

**Waikato Racing Club Incorporated**

**Plan Change 13 – Te Rapa Racecourse Medium  
Density Residential Precinct**

**Request for Plan Change**

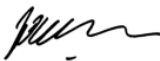

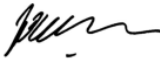
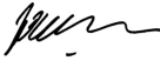
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## Executive Summary

This plan change is Plan Change 13 (PC13) to the Operative Hamilton City District Plan (ODP) and is a private plan change to request the rezoning of an area of land located at the Te Rapa Racecourse. PC13 seeks to rezone an approximately 6.5ha site, which is currently zoned Major Facilities in the ODP, to Medium Density Residential zone with a supporting Precinct Plan. The change in land use stems from the surplus land available at the Te Rapa Racecourse based on the current and future operations of the Te Rapa Racing Club Incorporated (WRCI).

In 2016, the WRCI began to consider strategies for future development of the eastern part of the Te Rapa Racecourse and undertook extensive scoping and option analysis for the potential future use of the underutilised land. A preferred option emerged to develop the land for residential land uses. Residential land uses were preferred because of the evident shortage of residential land supply in the City, the complementary nature of residential land uses to the racecourse and the opportunity to create a unique development taking advantage of the racecourse environment, and the location close to employment areas and commercial centres. It is also consistent with residential use of land to the south of the racecourse that accommodates the Metlifecare Forest Lake Gardens retirement village and the Bupa retirement village.

The Te Rapa Racecourse is located at 37 Sir Tristram Avenue and Ken Browne Drive in Te Rapa, Hamilton. The site is located in the northwestern part of Hamilton City and is near well-established industrial, commercial and residential areas that also include areas of open space and community facilities. The entire racecourse site is held within three Records of Title that have a combined area of 50.0756ha.

Key features of the development, as illustrated in the Concept Plan included in **Appendix D** are;

- The site will be developed for medium density residential allowing for a variety of standalone, duplex, terraced and apartment living typologies at various densities.
- The living environment has been planned to provide an environment integrated with the Te Rapa Racecourse. In addition to providing an attractive gateway to the racecourse via either Sir Tristram Avenue or Ken Browne Drive, some dwellings will enjoy an outlook over the racetrack and adjoining park like grounds. It is likely that the higher density residential development will be clustered around these areas.
- The concept design indicates that the likely yield is 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 stormwater wetland will be constructed providing for attenuation and treatment of stormwater runoff. It also introduces a natural element to the built environment and is an efficient use of land which otherwise has development limitations as a result of the existence of an overland flow path across the site and the wastewater and stormwater lines crossing the site.
- An internal roading network has been designed to provide for access to all future properties in accordance with the recommendations of the detailed transportation assessment at **Appendix F**.
- Various pockets of open space are provided for, particularly between the Racecourse activities and future residential areas and on portions of the site which have significant limitations as a result of the overland flowpath and the existing piped infrastructure. A pocket park/playground is indicatively shown on land immediately to the north of the stormwater wetland.
- Residential buildings will be set back from adjacent industrial zone boundaries by 30m. This results in a landscaped open space area/road around the eastern and southern perimeter of the site.
- Viewshafts have been provided down corridors between the residential areas and the racecourse.
- Internal pedestrian walkways and pedestrian connections to the existing built environment surrounding the site have been provided for in the Concept Plan to achieve safe and efficient connectivity.



As set out in s32 of the Resource Management Act 1991 (RMA) the first step of evaluation of options for the site is to identify the issues or problems that the plan change is intended to address. That is, the reason why the existing zoning of the site is not appropriate, which must be grounded in inefficiency or inappropriateness in achieving the purpose of the RMA.

The Racecourse site contains an area of underutilised land that has development capacity and opportunities beyond those that could be established with the existing zoning of the site. The nature of the racing industry in the Waikato has changed so that the majority of horse training now takes place at purpose designed facilities around the Waikato, rather than at the main racetracks. Similarly, bloodstock sales now take place at specific facilities so there is no need to cater for them at Te Rapa.

The proposed plan change area is a scarce and valuable vacant land resource located within the existing urban boundaries of Hamilton City, close to services and amenities and connected to existing infrastructure. Letting the land lie vacant and unused does not achieve the purpose of the RMA, as it does not support the social, economic and cultural wellbeing of people and communities, and is inefficient.

Reasonably practicable alternative options for achieving both the objectives of the proposed plan change, and the provisions proposed to achieve the objectives, have been considered as required by s32(1) and 32(2) of the RMA.

Having come to the conclusion that the Major Facilities zoning is no longer appropriate, several options were considered in relation to the potential high level land use options for the site and the options to address the issue, as follows. For completeness, the do-nothing option was also considered.

In relation to land use options, the following have been assessed:

- a) Do nothing
- b) Industrial land use
- c) Residential land use
- d) A combination of industrial and residential land use

To achieve the preferred land use option, the following RMA process options have been assessed:

- a) Do nothing
- b) Lodge non-complying activity resource consents
- c) Wait for the next Hamilton City District Plan review and make submissions to seek the rezoning
- d) Rezone the land by private plan change

In accordance with s32(1)(c) the evaluation is to a level of detail that corresponds to the scale and significance of effects anticipated by the proposed plan. The level of detail is therefore informed by the assessment of environmental effects contained in section 8 of this report. Those effects are in turn informed by the existing environment. They establish a baseline against which to assess effects. As set out in section 8 the existing environment is set by the current activities plus those that could be established on the site under the existing zoning, including activities associated with the racecourse such as events, private functions and the like. This means that the effects of PC13 are moderate or minor.

Similarly, the significance of the effects refers to the importance of those effects in the context of the planning framework. In this case, there is no strategic need for the land to be maintained with its current zoning. The proposed rezoning presents no conflict with the ODP or the Waikato Regional Policy Statement (WRPS). Recent national and regional policy direction such as the National Policy Statement-Urban Development (NPS-UD) favours intensification and efficient use of urban land for residential development.



The do-nothing option would not achieve the objective of the plan change and therefore is not an option which is considered further. There is an economic cost to WRCl and the community in having serviced urban land lying vacant, rather than being utilised to meet a need for additional housing.

Commercial development, such as retail and offices, was also not considered further as it is contrary to District Plan and regional policy to establish new commercial centres outside the commercial hierarchy of centres included in the ODP.

The three remaining land use options evaluated for this site were industrial, residential and a combination of industrial and residential.

For the reasons set out in the table in **Appendix B** and elsewhere in this report, residential land use, and particularly **medium density residential development (option 2) is the preferred option** on this site. The site represents a significant opportunity in relation to size and location to create a residential area which relates appropriately to the surrounding locality and meets demonstrated needs.

In summary the proposed Medium Density Residential zoning leads to various changes to the ODP, including the following:

- A new site-specific objective and five consequential policies in Chapter 4, Residential.
- A change to the zoning on the planning maps from Major Facilities Zone to Medium Density Residential Zone.
- Identification of part of the site as Low Flood Hazard area and part as Overland Flow Path.
- The inclusion of a Precinct Plan.
- Additional Medium Density Residential rules controlling development within the Te Rapa Racecourse Medium Density Residential Precinct, including compliance with the Precinct Plan, a 30m setback from Industrial zone boundaries and upgrading and provision of infrastructure.
- Additional rules in Chapter 25 requiring acoustic treatment of some residential buildings and new noise standards in the Precinct and adding an industrial noise standard at the Industrial zone boundary of the Precinct.
- Rules requiring landscape treatment and fencing of the perimeter of the site adjoining Industrial zoned sites.

As a consequence of rezoning the land to Medium Density Residential a small area of Major Facilities Zone adjacent to the entrance to Sir Tristram Ave becomes isolated from the balance of the Racecourse. It is proposed to rezone this area of land to Industrial to match the zoning of adjacent land fronting Te Rapa Road. The key environmental effects considered as part of PC13 relate to:

- Noise Effects.
- Three Waters Effects.
- Transport Effects.
- Geotechnical Effects.
- Ecological Effects.
- Archaeological Effects.
- Contamination Effects.
- Reverse Sensitivity Effects.
- Positive Effects.

The assessments incorporate and draw upon the findings of the various technical reports and environmental assessments that have been commissioned by the plan change proponent which are appended to this report.

A particular identified issue is the potential reverse sensitivity effects associated with establishing residential development near Industrial-zoned land. Those effects are noise, glare, odour and visual effects and have





been identified by several industrial neighbours as concerns through consultation. The neighbouring industrial area to the east and south is a mixture of light industrial, offices, health services and retail. The generally small lot sizes and mixed land uses are likely to discourage large scale industrial use in the future.

In order to address these issues a number of site-specific rules are proposed. They draw on existing ODP rules that are designed and are in place to manage similar reverse sensitivity situations elsewhere. They apply when new residential activities come closer to industrial activities. The principle is that the residential activities should 'protect themselves' from the effects of nearby industries, as it is not reasonable to expect industries to restrict their operations to reduce their effects on the residential activities.

The 30m setback is the same setback that applies to an industrial-zoned site between Maui Street and Eagle Way, Te Rapa, that provides for residential activities, being retirement villages, managed care facilities and rest homes.

The acoustic treatment rule adopts the existing reverse sensitivity ODP Rule 25.8.3.10 that requires acoustic treatment of habitable rooms within new residential activities close to transport corridors that carry high traffic volumes, railway lines, the Te Rapa Dairy Manufacturing site and within 'noisy' zones such as the Central City Zone, Business zones and the Industrial Zone.

The requirement for a landscape plan is consistent with Rules 1.2.2.21 and 1.2.2.23 which require landscape plans at the time of subdivision applications in the Te Awa Lakes and Rotokauri North areas respectively. The key purpose is to provide a visual buffer between the residential buildings and the industrial neighbours, so the rule requires the landscape design to achieve that; full screening is not expected but partial screening and interruption of in-views is expected.

In terms of transport effects, access to the site is proposed via the existing access to the Racecourse from Ken Browne Drive and a new access intersection from Sir Tristram Avenue, approximately 92m from the Te Rapa Road/Sir Tristram Avenue intersection. The internal road network within the development will be designed to reflect a low speed and low volume speed environment utilising traffic calming measures and an indirect network. This would also discourage 'rat running' traffic from using the internal network to travel between Garnett Avenue and Te Rapa Road.

Strong and convenient pedestrian connections are proposed to connect to existing bus stops on Te Rapa Road and Garnett Avenue. The same convenient pedestrian connections also connect to the neighbourhood shops at the Garnett Avenue/ Te Rapa Road intersection and the commercial services across Te Rapa Road adjacent to Home Straight. Together with the slow speed environment for internal roads it can be expected that at least 5% of peak hour trips will be by public transport and walking and cycling modes. By providing appropriate infrastructure these alternative modes will help to limit the impact on existing delays and queues at the Te Rapa Road/Garnett Avenue intersection.

Overall, the ITA finds that the transportation effects on the adjoining road network enabled by the proposed rezoning can be managed to an acceptable level subject to appropriate mitigation measures being adopted. These include upgrading of the Sir Tristram Avenue/Te Rapa Road intersection to prevent right turns out and establishment of a mid-block signal-controlled pedestrian crossing on Te Rapa Road between Sir Tristram Avenue and Home Straight. This improves connections to existing bus stops on Te Rapa Road which are currently experiencing low patronage because of poor connectivity.

In terms of three waters effects, stormwater management represents the key constraint for this site. The site is serviced by the existing HCC stormwater reticulation, with the eventual receiving environment being the Waikato River (approximately 1.5km east of the subject site). The site also encompasses an area of existing extreme peak event flood storage and conveyance.



Development of the plan change area will result in changes to the stormwater quality and quantity characteristics including increased levels of contaminants which are associated with residential development and increased level of runoff to the downstream reticulation network.

The key management strategy is collection and conveyance of stormwater to a centralised wetland device for treatment and attenuation of post-development flows. The specifically designed stormwater system will provide water quality treatment and attenuation functions alongside the ecological and aesthetic values of the wetland. Stormwater runoff from the existing racecourse buildings, carparks and roads currently occurs in an uncontrolled manner into the receiving environment and these existing stormwater discharges will also be connected to the wetland device for treatment and attenuation prior to discharge to the existing piped system. Therefore, overall, this is an improvement to the existing stormwater system of direct discharge to the network.

In addition, a further opportunity has been identified to capture and divert currently uncontrolled runoff from part of the upstream industrial area, for treatment and attenuation within the proposed wetland, resulting in retrospective improvements in stormwater quality and quantity from this part of the developed catchment. This will require an increased land area for the wetland, and coordination with HCC to implement connections to properties outside the PC13 area. Once established, the proposed wetland device is understood to be the only specifically designed stormwater management device in the broader catchment contributing to a higher level of stormwater quality.

