site does not currently emit a level of noise that creates adverse effects at this location.

- Construction noise and vibration would be considered in more detail at the time of application for resource consent. A requirement for a Construction Noise and Vibration Management Plan may be included as a condition of consent if granted.
- Kāinga Ora appears to have misinterpreted the proposed change to rule 25.8.3.7 a. The proposed change would exclude the residential precinct from that rule. The proposed new rule 25.8.3.7.e has the proposed noise limits.
- With respect to the 30m setback sought by Stephen Lyons, the precinct would be subject to residential noise limits that apply in most residential areas within the city. Noise from short-term activities such as parties would be subject to noise control as in any other situation in the city.

5.14 On the basis of the above assessment from Mr McGregor, I consider that the noise and vibration effects, and the associated reverse sensitivity effects resulting from the plan change will be sufficiently mitigated through the District Plan provisions proposed.

Transportation

5.15 The plan change includes an ITA at Appendix F which assesses the transportation effects of the plan change. The ITA has the following findings and recommended mitigations:

- The proposed development is expected to be able to comply with District Plan standards including separation distances between accesses and sight distances (to be assessed at resource consent stage).
- Residential development at the site is expected to generate approximately 1,500 vehicle trips per day and 160 trips per peak hour. The ITA states that the predicted trip generation is based on a mix of residential dwelling types (i.e. detached dwelling, apartment units and townhouses).
- Traffic modelling shows that, despite the increased vehicle trips associated with the proposed residential development, the existing Ken Browne Drive / Garnett Avenue / Minogue Drive roundabout will continue to operate at an adequate level of service in the current and future year scenarios, including on race days.
- With the proposed residential development, the right turning movement from Garnett Avenue at the Te Rapa Road / Garnett Avenue / Vardon Road intersection performs unsatisfactorily. A fundamental issue is that there is no easy solution to increase the intersection capacity without creating additional lanes. The performance of the left turn movement from Garnett Avenue into Te Rapa Road justifies this movement being exclusive without the through traffic to Vardon Road added. However, incorporating additional lanes will require significant re-design and upgrade of the intersection considering the proximity of the northbound service lane on Te Rapa Road. Given the performance of the Te Rapa Road / Garnett Avenue / Vardon Road intersection is already generally poor with existing and future traffic growth from population and employment increase in Hamilton, any upgrade to the capacity or improvements for walking and cycling and PT should be led by the Council and potentially the costs shared equitably between all key stakeholders that benefit from the improvements.
- The existing intersection at the junction of Sir Tristram Avenue and Te Rapa Road is considered to be complex with safety issues that could be exacerbated by the proposed development. It is recommended to limit the movements at Te Rapa Road / Sir Tristram Avenue intersection to left-in, left-out and right-in movements only which would mean that the right turns out to Te Rapa Road are banned and made as physically difficult to perform as practicable. Traffic affected by this movement ban (mostly related to racecourse race days) can use the Te Rapa Road / Sunshine Avenue

roundabout to perform a u-turn and return southbound on Te Rapa Road which equates to an extra travel distance of approximately 1 km. With the intersection upgrades recommended, the Te Rapa Road / Sir Tristram Avenue intersection is also expected to perform satisfactorily in the current and future year scenarios, including race days. Its safety and capacity will be significantly improved.

- With the pedestrian connections proposed for connection to the existing bus stops as well as the slow speed environment design for internal roads within the development, it can be expected that a minimum 5% of peak hour trips generated by the site will be by public transport and walking and cycling modes. This is likely to increase as the wider public transport and cycling networks improve and become more attractive for use over time. Therefore, providing infrastructure to enable efficient and safe connection to these alternative modes of transport will help to limit the impact on existing delays and queues at the Te Rapa Road / Garnett Avenue / Vardon Road intersection.
- Upgrades to Ken Browne Drive will be required including removal of existing parking on the south-west side to accommodate increased traffic volume. The ITA states that as sufficient off-street parking is provided at the commercial premises, widening the road to introduce recessed parallel parking bays on either side of the carriageway is not desirable.
- Upgrades to Sir Tristram Avenue include additional footpaths and shared paths to connect with existing bus stops and enable access over Te Rapa Road to a bus stop and commercial premises with a new signalised pedestrian crossing.

5.16 Transportation related concerns have been raised by some submitters. These generally relate to five key themes being concerns about effects on existing intersections; concerns about increased traffic and congestion on Ken Browne Drive; car parking including whether the development will have sufficient parking, the loss of parking on Ken Browne Drive and Ken Browne Drive being used for resident parking; shortcuts through industrial sites; and provision for emergency service vehicles. These matters are detailed below.

- Concerns about pressure on existing intersections including the intersection of Garnett Avenue and Te Rapa Road (McMac Properties) and congestion at Sir Tristram Avenue/Te Rapa Road making it difficult to exit the service land (Takanini Rentors, Ecostream Irrigation, Shane Burnett Housley, Denise Allen – Ecostream Irrigation, Derek Fleet – Purewater Products, Scott Brocket – Custom Utes, Angela Fisher – NTB Racing, Jason and Melanie Trethowen – Green Ladder Construction trading as Ideal Buildings, Mordie Myburgh – Ehome Building Centre, Brent Shadbolt – Miller Electrical, Greg Roberts – Archery Direct, Alan Day – A.L. Day trading as Keyport, Neil Fernworth – Fernworth Investments, Graham and Janice Lewis, Douglas Bruce John Hopkins, Gordon Finlay and Katja Hart, Gill Adshead – Kereru Partnership).
- Congestion on Ken Browne Drive due to the width of the road formation (Chartwell Investments) and increased traffic (Stephen Lyons),
- Concerns about parking and impacts on Ken Browne Drive including loss of car parking (McMac Properties, Stephen Lyons) and insufficient parking provided for the development which means the service lane will be used for parking reducing availability for businesses in the area (Chartwell Investments, Takanini Rentors, Ecostream Irrigation, Shane Burnett Housley, Denise Allen – Ecostream Irrigation, Derek Fleet – Purewater Products, Scott Brocket – Custom Utes, Angela Fisher – NTB Racing, Jason and Melanie Trethowen – Green Ladder Construction trading as Ideal Buildings, , Mordie Myburgh – Ehome Building Centre, Brent Shadbolt – Miller Electrical, Greg Roberts – Archery Direct, Alan Day – A.L. Day trading as Keyport, Neil Fernworth – Fernworth Investments, Graham and Janice Lewis, , Douglas Bruce John Hopkins, Gordon Finlay and Katja Hart, Gill Adshead – Kereru Partnership).
- Some submitters thought that the development would lead to an increase in crime and that pedestrians may take short cuts through the adjoining industrial sites due to limited connectivity (Chartwell Investments, Takanini Rentors, Ecostream Irrigation, Shane Burnett Housley, Denise Allen – Ecostream Irrigation, Derek Fleet – Purewater Products, Scott Brocket – Custom Utes, Angela Fisher – NTB Racing, Jason and Melanie Trethowen – Green Ladder Construction trading as Ideal Buildings, ,

Mordie Myburgh – Ehome Building Centre, Brent Shadbolt – Miller Electrical, Greg Roberts – Archery Direct, Alan Day – A.L. Day trading as Keyport, Neil Fernworth – Fernworth Investments, Graham and Janice Lewis, , Douglas Bruce John Hopkins, Gordon Finlay and Katja Hart, Gill Adshead – Kereru Partnership).

- Risks to elderly residents from increased traffic (Stephen Lyons).
- Fire and Emergency New Zealand submit that the development should provide for the operational requirements of fire and emergency appliances including sufficient road widths and support for the no parking restriction on Ken Browne Drive which should also be applied to Sir Tristram Avenue, and no parking within the trafficable carriageway within the development or rear lanes.

5.17 The ITA and the transportation effects of the plan change have been assessed Alastair Black from Gray Matter on behalf of HCC (refer to Appendix A). Mr Black states that the proposed trip generation described in the ITA appears reasonable as do the assumptions around trip distribution. Mr Black generally agrees with the proposed infrastructure changes and his assessment contains the following key comments:

- Support for the overall layout including road connections and pedestrian provision. A pedestrian connection to Te Rapa Road is provided at the north-eastern end of the development and footpaths are provided on Ken Brown Drive. There is therefore no reason for people to pass through adjoining sites to reach Te Rapa Road.
- Support for the concept of a signalised, staggered pedestrian crossing of Te Rapa Road which prioritises the safety of pedestrians. There are some concerns about the movement of cyclists through the intersection however these can be considered at detailed design stage and the intersection change should undergo safety audits. Mr Black notes that there is no information in the ITA about the effect of the crossing on Te Rapa Road traffic flow, however the staggered crossing will minimise disruption and delays can be further minimised through coordination with the signalised intersection at Home Straight. Delays are unlikely to be significant.
- Mr Black agrees with the ban of right turn movements from Sir Tristram Drive and the limiting of this intersection to left in, left out.
- The development is likely to increase demand for right turning traffic from Garnett Avenue into Te Rapa Road in the afternoon peak period. He notes the intersection is already almost at capacity. Mr Black agrees that a redesign of this intersection may eventually be required but that improvements within the existing road boundary are not practical (meaning a more complicated process is required). They state that in practice traffic is likely to divert elsewhere and there are alternative routes to reach Te Rapa Road south of the racecourse site.
- Footpath extensions are agreed with and can be considered in detail at the resource consent and engineering approval stage.
- The District Plan requires recessed parking and footpaths on both sides of local roads which is currently not proposed. Depending on the level of parking provided on the individual lots, there is a risk of parking overspill from the residential development competing with parking demand from the surrounding industrial and commercial activities, as well as race day activities. This will be considered further at resource consent stage.
- Parking on Sir Tristram Avenue is likely to require being restricted to one side to enable space for two-way traffic.
- Mr Black agrees that removing existing parking on Ken Browne Drive would improve the movement function of the existing carriageway and additional traffic is expected to be within the capacity of the road, particularly if parking is removed. However, removal of parking would remove side friction which may result in higher speeds and the need for speed management, it would also remove parking which could provide for parking overspill.
- Removal of parking on Ken Brown Drive and the banning of turns will require consultation and decision making through a separate Local Government Act process. Mr Black is of the view that any change in existing parking should be completed prior to the first stage of development.

- Mr Black recommends the minimum legal road width should be 16.8m rather than 16m as proposed, which will align with PC12. The additional width provides 2.1m for parking and 1.5m for service corridors.
- Mr Black also recommends minor changes to proposed District Plan wording to improve clarity and to amend Policy 4.2.16c to include prioritisation of walking, cycling and micro-mobility. These amendments have been agreed to by the applicant and are included within the applicant's updated amendments attached at Appendix C.

5.18 With respect to submitter concerns, Mr Black has the following additional comments.

- Regarding the Sir Tristram Avenue intersection, with the banning of the right turn movement, there won't be a queue of traffic waiting to turn right which could block the service lane exit. Traffic exiting the service lane will only need to give way to traffic turning into Sir Tristram Avenue from Te Rapa Road. Mr Black considers that the proposed intersection layout is acceptable.
- HCC's parking policy (August 2022) prioritises road space and movement ahead of car parking provision. Some demand for on-street parking from the development is to be expected and this will be reviewed at resource consent stage.
- Mr Black supports the speed management measures, traffic calming and discouragement of shortcuts through the development. The internal layout of the site means that travel through the site takes an indirect route. Provided that the transport network meets HCC standards, there is no reason why safety would be compromised. The proposal includes pedestrian facilities that improve safety for non-car modes of travel.