Existing flood hazards associated with an overland flow path on part of the site will be managed by retaining it in open space and roading and ensuring existing flood storage capacity is maintained.

Overall, adverse environmental effects are considered to be no more than moderate to minor and there will also be positive effects as a result of the future development on the site.

The following statutory and non-statutory documents are assessed in the planning assessment section of this report:

- Waikato-Tainui (Raupatu Claims) Settlement Act 2010 and Vision and Strategy for the Waikato River
- Hamilton City District Plan
- National Policy Statement on Urban Development 2020
- National Policy Statement for Freshwater Management 2020
- National Planning Standards
- Waikato Regional Policy Statement
- Waikato Regional Plan
- Waikato Tainui Environmental Management Plan
- Waikato Regional Land Transport Strategy 2011-2041
- Hamilton Urban Growth Strategy
- Access Hamilton
- Future Proof

Those high level documents of particular relevance to PC13 are Te Ture Whaimana o Waikato (the Vision and Strategy for the Waikato River), which also forms part of the Waikato Regional Policy statement, and the NPS-UD. The stormwater strategy includes wetland treatment and attenuation of existing untreated stormwater discharges from the site, and also includes an opportunity (subject to HCC collaboration) to connect other nearby industrial sites to the wetland. Therefore, it is consistent with Te Ture Whaimana, which envisages outcomes of 'betterment' to the river.

The overarching purpose of the NPS-UD and its objectives are supported by several relevant policies that refer to enabling a variety of homes (Policy 1(a)), having good accessibility (including by way of public or



active transportation) for people between housing, jobs, community services, natural spaces and open spaces (Policy 1(c)), and supporting the competitive operation of land and development markets (Policy 1(d)). Policy 8 also specifies that local authority decisions affecting urban environments are to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by existing RMA planning documents.

The proposed plan change gives effect to the outcomes sought by the objectives and policies of the NPS-UD.

As a Tier I city under the NPS-UD HCC must prepare and notify a plan change to implement the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Enabling Housing Act). This plan change is called an Intensification Planning Instrument (IPI). HCC has prepared and notified Plan Change 12 (PC12) as their IPI. The IPI must incorporate specified objectives and policies supporting a variety of housing types, responding to housing demand and supporting the densities provided by the Medium Density Residential Standards (MDRS). It must also include the MDRS themselves. The MDRS may only be modified by HCC in response to 'qualifying matters' including matters such as natural hazards or heritage. PC12 was notified on 20 August 2022. The closing date for submissions is 30 September 2022.

PC13 was prepared at the same time that HCC was preparing PC12. As a result HCC provided draft versions of PC12 to WRCl, including a new Medium Density Residential Zone. The Medium Density Residential Zone is a good fit for PC13 as it aligns well with the opportunity for the site to be developed to a higher density than general residential areas given its location within the existing urban area and its proximity to infrastructure and commercial and community services. PC13 therefore incorporates parts of the PC12 provisions that are aligned with it and relevant to it.

In conclusion, as required by the Enabling Housing Act, PC13 includes a suite of new objectives and policies and Medium Density Residential Standards. These are included due to a national directive, not specifically because they are required to support PC13.

Some site-specific plan provisions and consequential amendments to other sections of the ODP are required to manage the environmental effects of PC13, particularly to minimise reverse sensitivity effects on industrial neighbours. The inclusion of the Precinct Plan provides certainty of the development outcomes and the key infrastructure and open space requirements that are required to support the residential development.

The effects assessment undertaken in this reporting and the supporting technical reports identifies that the plan change will have no more than minor effects on the environment, subject to the proposed mitigation measures that have been developed from the recommendations of the technical reporting.

The assessment in this report has confirmed that the plan change gives effect to higher order documents, including the NPS-UD and the WRPS and is consistent with the purpose of the RMA.



# 1. Introduction

This report supports an application to the Hamilton City Council (HCC) for a Private Plan Change to the Hamilton City Operative District Plan (ODP), pursuant to Schedule 1 of the Resource Management Act 1991 (RMA).

The application is being made on behalf of the Waikato Racing Club Incorporated (WRCI).

This plan change will be Plan Change 13 (PC13) to the ODP and is a private plan change to request the rezoning of an area of land located at the Te Rapa Racecourse. More specifically, PC13 seeks to rezone an approximately 6.5ha site, which is currently zoned Major Facilities in the ODP, to Medium Density Residential zone with a supporting Precinct Plan. In making this zone change, PC13 implements the Medium Density Residential Standards (“MDRS”) as directed in section 77G(1) of the RMA.<sup>1</sup> The change in land use stems from the surplus land available at the Te Rapa Racecourse based on their current and future operations.

This report sets out the proposal in detail and undertakes the relevant assessment for the proposed rezoning. The remaining parts of Section 1 below set out the applicant details and the background to this application. Section 2 contains a description of the site and locality, and Section 3 contains a description of the proposal and the purpose of the plan change, to provide context to the assessment contained in the remaining sections of this report.

## The Applicant

The applicant for this plan change is the Waikato Racing Club Incorporated (WRCI). The WRCI is the owner and operator of the Te Rapa Racecourse, which is the only horse racing events venue in Hamilton. The WRCI has been in existence since 1924 when the Hamilton horse racing operations relocated to the Te Rapa Racecourse from the previous location at Claudelands.

## Background

The Te Rapa Racecourse has been developed over time, with the addition of various amenities and facilities to cater for the local racing operations and other events. The Racecourse is used for a range of activities, including various race day events, full time and casual training, and other functions including corporate events, party spaces and weddings. The racecourse has also been previously utilised for horse sales.

There are currently 18 scheduled race days per year. Over the next two years there will be several extra race days as Te Rapa will be the venue for Ellerslie Racing Club meetings while the Ellerslie Racecourse is being significantly renovated and upgraded. After that the schedule will return to approximately 18 days per year and it is unlikely that this will change significantly in the foreseeable future. Attendance at race days varies depending on factors including the time of year, the day (weekend race days attract more spectators than weekday events), the weather, promotional events and the quality of the horses in the field. The three busiest race days are typically the Waikato Cup and Christmas at the Races which occur on consecutive Saturdays in December and Ladies Day which is held on a Saturday in February. These events can each attract up to 6,000 spectators. The maximum spectator attendance for the remaining events is typically about 2,000-2,500 people, although some events attract significantly fewer spectators, particularly outside of summer.

Changes in the way the racecourse is used over recent years has meant there is now surplus land at the Te Rapa Racecourse which is currently not being efficiently utilised. The WRCI has for several years been considering options for the development and use of Te Rapa Racecourse land that is no longer needed for

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<sup>1</sup> As explained in the sections that follow, the provisions of PC13 have replicated the relevant and equivalent objective, policies, rules and standards as notified in HCC’s Intensification Planning Instrument (“PC12”).



the operation of the racecourse. This currently includes approximately 6.5ha of land at the eastern extent of the racecourse site.

The underutilised land comprises the stables and adjoining vacant land to the east of the existing grandstands. The stables were originally built to provide for training facilities and to have enough capacity for bloodstock sales. Bloodstock sales are no longer undertaken at Te Rapa and there is only one trainer now based at Te Rapa and their stable facilities are located near Sunshine Avenue in a separate part of the racecourse site.

In 2016, the WRCI began to consider a potential strategy for future development of the eastern part of the Te Rapa Racecourse and undertook extensive scoping and option analysis for the potential future use of the underutilised land. A meeting was held with HCC planning staff in June 2016 and numerous potential options were discussed, including residential, industrial, and commercial development. A preferred option emerged for the WRCI to develop the land for residential land uses. Residential land uses were preferred because of the evident shortage of residential land supply in the City, 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 that accommodates the Metlifecare Forest Lake Gardens retirement village and the Bupa retirement village. WRCI now wish to make provision for the surplus land to be developed for medium density residential which will be complementary to its core business activities at the Te Rapa Racecourse.

The current zoning of the site is Major Facilities which does not allow for the development outcome that WRCI are seeking to create, therefore this private plan change proposes to rezone the site to allow that development to be undertaken.

In November 2017 a project team was assembled, comprising planning, urban design/architecture, civil engineering, traffic, noise, geotechnical and contamination specialists. Initial briefing meetings and a workshop was held with HCC staff. Preliminary technical work was undertaken, and draft technical assessments were prepared and reviewed by Council staff and experts. The concept is for the housing area to create an attractive gateway to the racecourse, and to integrate with it so as to provide views towards the track, and walking connections.

Subsequently the project was placed on hold while WRCI considered the implications of a review of the racing industry initiated by the government in 2018. That review resulted in a report by John Messara<sup>2</sup> that included recommendations to rationalise Racing Clubs and the number and location of racetracks across New Zealand. That report considered options for the Waikato, including the eventual construction of a new Greenfields racing complex for the wider Waikato catchment. While some of the recommendations of the Messara report have been acted on, including closure of some of the smaller tracks, a number have not and following further consideration over the subsequent years, WRCI concluded that the Te Rapa Racecourse will continue to operate for the foreseeable future.

Hence, the WRCI decided to recommence the plan change, including stormwater modelling and other engineering investigations that had not previously been undertaken. This has resulted in the preparation of this application.

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<sup>2</sup> Review of the New Zealand Racing Industry, John Messara AM, 31 July 2018



## 2. Description of Site and Locality

### 2.1 Description of Site

The Te Rapa Racecourse is located at 37 Sir Tristram Avenue and Ken Browne Drive in Te Rapa, Hamilton. The site is located in the north-western part of Hamilton City and is located amongst a well-established industrial and residential area that also comprises pockets of open space and community facilities. The entire racecourse site is held within three Records of Title that have a combined area of 50.0756ha. There are also various adjoining smaller properties which are owned by subsidiary companies of the WRCl, however these do not form part of the Te Rapa Racecourse and therefore do not form part of this plan change application. The Records of Title are detailed in Table 2.1 below.

**Table No. 2.1**

Properties within PC13 site					
Map ref (refer Figure 1)	Physical Address	Legal Description	Title Ref	Area	Owners
1	N/A	Part Lot 4 DPS 192	SA35A/348	3.1399ha	Waikato Racing Club Incorporated
2	N/A	Lot 3 DPS 91490	SA73A/917	907m <sup>2</sup>	Hamilton City Council
3	37 Sir Tristram Avenue & 101 Sunshine Avenue	Lot 1 DP 513065	791578	46.845ha	Waikato Racing Club Incorporated

Each of the above titles are detailed on the following figure. Recent search copies of the above Records of Title are contained in **Appendix D**.



**Figure No. 1 Subject Site and Records of Title (map numbers match title details in Table 2.1)**



The lot owned by Hamilton City Council is a long narrow land holding (outlined in yellow above). It was created in July 2002 as a fee simple title with no gazettal related to its use. This title contains a 675mm and 600mm wastewater interceptor and part of the title also contains a stormwater service line (size currently unknown) which provides connections from the stable buildings within the racecourse. This infrastructure is located underground, and the Concept Plan included in **Appendix D** has taken into account the location of these pipes.

The racecourse has existed on the current Te Rapa site since 1924 following its relocation from Claudelands. At the time that the racecourse was relocated to the current site WRCl initially owned a larger area of land surrounding the existing racecourse than it currently does. Over the preceding years some of the land that the WRCl owned was progressively sold, including the land now occupied by the Metlifecare Forest Lake Gardens Retirement Village and the Bupa Retirement Village to the south of the site. The WRCl's land assets are still significant, comprising a total area of approximately 56 hectares. Approximately 2.5 hectares is owned by Mainstreet Place LP and Sir Tristram Avenue LP, which are subsidiary companies of the WRCl, and the remainder is owned by the WRCl.

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 are afforded 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 ICMP in **Appendix E**.



Approximately 44.5 hectares of the WRCl's land is currently used for racecourse activities. This area includes the racecourse itself, the grandstand and spectator areas, the WRCl's offices and other facilities, horse stables for race days, training facilities and car parking areas for visitors and staff.

The existing stables which are owned by WRCl are located in three separate buildings to the rear (east) of the grandstand. The stables are only used on race days and typically each horse is only in the stables for a few hours. The number of existing stables far exceeds the requirements on race days. This is because the stables were originally built to have enough capacity for sales and to be leased for training. Sales are no longer held at Te Rapa, and there is currently only one trainer who is based at Te Rapa (Greene Racing) and their stable facilities are located separate from the WRCl stables, near Sunshine Avenue. Therefore, the area of the stables east of the grandstand is no longer required to support racecourse operations, and forms part of the site subject to PC13.

Vehicle access to the racecourse is obtained from Sir Tristram Avenue and Ken Browne Drive. Spectator car parking currently 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 floats is obtained from Sir Tristram Avenue which leads directly to the existing stables. Traffic management is in place on all event days to manage access and car parking.

Figure 2 below sets out the key features of the Racecourse site.





Figure No. 2 Site Features



The PC13 site (i.e., the land which is proposed to be rezoned) is located at the eastern extent of the Racecourse and has frontage to Ken Browne Drive and Sir Tristram Avenue. The PC13 site is shown on Figure 3 below.

In the south-eastern corner of the PC13 site, adjoining the industrial area are two small areas of land occupied by neighbours. They are firstly an area occupied by Ecostream Irrigation Ltd and used as a storage yard associated with their adjacent premises on Te Rapa Road. Ecostream is an engineering workshop manufacturing irrigation systems. The storage yard is accessed via a door through the rear of their Te Rapa Road premises and via a metalled driveway along the southern boundary of the PC13 site from Ken Browne Drive. The second area is approximately 560m<sup>2</sup> occupied by Hamilton Veterinary Services who also have premises fronting Te Rapa Road. This land is used for rear access to the vet premises and staff and customer carparking, also using the driveway along the southern boundary of the PC13 site.

Both areas of land and the access were leased from WRCI in the mid-1990's. Both leases have now expired but have been continued on a month-to-month basis by WRCI. This means that the leases can be terminated with one month's notice.



The occupation of the land by Hamilton Veterinary Services (including the access) is authorised by resource consent 2011/064NN granted by HCC on 9 September 2011. A copy of the consent is included in **Appendix K**. Hamilton Veterinary Services are contracted by WRCl to provide veterinary services on race days. Therefore, the consent that allows rear access from the racecourse is a convenient arrangement and WRCl and Hamilton Veterinary Services would like to maintain it. As set out later in this report the access and parking has been integrated into the Precinct Plan so it can remain.

However, there does not appear to be any resource consent authorising the storage yard used by Ecostream. As it is a larger area it impacts on the design of PC13 by extending industrial use into the site. Industrial traffic accessing it would also have to use the residential streets, which would conflict with their design and use as narrow slow speed residential streets, creating amenity and safety impacts. Wherever possible industrial traffic should be kept separate from residential traffic. Therefore, it has not been accommodated in PC13. As a result, WRCl intend to terminate the lease of that area of land to Ecostream prior to development of the site.

**Figure No. 3 PC13 site outlined below (proposed residential outline red and proposed industrial outlined yellow)**



## 2.2 Description of Locality

Properties to the north and east of the racecourse are predominantly occupied by a range of small to medium sized light industrial and commercial activities. One of the commercial premises which is along Te Rapa Road adjacent to the racecourse is owned by the WRCl through its subsidiary company Mainstreet Place LP. That site is occupied by Signature Homes. Immediately to the north of Sir Tristram Avenue is land used for the Thoroughbred Business Park, which is recognised in the ODP as an overlay over the Major Facilities Zone.



Currently it is occupied by an office building and a recently consented childcare centre. A copy of the childcare centre consent is included in **Appendix K**.

Other commercial activities adjacent to the racecourse along Te Rapa Road include a second childcare centre, a motorcycle dealer, Hamilton Veterinary Services, retail stores and a range of other light industrial/commercial land uses.

The properties which immediately adjoin the racecourse to the south are located off Ken Browne Drive. Properties on the eastern side of Ken Browne Drive include commercial offices and a mixed use residential and light industrial development and a panelbeaters. The property on the western side of Ken Browne Drive contains the Metlifecare Forest Lake Retirement Village, which includes apartments and villa units fronting onto the racetrack. The retirement village was initially developed as a joint venture between the WRCI and Vision Senior Living but is now owned by Metlifecare.

South of the racecourse is land which has recently been developed by Bupa Care Services as a rest home and care facility. Access is from Minogue Drive. Minogue Park is located further to the south of the Bupa land.

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.

The features of the locality of the plan change site are identified in Figure 4 below.

**Figure No. 4 Site Locality (approximate PC13 site outlined red for residential area/yellow for industrial)**



## 3. Description of Proposal and Purpose of Plan Change

### 3.1 Purpose of Proposal

The overriding purpose of PC13 is to make efficient and commercially viable use of underutilised land located at the Te Rapa Racecourse. Ultimately, the plan change proponent is seeking a planning framework to allow for medium density residential development to occur on the subject site and to outline the high-level infrastructure and servicing requirements of the eventual development outcome on the site. However further to this, the plan change also seeks to:

- Allow for a high-quality development that is compatible with and enhances the Te Rapa Racecourse and provides an attractive gateway and interface to the racing activities.
- Provide additional residential development opportunities to remedy the short to medium term shortfall in housing supply in Hamilton.
- Complement and potentially integrate with the existing residential development (retirement village) to the south of the site.
- Provide further housing choice in a location close to major industrial employment and commercial centres, including the Central City.

As such, PC13 is a request for a private plan change to rezone part of the racecourse site from Major Facilities Zone to Medium Density Residential Zone. It will include the Te Rapa Racecourse Medium Density Residential Precinct within that zone, as the precinct is required to spatially manage the layout of development on the site. It is also proposed to insert a Precinct Plan into the District Plan which will show, at a high level, the key elements that will guide development of the site; the principal transport network, proposed development pattern and the stormwater infrastructure required to service the development. The proposed Precinct Plan is attached to this report within **Appendix A**. The Precinct Plan incorporates the main features shown on the below Concept plan from the urban design report prepared by Chow Hill which is included in **Appendix D** and is Figure 5 below.



Figure No. 5 Urban Design Concept Plan



Key features of the Concept Plan include:

- The site will be developed for medium density residential allowing for a variety of standalone, duplex, terraced and apartment living typologies at various densities.
- The living environment has been planned to provide an environment closely integrated with the Te Rapa Racecourse. In addition to providing an attractive gateway to the racecourse via either Sir Tristram Avenue or Ken Browne Drive, the residential development will also enable the establishment of some dwellings which will enjoy an outlook over the racetrack and adjoining park like grounds. It is likely that the higher density residential development will be clustered around these areas.
- The residential development area is approximately 6.5ha. The concept design indicates that the likely yield is 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 stormwater wetland will be constructed providing for attenuation and treatment of stormwater runoff. It also introduces a natural element to the built environment and is an efficient use of land which otherwise has development limitations as a result of the existence of an overland flow path across the site and the wastewater and stormwater lines crossing the site.
- An internal roading network has been designed to provide for access to all future properties in accordance with the recommendations of the detailed transportation assessment at **Appendix F**.
- Various pockets of open space are provided for, particularly between the Racecourse activities and future residential areas and on portions of the site which have significant limitations as a result of the overland flow path and the existing piped infrastructure. A pocket park/playground is indicatively shown on land immediately to the north of the stormwater wetland. This has the dual function of a play space for residents and for racecourse patrons on race days. Given it adjoins the wetland it is logical that it would vest in HCC as a public reserve.
- The design illustrates residential buildings set back from industrial zone boundaries by 30m, as recommended in the Acoustic Assessment at **Appendix G**. This results in a landscaped open space area around the eastern and southern perimeter of the site, together with a road.



- Viewshafts have been provided down corridors between the residential areas and the racecourse.
- Internal pedestrian walkways and pedestrian connections to the existing built environment surrounding the site have been provided for in the Concept Plan to achieve safe and efficient connectivity.

The Te Rapa Racecourse Medium Density Residential Precinct provides the opportunity to create a high-quality residential lifestyle offering through a comprehensively designed residential development adjacent to the Te Rapa Racecourse. The rezoning will allow the land to be developed to take advantage of the site's open space characteristics and its location near to the Hamilton Central Business District, the Te Rapa industrial employment area, commercial activities in Te Rapa, and amenities such as Minogue Park and the Waterworld swimming pool complex. Experience with other land around the racecourse, and elsewhere in New Zealand, demonstrates that racecourses are facilities that are attractive to a sector of the residential market because of their open space amenity and/or people's association with horses or racing.

The information regarding the development outcome on the site and illustrated on the above Concept Plan is indicative only, and its purpose is to provide an indication of a development outcome on the site. The open space areas and accesses will be a combination of public and private areas. The Concept Plan identifies key public spaces such as the main roads and the pocket park/playground and stormwater wetland, but the details of which other areas are public or private will be a matter for subsequent detailed design and consenting. In general terms public space will be created either by vesting it in Council or by creating a public easement over it. For areas subject to a public easement the ongoing maintenance would become the responsibility of a legal entity such as a resident's association that would be established by the developer at the time of subdivision or resource consent.

This concept plan is based on high level master planning and provides the design basis for the proposed Precinct Plan (Figure 4.5-1) in the district plan, which is Figure 6 below and included in **Appendix A**. It demonstrates that the site is suitable for medium density residential development. The Precinct Plan in the district plan includes the key spatial elements of road layout and access points, development areas, main open space, and infrastructure.



**Figure No. 6 Precinct Plan**

FIGURE 4.5-1 TE RAPA RACECOURSE MEDIUM DENSITY RESIDENTIAL PRECINCT PLAN



### 3.2 Other Consents and Authorisations

Additional authorisations will be required to realise the full development potential of the plan change site if this plan change is approved.

The proposed plan change provisions will set the framework for development, but further land use and subdivision consents will need to be granted by HCC before development can proceed.

This will include consents required under the National Environmental Standard for Soil Contamination (NES-SC).



As the stormwater discharge of treated stormwater is planned to be to the existing HCC reticulated system no stormwater discharge consent will be needed.

There may be other consent approvals required from Waikato Regional Council for earthworks, depending on design and extent of earthworks.

As set out above it is proposed that existing resource consent 2011/064NN authorising Hamilton Veterinary Services to use the south-eastern corner of the site will remain in place. This has the advantage of limiting the use of that small part of the site to the healthcare services (vets) so that is not opened up to general industrial use. It also maintains the option of the resource consent being surrendered if Hamilton Veterinary Services were to vacate the property. It is a specific consent that can continue to be utilised in conjunction with PC13 but may not be appropriate if the future use of the vet property changed. For the avoidance of doubt, the proposed amendments to the ODP also include a specific rule limiting the use of this access to further ensure it does not become a *de facto* industrial access.





## 4. Planning Context and Strategy

### 4.1 Background

The Hamilton City District Plan became operative in 2017 and PC13 is a change to that ODP. A private plan change can only be made to an operative district plan.

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (Enabling Housing Act) was enacted in December 2021. The Enabling Housing Act (as incorporated into the RMA) is directly relevant to PC13 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 MDRS as required by section 77G(1). PC13 incorporates the MDRS as required by section 77G(1). For completeness, the section 32 evaluation addresses the two areas within the precinct plan that have qualifying matters which apply. Furthermore, the MDRS requirements are currently being implemented by HCC via Plan Change 12 which has recently been notified.

The Enabling Housing Act amended the RMA with the intention to rapidly accelerate the supply of housing where the demand for housing is high. This will help to address some of the issues with housing choice and affordability that New Zealand currently faces in its largest cities. There are two main components of the Act:

- A new planning process to help councils to implement intensification policies in the NPS-UD more quickly. This is called the Intensification Streamlined Planning Process (ISPP) and applies to Tier 1 councils, including HCC. The ISPP is based on the existing streamlined planning process under the RMA, but is intended to be faster, easier, and less costly for councils. The ISPP would enable the intensification outcomes to be achieved at least a year earlier, in 2023 rather than 2024.
- Medium density residential standards (MDRS) are to be included in New Zealand's main urban areas to enable a wider variety of housing choice. The Enabling Housing Act requires HCC to apply the MDRS from August 2022. These standards will allow people to develop up to three homes of up to three storeys on most residentially zoned sites without the need for a resource consent. Exemptions will apply based on 'qualifying matters' set out in the NPS-UD. The ISPP will be used to implement the MDRS. HCC is required to apply the MDRS to all existing residential areas, except for areas zoned as large lot residential or areas where 'qualifying matters' apply.

Relevant qualifying matters are:

- A matter of national importance under s6 of the RMA
- A matter required to give effect to a national policy statement (other than the NPS-UD)
- A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River)
- Open space provided for public use
- A matter necessary to ensure consistency with iwi participation legislation
- Any other matter that makes higher density, as provided for by the MDRS or policy 3 of the MDRS, inappropriate in an area.

As a Tier I city under the NPS-UD HCC must prepare and notify a plan change using the ISPP to implement the requirements of the Enabling Housing Act. This plan change is called an Intensification Planning Instrument (IPI). HCC has prepared and notified Plan Change 12 (PC12) as their IPI. The IPI must incorporate specified objectives and policies supporting a variety of housing types, responding to housing demand and supporting the densities provided by the MDRS. It must also include the MDRS themselves.

PC12 was notified on 20 August 2022. The closing date for submissions is 30 September 2022.