5.19 On the basis of the assessment from Mr Black of Gray Matter, I consider that the transportation effects of the plan change can be suitably mitigated. The key transportation upgrades required as a result of the rezoning are proposed to be included within the District Plan which include the banning of the right turn out of Sir Tristram Avenue, extension of existing footpaths, a shared path along the service lane, a raised safety platform crossing of the service lane and a raised safety platform staggered signalised crossing of Te Rapa Road. These matters will be considered in detail at resource consent stage and the provision of required infrastructure may be subject to a Private Developer Agreement with HCC and/or considered as part of development contributions.

5.20 Fire and Emergency New Zealand also seek a 4m vertical clearance for all transport corridors within the racecourse precinct to ensure access for fire and emergency appliances. PC12 includes a 4m vertical clearance requirement for all rear lanes, however with respect to other roads, I consider that this matter is not specific to this location and is best addressed at a city-wide scale. HCC may consider this matter as part of any future plan change.

Stormwater

5.21 The plan change includes a sub-catchment ICMP at Appendix E which assesses the stormwater, wastewater and water supply effects of the plan change.

5.22 Stormwater is proposed to be collected and conveyed to a stormwater wetland on the site which will treat and attenuate stormwater prior to discharge to the HCC reticulated stormwater system. The wetland is included on the precinct plan for the site. The wetland will also accommodate stormwater from the racecourse buildings, roads and carparks, which currently flow in an uncontrolled manner to the receiving environment. The wetland has also been sized to potentially accommodate stormwater flows from part of the industrial area upstream of the site (shown as the Stage 2 wetland on the precinct plan). It is proposed that the stormwater wetland will vest in HCC at the time of subdivision.

5.23 The precinct plan shows that no buildings are proposed on the existing overland flow path through the

site. Additionally, a low flood hazard area is shown, and the plan change proposes that any subdivision in this area is a restricted discretionary activity with a requirement for a flood risk assessment report.

- 5.24 The plan change also states that water retention measures such as rain harvesting tanks could be provided, although this a matter for the resource consent stage. The possibility to utilise ground soakage will also be investigated through further geotechnical assessment.
- 5.25 Two submitters have raised concerns regarding stormwater. McMac Properties is concerned about additional load on the stormwater system and the need for upgrades. This submitter is also concerned that the overland flow path and low flood hazard area will vest in Council and building near a flood hazard area. McMac Properties seek extensive upgrade of the stormwater system, no building within a reasonable distance of the flow path or in the low flood hazard area.
- 5.26 Phillip Robinson is concerned about the overland flow path and low flood hazard area and potential for flooding on the submitter's property. The submitter seeks a more in-depth mitigation plan to prevent surface flooding towards 6 Ken Brown Drive and extension of the wetland south-east.
- 5.27 The ICMP and the stormwater effects of the plan change have been assessed by Greg Cumming from Beca Limited on behalf of HCC (refer to Appendix A). Beca have had extensive involvement in reviewing earlier versions of the ICMP and have provided comprehensive feedback to the applicant. Mr Cumming concludes that the proposed solutions for stormwater provided in the ICMP are fit for purpose and will address the effects of the future development subject to more detailed analysis, modelling and design at resource consent stage.
- 5.28 With respect to the submissions received, Mr Cumming provides the following comments:
- The proposed wetland will provide storage and attenuation so that the post development flow rate will be less than or equal to the existing scenario and not have any adverse impact on downstream catchments. The impact of additional runoff volume will need to be confirmed in future detailed modelling at resource consent stage to determine the final design of the wetland.
 - The overland flow path will connect to the proposed wetland, and it is appropriate for this to be vested in Council for maintenance purposes and to preserve its functionality.
 - As prescribed by Regional Infrastructure Technical Specifications (RITS) and the Building Code, the designer of the development will need to demonstrate that the proposed floor levels have the prescribed clearance above the 100-year flood level. The hazard (i.e. combination of depth and velocity) associated with the flow path will need to be confirmed in future modelling and this could influence the final layout of development.
 - Development will be in accordance with the RITS and the Building Code which sets clearances to flooding in terms of freeboard (height) and while they are not aware of a requirement for lateral offset in RITS /District Plan, the modelling for the resource consent will show the proximity of features to flood hazard (again, the depth velocity combination) and issues of safe access/egress in difference hazard areas would need to be addressed at that stage.
 - They are not aware of a rule/requirement to be clear of building in a low hazard zone, however, given it is a low hazard then it is reasonable that appropriate design can address/mitigate this issue. Similar to the above, the detailed flood hazard and measures to address this will come out of modelling for a future resource consent.
 - Filling of ponded floodwater will need to be offset however, increased runoff volume (i.e., not just peak flow) remains to be addressed (will be as part of future detailed modelling) where the difference between existing and post development can be evidenced and performance of proposed mitigation evidenced (i.e., show no significant adverse impact).
- 5.29 On the basis of the assessment from Mr Cumming, I consider that the stormwater effects of the plan

change are in principle able to be mitigated through the measures included with the plan change. These include construction of a stormwater wetland and protection of the overland flow path from buildings as shown on the precinct plan, and the requirement for a flood risk assessment as part of any subdivision. I note that the District Plan minimum freeboard requirement for buildings in a low flood hazard area (Rule 22.5.6 c.) will not apply to this site as the flood hazard area is not shown on the planning maps⁴. If buildings are constructed prior to subdivision (and therefore prior to consideration of a flood risk assessment report) I consider that the minimum freeboard requirement should be met. As such I recommended inclusion of the following additional rule:

Rule 4.8.13: Buildings within the Low Flood Hazard Area shown on the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1) shall comply with Rule 22.5.6 with the Low Flood Hazard Area defined as the area shown on Figure 4.5-1. This rule shall not apply if a flood risk assessment report has been provided in accordance with Rule 23.7.9.

The effects of stormwater will be further considered at resource consent stage, where specific site layouts will be detailed, the final design of the wetland confirmed and the design response to the low flood hazard area set out (which may or may not require minimum freeboard levels for buildings).

Wastewater

- 5.30 Wastewater provision is assessed within the ICMP which identifies that the site can be adequately serviced for wastewater using the existing network. This has been confirmed by Mr Cumming in his assessment. No submissions have been raised concerning wastewater effects.

Water Supply

- 5.31 Water supply is assessed within the ICMP contained in Appendix E to the plan change. Water supply modelling was carried out and the ICMP states that results from the model show that there is sufficient capacity within the existing network to provide a sufficient level of service to the proposed development, including residential firefighting supply.
- 5.32 Water supply has been raised in the submission from Fire and Emergency New Zealand (FENZ) who seek updated water modelling to confirm the ICMP findings. FENZ are also of the view that the District Plan provisions do not adequately address firefighting water supply servicing. They seek that a specific rule be included requiring all development and subdivision in the racecourse precinct to demonstrate compliance in accordance with SNZ PAS 4509:2008.
- 5.33 Water supply has been assessed by Isaac McIntyre, from HCC on behalf of HCC Development Unit. Mr McIntyre states that HCC considers the modelling work completed in 2017 is still fit for purpose when compared to HCC Future Water Demand assumptions. He also states that HCC is of the view that its existing District Plan provisions are adequate, in particular Rule 25.13.4.d. which requires that “A reticulation system shall be provided which is adequate for fire-fighting purposes and for estimated domestic and commercial consumption”. This rule contains a note, that although non-statutory, refers to the requirement of the HCC RITS which require a water supply network to comply with SNZ PAS 4509:2008. He states that HCC regularly imposes conditions on resource consents which results in compliance with SNZ PAS 4509:2008. Further, he states that HCC are not aware of any capacity restraints right now, but a thorough assessment would need to be undertaken at development stage (rather than plan change stage). As stated above, HCC consider there are provisions in the plan that will enable consideration of the availability of capacity at the time of development.

⁴ The District Plan definition of Flood Hazard Area as per Rule 22.5.6 c. refers to land shown on the planning maps.

- 5.34 On the basis of the above assessment from Mr McIntyre, I consider that the plan change has sufficiently considered water supply, that that no additional provisions are required for firefighting water supply servicing.

Geotechnical

- 5.35 Appendix H of the plan change contains a Geotechnical Assessment, the purpose of which is to confirm the suitability of the site for the activities proposed through the plan change. The Geotechnical Report assesses that the site is geotechnically suitable for the proposed development however further testing and analysis will be required at resource consent/building consent stages. The Geotechnical Report has been reviewed by Sian France of Beca Limited. Ms France concurs with the recommendations for further work, in particular the need for additional site investigation and ground water monitoring.
- 5.36 No submissions have been received in relation to geotechnical matters.
- 5.37 Given both the Geotechnical Report and the review state the site is suitable for the proposed development, I consider that any geotechnical effects or issues can be suitably mitigated at the time of resource consent or building consent.

Land Contamination

- 5.38 As outlined earlier in this report, the PSI submitted with the plan change (Appendix I) has found the site likely contains elevated contamination levels which could exceed the NES Soil standards and that a resource consent under the NES Soil will be required. The PSI recommends that a Detailed Site Investigation (DSI) is completed for the site. If the findings of the DSI indicate that the soil contamination is likely to exceed NES Soil standards, the DSI will include site management and remediation measures. These matters will be considered in detail as part of the resource consent for any development and will ensure the site is made safe for residential activities. No submissions have been received in relation to land contamination matters.

Other Reverse Sensitivity Effects – Lighting and Odour

- 5.39 Some submitters (Chartwell Investments, Takanini Rentors, Ecostream Irrigation, Shane Burnett Housley, Denise Allen – Ecostream Irrigation, Derek Fleet- Purewater Products, Scott Brockett – Custom Utes, Angela Fisher - NTB Racing, Jason and Melanie Trethowen - Green Ladder Construction trading as Ideal Buildings, Mordie Myburgh - Ehome Building Centre, Brent Shadbolt, Miller Electrical, Greg Roberts - Archery Direct, Alan Day, A.L. Day trading as Keyport, Neil Fernworth- Fernworth Investments, Graham and Janice Lewis, Douglas Bruce John Hopkins, Gordon Finlay, Katja Hart; Gill Adshead- Kereru Partnership) are concerned about lighting and odour reverse sensitivity issues.
- 5.40 I consider that these matters will largely be addressed by the 30m setback for buildings within the racecourse precinct as proposed. Other mitigations included within the plan change include assessment criteria which stipulates outdoor living areas to be orientated away the industrial zone, and a requirement for a landscape plan which is to detail how landscaping of the setback/open space area including planting of trees will achieve a visual buffer. On this basis of the mitigations proposed, I do not consider that reverse sensitivity issues associated with lighting and odour will be a significant effect of the rezoning.

Future Development

- 5.41 A number of submitters (Chartwell Investments, Takanini Rentors, Ecostream Irrigation, Shane Burnett Housley, Denise Allen – Ecostream Irrigation, Derek Fleet- Purewater Products, Scott Brockett – Custom Utes, Angela Fisher - NTB Racing, Jason and Melanie Trethowen - Green Ladder Construction trading as

Ideal Buildings, Mordie Myburgh - Ehome Building Centre, Brent Shadbolt, Miller Electrical, Greg Roberts - Archery Direct, Alan Day, A.L. Day trading as Keyport, Neil Fernworth- Fernworth Investments, Graham and Janice Lewis, Douglas Bruce John Hopkins, Gordon Finlay, Katja Hart; Gill Adshead- Kereru Partnership) have raised concerns about the impacts of the rezoning on their options for future development of their sites, given the District Plan contains some greater restrictions on industrial sites which adjoin or are close to residential land. In response, the applicant has had informal pre-hearing discussions with some submitters and has made a number of updates to the proposed District Plan provisions as notified. The matters raised and the responses are summarised in the below table.