PC13 was prepared at the same time that HCC was preparing PC12 to implement the Enabling Housing Act and the MDRS. As a result, HCC provided draft versions of PC12 to WRCl, including a new Medium Density Residential Zone. The Medium Density Residential Zone is an appropriate residential zoning for the PC13 land as it aligns with the necessity for the proposed residential zoning to implement the MDRS as required by the RMA. It follows that the implementation of the MDRS provides an opportunity for the site to be developed to a higher density than general residential areas on the basis that it is located within the existing urban area and is within very close proximity to infrastructure and services. In the ODP there are only a few site-specific pockets of Medium Density Residential zoned land (eg. Te Awa Lakes, Ruakura). In order to comply with clause 25(4A) of Schedule 1, and to ensure a consistent approach to the implementation of the MDRS pursuant to PC12, PC13 includes parts of PC12 which align with the purpose of PC13, and which are relevant.

PC13 is therefore very well aligned with the Enabling Housing Act and the NPS-UD as it proposes to enable medium density residential development on an underutilised site within the city. However, it is also effectively 'caught up' in the transition from the ODP as it currently stands to a District Plan that implements the NPS-UD and the Enabling Housing Act.

PC12 will progress through the submission and hearing phase with substantive hearings in May/June 2023<sup>3</sup> and decisions on submissions potentially late 2023 and becoming operative shortly thereafter. With PC13 being formally lodged with HCC in September 2022 it will be following the standard RMA Schedule 1 process at the same time as PC12 is being progressed.

In considering how best to coordinate PC13 with PC12 the proponents of PC13 are guided by the purpose and objectives of the Enabling Housing Act. Its purposes are '*speeding up implementation of the NPS-UD*' and '*Increasing the density of urban areas will give people more choices about where they can live affordably in a wide variety of housing types that have good access to jobs, transport and community facilities*'.<sup>4</sup> In that regard, the MRDS and NPS-UD directives are prescribed in statute.

PC13 will create an area of higher density residential development within the city which aligns closely with the intent of the NPS-UD of additional housing variety and choice. However, using the traditional RMA Schedule 1 process to rezone the land could take up to two years so that process does not align well with the purpose of the Enabling Housing Act.

The Enabling Housing Act provides some guidance on how to manage this overlap between the two plan changes. Firstly, clause 25(4A) Schedule 1 of the RMA specifies that HCC must not accept or adopt a private plan change request if it does not incorporate the MDRS. This means that PC13 must include the MDRS. The draft PC13 provisions in **Appendix A** have adopted the MDRS and have gone further by adopting relevant aspects of PC12. Therefore, it complies with clause 25 (4A).

Clause 35(3) provides that HCC may accept or adopt the plan change request and incorporate the MDRS for the new residential zone through the IPI. The intent of these clauses seems to be to allow for HCC to include an appropriate private plan change in their IPI, therefore speeding up its implementation, consistent with the overall purpose of the Enabling Housing Act. This is consistent with the Ministry of Housing and Urban Development (MHUD) background information on the Enabling Housing Act which states:

***Rezoning greenfield into residential land***

*Councils will be able to adopt and incorporate private plan changes within their intensification plan changes and progress them through the ISPP. This is in addition to rezoning greenfield areas they*

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<sup>3</sup> Independent Hearing Panel Direction #1, 19 August 2022

<sup>4</sup> Fact Sheet: Ministry of Housing and Urban Development, RM (Enabling Housing Supply and Other Matters) Amendment Bill, p1



*have identified. Greenfield land will be enabled to be rezoned as residential as part of the ISPP. The new zoning will then need to meet the requirements in the MDRS.<sup>5</sup>*

However, the provisions only apply to private plan changes that are lodged before an IPI is notified and where the Council is willing to include them in their IPI. This was impracticable for PC13. However, given the strong alignment between PC13, PC12, and the purpose of the Enabling Housing Act WRCI and its technical advisors have considered how to most efficiently progress PC13 to minimise redundant use of resources and necessity for rework so as to give effect to it as quickly as possible.

In that regard, it is inefficient to expend significant time and effort assessing and preparing a change to the residential zones to accommodate the Te Rapa Residential Medium Density Residential Precinct in the ODP, within the context of the statutory directives in respect of MDRS and HCC's own PC12. This is particularly the case given the draft PC12 provisions include the MDRS and other relevant aspects of PC12. Similarly, it would be both inappropriate and inefficient for PC13 to attempt to assess the much wider policy and implementation matters associated with PC12, when it is a site-specific plan change with limited effects. Nevertheless, to achieve efficiency and deliver the outcomes intended by the NPS-UD as quickly as possible it is important that the two processes are coordinated, but that PC13 can also progress unhindered by the much wider implications of PC12.

While not directly relevant to this request for a private plan change, WRCI will lodge a submission on PC12 that seeks alignment between the two processes.

## 4.2 Strategy

To address this overlap between the planning processes, the approach that has been taken for PC13 is to firstly include a set of amendments to the ODP that:

- Includes the MDRS objectives, policies, and rules from the Enabling Housing Act.
- Modifies the height standard to be more enabling than the MDRS and to be consistent with the Medium Density Residential Zone in PC12.
- Includes other relevant aspects of PC12.

This set of amendments demonstrates compliance with clause 25(4A) of Schedule 1 of the RMA and is included as **Appendix A** to this report. For completeness, it is noted that the "city wide" provisions which will apply to relevant residential zones, and which have been amended by PC12, are not included within PC13 unless 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.

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<sup>5</sup> Ibid, p3



## 5. Section 32 Evaluation

### 5.1 Introduction

Section 32 of the RMA is a key component of the policy development process for all district plan matters, including private plan changes. It requires a robust analysis of policy options, including consideration of costs and benefits, before settling on the preferred option. Section 32(1) provides that an evaluation report under the RMA must:

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
  - (i) identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) summarising the reasons for deciding on the provisions.*

Further, the evaluation report must also contain a level of detail that:

- (c) corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

Pursuant to s32(3) PC13 is an *amending proposal* as it will amend the ODP. In this case the evaluation under s32(1)(b) is limited to:

- a) The provisions and objectives of the amending proposal; and*
- (b) The objectives of the existing proposal to the extent that those objectives –*
  - i) Are relevant to the objectives of the amending proposal; and*
  - ii) Would remain if the amending proposal were to take effect.*

This report records the section 32 evaluation that has been carried out to date, but it recognizes that it is an iterative process that will continue through the plan change lodgement, submission and hearing process.

Given the strategy set out in section 4.2 above the s32 evaluation focuses on the land use options for the site and the site-specific plan provisions to manage the development. The MDRS provisions (including the objectives and policies) have effectively been adopted from the RMA. While mandated by the RMA as amended in December 2021, for completeness these have been considered in the section 32 evaluation in relation to the proposed provisions (rules and methods), and whether these are the most appropriate to give effect to MDRS objectives and the objective of the plan change. Further, the evaluation also considers the extent to which the MDRS provisions are modified to address the two “qualifying matters” relevant to the land that is the subject of the plan change.

For the above reasons, a s32 analysis has been undertaken for each of the options, broken down into three parts. Firstly, analysis of the high-level land use options for the site. Secondly, analysis of the RMA process options that have been considered for authorising the development. Thirdly, analysis of the options for the key proposed land use objectives, policies and rules.

The section 32 evaluation addresses two key matters:

- The objective of the zone change, per se, and whether it is the most appropriate way to give effect to Part 2 of the RMA; and



- The proposed objectives, policies, rules, and methods that follow the zone change; and whether these are the most appropriate to give effect to the RMA/Part 2; or the existing objectives of the ODP; or the objectives as prescribed by the Housing Enabling Amendment Act 2021 (as relevant).

**Appendix B** addresses these matters in table form for the purpose of section 32(1)(b) – noting that it is an amending proposal. This AEE document addresses these matters in narrative form, cross-referencing to **Appendix B** where applicable.

In summary:

- the objectives of the proposal are considered to be the most appropriate way to achieve the purpose of the RMA;
- the policies, rules, and methods of the proposal are considered to be most appropriate way to achieve the relevant objectives of the ODP; the objectives as prescribed by the Housing Enabling Act; and the overarching objective of the proposal (given it is an amending proposal).

For completeness, the section 32 evaluation also considers the two “qualifying matters” that are considered applicable to the proposal and provides an evaluation as required by section 77(J).

The proposal does not seek to amend “city wide” provisions of the ODP, including financial contributions. Such amendments are considered outside the scope of PC13 on the basis that the plan change seeks a zone change and to incorporate the MDRS in accordance with clause 25(4A) of Schedule 1. In that regard, it is anticipated that the amendments proposed through HCC’s PC12 will apply to the PC13 land in due course, as they do to other relevant residential zones, following completion of the PC13 process. WRCI will be lodging a submission on PC12 seeking amendments to the residential zones so that these align with the changes proposed through PC13.

## 5.2 Issues with Current Situation

The first step of the section 32 evaluation is to identify the issues or problems that the plan change is intended to address. That is, the reason why the existing zoning of the site is not appropriate, which must be grounded in inefficiency or inappropriateness in achieving the purpose of the RMA.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management incorporates management of use and development of land in a way or rate which enables people and communities to provide for their social, economic, and cultural wellbeing. This is to be promoted whilst sustaining the potential of natural and physical resources to meet the foreseeable needs of future generations, safeguarding life-supporting capacity of critical environmental components, and avoiding, remedying or mitigating adverse effects on the environment.

The Racecourse site contains an area of underutilised land that has development capacity and opportunities beyond those that could be established with the existing zoning of the site. The nature of the racing industry in the Waikato has changed so that the majority of horse training now takes place at purpose designed facilities around the Waikato, rather than at the main racetracks. Similarly, bloodstock sales now take place at specific facilities so there is no need to cater for them at Te Rapa.

The proposed plan change area is a scarce and valuable vacant land resource located within the existing urban boundaries of Hamilton City, close to services and amenities and connected to existing infrastructure. Rezoning the land to Medium Density Residential will better achieve the purpose of the RMA, because doing so will support the social, economic, and cultural wellbeing of people and communities. The alternative of retaining the current zoning which will mean it lies vacant and unused will not achieve this purpose.



As a starting point, the applicant carried out an options analysis on the various development options for this site by. In 2016, the WRCI began to consider a potential strategy for future development of the eastern part of the Te Rapa Racecourse. A workshop was held with HCC planning staff in June 2016 and a number of potential options were discussed, including residential, industrial, and commercial development.

Following the release of the Messara report in 2018 WRCI further considered high level options based on their judgement of the long-term future of the Te Rapa racetrack. WRCI concluded that the racecourse was likely to stay for the foreseeable future, they engaged The Property Group to advise on land use options to fulfil the economic potential of the site. That advice canvassed a range of alternatives, including commercial, industrial, residential, and recreational. A preferred option emerged for the WRCI to develop the land for residential land uses. Residential land uses were preferred because of the evident shortage of residential land supply in the City, the complementary nature of residential land uses to the racecourse and the opportunity to create a unique development taking advantage of the racecourse environment, and the location close to employment areas and commercial centres.

Hamilton is currently experiencing significant residential growth and that growth is expected to continue, with demand for an additional 37,500 houses in the 2020 to 2050 period.<sup>6</sup> Within Hamilton City there is estimated to be zoned capacity for some 45,100 to 130,600 additional houses, without considering infrastructure constraints. Much of this capacity is based on assumptions of small-scale infill development (eg. building a second house on a section to create a duplex). However, considering infrastructure constraints and commercial feasibility (ie. development that is 'reasonably expected to be realised') there is only capacity for around 3,000 to 3,600 additional houses in the short term.<sup>7</sup> In the longer term, as the greenfields areas on the edge of Hamilton become available in conjunction with infrastructure provision, the capacity improves. Hamilton City only has a small projected surplus in the short term<sup>8</sup> and the Racecourse site, with infrastructure already available, is well placed to meet short term demand.

A key aspect of WRCI's decision-making was to restrict the development to the 6.5ha of underutilised land to the east of the grandstand (the proposed PC13 site). The strategic review of the landholding indicated that this area could be developed without needing to make final decisions on the balance of the site. In other words, it does not foreclose future development options for the balance of the site if the racecourse ever vacated the site. It can be developed as a first stage, with development of other areas considered at a later date.

The northern and western boundaries of the racecourse site adjoin industrial zoned land, so there are opportunities to expand that land use into the site at that time. The western boundary adjoins the NIMT so that is a strategically important piece of land. There is potential road access to the northern part of the site from Sunshine Avenue and Mainstreet Place which are both industrial streets so some development could be accessed from them without mixing industrial traffic with residential traffic. Residential traffic will be limited to the Sir Tristram Avenue and Ken Browne Drive accesses, which they will share with racecourse traffic.

The land to the north and west would be less suitable for residential use given it adjoins the NIMT and existing industrial activities. Industrial activities to the north of the site are generally on larger sites and have more potential for adverse effects than land to the east and south which is dominated by smaller scale industrial and commercial activities. In the medium term the land to the north of the racetrack itself will be used in conjunction with racecourse operations including new stables to replace the existing stables and horse truck parking that currently uses the PC13 area on race days. It will also be used for overflow public parking on race days. Alternative use of this land to the north and west is only possible if the racecourse vacated the site.

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<sup>6</sup> NPS-UD Housing Development Capacity Assessment, ME Consulting, 2021, p23

<sup>7</sup> Ibid. p67

<sup>8</sup> Ibid. p174



Section 3 above has outlined the purpose of the plan change, which is to enable medium density residential development on the site and insert a Precinct Plan into the District Plan which addresses the high-level design elements and requirements to guide future development. In order to allow for the residential development, the site needs to be rezoned. The reasons why the existing zoning and policy direction for the site is not appropriate include the following:

- Under the Major Facilities Zone rules, residential activities such as rest homes, apartments, single dwellings and visitor accommodation are Non-Complying Activities unless they are ‘ancillary’ to the racecourse in which case they are Permitted Activities. ‘Ancillary’ is defined in the PODP as “...an activity or structure which is subordinate or subsidiary to the principal activity on the site”. The interpretation of these provisions is somewhat subjective; however, HCC planning staff have advised their interpretation is that in order to be considered as ‘ancillary residential’ the residential activities would have to be closely integrated with other racecourse facilities. An example of an ‘ancillary residential’ use based on this interpretation is an apartment building with integrated corporate lounges for racing spectators. Although it is possible that some of the residential activities within part of the site might have that degree of integration (or similar) the majority of the dwellings are likely to have no direct integration with the Te Rapa Racecourse.
- The existing Major Facilities zoning over the area that is proposed to be rezoned for residential purposes is not required for horse racing or related activities so continuing with the existing zoning would be an inefficient use of the land.

The following sections set out the options considered to achieve the purpose of the plan change in this location and summarise the reasons for the option chosen.

### 5.3 Alternatives Considered

Reasonably practicable alternative options for achieving both the objectives of the proposed plan change, and the provisions proposed to achieve the objectives, have been considered as required by s32(1) and 32(2) of the RMA.

Having come to the conclusion that the Major Facilities zoning is no longer appropriate, several options were considered in relation to the potential high level land use options for the site and the options to address the issue, as follows. For completeness, the do-nothing option was also considered.

In relation to land use options, the following have been assessed:

- a) Do nothing
- b) Industrial land use
- c) Residential land use
- d) A combination of industrial and residential land use

To achieve the preferred land use options, the following RMA process options have been assessed:

- a) Do nothing
- b) Lodge non-complying activity resource consents
- c) Wait for the next Hamilton City District Plan review and make submissions to seek the rezoning
- d) Rezone the land by private plan change

In accordance with s32(1)(c) this evaluation is to a level of detail that corresponds to the scale and significance of effects anticipated by the proposed plan. The level of detail is therefore informed by the assessment of



effects contained in section 8 of this report. Those effects are in turn informed by the existing environment. They establish a baseline against which to assess effects. As set out in section 8 of this report the baseline is set by the activities that could be established on the site (that are not fanciful) under the existing zoning, including ancillary residential activities and activities associated with the racecourse such as events, private functions and the like. This means that the effects are moderate or minor. Accordingly, the level of detail in this s32 evaluation corresponds to that scale/significance.

Similarly, the significance of the effects refers to the importance of those effects in the context of the planning framework. In this case, there is no strategic need for the land to be maintained with its current zoning. In this regard, the proposed rezoning presents no conflict with the ODP or the RPS. Recent national and regional policy direction such as the NPS-UD favours intensification and efficient use of urban land for residential development.

As a consequence of rezoning the site to Medium Density Residential an approximately 1100m<sup>2</sup> area of Major Facilities Zone adjacent to the entrance to Sir Tristram Ave will become isolated from the balance of the Racecourse. It is a narrow strip of land not suitable to be added to the Medium Density Residential Precinct.

The only alternatives considered for this piece of land were do nothing (ie. retain the Major Facilities zone) or rezone it as Industrial. It will be separated from the balance of the Racecourse by the residential development and is not used in conjunction with raceday events. Therefore, the alternative of retaining the Major Facilities zone was discarded.

As it adjoins Te Rapa Road and other land zoned Industrial it is most appropriate to rezone it as Industrial. The rezoning of this area will have very minor effects and as WRCl owns the land they can control the end use to ensure it does not detract from the Racecourse entrance.

## 5.4 Evaluation of Benefits and Costs

### 5.4.1 Land Use

The do-nothing option would not achieve the objective of the plan change and therefore is not an option which is considered further in the following analysis. There is an economic cost to WRCl and the community in having serviced urban land lying vacant, rather than being utilised to meet a need for additional housing. Vacant land of this scale in the city is a scarce resource.

Commercial development, such as retail and offices, was also not considered further as it is contrary to District Plan and regional policy to establish new commercial centres outside the commercial hierarchy of centres included in the District Plan.

The table included in **Appendix B** evaluates the three remaining land use options for this site; Industrial, residential and a combination of industrial and residential.

For the reasons set out in the table, residential land use, and particularly **medium density residential development (option 2) is the preferred option** on this site. The site represents a significant opportunity in relation to size and location to create a residential area which relates appropriately to the surrounding locality and meets demonstrated needs.

### 5.4.2 RMA Process Options

The table in **Appendix B** also evaluates the four principal process alternatives for achieving the preferred land use of Medium Density Residential. For the reasons set out in the table, **option 4 of a private plan change is the preferred option**.





## 5.5 Reasons for Option Chosen

Rezoning of the land as Medium Density Residential via private plan change is the most appropriate planning method to address the issues associated with the limitations of uses enabled by the existing zoning. Rezoning of the land properly enables and supports medium density residential land use to an extent that is not catered for adequately within the existing Major Facilities Zone. The rezoning will assist in the provision of additional dwellings to contribute to meeting housing demand and support a competitive market. Rezoning of the land also allows appropriate plan provisions to be developed and implemented to ensure that development is of a high quality, is sympathetic and responds to existing surrounding land uses and provides a high level of liveability.

It also delivers the environmental improvements associated with comprehensive stormwater treatment earlier.

Other options of Non-Complying Activity consents or waiting for the next District Plan review potentially could deliver a similar outcome to Option 4, but they are inferior in terms of efficiency of process, higher risk of failure, and do not provide the same long-term certainty to the landowners and other stakeholders. With a plan change, the intended land use outcomes can be properly and spatially defined and tested for acceptance by the community in a comprehensive manner. Quite apart from a high risk of an unsuccessful Non-Complying Activity resource consent application, it also requires a much larger amount of upfront design to achieve the certainty required for a resource consent. The District Plan review alternative represents a potential 10-year delay in realising the benefits.

Only the private plan change alternative involves an efficient and effective process that also has the ability to address the elements of uncertainty associated with the early stage of design of the project by putting in place a framework for development. A plan change allows for District Plan rules to be designed to capture and address the detailed environmental effects, at the appropriate stage when sufficient design has been undertaken. The plan change will also allow for alignment with the provisions of the MDRS that HCC is currently adopting to give effect to the Enabling Housing Act through PC12, as outlined in section 4 above.

The s32 the evaluation demonstrates that in policy terms this plan change is the most appropriate response. It is an 'amending proposal' under that section and is consistent with the broad ODP strategic framework and wider objectives. Therefore, it is a good fit in terms of being able to be inserted into the ODP with minimal impact on the document and contributing to the achievement of the strategic objectives in it.

## 5.6 Assessment of Proposed Plan Provisions

This plan change is an 'amending proposal' under s32(3) RMA. That is, it proposes to amend the existing ODP (i.e., it is not a plan review prepared by the relevant local authority). For an amending proposal, the evaluation of objectives is limited to:

- Any new objectives that are part of the proposal.
- Any objectives of the ODP that are relevant to the new objectives that are proposed.

The proposed amendments to the ODP are summarised in Section 6 of this report.

As set out in section 4 above the requirements of the Enabling Housing 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**.



As they have been included in response to a national directive, the assessment carried out as part of this section 32 evaluation is narrowly focussed. That is because the mandated MDRS provisions, by default, must give effect to the mandatory objectives of the MDRS (clause 6, Schedule 3A).

PC13 has in all other respects been prepared to adopt the existing objectives and policies of the ODP. The high-level objectives and policies of the Residential Zones have been subject to a previous s32 analysis and independent decision making and no changes to those objectives or policies are proposed as PC13 is consistent with them. Similarly, the rules and methods in the ODP which PC13 seeks to amend by way of inclusion of a reference to the Te Rapa Medium Density Residential Precinct have been subject to that same s32 analysis and independent decision making.

However, in accordance with the structure of the ODP, as this is a site-specific rezoning, one new site-specific objective and five related policies are proposed. They provide the policy basis for the site-specific rules and the Precinct Plan. This is consistent with other site-specific Medium Density Residential zones in the ODP such as Te Awa Lakes and Rotokauri North. This assessment consequently focuses on the Medium Density Residential Zone provisions.

The table in **Appendix B** evaluates the main options available for the key District Plan provisions.

For the reasons set out in the table in **Appendix B**, the Medium Density Residential zone is the preferred zoning option. The other related plan provisions in the table are preferred as they give WRCl and the community surety over intended environmental outcomes for the site. Further comment on the specific plan provisions is provided in section 6 below.

## 5.7 Qualifying matters

There are two matters identified in this assessment that may be considered to be ‘qualifying matters’ under the Enabling Housing Act. These are also considered to be site-specific constraints that mean parts of the site are not appropriate to be developed. They are the flood hazard/overland flow path across the site and the need to set back residential buildings at least 30m from Industrial zone boundaries. For completeness, the following provides an evaluation under section 77J of the RMA.

### Flood Hazard/Overland flow path

The MDRS provisions will not apply to the area of land shown as the overland flow path on the Precinct Plan, on the basis that it is a natural hazard pursuant to section 6(h) of the RMA (management of significant risks from natural hazards). Restricting development in that area is required to protect people’s health and safety. This qualifying matter is incompatible with the level of development permitted by the MDRS, and therefore residential development is not permitted.

The Low Flood Hazard Area identified on the Precinct Plan is treated differently; residential development within it requires a resource consent process to ensure subdivision and development creates suitable building sites free of flooding. Residential development within this area is not incompatible, but it needs to be assessed and controlled. Depending on the outcome of that assessment the full density of the MDRS may not be achieved.

The impact that this qualifying matter will have on the provision of residential development capacity across Hamilton City is minimal, particularly given the additional capacity being provided through PC13 *per se*. The costs and broader impacts of imposing this limitation are low, in the context of a zone change to introduce additional residential zoning and that it is imperative for residential development to manage stormwater and flooding.



## Setback from industrial zone

The 30m setback is required to minimise the reverse sensitivity effects of adjacent industry, as outlined in this report. Reverse sensitivity has been defined as *'the effects of the existence of sensitive activities on other activities in the vicinity, particularly by leading to restraints on the carrying on of those other activities'*.<sup>9</sup> This is an environmental effect that must be managed in order to minimise effects of the change in land use on legitimate industrial land uses nearby.

This setback is considered to be a qualifying matter under section 77I(f) – open space provided for public use, but only in relation to land that is open space; and section 77I(j) – any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area.

Regarding section 77I(j), this AEE, the relevant technical reports (acoustic assessment in **Appendix G**), and the section 32 evaluation for PC13 provide the justification as required under section 77L of the RMA. That is, the specific characteristics of the area of land within the 30m setback has been identified and the reasons why housing development is inappropriate are explained. As required in section 77L(c)(iii), the range of options to achieve the greatest heights and densities permitted by the MDRS are captured in the evaluation of options for the balance of the site. That is, the developable areas within the precinct are subject to the MDRS or otherwise allow for greater densities.

The 30m setback to address reverse sensitivity effects is required to address environmental effects identified in section 8 of this report, the Acoustic Assessment in **Appendix G** and the outcomes of consultation with neighbours. This is a specific characteristic of this site. The reverse sensitivity effects identified are noise, visual, glare from lighting and odour. They are addressed further in section 8 below. Those environmental effects mean that residential development is inappropriate within that setback and therefore is incompatible with the implementation of the MDRS within that setback area. However, its impact on yield is minimised by providing for a road around the perimeter of part of the site, resulting in more efficient development of the balance of the site. Furthermore, the setback area contains a combination of road access and open space. The open space area will provide additional informal recreational space for public use plus space for landscaping to mitigate the effects of the adjacent industrial activities. The subsequent loss of developable area is therefore estimated at only as approximately 0.5ha, which equates to some 15 residential units. This loss of developable area is not sufficient to undermine the economic viability of the residential development or to undermine any of the other benefits. As these constraints reduce the area of developable land they provide further support for a Medium Density Residential Zone rather than a General Residential zone to make more intensive use of the available land.