Matter raised in submissions	Applicant response
Rule 25.4.5 - Hazardous facilities within 0-30m and 30-100m of a residential zone are subject to lower quantity ratio thresholds.	Amendment to Rule 25.4.5 to apply the distance in the rule to the boundary of the Medium Density Residential Development as shown on the precinct plan Figure 4.5-1 rather than the zone boundary. This will reduce the affected area in the industrial zone.
Rule 9.3 k. - Noxious or offensive activities within 250m of a Residential Zone boundary become a non-complying activity.	Amendments to Rule 9.3 j. and k. to apply the distance in the rule to the boundary of the Medium Density Residential Development as shown on the precinct plan Figure 4.5-1 rather than the zone boundary. This will reduce the affected area in the industrial zone.
Rule 9.3 i. - Any new activity requiring an air discharge consent under the Waikato Regional Plan where discharge is from a point within 100m of a Residential Zone becomes a non-complying activity.	Amendment to Rule 9.3 i. to apply the distance in the rule to the boundary of the Medium Density Residential Development as shown on the precinct plan Figure 4.5-1 rather than the zone boundary. This will reduce the affected area in the industrial zone.
Rule 9.4.1 – New buildings, alterations and extensions in the industrial zone need to be setback 8m from any boundary adjoining a Residential Zone. Currently the setback between the Industrial Zone and Major Facilities Zone is 0m.	Amendment to Rule 9.4.1 d. to exclude the 8m building setback from the boundary of the racecourse precinct.
Rule 9.4.3 - New buildings, alterations and extensions in the Industrial Zone will be subject to a height control plane rising from a height of 3m at the boundary with the new Medium Density Residential Zone and extending out on an angle of 28 or 45 degrees. Currently there is no height control plane and therefore a building with a height of 20m could be established on the boundary with the Major Facilities Zone.	Amendment to Rule 9.4.3 to exclude the height in relation to boundary standard from the boundary of the racecourse precinct.
Rule 25.5.3 - Additional landscaping requirements for vehicle parking spaces, service areas and outdoor storage areas apply where adjoining or are visible from a Residential Zone.	Amendments to Rules 25.5.3.1 b. i., f.i., h. iii, i. iii, j. i., to exclude the landscaping and screening requirements where currently required due to proximity to a residential zone.
Rule 25.6.4.4 – The maximum light spill to a site in the Residential Zone is 3 lux, compared with 10 lux to a site that is not in the Residential Zone.	Amendment to Rule 25.6.4.4 to require the spill of light from the industrial zones into the residential zone to be measured from the 30m setback rather than the zone boundary.

<p>Rule 25.8.3.7 – The maximum noise limit at a common boundary between industrial sites adjoining the proposed Te Rapa Racecourse Medium-Density Residential Precinct is 65 dBAL_{Aeq}. No noise limit applies currently to the common boundary with the Major Facilities Zone, although 65 dBA LA_{eq} is the limit in respect of another industrial site not in the same ownership. The AEE does address this matter.</p>	<p>As per the notified provisions, the applicant proposes a new noise limit for noise received in the racecourse precinct of is 65 dB LA_{eq}.</p>
<p>Rule 25.11.3 – No objectionable or offensive dust, smoke, fumes or odour shall have adverse effects at any other site. There is often a subjective element in the way these effects are perceived, and what is objectionable will vary according to the characteristics of the area. Only low levels of smoke, fumes odour or dust will usually be acceptable in residential areas, while higher levels are often more acceptable in industrial areas.</p>	<p>No specific amendment proposed.</p>

- 5.42 The rezoning would result in new residential activities adjacent to an existing industrial zone, and it should be recognised that this results in additional restrictions on industrial activities that they would not otherwise be subject to. I generally consider that the amendments as proposed by the applicant in response to concerns from submitters on this matter are acceptable, subject to any further evidence from submitters on this matter. This is on the basis of the 30m setback for residential units from the boundary with the industrial zone which creates a reasonable distance between residential units and the industrial activities, thereby reducing the effects of industrial activities on residential amenity. Additionally, the proposed District Plan provisions require that the area shown as open space on the precinct plan be landscaped which will provide visual screening.
- 5.43 The amendments result in some somewhat messy provisions within parts of the District Plan due to the various exclusions that are required. An option that was suggested to the applicant was the inclusion of an open space zone within the setback area, however the applicant’s view is that this would be difficult to define at this early stage. I note that roads are proposed within the setback area, and that roads within open space zones are a restricted discretionary activity in the District Plan pursuant to Rule 25.14.3 b, which is a complicating factor. On balance, I consider that the amendments as currently proposed are acceptable in addressing the concerns raised by submitters.

Positive Effects of the Plan Change

- 5.44 The plan change will result in additional land being available within the city boundary for residential development which is considered by a positive effect. The site is serviced by existing infrastructure and is close to community and shopping facilities, as well as employment opportunities. The rezoning will enable comprehensive planning for higher density urban development in this location.

6 Assessment of Submissions

- 6.1 The Submission Analysis and Recommendations Tables below provide a set of recommendations in response to submission points in accordance with clause 10 of Schedule 1 RMA. A summary of submissions is attached as Appendix B, and full copies of the submissions and further submissions received are located on Council’s website. Pro- forma submissions have been included with all parties listed in the submitter column.

6.2 The below tables include further submission points where noted. The matters within the below submission points are also further discussed in detail within Section 5 of this report. The recommendations are based on the proposed plan provisions which have been updated by the applicant in response to submissions. The updated set of plan amendments is attached to this report as Appendix C.

Submission Analysis and Recommendations Tables - Submissions in Support

6.3 The submissions that were received in support of the plan change are contained in the table below.

Submitter/s	Submitter Comment(s) and Relief Sought	Recommendation
Metlife Care Ltd. Further submitter: Kāinga Ora	Submission point 4.5 Metlifecare supports the changes proposed to the MDRZ activity status table as a whole but specifically supports the Restricted Discretionary activity status (from Discretionary) for Rest Home and Retirement Village activities. This aligns with the intent of the NPS-UD. Relief Sought Retain as notified. This submission point is supported by Kāinga Ora .	Metlife Care Ltd. - Accept in part Kāinga Ora – Accept in part
Metlife Care Ltd.	Submission point 4.7 Precinct Plan Figure 4.5-1 Generally, Metlifecare supports this high-level plan. Relief Sought Retain as notified (subject to the amendments sought elsewhere in the submission).	Accept
Metlife Care Ltd.	Submission point 4.11 4.8.3-4 Public and private Supports the proposed provisions. Relief Sought Retain as notified.	Accept
Metlife Care Ltd.	Submission point 4.15 4.8.11-2 Landscaped areas and development layout Supports the proposed provisions. Relief Sought Retain as notified.	Accept
Metlife Care Ltd.	Submission point 4.16 4.11 RD Matters of Discretion Supports the proposed provisions. Relief Sought Retain as notified.	Accept

Metlife Care Ltd.	<p>Submission point 4.17</p> <p>Table 23.3(e) Activity status table</p> <p>Supports the proposed provisions.</p> <p>Relief Sought</p> <p>Retain as notified.</p>	Accept
Metlife Care Ltd.	<p>Submission point 4.18</p> <p>23.7.1 and 23.7.9 Subdivision design standards</p> <p>Supports the proposed provisions.</p> <p>Relief Sought</p> <p>Retain as notified.</p>	Accept
Metlife Care Ltd.	<p>Submission point 4.19</p> <p>Noise and vibration standards</p> <p>Supports the proposed provisions.</p> <p>Relief Sought</p> <p>Retain as notified.</p>	Accept in part Accept subject to the changes as currently proposed.
Metlife Care Ltd.	<p>Submission point 4.20</p> <p>1.2.2.24 Landscaping</p> <p>Supports the proposed provisions.</p> <p>Relief Sought</p> <p>Retain as notified.</p>	Accept
Metlife Care Ltd.	<p>Submission point 4.21</p> <p>Assessment criteria P(a) and (b)</p> <p>Supports the proposed provisions.</p> <p>Relief Sought</p> <p>Retain as notified.</p>	Accept in part Accept subject to the changes as currently proposed.
Kāinga Ora	<p>Submission point 24.5</p> <p>Objectives and policies 4.2.16b – 4.2.16e</p> <p>Supports the proposed provisions.</p> <p>Relief Sought</p> <p>Retain as notified.</p>	Accept in part The Objective and policies are recommended to be retained as notified subject to amendments as sought by other submitters.

Submission Analysis and Recommendations Tables - Submissions in Support in Part/Support with Amendment

- 6.4 The submissions that were received in support of the plan change in part (for the reason that the submissions broadly support the plan change but also seek amendments), as contained in the table below.

Submitter/s	Submitter Comment(s) and Relief Sought	Recommendation
<p>Fire and Emergency New Zealand</p> <p>Further submitter: Kāinga Ora</p>	<p>Submission point 2.3</p> <p>Vehicular roading and access widths, surface and gradients should support the operational requirements of Fire and Emergency appliances.</p> <p>Support the no parking restriction being introduced along the northbound lane of Ken Browne Drive which would result in the full carriageway width being trafficable at all times for emergency service vehicles. The same approach should be taken for Sir Tristram Avenue.</p> <p>The trafficable carriageway of 6m should not be reduced or used to accommodate parking. The typical cross section provided in Figure 20 and 21 of the Integrated Transport Assessment (ITA) is supported on that basis.</p> <p>Fire and Emergency support the private rear-lanes being constructed to a minimum carriageway width of 5.5m as shown in Figure 22 of the ITA on the basis that no off-street parking will be provided along the rear lanes. Care should be given to roadside landscaping.</p> <p>Further support these rear lanes being designed as through roads creating crossroad intersections with the local roads which will avoid the need for turning circles and reverse manoeuvring.</p> <p>Support new Rule 23.7.9 specific to the Te Rapa Racecourse Medium-Density Residential Precinct that requires all subdivision to comply with the minimum widths as specified in the ITA, and on the basis that the development will be subject to the minimum carriageway widths as specified in Appendix 15 Table 15- 6aii of the district plan.</p> <p>Council should consider the effects of the potential for increased demand on off-street parking given there is no requirement by the developer to provide onsite parking.</p> <p>Relief Sought</p> <ol style="list-style-type: none"> 1. Fire and Emergency suggest that Council consider introducing a 4m vertical clearance requirement for all transport corridors within the Te Rapa Racecourse Medium Density Residential Precinct. 2. No parking on Sir Tristram Avenue. <p>This 4m vertical clearance is opposed by Kāinga Ora .</p>	<p>FENZ - Accept in part</p> <p>Kāinga Ora - Accept</p> <p>It is recommended that the 4m vertical clearance request is rejected for the reasons set out in section 5 of this report.</p> <p>Parking on Sir Tristram Avenue is likely to need to be restricted to one side to allow for two-way traffic. This will be assessed further at resource consent stage.</p>
<p>Metlife Care Ltd.</p> <p>Further submitter: Kāinga Ora</p>	<p>Submission point 4.2</p> <p>Objective 4.2.15 and Policies</p> <p>Supports this objective and subsequent policies in general, except for reference to 3-5 storey buildings. It is not suitable to reference specific bulk and mass scales in the objective. These should be addressed and covered in the relevant rules and standards.</p> <p>Relief Sought</p> <p>“The Te Rapa Racecourse Medium-Density Residential Precinct provides for a variety of housing types and sizes that respond to;</p> <ol style="list-style-type: none"> a. <u>Changing and diverse</u> housing needs and demand; and b. The neighbourhood’s planned urban built character, including 3 to 5 storey building.” <p>This submission point is supported by Kāinga Ora.</p>	<p>Metlife Care Ltd. - Accept in part</p> <p>Kāinga Ora – Accept in part</p> <p>The MDRS refers to “3-storey buildings’ in Objective 2. The applicant has amended this to ‘up to 4 storey’.</p> <p>I concur with this amendment.</p>