The setback and the overland flow path both reduce the area of developable land, but they do not require any change to the MDRS on the parts of the site identified for development on the Precinct Plan. They just result in residential buildings being at least 30m from the Industrial Zone boundaries and being located outside the area of the overland flow path. The qualifying matters as envisaged in the Enabling Housing Act are targeted at issues that would make residential development 'less enabling' by for example, lower heights or larger setbacks from lot boundaries. This is not the case for PC13 as subdivision of the site will result in these areas being excluded from development, but the lots to be created will be capable of development in accordance with the MDRS.

However, to the extent that the reduced developable area affects overall yield these two elements have been considered as qualifying matters.

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<sup>9</sup> Auckland RC v Auckland CC (1997) 3 ELRNZ 54



## 5.8 Iwi Authority Advice

In accordance with Section 32(4A) of the RMA, PC13 is required to summarise the advice concerning the proposal received from iwi authorities, and the response to the advice received.

Engagement with iwi has been undertaken throughout the preparation of the plan change process as outlined in section 9 of this report. This dates back to 2016 and has been updated in 2022. Engagement has taken place with Waikato-Tainui, Te Haa o Te Whenua o Kirikiriroa and Ngati Wairere. No specific advice has been received from iwi as a result of this engagement.



## 6. Proposed Amendments to the Hamilton City Operative District Plan

### 6.1 Precinct Plan

A master planning process is best practice urban design and planning to deliver a high-quality environment. Attention to the detail of master planning from the outset creates the best chance of an attractive and liveable environment.

Chow Hill have led the master planning for the site. This has involved a comprehensive assessment of the site, its constraints and opportunities. The process has been responsive to the natural and physical attributes, including the topography, the relationship between the various activities in the vicinity and opportunities to enhance and optimize the relationship between the planned residential activities and the open space and activities at the Te Rapa Racecourse.

The master planning process has been informed by design workshops which have been attended by WRCI representatives, the project team specialists, industry experts such as real estate agents, and HCC planning, urban design and engineering staff.

The new community will be medium density to ensure efficient use of land and the critical mass of people to ensure the place is activated, safe and thriving. A high level of on-site amenity is essential to support the medium density housing. A variety of living options are proposed to encourage a cross-section of ages and demographics.

Details of the masterplan process and outcomes are included in the Urban Design Report contained in **Appendix D**, however by way of summary, the key principles underpinning it are:

- Creating an open space and street network that provides direct and visible linkages between the residential area and the racecourse.
- Creating attractive gateways to the racecourse from the main entrances from Ken Browne Drive and Sir Tristram Avenue.
- Creating opportunities for higher density housing typologies (such as apartments and terraced housing) directly alongside the racecourse and other areas of open space.
- Utilising a legible network of slow speed streets that allow for residential needs whilst avoiding the likelihood of 'rat running' through the site.
- Stormwater treatment and attenuation via a centralised stormwater treatment and attenuation pond which is also an amenity feature.
- Prevalent east west orientation of lots for solar access.
- Creating an opportunity for expansion of the neighbouring retirement village into the site.
- Creating open space that functions as an overland flow path in extreme rainfall events.
- Incorporating appropriate building setbacks from adjacent industrial land.

'Precincts' are defined in the National Planning Standards (2019) as:

*'A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone'.*

This is essentially what PC13 does; the above bullet points require several place-based provisions that are specific to the site. This is similar to the Te Awa Lakes, Ruakura and Rotokauri North Medium Density Residential zones, except because of their much larger scale they use structure plans rather than precinct plans. Therefore, PC13 adopts the National Planning Standard method of 'precinct'.



The Concept Plan which has been a key outcome of the master planning does not form part of the proposed plan provisions, but it has informed the Precinct Plan and provides confidence that the outcomes described in this report will be achieved. It has informed many of the development controls that are included in the plan change provisions. The Precinct Plan sets out the framework for key aspects of development, but necessarily retains flexibility for future design outcomes, as it is not possible to fully predict the outcomes of more detailed design.

The Precinct Plan does not cover an approximately 1100m<sup>2</sup> area of land on the southern side of the Sir Tristram Avenue entrance to the Racecourse (part of Lot 1 DP 513065 and Part Lot 4 DPS 192). This piece of land is currently zoned Major Facilities but does not form a logical part of the Medium Density Residential area as it adjoins Te Rapa Road and will become isolated from the balance of the Major Facilities land. Consequently, it has been excluded from the Precinct Plan and instead is proposed to be rezoned Industrial to match adjoining land fronting Te Rapa Road.

## 6.2 Summary of proposed amendments

In summary the proposal leads to various changes to the ODP, including the following:

- A new site-specific objective and five consequential policies in Chapter 4, Residential.
- A change to the zoning on the planning maps from Major Facilities Zone to Medium Density Residential Zone and a small area of Industrial Zone.
- Identification of part of the site as Medium Flood Hazard area.
- The inclusion of a Precinct Plan for the Te Rapa Racecourse Medium Density Residential Precinct in the District Plan.
- Additional Medium Density Residential rules controlling development within the Te Rapa Racecourse Medium Density Residential Precinct, including compliance with the Precinct Plan, setbacks from Industrial zone boundaries and upgrading and provision of infrastructure.
- Additional rules in Chapter 25 requiring acoustic treatment of some residential buildings in the Te Rapa Racecourse Medium Density Residential Precinct.
- Rules requiring landscape treatment and fencing of the perimeter of the site adjoining Industrial zoned sites.

These amendments are included as **Appendix A** in this report.

There are no changes to any of the existing ODP objectives and policies. Because of this approach it is possible to implement the rezoning without any need to address or amend any wider Plan provisions, such as in the Strategic Framework. The plan change does not affect the internal consistency of the District Plan.

The objective and policies are site-specific and are required to support the specifics of the Te Rapa Racecourse Medium Density Residential Precinct, generally matching the approach taken with other specific areas identified in the ODP such as Te Awa Lakes and Rotokauri North, which is considered to be good practice.

The proposed provisions in **Appendix A** are based on amending the ODP by adopting the Medium Density Residential Zone but incorporating the MDRS as required by the Enabling Housing Act. They also create the Te Rapa Racecourse Precinct within the Medium Density Residential Zone to manage site-specific issues.



## 7. Statutory Framework and Assessment

### 7.1 Legal Framework for Plan Change Request

The private plan change process is subject to the provisions in the RMA, including Part 2 (the Purpose and Principles) and Section 31 (Functions of Territorial Authorities), Section 32 (requirements for preparing and publishing evaluation reports), Section 73 (preparation and change of District Plans), Section 74 (Matters to be considered by Territorial Authority) and Part 2 of Schedule 1 (Requests for changes to plans). Part 2 of Schedule 1 links the private plan change process back to the provisions of Part 1 (Council initiated plan changes) via clause 29, meaning there is a degree of commonality between both.

However, the framework needs to be applied correctly so that the assessments and information contained in this report are used to draw the right conclusions. In particular, the Supreme Court 2014 decision *Environmental Defence Society Inc. vs the New Zealand King Salmon Co Ltd*<sup>10</sup> provides guidance as to how Part 2 of the RMA applies to plan changes. Prior to the *King Salmon* decision an 'overall judgement' approach was taken, whereby it was considered whether a plan change gave effect to Part 2 including assessing it individually against the various matters in sections 6, 7 and 8 of the RMA. *King Salmon* changed the decision-making process for district and regional plan changes. It found that there was no need to refer back up the hierarchy of plan provisions to Part 2, because other high level planning instruments (in that case the New Zealand Coastal Policy Statement) are deemed to have given effect to Part 2 at the national, regional or local level.

However, the Court also noted that there are three exceptions to this general rule:

- a) Invalidity, i.e., the higher order document may be illegal.
- b) Incomplete coverage, i.e., the higher-level document may not fully cover the issue being considered.
- c) Uncertainty of meaning, i.e., the higher-level document is not clear in its application to the issue.

In this case, the relevant planning instruments that are being applied are the NPS-UD, Waikato Regional Policy Statement (WRPS), which includes Te Ture o Whaimana, and the ODP. These documents are assessed in detail in Section 10 of this report.

To determine the need to consider Part 2, the question to be considered is the extent to which the above documents can be relied on as incorporating all relevant Part 2 matters, or whether any of the above exceptions apply, meaning that Part 2 needs to be revisited. In terms of timing, the WRPS was in place before the ODP was made operative, so the starting point would be that the ODP gives effect to the WRPS. In terms of the issues of business and residential land allocation, integration of land use with infrastructure and meeting peoples' needs for residential land, the objectives and policies of the WRPS and ODP provide comprehensive coverage and are valid documents. The Strategic Framework of the ODP and the WRPS which directed it, are key aspects of the framework. This is because the strategic direction is one that has been developed over a lengthy period of time with involvement of the key regional stakeholders and should therefore be given significant weight.<sup>11</sup>

The National Policy Statement on Urban Development (NPS-UD) was published on 20 August 2020 and therefore post-dated the WRPS and the ODP. The NPS-UD gives effect to Part 2 in respect of urban development issues and therefore it cannot be assumed that the WRPS and ODP have given effect to it. At the same time, it is accepted that the WRPS and ODP may have given effect to the NPS-UD, via their broad policy directions.

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<sup>10</sup> *Environmental Defence Society Inc v The King Salmon Co Ltd* (2014) NZSC 38

<sup>11</sup> *AA King Family Trust v Hamilton City Council* (2016) NZEnvC 101



Therefore, the assessment against the NPS-UD is particularly important in respect to any aspects that are not fully addressed in the WRPS or ODP. The assessment in Section 10 of this document places most weight on the NPS-UD, given that it came into effect after both the RPS and the ODP and is a higher-order document. Where there is any inconsistency with those planning instruments the NPS-UD prevails. However, for completeness, in case there is any concern by the decision maker that the issues are not fully covered or are uncertain, this report includes a Part 2 RMA assessment as follows.

### 7.1.1 Part 2

All plan changes are subject to the Purpose and Principles of the RMA (sections 5-8) with the overriding purpose (set out in Section 5) being 'to promote the sustainable management of natural and physical resources.' This is of course also subject to the *King Salmon* caveats discussed in section 7.1 above. Sustainable management is defined as:

*'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.'*

PC13 achieves the overall purpose, as set out in Section 5 of the RMA. It enables development of urban land, identified as being currently underutilised, for residential activity that was previously unable to occur. This ensures efficient use of land, providing for residential development in a city identified as needing more housing. As identified in Section 8 below, it is considered that this development can be enabled while ensuring effects on the environment are able to be appropriately managed.

Provision of additional capacity for approximately 200 dwellings in a medium density community provides people with additional housing choice, both in type and location. It assists in increasing housing supply at a time when housing demand in Hamilton is high. In addition to the social benefits of additional housing, the increase in supply also has the potential economic benefit of improving housing affordability. This provision for medium density housing provides for growth in a land efficient manner making the most of land resources within the city boundary and reducing pressure for greenfield development.

In terms of s5(2)(c) it is considered that there are no more than minor adverse effects on the environment of the plan change once they are avoided, remedied or mitigated.

The primary effect that needs to be managed is reverse sensitivity in relation to the surrounding industrial land use. The acoustic assessment (within **Appendix G**) identifies that the current noise environment would meet the district plan requirements related to the interface of industrial and residential activities. Measures are proposed to ensure that those residential dwellings closest to the industrial zone manage internal noise through the use of performance standards that relate to building design and construction. In addition, all residential units are to be set back at least 30m from industrial boundaries with an open space/road buffer to be created. These measures, when implemented, will mitigate any onsite amenity and reverse sensitivity issues.





In addition, there are a range of positive effects as set out in section 5.11 of this report. They are summarized as:

- Economic and social benefits of an increase in housing supply in the short term
- Economic benefits to the Waikato Racing Club and its continued ability to operate and provide a high quality regional sporting facility.
- Benefits of improving the visitor experience to the racecourse by upgrading the accesses and creating an attractive residential environment as a neighbour.
- Environmental benefits of capturing and treating existing and proposed stormwater runoff before it is discharged.

Refer to Section 8 below for a more detailed assessment of effects.

Section 6 of the RMA sets out the matters of national importance which are required to be recognised and provided for. Sections 6(a) to (d) are not relevant to the proposal. Section 6(e) relates to the relationship of Maori and their culture and traditions with their ancestral lands and taonga and Section 6(g) relates to protection of customary rights. Consultation with tangata whenua has not identified any issues in this respect. There are no recorded archaeological sites on the plan change site. Section 6(f) relates to the protection of historic heritage from inappropriate subdivision, use and development. There is no historic heritage identified on the site.

Section 6(h) relates to management of significant risks from natural hazards. Flooding has been identified as a hazard on the site and is addressed through the recommendations of the ICMP and the proposed plan provisions. Chapter 22 of the Hamilton District Plan provides a framework to manage development in identified flood areas and will apply to the proposed plan change site, therefore addressing s6(h). For these reasons, the matters of Section 6 of the RMA have been recognized and provided for in the plan change.

Section 7 refers to other matters that shall be given particular regard. Section 7(a) and 7(aa) relate to kaitiakitanga and the ethic of stewardship. As set out above, and further in Section 6 of this report, the applicant has engaged with tangata whenua, and no issues have been raised. Section 7(b) and 7(ba) relate to the efficient use and development of land and resources and the efficiency of the end use of energy. The proposal provides for the efficient use of land. The area proposed to be rezoned is currently underutilized by the Racecourse and represents an opportunity to use the land more intensively and efficiently. Given the current shortage of serviced residential land, it is efficient to allocate it to residential use. Efficiency is enhanced through a medium density zone as a higher dwelling yield can be achieved compared to a traditional General Residential Zone. Further, the land is centrally located in Hamilton and infrastructure and utility services and public transport services are readily available and have capacity to service eventual development, therefore efficient use of energy will also be achieved.

Sections 7(c) and 7(f) relate to maintenance and enhancement of amenity values and the quality of the environment. These matters are provided for as amenity values of the site will be enhanced through the comprehensive development of the site. Currently the site is vacant and has limited views into the site from the surrounding area. Those most likely to be impacted by future development are those residing in the retirement village immediately adjacent the southern boundary of the proposed plan change area. Interfaces have been considered in the plan change to ensure a high quality development that is able to fit into the surrounding existing environment with minimal effects. In terms of section 7(i) the effects of climate change have been taken into account in the stormwater assessment, including predicted flood levels in the ICMP in **Appendix G**. Sections 7(d), (g) and (j) are not relevant to the plan change. For the above reasons, Section 7 has been given particular regard and the plan change is considered to be consistent with those matters.

Section 8 of Part 2 relates to the Treaty of Waitangi (Te Tiriti) and requires the principles of Te Tiriti to be taken into account. Engagement has been undertaken with tangata whenua and no issues have been raised. It is not considered that the plan change will affect the principles of Te Tiriti.



Overall, the project achieves consistency with Part 2 of the RMA because it provides the opportunity to provide additional housing supply and more efficiently use an area of land that is currently underutilised. The proposed comprehensive development will ensure a quality residential area with high levels of amenity.

### 7.1.2 Section 31 RMA

Section 31 sets out the functions of territorial authorities under the RMA. In particular, it identifies the functions of a Council at Section 31(1)(a) as including:

*'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 resources of the district.'*

The Council is therefore required to consider the plan change application in accordance with its function of achieving integrated management of land use. The use and development of the land for the purposes outlined in this application is clearly within the scope of the Council's functions under s31 and integration of effects of the activities with infrastructure and other nearby activities is a key issue addressed by the plan change.

### 7.1.3 Section 32 RMA

Section 32 of the RMA imposes on Council a duty before making a decision on a plan change application to carry out an evaluation. An evaluation under Section 32 is provided in Section 5 of this report. The relevant parts of Section 32 are:

- 1 *An evaluation report required under this Act must –*
  - a) *Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - b) *Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by*
    - i. *Identifying other reasonably practicable options for achieving the objectives; and*
    - ii. *Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - iii. *Summarizing the reasons for deciding on the provisions; and*
  - c) *Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- 2 *An assessment under subsection (1)(b)(ii) must –*
  - a) *Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
    - i. *Economic growth that are anticipated to be provided or reduced; and*
    - ii. *Employment that are anticipated to be provided or reduced; and*
  - b) *If practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - c) *Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- 3 *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to –*
  - a) *The provisions and objectives of the amending proposal; and*



- b) *The objectives of the existing proposal to the extent that those objectives –*
  - i. *Are relevant to the objectives of the amending proposal; and*
  - ii. *Would remain if the amending proposal were to take effect .....*

6 *In this section, -*

**objectives means,**

a) *For a proposal that contains or states objectives, those objectives:*

b) *For all other proposals, the purpose of the proposal*

**Proposal means** a proposed standard, statement, regulation, plan or change for which an evaluation report must be prepared under this Act

**Provisions means, -**

a) *For a proposed plan or change, the policies, rules or other methods that implement, or give effect to, the objectives of the proposed plan or change:*

b) *For all other proposals, the policies, or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

As set out in Section 5 of this report this plan change is an ‘amending proposal’ in accordance with s32(3). The evaluation contained in section 5 does not stand alone. In terms of assessing the appropriateness of the objectives in achieving the purpose of the RMA, considering reasonably practicable options for achieving the objectives and assessing the efficiency and effectiveness of the chosen option, the evaluation also relies on the various assessments in this report, particularly:

- The assessment of environmental effects in section 8.
- The statutory assessment against the NPS-UD and other planning instruments contained in section 10.
- The assessment against Part 2 contained in section 7.1.1.

Section 32(4A) requires the summary of all advice received from iwi and the response to that advice. No written advice has been received.

#### 7.1.4 Sections 74 and 75 RMA

Sections 74 and 75 set out matters to be considered by Council when changing its district plan and set out the prescribed contents and purposes of district plans. As this is a site-specific plan change it has minimal impact on the ODP as a whole. The only new objective is narrowly defined to apply to the new Te Rapa Racecourse Medium-Density Residential Precinct, and it is designed to integrate into the ODP without changing its approach. This approach is consistent with other site specific Medium Density Residential zones, including Te Awa Lakes and Rotokauri North.

Under Section 74 a plan change must have regard to any proposed regional policy statements, and any management plans and strategies prepared under other Acts. In this case the relevant plans and strategies include Future Proof, the Hamilton Urban Growth Strategy, HCC’s Access Hamilton Strategy and the Waikato-Tainui Environmental Plan- Tai Tumu, Te Pari, Tai Ao. These documents are assessed in Section 9 of this report.

Section 75 of the Act requires that the plan change must give effect to any national policy statement, national planning standard and regional policy statement. As such, this report assesses how the proposed plan change gives effect to the NPS-UD and the WRPS (refer Section 9).



## 8. Assessment of Environmental Effects

### 8.1 Existing Environment

Under clause 22 of Schedule 1 to the RMA a request for a plan change must include a description of environmental effects that are anticipated. These effects are to be described in such detail as corresponds with the scale and significance of the effects and taking into account clauses 6 and 7 of Schedule 4 of the RMA. These sections specify the information required in an Assessment of Environmental Effects (AEE).

Clause 6 of Schedule 4 requires an assessment of the activity's effects on the environment, including the following that are relevant to PC13;

- An assessment of alternatives, if there are significant adverse effects on the environment (this AEE has not identified any significant adverse effects).
- An assessment of actual and potential effects.
- A description of mitigation measures.
- Identification of persons affected by the activity, any consultation undertaken, and responses to the views of anyone consulted.

Clause 7 of Schedule 4 provides further detail on the above effects. This AEE covers all of the matters required by clauses 6 and 7 of Schedule 4.

For the purposes of an assessment of effects of the proposed plan change, the existing environment has been considered, including the future environment on the basis of permitted activities and unimplemented resource consents. In this case the provisions of the Major Facilities Zone provide the basis of any assessment. The current zoning permits a range of activities associated with the Racecourse such as sporting events, horse grazing, training, heliport and business activities. However, new buildings or alterations and additions without a concept development consent in place require restricted discretionary resource consent, so there are no specific permitted activities for new buildings.

The key environmental effects that need to be considered as part of the Plan Change relate to:

- Noise Effects.
- Three Waters Effects.
- Transport Effects.
- Geotechnical Effects.
- Ecological Effects.
- Archaeological Effects.
- Contamination Effects.
- Reverse Sensitivity Effects.
- Positive Effects.

The below assessments incorporate and draw upon the findings of the various technical reports and environmental assessments that have been commissioned by the plan change proponent which are appended to this report.

### 8.2 Noise Effects

As a result of the existing land uses in the locality being largely mixed use with several industrial activities being well established, and the proposed rezoning being to residential which is considered a sensitive receiver, Marshall Day Acoustics (MDA) was engaged to undertake a noise assessment. The noise assessment



is attached within **Appendix G** of this report. The report considers the noise effects of the development, both in terms of effects on land outside the proposed zone and effects on other receivers within the zone. It also assesses the effects of existing sound emissions from outside the site in the context of reverse sensitivity effects from existing industrial and racecourse activities in the locality.

The noise assessment identifies that the traffic noise from Te Rapa Road and light industrial activities in the adjacent zone are the predominant sound sources received on the plan change site.

The site is subject to the existing Hamilton City District Plan rules within Chapter 25 (Noise and Vibration), however the plan change process presents an opportunity to prescribe new rules or amend rules if necessary.

The existing District Plan rule 25.8.3.7a requires that sound emissions from another site must not exceed a set of noise limits, and those noise limits have been concluded (by MDA) to be appropriate for the Medium Density Residential Zone. Those noise limits within Rule 25.8.3.7a do not currently apply to the Major Facilities Zone and therefore the adjoining industrial activities are unencumbered in relation to emitting noise to the subject site, despite some residential activities being permitted on the racecourse site. This is despite the adjoining industrial activities being required to control their noise effects on one another (ie within the Industrial zone). The proposed rezoning however would result in the above rule applying to the subject site (new residential zoned area) and as a result, reverse sensitivity issues may arise.

The lack of any noise limit at the Major Facilities zone boundary seems to be an anomaly given the 'industrial boundary to industrial boundary' limit of 65dB<sub>Leq</sub>. As set out in the MDA report this limit would effectively control noise emissions at the Major facilities Zone boundary anyway. It is considered that for completeness and to rectify the anomaly the same level should be applied to the new residential boundary. This will have no practical effect on the operation of industrial neighbours, and it will require that the new Medium Density Residential Zone will need to mitigate the impacts of that noise level to minimise any reverse sensitivity effects.

The MDA assessment recommends bespoke noise performance standards for the proposed zone in the identified and measured 'Acoustic Effects Area' which is a 60m wide area adjacent to the adjoining Industrial Zone and Te Rapa Racecourse. It is designed to capture the row of residential buildings closest to the Industrial boundaries. Refer to **Appendix G** for more detail. The following summarises the recommendations.

MDA recommends internal noise performance standards for noise sensitive activities that may be subject to high levels of sound (from sources within the Industrial Zone), outdoor living space orientation and mitigation measures such as noise fencing and setbacks, including a 30m building setback from Industrial zone boundaries. The proposed performance standards provide a balanced approach to managing noise within the development, balancing the reverse sensitivity impacts that may occur due to the proposed rezoning and the need to ensure an appropriate level of amenity expected in a residential neighbourhood. The proposed noise standards and mitigation measures are also consistent with what is required in other locations within Hamilton City where there is an interface between high noise generating activities and noise-sensitive receivers such as near state highways and railways and within Industrial zones. As such, this approach is considered to be suitable.

The Te Rapa Racecourse (and associated noise generating activities) will form part of the appeal for future residents of this residential area; therefore those future residents will likely have a reasonable idea of potential noise associated with the racecourse activities. However, MDA identify that internal noise standards will also be required to apply to the area of the plan change site adjoining the racecourse to mitigate any potential reverse sensitivity effects associated with the racecourse activities.

With the recommended noise performance standards set out in the Acoustic Assessment (refer **Appendix G**) and incorporated into the PC13 provisions, the noise effects can be mitigated appropriately so they are no more than minor.



## 8.3 Three Waters Infrastructure Effects

Infrastructure effects arise when development places demand upon infrastructure networks that exceed the available servicing capacity or generates an unacceptable risk to the integrity of existing infrastructure networks. Alternatively, infrastructure effects occur where uncoordinated and disparate development is proposed. Relevant objectives and policies of the ODP and the WRPS seek to manage expansion of residential areas or intensification of existing residential areas to be consistent with the ability to provide utility services, and ensure land-use, subdivision and infrastructure are planned in an integrated manner. Infrastructure and utility servicing is inherently of high importance to the overall suitability of the site to the proposed plan change.

The site is located within the St Andrews catchment of Hamilton City. Currently there is no Integrated Catchment Management Plan (ICMP) for the St Andrews Catchment, as such a sub-catchment ICMP has been prepared. The sub-catchment ICMP outlines a viable three waters management option that is realistic for the subject site and proposed eventual development while ensuring that adverse effects on surrounding land, existing three waters networks and the downstream receiving environment are avoided. Refer to **Appendix E** for the sub-catchment ICMP. The following summarises the conclusions and recommendations of the assessment therein.

### 8.3.1 Stormwater

Stormwater management represents the key three waters constraint for this site. The site is serviced by the existing HCC stormwater reticulation, in which the eventual receiving environment is the Waikato River (approximately 1.5km east of the subject site). The site also encompasses an area of existing extreme peak event flood storage and conveyance.