<p>Metlife Care Ltd.</p>	<p>Submission point 4.3</p> <p>Objective 4.2.16 and Policies 4.2.16a-e.</p> <p>Metlifecare supports proposed high amenity, connected developments in the Precinct. However, an amendment is sought to ensure any future development integrates with not only the Racecourse but also the other existing uses, including the Metlifecare site and other adjoining aged care facilities such as Foxbridge retirement village to the southwest.</p> <p>Relief Sought</p> <p>4.2.16d “Development is designed to minimise reverse sensitivity effects on the adjacent industrial area, and the racecourse, rest home and retirement village.”</p> <p>4.2.16e “Development integrates with and connects to the racecourse and existing rest home and retirement village, and residential development on the southern boundary.</p>	<p>Accept in part</p> <p>The applicant has amended Policy 4.2.16e to respond to this submission point. I concur with this amendment.</p> <p>The amendment to Policy 4.2.16d. is recommended to be rejected as other residential development is not generally subject to reverse sensitivity.</p>
<p>Metlife Care Ltd.</p>	<p>Submission point 4.4</p> <p>Explanation of Objectives 4.2.15 and 4.2.16</p> <p>Metlifecare seeks that its facilities be specifically mentioned to ensure the activity can be appropriately integrated with the proposed precinct and also to ensure that any potential reverse sensitivity effects are appropriately managed.</p> <p>Relief Sought</p> <p>“...The purpose of the Precinct is to create a high-quality medium density residential development. It will support a walkable community with multi-modal transport options. It integrates with the existing rest home, retirement village and residential development adjacent to the racecourse on Minogue Drive and Ken Browne Drive.</p> <p>The Te Rapa Racecourse Medium Density Residential Precinct Plan spatially manages the layout of the area, applying place-based provisions, including setbacks to manage reverse sensitivity effects of adjacent industrial land, rest home and retirement village, a roading layout to discourage through traffic, and a development layout to maintain a relationship with the racecourse as an amenity and recreational feature...”</p>	<p>Accept in part</p> <p>The applicant has amended the explanation of the objectives and policies to refer to the existing rest home and retirement village where appropriate. I concur with this amendment.</p>
<p>Metlife Care Ltd.</p>	<p>Submission point 4.9</p> <p>4.6.5-7 Permeable surface, site coverage, building height.</p> <p>Metlifecare supports the proposed provisions, however, suggests amendments to align them with the approach in Plan Change 12.</p> <p>Relief Sought</p> <p>Amend Standard 4.6.5 as follows:</p> <p>Add a further specific control for retirement village development in the precinct:</p> <p>...</p> <p>(iv) Retirement villages: Minimum 20%.</p> <p>Amend Standard 4.6.6 as follows:</p> <p>c. For any apartments or <u>retirement villages</u> in the Te Rapa Racecourse Medium Density Residential Precinct the maximum site coverage is 60%.</p> <p>Retain Standard 4.6.7 as notified.</p>	<p>Accept in part</p> <p>Specific permeable surface and site coverage standards for retirement villages are not required as these are not generally provided on an individual activity basis.</p> <p>The proposed height standard is as notified.</p>

<p>Metlife Care Ltd.</p>	<p>Submission point 4.10</p> <p>4.8.2 Building Setbacks</p> <p>Seek an amendment to add a General Residential boundary setback which also has the benefit of providing a more appropriate transition from Medium Density Residential Zone to General Residential Zone. We also seek an amendment to reduce or remove the 4.8.2(viii) 30m setback with the adjoining Industrial Zone.</p> <p>Relief Sought</p> <p>“iv In the Te Rapa Racecourse Medium-Density Residential Precinct the following setbacks apply:</p> <p>(b) side yard =1m minimum, <u>except where it adjoins the General Residential Zone, the minimum setback shall be 1.5m.</u></p> <p>(c) rear yard =1m minimum, <u>except where it adjoins the General Residential Zone, the minimum setback shall be 1.5m.</u></p> <p>Metlifecare seek to reduce or remove the Rule 4.8.2(viii) 30m setback with the adjoining Industrial Zone.</p>	<p>Reject</p> <p>The side and rear setbacks are as per the MDRS.</p> <p>No justification is provided by the submitter to support reduction of the 30m setback.</p>
<p>Kāinga Ora</p>	<p>Submission point 24.1</p> <p>Zoning extent</p> <p>The provisions should be streamlined to reflect both what has been proposed through Hamilton’s PC12 and the Kāinga Ora submission on PC12.</p> <p>Relief Sought</p> <p>1. Kāinga Ora seek the Medium Density Zone proposed through PC12, subject to relief sought through the Kāinga Ora submission on PC12, be applied across the Precinct.</p> <p>2. Kāinga Ora accept that due to the location of the Precinct, there will be specific provisions that relate to staging of development of the Precinct that be included in the District Plan above what is proposed for the Medium Density Residential Zone through PC12.</p>	<p>Accept in part</p> <p>The applicant has amended provisions to better align with the notified provisions of PC12, particularly Rule 4.8.5 Outdoor living area. I concur with these amendments.</p>
<p>Kāinga Ora</p>	<p>Submission point 24.7</p> <p>Rule 4.5.4 uu</p> <p>Whilst Kāinga Ora generally understand the potential impacts of noise generated from industrial or major facility zones, upon the residential environment, a full assessment has not been undertaken to justify their implementation.</p> <p>Additionally, the provisions of chapter 25.8 of the Operative District Plan currently regulate noise effects associated with noise sensitive areas and an additional rule framework within the residential chapter would be unnecessary duplication.</p> <p>Relief Sought</p> <p>1. Create a permitted rule for development within the Noise Sensitive Area that complies with the performance standards relating to noise and amend Rule 4.5.4 uu to refer to development that does not comply with these standards.</p>	<p>Reject</p> <p>The proposed amendments to the noise provisions are considered acceptable as set out in section 5 of this report.</p>

Kāinga Ora	<p>Submission point 24.11</p> <p>Rule 4.6.6 Site coverage</p> <p>Kāinga Ora support the inclusion of a more enabling site coverage; however, request that this not be associated with apartments and rather, the provisions for building coverage (4.3.4.2) proposed through PC12 be adopted.</p> <p>Relief Sought</p> <p>1. The provisions be deleted, with the Medium Density provisions of PC12 being relied upon for the Precinct once PC13 is incorporated into the District Plan, subject to the relief sought by the Kāinga Ora PC12 submission</p>	<p>Accept</p> <p>The applicant has amended the site coverage provisions to respond to this submission. I concur with these amendments.</p>
Kāinga Ora	<p>Submission point 24.12</p> <p>Rule 4.6.7 Building height</p> <p>Consistent with the relief sought by Kāinga Ora through PC12, in order to enable up to 5 storeys within the Medium Density Zone, the permitted height be increased to 18m.</p> <p>Relief Sought</p> <p>1. The provisions be amended to reflect those proposed by the Kāinga Ora submission through PC12 of an 18m height limit.</p>	<p>Reject</p> <p>The height limit of 15m is consistent with PC12.</p>
Kāinga Ora	<p>Submission point 24.13</p> <p>Rule 4.8.2 Building setbacks</p> <p>Standards 4.8.2vi – vii are duplicates of 4.3.4.6 of PC12, and are consistent with the mandatory MDRS.</p> <p>Kāinga Ora seek clarification on the rationale and methodology behind the selection of a 30m setback through Standard 4.8.2.vii.</p> <p>Relief Sought</p> <p>1. The provisions be deleted, with the Medium Density provisions of PC12 being relied upon for the Precinct once PC13 is incorporated into the District Plan. Subject to the relief sought by the Kāinga Ora PC12 submission.</p> <p>2. Clarification and information be provided to justify the requirement for a 30m setback of residential development from the adjoining industrial zoned land.</p>	<p>Reject</p> <p>The plan change outlines that the 30m setback is to mitigate reverse sensitivity effects.</p>
Kāinga Ora	<p>Submission point 24.14</p> <p>Rule 4.8.3 Interface between public and private</p> <p>Standards 4.8.3fff is a duplicate of 4.3.4.8 of PC12 and are consistent with the mandatory MDRS.</p> <p>Relief Sought</p> <p>1. Standard 4.8.3fff be deleted once PC13 is incorporated into the District Plan, with the Medium Density provisions of PC12 being relied upon for the Precinct provisions. Subject to the relief sought by the Kāinga Ora PC12 submission.</p>	<p>Reject</p> <p>PC12 is not yet operative.</p>

Kāinga Ora	<p>Submission point 24.15</p> <p>Rule 4.8.5 Outdoor living area</p> <p>Standard 4.8.5(e) a –b, is a duplicate of 4.3.4.9 of PC12, and are consistent with the mandatory MDRS.</p> <p>Standard 4.8.5(e)c has the function of design guidance and should not be included as a standard. Moreover, in the current proposed provisions any dwelling being constructed in the Noise Sensitive Area would require resource consent for a Restricted Discretionary Activity where this could be considered on a case by case basis.</p> <p>Relief Sought</p> <p>1. Standards 4.8.5(e) a – b be deleted once PC13 is incorporated into the District Plan, with the Medium Density provisions of PC12 being relied upon for the Precinct provisions. Subject to the relief sought by the Kāinga Ora PC12 submission.</p> <p>2. Delete standard 4.8.5(e)c.</p>	<p>Reject</p> <p>PC12 is not yet operative.</p> <p>Rule 4.8.5 e.c. is required to mitigate reverse sensitivity effects.</p>
Kāinga Ora	<p>Submission point 24.17</p> <p>Rule 4.8.10 Outlook space in the Te Rapa Racecourse Precinct</p> <p>Standards 4.8.10 is a duplicate of 4.3.4.9 of PC12, and are consistent with the mandatory MDRS.</p> <p>Relief Sought</p> <p>1. Standard 4.8.10 be deleted once PC13 is incorporated into the District Plan, with the Medium Density provisions of PC12 being relied upon for the Precinct provisions. Subject to the relief sought by the Kāinga Ora PC12 submission.</p>	<p>Reject</p> <p>PC12 is not yet operative.</p>

Submission Analysis and Recommendations Tables - Submissions in Opposition

6.5 The submissions that were received in opposition to the plan change are contained in the table below.

Submitter/s	Submitter Comment(s) and Relief Sought	Recommendation
McMac Properties Ltd	<p>Submission point 1.1</p> <p>Submitter would like more consultation and received the letter in their PO Box after the submission period started.</p> <p>Relief Sought</p> <p>More consultation</p>	<p>Reject</p> <p>The plan change has followed the RMA schedule 1 process.</p>
McMac Properties Ltd	<p>Submission point 1.2</p> <p>The 30 metre separation distance is not wide enough and should be wider to mitigate the effects of industrial activities, particularly noise, odour, lighting, vibration and movement.</p> <p>A road behind the property at 89 Garnett Avenue will create a security issue.</p> <p>Relief Sought</p> <p>New rear security fence to be provided.</p>	<p>Reject</p> <p>Refer to section 5 of this report.</p>

McMac Properties Ltd	<p>Submission point 1.3</p> <p>Concerns about future complaints from the new residential area. Concerned that the plan change will limit how the submitters site can be developed in future which is an interference on existing property rights.</p> <p>Relief Sought</p> <p>Covenant on properties to prevent complaints about the legal industrial activities or further site development. Alternatively an industrial zoning along the existing industrial properties adjoining the proposed development.</p>	<p>Reject</p> <p>Refer to section 5 of this report.</p> <p>An industrial zoning along the boundary with the existing industrial properties is not considered appropriate or necessary. It would not resolve issues with residential development adjacent to industrial land and would reduce the developable area of the site.</p>
McMac Properties Ltd	<p>Submission point 1.4</p> <p>Concerns about additional load on the stormwater system and need for upgrades. Concerned that the overland flow path and low flood hazard area will vest in Council. Concerns about building near a flood hazard area.</p> <p>Relief Sought</p> <p>Extensive upgrade of stormwater system.</p> <p>No build within a reasonable distance of the overland flow path.</p> <p>No build within the low flood hazard area.</p>	<p>Accept in part.</p> <p>Refer to section 5 of this report.</p>
McMac Properties Ltd	<p>Submission point 1.5</p> <p>Intersection of Garnett venue and Te Rapa Road is already not fit for purpose and will not cope.</p> <p>Where will the cars park who presently use Ken Brown Drive.</p> <p>Relief Sought</p> <p>Investigation of major upgrades of road intersections at Garnett Avenue/Te Rapa Road and Sir Tristram Avenue/Te Rapa Road in conjunction with all of Te Rapa Straight.</p> <p>Houses and roading systems to provide for adequate parking.</p>	<p>Reject</p> <p>Refer to section 5 of this report.</p>
McMac Properties Ltd	<p>Submission point 4.17</p> <p>Table 23.3(e) Activity status table</p> <p>Supports the proposed provisions.</p> <p>Relief Sought</p> <p>Retain as notified.</p>	<p>Accept</p>
Fonterra	<p>Submission point 3.1</p> <p>No consultation was undertaken with Fonterra during preparation of PC13</p> <p>Relief Sought</p> <p>No specific relief sought.</p>	<p>Noted</p>

<p>Fonterra</p> <p>Further submitter: Kāinga Ora</p>	<p>Submission point 3.2</p> <p>No information has been provided within the PC13 documentation regarding the potential impacts of PC13 on the activities within the Crawford Street Freight Village including Fonterra’s activities. Potential reverse sensitivity issues due to the amenity expectations of residents living in the PC13 area, against the 24 / 7 operations of the Crawford Street Distribution Centre, Canpac and the North Island Main Trunk railway line.</p> <p>Relief Sought</p> <ol style="list-style-type: none"> 1.That WRCI provides further information (including mitigation measures, if necessary) to demonstrate that the residential land uses that will be enabled by PC13 will not adversely affect Fonterra’s Crawford Street Distribution Centre and Canpac operations within the Crawford Street Freight Village (including the operation of the North Island Main Trunk rail line). 2.Amend Policy 4.2.16d to require avoidance of reverse sensitivity effects. 3.Amend the explanation associated with the objectives and policies of the Te Rapa Racecourse Medium Density Residential Precinct to include reference to the Crawford Street Freight Village. 4.Amend the matters of discretion and assessment criteria to include reverse sensitivity effects on industrial activities. 5. All other necessary amendments. 6.No additional residential activities beyond those proposed as part of PC13. <p>This submission is opposed by Kāinga Ora as they are opposed to mitigation of reverse sensitivity effects on the basis that effects should be mitigated at the source.</p>	<p>Fonterra - Accept in part</p> <p>Kāinga Ora - Reject</p> <p>It is not considered that the Crawford Street Freight Village will be adversely affected by the plan change.</p> <p>Policy 4.2.16d has been amended by the applicant to refer to ‘avoid, remedy or mitigate reverse sensitivity effects’. I concur with this amendment.</p> <p>I recommend the requested amendment to specifically mention the Crawford Street Freight Village within the objectives and policies is rejected. The Freight Village is not adjacent to the racecourse precinct.</p> <p>The assessment criteria has been amended by the applicant to include reverse sensitivity effects. I concur with this amendment.</p> <p>I recommend the further submission from Kāinga Ora be rejected. Reverse sensitivity effects are a recognised effect within NZ resource management.</p>
<p>Metlife Care Ltd.</p> <p>Further submitter: Kāinga Ora</p>	<p>Submission point 4.6</p> <p>4.5.4 Activity status table</p> <p>The table should include an activity status for activities that do not comply with the relevant standard.</p> <p>Relief Sought</p> <p>Provide as <u>xx: any activity listed in kk – uu which does not comply with a relevant standard is a Restricted Discretionary activity or any activity that does not comply with the Precinct</u></p>	<p>Metlife Care Ltd. - Reject</p> <p>Kāinga Ora – Reject</p> <p>The activity status for activities which do not comply with the relevant standard is already within Rule 1.1.8 of</p>

	<p><u>Plan.</u></p> <p>This submission point is supported by Kāinga Ora.</p>	the District Plan.
<p>Metlife Care Ltd.</p> <p>Further submitter: Kāinga Ora</p>	<p>Submission point 4.8</p> <p>4.6.3 Height in relation to boundary (HIRB)</p> <p>Oppose the height in relation to boundary 4m plus 60 degree recession plane along the common boundary with the adjoining Metlifecare site. This will potentially result in development(s) with bulk and mass of a scale that is visually dominating and/or creating over-shadowing over the neighbouring sites and comprising the onsite amenity of the residents.</p> <p>Relief Sought</p> <p>The Precinct should have a height to boundary control plane rising at an angle of 28 degrees between the northwest (315 degrees) and the northeast (45 degrees) and rising at an angle of 45 degrees in all other directions, measuring from 3m above ground level along the boundary where it adjoins the General Residential Zone.</p> <p>This submission point is opposed by Kāinga Ora on the basis that the HIRB control proposed is appropriate.</p>	<p>Metlife Care Ltd. - Reject</p> <p>Kāinga Ora – Accept</p> <p>A 4m + 60° standard is now proposed (refer to submission point 24.9) which is consistent with the MDRS. I concur with this amendment.</p>
Metlife Care Ltd.	<p>Submission point 4.12</p> <p>4.8.5 Outdoor living area</p> <p>Outdoor living area standard is not appropriate for a retirement village.</p> <p>Relief Sought</p> <p>Amend standard 4.8.5(e) as follows (or wording to a similar effect):</p> <p><u>Outdoor living area standards in 4.8.6(e)(a)-(c) do not apply to retirement villages or rest homes.</u></p>	<p>Reject</p> <p>Retirement villages are proposed to be a restricted discretionary activity and outdoor living areas can be considered at resource consent stage.</p>
Metlife Care Ltd.	<p>Submission point 4.13</p> <p>4.8.6 Service areas</p> <p>Retirement villages and rest homes should be excluded from this standard.</p> <p>Relief Sought</p> <p>Amend 4.8.6.2 as follows (or wording to a similar effect):</p> <p><u>The minimum servicing requirements in this table do not apply to retirement villages or rest homes.</u></p>	<p>Reject</p> <p>Retirement villages are proposed to be a restricted discretionary activity and service areas can be considered at resource consent stage.</p>
Murray J. V. Bindon – Lanza International Ltd.	<p>Submission point 5.1</p> <p>The proposed housing density on the west side of the racecourse property is too great and incompatible with the present land use of both the racecourse land and the neighbouring property.</p> <p>Relief Sought</p> <p>My submission will be satisfied by reducing the area to be occupied by the proposed residential housing so as not to adjoin the present housing at Forest Lake Gardens on the boundary with the racecourse land, and instead to maintain the park area and trees currently on this part of the racecourse property.</p>	<p>Reject</p> <p>The plan change adopts the MDRS as required by the RMA.</p>

<p>Murray J. V. Bindon – Lanza International Ltd.</p>	<p>Submission point 5.2</p> <p>The area presently contains many large and mature trees in a park setting, at least part of which should be preserved. That area could be quite a small portion of the land outlined in red in Figure No.4 Site Locality, being the irregular outlined part closest to the actual racecourse.</p> <p>Relief Sought</p> <p>My submission will be satisfied by reducing the area to be occupied by the proposed residential housing so as not to adjoin the present housing at Forest Lake Gardens on the boundary with the racecourse land, and instead to maintain the park area and trees currently on this part of the racecourse property.</p>	<p>Reject</p> <p>The plan change adopts the MDRS as required by the RMA. Tree retention can be considered further at resource consent stage.</p>
<p>Murray J. V. Bindon – Lanza International Ltd.</p>	<p>Submission point 5.3</p> <p>The process of development of roading, house construction etc., will be a major interference to the enjoyment of the Village residents whose properties will be immediately beside the new development.</p> <p>Relief Sought</p> <p>My submission will be satisfied by reducing the area to be occupied by the proposed residential housing so as not to adjoin the present housing at Forest Lake Gardens on the boundary with the racecourse land, and instead to maintain the park area and trees currently on this part of the racecourse property.</p>	<p>Reject</p> <p>Refer to section 5 of this report.</p>
<p>Murray J. V. Bindon – Lanza International Ltd.</p>	<p>Submission point 5.4</p> <p>Contrary to the statement Paragraph 9.4 page 43 of the Request for Plan Change there was no consultation with residents in the Forest Lake Gardens Village whose houses will be immediately adjacent to the new housing development.</p> <p>Relief Sought</p> <p>My submission will be satisfied by reducing the area to be occupied by the proposed residential housing so as not to adjoin the present housing at Forest Lake Gardens on the boundary with the racecourse land, and instead to maintain the park area and trees currently on this part of the racecourse property.</p>	<p>Reject</p> <p>The plan change has followed the RMA schedule 1 process.</p>
<p>Chartwell Investments Ltd; Takanini Rentors Ltd; Ecostream Irrigation Ltd; Shane Burnett Housley; Denise Allen – Ecostream Irrigation Ltd; Derek Fleet-Purewater Products; Scott Brockett – Custom Utes; Angela Fisher, NTB Racing; Jason and Melanie Trethowen - Green Ladder Construction Ltd. Trading as Ideal Buildings; Mordie Myburgh, Ehome Building Centre; Brent Shadbolt, Miller Electrical Ltd; Greg</p>	<p>Submission points 6.1, 7.1, 8.1, 9.1, 10.1, 11.1, 12.1, 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1, 20.1, 21.1, 22.1, 23.1</p> <p>Potential for reverse sensitivity issues (noise, visual, lighting, odour, vibration) from nearby activities on industrial land.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1. Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity matters. 4. Increase the buffer to 60m and ensure adjoining industrial 	<p>Submitters: Accept in part</p> <p>EnviroWaste: Accept in part</p> <p>The applicant has amended the proposed District Plan provisions regarding future development of adjoining sites. This matter is discussed in section 5 of this report.</p> <p>The proposed residential land use as proposed is considered acceptable given the general</p>

<p>Roberts- Archery Direct; Alan Day, A.L. Day trading as Keyport; Neil Fernworth- Fernworth Investments Ltd; Graham and Janice Lewis; Douglas Bruce John Hopkins; Gordon Finlay, Katja Hart; Gill Adshead- Keruru Partnership</p> <p>Further submitter: EnviroWaste</p>	<p>zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option.</p> <p>5. Impose a no-complaints covenant on the record of title associated with any new residential unit.</p> <p>These submission points are supported by EnviroWaste.</p>	<p>shortage of residential land and the governments directives to provide for greater housing supply.</p> <p>Policy 4.2.16d and other rules have been amended by the applicant as outlined above.</p> <p>An industrial zoning on part of this site is not considered appropriate as discussed above.</p> <p>The remaining matters are discussed in section 5 of this report.</p>
<p>Chartwell Investments Ltd; Takanini Rentors Ltd; Ecostream Irrigation Ltd</p> <p>Further submitter: EnviroWaste</p>	<p>Submission points 6.2, 7.2, 8.2</p> <p>The AEE and acoustic assessment refer to the adjoining land as being occupied by light industrial and commercial activities, however it is zoned industrial and it is important to consider what potential activities could be established on it.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1. Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity matters. 4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option. 5. Impose a no-complaints covenant on the record of title associated with any new residential unit. <p>These submission points are supported by EnviroWaste.</p>	<p>Submitters: Accept in part</p> <p>EnviroWaste: Accept in part</p> <p>This report has considered the adjoining land as ‘industrial’.</p> <p>The relief sought is commented on above.</p>

<p>Chartwell Investments Ltd; Takanini Rentors Ltd; EcoStream Irrigation Ltd</p> <p>Further submitter: EnviroWaste</p>	<p>Submission points 6.3, 7.3, 8.3</p> <p>The AA assumes that industrial land to the south will not be subject to large scale industrial use due to small lot sizes and mixed land use. However noisy activities could establish and the submitters site at 6534m2 is not a small one.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1. Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity matters. 4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an "Amenity Protection Overlay" to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option. 5. Impose a no-complaints covenant on the record of title associated with any new residential unit. <p>These submission points are supported by EnviroWaste.</p>	<p>Submitters: Accept in part</p> <p>EnviroWaste: Accept in part</p> <p>Consideration of noise effects is based on the industrial zoning of the site as discussed in section 5 of this report.</p> <p>The relief sought is commented on above.</p>
<p>Chartwell Investments Ltd; Takanini Rentors Ltd; EcoStream Irrigation Ltd</p> <p>Further submitter: EnviroWaste</p>	<p>Submission points 6.4, 7.4, 8.4</p> <p>Plan provisions to address reverse sensitivity matters are not adequate, i.e.: Effects should be avoided, remedied or mitigated not minimised.</p> <p>The 30m setback is insufficient.</p> <p>The Noise Sensitive Area should be established in its entirety as part of the first stage of development.</p> <p>All development (not just that in the Noise Sensitive Area) should be assessed against assessment criteria P.</p> <p>Assessment criteria does not adequately address general reverse sensitivity matters.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1. Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity 	<p>Submitters: Accept in part</p> <p>EnviroWaste: Accept in part</p> <p>Amendments have been made to Policy 4.2.16d and the assessment criteria to better address reverse sensitivity matters.</p> <p>The plan provisions are considered to adequately address reverse sensitivity matters.</p> <p>The relief sought is commented on above.</p>

	<p>matters.</p> <p>4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option.</p> <p>5. Impose a no-complaints covenant on the record of title associated with any new residential unit.</p> <p>These submission points are supported by EnviroWaste.</p>	
<p>Chartwell Investments Ltd; Takanini Rentors Ltd; Ecostream Irrigation Ltd; Shane Burnett Housley; Denise Allen – Ecostream Irrigation Ltd; Derek Fleet-Purewater Products; Scott Brockett – Custom Utes; Angela Fisher, NTB Racing; Jason and Melanie Trethowen - Green Ladder Construction Ltd. Trading as Ideal Buildings; Mordie Myburgh, Ehome Building Centre; Brent Shadbolt, Miller Electrical Ltd; Greg Roberts- Archery Direct; Alan Day, A.L. Day trading as Keyport ; Neil Fernworth-Fernworth Investments Ltd; Graham and Janice Lewis; Douglas Bruce John Hopkins; Gordon Finlay, Katja Hart; Gill Adshead-Kereru Partnership</p> <p>Further submitter: EnviroWaste</p>	<p>Submission points 6.5, 7.5, 8.5, 9.2 10.2, 11.2, 12.2, 13.2, 14.2, 15.2, 16.2, 17.2, 18.2, 19.2, 20.2, 21.2, 22.2, 23.2</p> <p>Insufficient consideration in terms of the restrictions on industrial development in district plan rules where it is located close to a residential zone including restrictions on the range of industrial activities and the physical extent to which the site can be developed.</p> <p>This places an unfair burden on the owners and occupiers of this adjoining industrial land.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1.Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitively matters. 4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option. 5. Impose a no-complaints covenant on the record of title associated with any new residential unit. <p>These submission points are supported by EnviroWaste</p>	<p>Submitters: Accept</p> <p>EnviroWaste: Accept</p> <p>These matters have been further considered by the applicant and are discussed in section 5 of this report.</p> <p>The relief sought is commented on above.</p>
<p>Chartwell Investments Ltd; Takanini Rentors Ltd; Ecostream Irrigation Ltd; Shane Burnett Housley; Denise Allen – Ecostream Irrigation Ltd; Derek Fleet-</p>	<p>Submission points 6.6, 7.6, 8.6, 9.3, 10.3, 11.3, 12.3, 13.3, 14.3, 15.3, 16.3, 17.3, 18.3, 19.3, 20.3, 21.3, 22.3, 23.3</p> <p>There is no evidence based land supply analysis in the AEE. No evidence has been provided to demonstrate there is a greater need for residential land than industrial land in this location.</p> <p>Relief Sought</p>	<p>Submitters: Reject</p> <p>EnviroWaste: Reject</p> <p>The residential zoning as proposed is discussed in section 4 of this</p>

<p>Purewater Products; Scott Brockett – Custom Utes; Angela Fisher, NTB Racing; Jason and Melanie Trethowen - Green Ladder Construction Ltd. Trading as Ideal Buildings; Mordie Myburgh, Ehome Building Centre; Brent Shadbolt, Miller Electrical Ltd; Greg Roberts- Archery Direct; Alan Day, A.L. Day trading as Keyport ; Neil Fernworth- Fernworth Investments Ltd; Graham and Janice Lewis; Douglas Bruce John Hopkins; Gordon Finlay, Katja Hart; Gill Adshead- Kereru Partnership</p> <p>Further submitter: EnviroWaste</p>	<p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1. Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity matters. 4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option. 5. Impose a no-complaints covenant on the record of title associated with any new residential unit. <p>These submission points are supported by EnviroWaste</p>	<p>report.</p> <p>The relief sought is commented on above.</p>
<p>Chartwell Investments Ltd</p>	<p>Submission point 6.7</p> <p>Increased traffic on Ken Brown Drive will cause congestion, particularly given the width of the road formation in this location.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1. Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity matters. 4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option. 	<p>Reject</p> <p>The transportation effects are discussed in section 5 of this report.</p> <p>The relief sought is commented on above.</p>

	<p>5. Impose a no-complaints covenant on the record of title associated with any new residential unit.</p>	
<p>Chartwell Investments Ltd; Takanini Rentors Ltd; Ecostream Irrigation Ltd; Shane Burnett Housley; Denise Allen – Ecostream Irrigation Ltd; Derek Fleet- Purewater Products; Scott Brockett – Custom Utes; Angela Fisher, NTB Racing; Jason and Melanie Trethowen - Green Ladder Construction Ltd. Trading as Ideal Buildings; Mordie Myburgh, Ehome Building Centre; Brent Shadbolt, Miller Electrical Ltd; Greg Roberts- Archery Direct; Alan Day, A.L. Day trading as Keyport ; Neil Fernworth- Fernworth Investments Ltd; Graham and Janice Lewis; Douglas Bruce John Hopkins; Gordon Finlay, Katja Hart; Gill Adshead- Kereru Partnership</p> <p>Further submitter: EnviroWaste</p>	<p>Submission points 6.8, 7.8, 8.8, 9.5, 10.5, 11.5, 12.5, 13.5, 14.5, 15.5, 16.5, 17.5, 18.5, 19.5, 20.5, 21.5, 22.5, 23.5</p> <p>Insufficient parking for the number of houses proposed. The service lane will be used for residential parking which will reduce availability for customers and staff of businesses in the area.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1.Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity matters. 4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option. 5. Impose a no-complaints covenant on the record of title associated with any new residential unit. <p>These submission points are supported by EnviroWaste.</p>	<p>Submitters: Reject</p> <p>EnviroWaste: Reject</p> <p>The transportation effects are discussed in section 5 of this report.</p> <p>The relief sought is commented on above.</p>
<p>Chartwell Investments Ltd; Takanini Rentors Ltd; Ecostream Irrigation Ltd; Denise Allen – Ecostream Irrigation Ltd; Derek Fleet- Purewater Products; Scott Brockett – Custom Utes; Angela Fisher, NTB Racing; Jason and Melanie Trethowen - Green Ladder Construction Ltd. Trading as Ideal Buildings; Mordie Myburgh, Ehome Building</p>	<p>Submission points 6.9, 7.9, 8.9, 9.6, 17.1, 10.6, 11.6, 12.6, 13.6, 14.6, 15.6, 16.6, 17.6, 18.6, 19.6, 20.6, 21.6, 22.6, 23.6</p> <p>The development may lead to an increase in crime and pedestrians may take short cuts through adjoining industrial sites due to limited connectivity.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <ol style="list-style-type: none"> 1.Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities. 2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial. 3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) 	<p>Submitters -Reject</p> <p>EnviroWaste - Reject</p> <p>The transportation effects (including pedestrian shortcuts) are discussed in section 5 of this report.</p> <p>The relief sought is commented on above.</p>

<p>Centre; Brent Shadbolt, Miller Electrical Ltd; Greg Roberts- Archery Direct; Alan Day, A.L. Day trading as Keyport ; Neil Fernworth- Fernworth Investments Ltd; Graham and Janice Lewis; Douglas Bruce John Hopkins; Gordon Finlay, Katja Hart; Gill Adshead- Kereru Partnership</p> <p>Further submitter: EnviroWaste</p>	<p>xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity matters</p> <p>4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option.</p> <p>5. Impose a no-complaints covenant on the record of title associated with any new residential unit.</p> <p>These submission points are supported by EnviroWaste.</p>	
<p>Takanini Rentors Ltd; Ecostream Irrigation Ltd; Shane Burnett Housley; Denise Allen – Ecostream Irrigation Ltd; Derek Fleet- Purewater Products; Scott Brockett – Custom Utes; Angela Fisher, NTB Racing; Jason and Melanie Trethowen - Green Ladder Construction Ltd. Trading as Ideal Buildings; Mordie Myburgh, Ehome Building Centre; Brent Shadbolt, Miller Electrical Ltd; Greg Roberts- Archery Direct; Alan Day, A.L. Day trading as Keyport; Neil Fernworth- Fernworth Investments Ltd; Graham and Janice Lewis; Douglas Bruce John Hopkins; Gordon Finlay, Katja Hart; Gill Adshead- Kereru Partnership</p> <p>Further submitter: EnviroWaste</p>	<p>Submission points 7.7, 8.7, 9.4, 10.4, 11.4, 12.4, 13.4, 14.4, 15.4, 16.4, 17.4, 18.4, 19.4, 20.4, 21.4, 22.4, 23.4</p> <p>Increased traffic on Sir Tristram Way will cause congestion at the intersection of Te Rapa Road and make it more difficult for traffic existing the service lane.</p> <p>Relief Sought</p> <p>Decline the plan change or:</p> <p>1. Require the applicant to comprehensively evaluate under s32 the consequential effects of the plan change on adjoining Industrial Zone sites in terms of additional restrictions on activities and site development opportunities.</p> <p>2. Require the applicant to provide an evidence-based land supply analysis to justify the proposed residential land use over other options such as industrial.</p> <p>3. Amend Policy 4.2.16d, Rule 4.8.2, Rule 4.5.4, 4.8.12, 4.11 a) xxii), and Provision 1.3.3 P - Te Rapa Racecourse Medium Density Residential Precinct to better address reverse sensitivity matters.</p> <p>4. Increase the buffer to 60m and ensure adjoining industrial zoned sites are not disadvantaged by the consequential impacts on development potential. Alternatively provide an industrial zoning in the area identified as the Noise Sensitive Area on the precinct plan to safeguard the adjoining industrial land. Allow for an “Amenity Protection Overlay” to be established on the new industrial area to manage the residential/industrial interface. The submitter prefers the former option.</p> <p>5. Impose a no-complaints covenant on the record of title associated with any new residential unit.</p> <p>These submission points are supported by EnviroWaste.</p>	<p>Submitters: Reject EnviroWaste: Reject</p> <p>The transportation effects are discussed in section 5 of this report.</p> <p>The relief sought is commented on above.</p>

Kāinga Ora	<p>Submission point 24.10</p> <p>Rule 4.6.5 Permeable Surface</p> <p>This standard is a duplication of standard 4.3.4.3 of PC12.</p> <p>Relief Sought</p> <p>1. The provisions be deleted, with the Medium Density provisions of PC12 being relied upon for the Precinct once PC13 is incorporated into the District Plan, subject to the relief sought by the Kāinga Ora PC12 submission.</p> <p>2. In the absence of the standard being deleted as requested above, the additional front yard landscaping requirements be deleted.</p>	<p>Reject</p> <p>PC12 is not yet operative.</p>
Kāinga Ora	<p>Submission point 24.16</p> <p>Rule 4.8.6 Service Areas</p> <p>Kāinga Ora consider that this standard is better suited as assessment criteria to allow for design flexibility.</p> <p>Relief Sought</p> <p>1. Delete standard 4.8.6.</p>	<p>Reject</p> <p>Service areas are an important component of residential development.</p>
Kāinga Ora	<p>Submission point 24.20</p> <p>Rule 23.7.1z</p> <p>Kāinga Ora opposes the inclusion of a minimum net site area, and requests that a minimum shape factor as amended, be relied upon instead for General, Medium and High Density Residential Zones. This would sufficiently ensure that smaller vacant lot sizes are not created which might otherwise foreclose multiunit redevelopment of a single site, in accordance with the MDRS and the enabling provisions of the zone.</p> <p>Relief Sought</p> <p>1. Replace reference to a minimum net site area with a shape factor. Consistent with the Kāinga Ora submission on PC12, the following is recommended:</p> <p>Vacant lot subdivision: Accommodate a rectangle of 8m x 15m</p>	<p>Accept in part</p> <p>The minimum net site area is required to set a minimum site size for any subdivision. The shape factor requirement ensures the site is of a practical shape to accommodate development, although for the plan change minimum lot dimensions are proposed as an alternative (Rule 23.7.9 c.). The two provisions have different purposes. I do not consider that these provisions would foreclose multiunit development. The minimum site size is a minimum standard and does not prevent larger sites being included in a subdivision. Additionally, the objectives and policies for the racecourse precinct seek that a variety</p>

		of housing types be established including buildings up to 4 storeys. The precinct plan also identifies the housing area as 'medium density residential development'.
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Submission Analysis and Recommendations Tables - Submissions which Oppose in Part

6.6 The submissions that were received in which oppose the plan change in part are contained in the table below.

Submitter/s	Submitter Comment(s) and Relief Sought	Recommendation
Metlife Care Ltd.	<p>Submission point 4.14</p> <p>Outlook space for a principal living room in a retirement village should be 3m x 3m rather than 4m x 4m.</p> <p>Relief Sought</p> <p>Amend Standard 4.8.10 as follows:</p> <p>b. The minimum dimensions for a required outlook space are as follows:</p> <p>i. A principal living room (other than in a retirement village unit) must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width.</p> <p>ii. a principal living room in a retirement village unit must have an outlook space with a minimum dimension of 3 metres in depth and 3 metres in width.</p> <p>As alternative relief, amend this standard to apply a 3m by 3m outlook space for all residential development.</p>	<p>Reject</p> <p>4m x 4m aligns with the MDRS.</p>
Kāinga Ora	<p>Submission point 24.2</p> <p>Objectives and policies 4.2.15</p> <p>This objective is a duplicate of objective 4.2.2.2 of PC12. In light of this objective, which is partly objective 1 of the NPS-UD, being a requirement of the HSAA, it is not considered necessary to duplicate this.</p> <p>Reference to 3 storeys should be removed as this is inconsistent with the intent of the NPS-UD and the building heights enabled in the Medium Density Residential Zone.</p> <p>Relief Sought</p> <p>1. Delete objective as this will be addressed through PC12.</p>	<p>Reject</p> <p>This objective is a requirement of the MDRS. The objective has been amended in reference up to 4 storeys. I concur with this amendment.</p>
Kāinga Ora	<p>Submission point 24.3</p> <p>Objectives and policies 4.2.15a – 4.2.15d</p> <p>These policies are duplicates of 4.1.2.3a – 4.1.2.3d proposed through PC12. It is not considered necessary to duplicate these.</p> <p>Relief Sought</p> <p>1. Delete policies as these will be included through PC12.</p>	<p>Reject</p> <p>The policies are a requirement of the MDRS.</p>

Kāinga Ora	<p>Submission point 24.4</p> <p>Objective 4.2.16 and policy 4.2.16a</p> <p>Kāinga Ora support the general direction of this objective; however, the intent of this objective and policy 4.2.16a has been addressed through objective 4.3.2.2 and policy 4.3.2.2a and 4.3.2.2c of PC12. It is not considered necessary to duplicate these.</p> <p>Reference to 3 storeys should be removed as this is inconsistent with the intent of the NPS-UD and the building heights enabled in the Medium Density Residential Zone.</p> <p>Relief Sought</p> <p>1. Delete objective and identified policy as these will be included through PC12.</p>	<p>Reject</p> <p>PC12 is not yet operative.</p>
Kāinga Ora	<p>Submission point 24.6</p> <p>Rules 4.5.4 kk - tt</p> <p>Consider this unnecessary duplication once PC12 is made operative.</p> <p>Relief Sought</p> <p>1. Rules 4.5.4 kk – tt be removed to avoid unnecessary duplication with those provisions approved under PC12 once PC13 is incorporated within the District Plan. Subject to the relief sought by the Kāinga Ora PC12 submission.</p>	<p>Reject</p> <p>PC12 is not yet operative.</p>
Kāinga Ora	<p>Submission point 24.8</p> <p>Rule 4.5.4 vv</p> <p>Rule is a duplication of the operative (and unaffected by PC12) rule 22.3h which relates to the construction of buildings within a hazard area. Kāinga Ora consider relying on this existing rule framework to be more appropriate than the introduction of a hazard rule within the residential chapter of the District Plan.</p> <p>Relief Sought</p> <p>1. Delete the rule as notified and rely on existing rules within the District Plan relating to hazard management.</p>	<p>Reject</p> <p>Rule 22.3h refers to the hazard areas shown on the district plan maps which are not applicable to this plan change as the flood hazards on this site are not included in them. The hazards are shown on the precinct plan.</p>
<p>Kāinga Ora</p> <p>Further submission: WRCI</p>	<p>Submission point 24.9</p> <p>Rule 4.6.3 Height in relation to boundary</p> <p>It is questioned whether no HIRB within the Medium Density Zone of the Precinct would deliver appropriate amenity outcomes.</p> <p>Kāinga Ora seek that the HIRB of 6m + 60° is applied, consistent with the relief sought through PC12.</p> <p>Relief Sought</p> <p>1. Include a HIRB control consistent with the Kāinga Ora relief sought through PC12 for the Medium Density Zone.</p> <p>This submission point is supported in part by WRCI (the applicant) who seek an amended HIRB rule of 4m + 60° and advising this rule was inadvertently left out of the notified provisions.</p>	<p>Kāinga Ora - Accept in part</p> <p>WRCI - Accept</p> <p>A 4m + 60° standard is now included which is consistent with the MDRS. I concur with this amendment.</p>

<p>Kāinga Ora</p>	<p>Submission point 24.18</p> <p>4.11 RD – Matters of Discretion and 1.3.3 Guide to Assessment Criteria</p> <p>Whilst Kāinga Ora understand that there may be a specific matter of discretion relating to the development of sites within the Noise Sensitive Area, the matter of discretion is detailed through the ‘Guide to Assessment Criteria’ section of PC13 and reads as design guidance. Consistent with relief sought through PC12, Kāinga Ora opposes the inclusion of Design Guides or design guidelines in the Plan, which act as de facto rules to be complied with.</p> <p>Relief Sought</p> <p>1. Delete the current guide to assessment criteria ‘P’ and replace this with:</p> <p>a. Effects of noise arising from the racecourse and/or adjoining industrial zoned land.</p>	<p>Reject</p> <p>The assessment criteria in section 1.3.3 P as proposed are considered acceptable.</p>
<p>Kāinga Ora</p>	<p>Submission point 24.19</p> <p>Rule Table 23.3e</p> <p>The proposed rule framework for subdivision for the Medium Density Zone through PC12 should be applied to the Precinct to avoid overly complicated zone provisions.</p> <p>Rule 23.3e.xvi relates to development within the ‘low flood hazard area’ within the Precinct. The subdivision provisions of both the Operative Plan and PC12 include a rule framework for development in ‘All Hazard Areas’ and therefore a separate rule for the Precinct is not required to manage flood risk.</p> <p>Relief Sought</p> <p>1. Replace proposed subdivision provisions with the Medium Density provisions of PC12 and then be deleted once PC13 is incorporated into the District Plan. Subject to the relief sought by the Kāinga Ora PC12 submission.</p> <p>2. Delete rule 23.3e.xvi.</p>	<p>Accept in part</p> <p>The applicant has amended the Activity Table 23.3e. to be consistent with PC12. I concur with this amendment.</p> <p>The low flood hazard area in the site is identified through Figure 4.5-1 rather than the planning maps which the hazard chapter provisions correspond with. Rule 23.e. xvi. Should therefore remain.</p>
<p>Kāinga Ora</p>	<p>Submission point 24.21</p> <p>Rule 23.7.9</p> <p>23.7.9.b - Kāinga Ora generally support the use of rules and standards to manage flood risk; however, Chapter 22 of the Operative Plan (which remains untouched by PC12) contains a rule and standard framework for development within a low flood hazard area and this is not required to be duplicated within the subdivision chapter.</p> <p>Additionally, the standard reads as an information requirement for development rather than a standard itself.</p> <p>23.7.9.c – Consistent with the Kāinga Ora submission on PC12, Kāinga Ora oppose the inclusion of minimum boundary lengths as the inclusion of such standards place undue restriction on intensification within the Medium Density Zone, which are likely to have frontages at lesser widths either pre or post subdivision.</p> <p>Relief Sought</p> <p>1. Delete standard 23.7.9.b.</p> <p>2. Delete standard 23.7.9.c or apply the standard to the creation of vacant allotments only.</p>	<p>Accept in part</p> <p>Rule 23.7.9 b. As outlined earlier Chapter 22 corresponds with the planning maps. The proposed changes provide a site specific way to manage the hazard on this particular site.</p> <p>The applicant has amended Rule 23.7.9 c in response to this submission to apply only to vacant lots that are front sites. I concur with this amendment.</p>

Kāinga Ora	<p>Submission point 24.22</p> <p>Rule 25.8.3.7e</p> <p>Kāinga Ora consider this standard to be a duplication of amended standard 25.8.3.7a, which seeks to include the Industrial Zones that adjoin the Precinct, in the existing controls of noise levels for these activities, when measured at any point within the boundary of any other site in the residential zones.</p> <p>Notwithstanding the above, it is also noted that standard 25.8.3.7e imposes more lenient maximum noise levels than standard 25.8.3.7a.</p> <p>Relief Sought</p> <p>1. Delete additional standard 25.8.3.7e and rely on the proposed amended version of the existing standard 25.8.3.7a.</p>	<p>Reject</p> <p>Refer to section 5 of this report.</p>
Stephen Lyons	<p>Submission point 25.1</p> <p>The setback needs to be 30m minimum to address issues of noise from medium density housing and light pollution.</p> <p>Relief Sought</p> <p>1. Seek strict conditions regarding off-street carparking.</p> <p>2. Houses to be owner occupied, no social housing.</p>	<p>Reject</p> <p>The noise issue is discussed in section 5 of this report.</p> <p>Light pollution is controlled by existing rules in chapter 25.6 of the District Plan.</p>
Stephen Lyons	<p>Submission point 25.2</p> <p>Car parks should be provided for every dwelling off-street and sufficient numbers to have no on-street parking.</p> <p>Relief Sought</p> <p>1. Seek strict conditions regarding off-street carparking.</p> <p>2. Houses to be owner occupied, no social housing.</p>	<p>Reject</p> <p>The NPS-UD directs that councils are not to have minimum car parking standards.</p>
Stephen Lyons	<p>Submission point 25.3</p> <p>Increased traffic on Ken Brown Drive and use of these roads as a short cut will increase the risk of accidents at peak hours.</p> <p>Relief Sought</p> <p>1. Seek strict conditions regarding off-street carparking.</p> <p>2. Houses to be owner occupied, no social housing.</p>	<p>Reject</p> <p>Refer to section 5 of this report.</p>
Stephen Lyons	<p>Submission point 25.4</p> <p>Removal of parking from Ken Brown Drive will mean these carparks will park elsewhere as there is insufficient parking in this area.</p> <p>Relief Sought</p> <p>1. Seek strict conditions regarding off-street carparking.</p> <p>2. Houses to be owner occupied, no social housing.</p>	<p>Reject</p> <p>Refer to section 5 of this report.</p>

Stephen Lyons	<p>Submission point 25.5</p> <p>Concerns about Kāinga Ora developing social housing in this location with associated effects on property values, crime, noise, light pollution.</p> <p>Relief Sought</p> <ol style="list-style-type: none"> 1. Seek strict conditions regarding off-street carparking. 2. Houses to be owner occupied, no social housing. 	<p>Reject</p> <p>The plan change does not control who can ultimately own the site. Noise and light pollution will be managed through existing and proposed rules of the District Plan.</p>
Stephen Lyons	<p>Submission point 25.6</p> <p>Risks to elderly residents from increased traffic and crime.</p> <p>Relief Sought</p> <ol style="list-style-type: none"> 1. Seek strict conditions regarding off-street carparking. 2. Houses to be owner occupied, no social housing. 	<p>Reject</p> <p>This matter is discussed in section 5 of this report.</p> <p>There is no evidence that residential development of this site will lead to an increase in crime in this area.</p>

Submission Analysis and Recommendations Tables - Submissions Support/Opposition not stated

6.7 The submissions that were received where the support or opposition was not stated are contained in the table below.

Submitter/s	Submitter Comment(s) and Relief Sought	Recommendation
<p>Fire and Emergency New Zealand</p> <p>Further submitter: Kāinga Ora</p>	<p>Submission point 2.1</p> <p>Modelling of the existing water supply network was undertaken in 2017 which showed there was sufficient capacity within the existing network to provide sufficient level of service including residential firefighting supply.</p> <p>Relief Sought</p> <p>Updated modelling of the water supply network be undertaken to confirm whether the 2017 findings are still accurate.</p> <p>This submission point is supported by Kāinga Ora .</p>	<p>FENZ – Reject</p> <p>Kāinga Ora - Reject</p> <p>Refer to section 5 of this report.</p>
<p>Fire and Emergency New Zealand</p> <p>Further submitter: Kāinga Ora</p>	<p>Submission point 2.2</p> <p>The Regional Infrastructure Technical Specifications (RITS) requires the water supply network to comply with SNZ PAS 4509:2008 however this requirement is not statutory and therefore not mandatory or enforceable. No explicit requirement within the District Plan (Policy 25.13.2.3g or Rule 25.13.4.4) to comply with SNZ PAS 4509:2008. There is a risk that the resource consent process will not adequately address firefighting water supply servicing. All subsequent subdivision and development in the Te Rapa Racecourse Medium Density Residential Precinct should be subject to a development standard within the district plan requiring all developments to demonstrate that they can be adequately serviced for firefighting water supply in accordance with the SNZ PAS 4509:2008 at the time of resource consent and conditioned accordingly.</p>	<p>FENZ – Reject</p> <p>Kāinga Ora - Accept</p> <p>Refer to section 5 of this report.</p>

	<p>Relief Sought</p> <p>1. Council do not enable development within the Te Rapa Racecourse Medium Density Residential Precinct unless it is matched with the delivery of key water strategic infrastructure (network extensions or upgrades), or development is not enabled where there is potential or known infrastructure capacity constraints in relation to the water supply network (unless the development itself includes necessary upgrades).</p> <p>2. Seek a specific rule in the district plan via Proposed (Private) Plan Change 13 requiring all development and subdivision in the Te Rapa Racecourse Medium Density Residential Precinct to demonstrate compliance in accordance with SNZ PAS 4509:2008.</p> <p>This submission point is opposed by Kāinga Ora.</p>	
<p>Metlife Care Ltd.</p> <p>Further submitter: Kāinga Ora</p>	<p>Submission point 4.1</p> <p>Ensure PPC13 is consistent with the objectives of the higher-level strategic planning documents and the purpose of the Resource Management Act 1991 ('RMA').</p> <p>Ensure that the PPC13 area becomes a high-quality urban environment that is cohesive and sympathetic to the adjoining retirement village.</p> <p>Relief Sought</p> <p>1. PPC13 is appropriately amended to incorporate a residential zone that provide for a range of housing, inclusive of rest home and retirement village development.</p> <p>2. Protection, maintenance and enhancement of the existing and proposed natural environments.</p> <p>3. PPC13 is consistent with other relevant plan changes, such as PC12 and the MDRS standards in the MDRZ.</p> <p>4. PPC13 is consistent with national planning documents, specifically the National Policy Statement for Urban Development, National Policy Statement for Freshwater Management and National Policy Statement for Indigenous Biodiversity.</p> <p>This submission point is supported by Kāinga Ora.</p>	<p>Metlife Care Ltd. - Accept in part</p> <p>Kāinga Ora – Accept in part</p> <p>I consider that the plan change meets these requirements as set out in this report. Retirement villages are provided for as a restricted discretionary activity.</p>
<p>Phillip Robinson</p>	<p>Submission point 26.1</p> <p>Concerns about the overland flowpath and low flood hazard area and potential for flooding on the submitter's property.</p> <p>Relief Sought</p> <p>A more in-depth mitigation plan to prevent surface flooding towards 6 Ken Brown Drive. Extend the wetland south-east.</p>	<p>Reject</p> <p>Refer to section 5 of this report.</p>

7 Section 32AA RMA

7.1 Section 32AA of the RMA requires a further evaluation of any changes that have been made to the proposal since the initial section 32 evaluation was completed. Such further evaluations are to be undertaken at a level of detail that corresponds to the scale and significance of the changes. In this regard the plan change has been amended by the applicant since notification to

address the following:

- Introduce more appropriate provisions regarding the noise incident level on the future residential buildings for acoustic design and to meet internal noise levels.
- Impacts on future development within the industrial zone as raised in submissions.
- Miscellaneous minor amendments to better align with PC12 and improve the clarity and readability of the proposed provisions as raised in submissions and discussed with the applicant in informal pre-hearing discussions.

7.2 The applicant has advised that a section 32AA report will be provided with hearing evidence. The 32AA will be evaluated to confirm that the proposed amendments meet the requirements of section 32 and this 42A report will be updated accordingly.

8 Summary and Recommendations

8.1 WRCI as applicant seek a plan change to rezone approximately 6.5 hectares of the Te Rapa Racecourse which is currently zoned Major Facilities in the District Plan, to Medium Density Residential Zone (with a small area of Industrial Zone). A residential yield of approximately 200 residential dwellings is expected, based on a mix of single dwellings, duplexes, terrace houses and apartments. This creates a gross density of approximately 31 dwellings per hectare.

8.2 The plan change is in accordance with applicable statutory planning instruments and policy documents, in particular the NPS-UD, WRPS and the Hamilton District Plan, which direct that additional housing capacity should be provided through intensification of urban areas. The plan change also implements the MDRS as directed in section 77G(1) of the RMA.

8.3 The environmental effects of the plan change have been evaluated as outlined in section 5 of this report and it is concluded that the effects can be appropriately mitigated, subject to one recommended change regarding buildings within the low flood hazard area (Rule 4.8.13).

8.4 A number of submissions have been received in relation to the plan change. Key concerns raised in submissions include management of reverse sensitivity effects regarding the adjoining industrial activities, restrictions on the future development of the adjoining industrial activities due a neighbouring residential zone, transportation related concerns and various amendments sought to the proposed District Plan provisions. The issues raised in submissions and the relief sought have been considered as part of the assessment of environmental effects where relevant, and are otherwise commented on within the submission tables contained in section 6 of this report.

8.5 In response to submissions and discussions with some submitters (and taking into account suggestions for improvements to the provisions provided by HCC and its representatives through informal pre-hearing discussions), the applicant has provided an updated set of proposed District Plan amendments which is attached to this report as Appendix C. I concur with these updated provisions subject to the recommended addition regarding the low flood hazard area mentioned above, and subject to any further evidence from submitters regarding the District Plan response to the future development of the adjoining industrial land.

8.6 Subject to the matters identified above, it is recommended pursuant to clause 10 of Schedule 1 to the RMA that PC13 be approved, and that the submissions and further submissions be determined in accordance with this report and the specific recommendations as contained in section 6 of this report.