Development of the plan change area will result in changes to the stormwater quality and quantity characteristics including increased levels of contaminants which are associated with residential development and increased level of runoff to the downstream reticulation network.

The PC13 area and the adjacent internal roading network and grandstand and car parking are all currently serviced with stormwater reticulation. There are however no known stormwater treatment or attenuation measures on site. It is proposed to manage stormwater through the existing reticulated network but with new measures put in place to manage stormwater quantity and quality prior to discharge to the network.

As runoff from the site ultimately discharges to the Waikato River, the ICMP considers that a high level of discharge water quality treatment is vital.

The proposed stormwater management strategy considers the priorities set out in the District Plan at section 25.13.2.3e which are based on the following hierarchy:

- Priority 1 – Retention for reuse
- Priority 2 – Onsite retention (soakage)
- Priority 3 – Detention and gradual release to a watercourse
- Priority 4 – Detention and gradual release to stormwater reticulation.

Retention for reuse (Priority 1) can be provided in the form of rain harvesting tanks for roof runoff and reuse for non-potable uses. This has benefits in terms of reduced loading on the network. It is largely a matter for the detailed design and subdivision/development stage, rather than a plan change.



Further geotechnical assessment of soakage capacities across the site will be needed at the detailed design stage to identify areas where ground soakage (Priority 2) is viable. This has benefits of reduced discharge volumes and also recharge to the natural groundwater system.

In terms of Priorities 3 and 4 the strategy is collection and conveyance of stormwater to a centralised wetland device for treatment and attenuation of post-development flows. The specifically designed stormwater system will provide water quality treatment and attenuation functions alongside the ecological and aesthetic values of the wetland. Stormwater runoff from the existing racecourse buildings, carparks and roads currently occurs in an uncontrolled manner into the receiving environment. It is proposed to also connect these existing stormwater discharges to the wetland device for treatment and attenuation prior to discharge to the existing piped system. Therefore, overall, this is an improvement to the existing stormwater system of direct discharge to the reticulated network.

In addition, a further opportunity has been identified to capture and divert the currently uncontrolled runoff from part of the upstream industrial area, for treatment and attenuation within the proposed wetland, resulting in retrospective improvements in stormwater quality and quantity from this part of the developed catchment. This will require an increased land area for the wetland, shown as Stage 2 of the wetland on the Precinct Plan, and coordination with HCC to implement connections to properties outside the PC13 area. Once established, the proposed wetland device is understood to be the only specifically designed stormwater management device in the broader catchment contributing to a higher level of stormwater quality.

Stormwater volume will be controlled through attenuation and protection of overland flow paths to ensure that the development does not exacerbate flooding. The subcatchment ICMP at **Appendix E** has identified flooding across part of the site during a 1 in 100-year storm event. The generally low-lying flood prone area runs generally south to north from Ken Browne Drive/Garnett Avenue through towards Mainstreet Place and Sunshine Avenue. Analysis shows there is about 7,500m<sup>3</sup> of flood storage volume within the PC13 area.

The proposed development response to this generally confined corridor of shallow, low velocity flooding is to maintain an open, undeveloped open space/roading corridor through the site as identified on the Precinct Plan as Overland Flow Path. No building development would be permitted in this area.

In addition, to ensure no adverse flooding effects are caused, at subdivision and earthworks stage pre-development flood storage volumes will need to be maintained through re-contouring.

The PC13 provisions have been designed to implement these requirements by;

- Identifying the Overland Flow Path on the Precinct Plan (Figure 4.5-1 in **Appendix A**) as open space/wetlands/roading, and;
- Identifying an additional Low Flood Hazard Area which requires assessment at subdivision/earthworks stage to confirm flood storage volumes and suitable building sites.

The sub-catchment ICMP sets out recommendations for stormwater management and a detailed stormwater management plan will be developed at the time of development occurring on the site.

For the above reasons, stormwater effects are no more than minor and can be appropriately managed. There is a positive stormwater effect due to additional treatment of existing runoff.

### 8.3.2 Wastewater

The site is currently well serviced by wastewater infrastructure. AECOM have been engaged by the plan change proponent and HCC Three Waters team to undertake a capacity assessment of the existing wastewater network to determine if there is existing spare capacity available to service the proposed plan change area and expected development outcome. The modelling shows that there is sufficient capacity in the existing piped network to cater for the additional discharges expected from the site.



Reticulation can be extended on the plan change site and connected to the existing wastewater network. This approach will not create any adverse effects on the existing network. See additional detail in the ICMP at **Appendix E**.

### 8.3.3 Water Supply

There is existing water infrastructure available to the site within Sir Tristram Avenue and Ken Browne Drive. Modelling of the existing system capacity to cater for the proposed new development within the plan change area was undertaken by Mott McDonald.

The modelling demonstrated that there is sufficient capacity within the existing network to provide a sufficient level of service for the proposed development, including for firefighting water supply. It was concluded that there will be a noticeable impact on the remaining network within the catchment, however the level of service provided will still be efficient. See additional detail in the ICMP at **Appendix E**.

Effects are therefore considered to be no more than minor in relation to water supply.

### 8.3.4 Conclusion on Three Waters Effects

As set out above, the proposed plan change area can be appropriately serviced with three waters infrastructure without creating more than minor adverse effects on the environment or Council's existing three waters network.

## 8.4 Transportation Effects

An Integrated Transportation Assessment (ITA) has been prepared by Bloxam Burnett and Olliver to assess the traffic and transportation effects of the proposed rezoning. The ITA is attached within **Appendix F** of this report.

The ITA sets out that the calculated trip generation of the plan change area is approximately 1,500 trips per day and 160 trips per peak hour. The ITA also sets out the trip distribution both on a standard day and race day at the Te Rapa Racecourse.

Access to the site is proposed via the existing access to the Racecourse from Ken Browne Drive and a new access intersection from Sir Tristram Avenue, approximately 92m from the Te Rapa Road/Sir Tristram Avenue intersection. The internal road network within the development will be designed to reflect a low speed and low volume speed environment utilising traffic calming measures and an indirect network. This would also discourage 'rat running' traffic from using the internal network to travel between Garnett Avenue and Te Rapa Road.

Strong and convenient pedestrian connections are proposed to connect to existing bus stops on Te Rapa Road and Garnett Avenue. The same convenient pedestrian connections also connect to the neighbourhood shops at the Garnett Avenue/ Te Rapa Road intersection and the commercial services across Te Rapa Road adjacent to Home Straight. Together with the slow speed environment for internal roads it can be expected that at least 5% of peak hour trips will be by public transport and walking and cycling modes. By providing this infrastructure these alternative modes will help to limit the impact on existing delays and queues at the Te Rapa Road/Garnett Avenue intersection.

Overall, the ITA finds that the transportation effects on the adjoining road network enabled by the proposed rezoning can be managed and mitigated to an acceptable level subject to appropriate mitigation measures being adopted.





The following summarises the assessment of transportation effects and recommendations, as set out in detail within the ITA:

- Compliance with the District Plan standards such as vehicle crossing separation, sight distances, vehicle crossing widths and provision of parking can be demonstrated at the resource consent or building consent stage of development on the site. At a high level, the site is able to achieve compliance with the District Plan standards.
- Upgrades to Ken Browne Drive (being a key access point to the plan change area) will be required, including:
  - No parking restriction on the southwest side of Ken Browne Drive (process of implementing the no parking restriction to be initiated by HCC)
  - Extension of existing footpath on the north-eastern side of Ken Browne Drive to the proposed access to the plan change area.
- Upgrades to Sir Tristram Avenue (being another key access point to the plan change area) will be required, including:
  - Extension of the existing footpath on the northern side of Sir Tristram Avenue to the existing bus stop located to the north of the site on Te Rapa Road
  - Provide a walking and cycling shared path on the southern side of Sir Tristram Avenue between the proposed residential access intersection and the service lane, and along the service lane to a zebra crossing on a raised safety platform across the service lane.
  - Connect the above shared path to a new mid-block raised safety platform, staggered signalised crossing across Te Rapa Road.
  - Landscape plan required at the time of detailed design to identify trees required to be removed to accommodate new vehicle accesses to the plan change area.
- To address safety concerns at the Te Rapa Road and Sir Tristram Avenue intersection (as a result of increased traffic movements from the site) right turn movements onto Te Rapa Road are recommended to be banned and the intersection upgraded to provide for this (refer the Drawing 144720-00-0006-C in Appendix B of the ITA). Vehicle movements at this intersection will be limited to left in, left out and right in movements only.
- Modelling shows the existing Ken Browne Drive/Garnett Avenue/Minogue Drive roundabout; and the Te Rapa Road/Sir Tristram Avenue intersection with the proposed upgrades will continue to operate satisfactorily in the current and future scenarios (including the plan change development), including on race days.
- The Te Rapa Road/Garnett Avenue/Vardon Road intersection is performing unsatisfactorily in the future scenario without any development occurring in the plan change area. If the PC13 development is included, the performance of the right turn movement from Garnett Avenue onto Te Rapa Road worsens. This intersection will require upgrades with or without PC13, which will include additional traffic lanes. Those upgrades should be led by Council with potential for cost share with key stakeholders and landowners that will benefit from upgrades, as they will be of wide benefit and improve a current unsatisfactory intersection. PC13 will not solely impact on the performance of this intersection and upgrades will be required regardless of PC13.

Overall, subject to the recommended mitigation measures being implemented at the appropriate development stage, in accordance with the ITA within **Appendix G**, the traffic and transportation effects of the proposed plan change are considered to be no more than minor.

## 8.5 Geotechnical Effects

The Geotechnical Summary Report by CMW Geosciences in **Appendix H** is a descriptive report outlining the constraints and opportunities of the site in terms of the proposed plan change. Its purpose is to confirm the broad suitability of the site for the activities provided for in this plan change.



In that respect, it confirms that the site is geotechnically suitable for the development proposed in the Chow Hill concept plans subject to the recommendations made in the report. It is identified that further investigations and design work will be required at the subdivision and development stage, in accordance with usual practice.

## 8.6 Ecological Effects

This is an urban site that is currently used by the Waikato Racing Club to host horse racing events and has historically also been used for horse sales and training facilities in the past. The area proposed to be developed typically consists of grassed area which contains stables. There are a number of trees on the site, none of which are identified on the Significant Tree Schedule in the ODP. The provisions that currently prevail over the site enable development to take place that is related to the racecourse. Further, the site contains no other features which may be considered ecologically significant. Stormwater discharge will be treated to a high standard before being discharged from the site, therefore the downstream receiving environment will not be affected.

It is considered that any ecological effects of the plan change will be less than minor.

## 8.7 Archaeological Effects

Archaeological effects are concerned with the potential to disturb archaeological material buried at the site. There are no recorded archaeological sites identified on or near the subject site, based on Archsite records. Feedback from consultation with Iwi has not resulted in any additional sites being identified. It is expected that accidental discovery protocols would be followed in any future development process.

For the above reasons, any potential or future archaeological effects of the plan change will be less than minor and can be appropriately managed through the subsequent consenting process that will be required.

## 8.8 Contamination Effects

The Preliminary Site Investigation (PSI) by Envirochem Evaluation Ltd at **Appendix I** concludes that soil contamination levels could exceed the applicable NES standards in specific areas. Prior to any development occurring on site a Detailed Site Investigation (DSI) will be required, targeting the buildings, stockpiles and other features identified in the PSI.

The Preliminary Site Investigation undertaken by Envirochem and included in **Appendix I** identified that due to previous site activities and buildings, soil contamination could exceed applicable NES-SC standards in specific areas. The report recommended that appropriate methods should be adopted during development earthworks to minimize risk from significantly contaminated soils remaining on site where residential development is intended and that any soil removed from the site is disposed of in the correct location. The report also recommends that a Detailed Site Investigation (DSI) is carried out prior to development occurring. The recommendations of the initial report from Envirochem Evaluation Ltd relate to the development of the land and are therefore most appropriately dealt with at the subdivision and development stage. It can be concluded that soil contamination can be managed through the resource consent process if the proposed plan change is approved, and the site is suitable for Medium Density Residential zoning in relation to soil contamination.

The detailed assessment of contamination is able to be addressed through the resource consent process should development proceed. It recommends that appropriate methods should be adopted during developmental earthworks to minimize the risk of contaminated soils remaining on site.



Any contamination effects are considered to be less than minor.

## 8.9 Reverse sensitivity

As set out above and in section 9 below there are potential reverse sensitivity effects associated with establishing residential development near Industrial-zoned land accommodating existing industrial activities. Those effects are noise, glare, odour and visual effects and have been identified by several industrial neighbours as concerns through consultation on the plan change. The neighbouring industrial area to the east and south is a mixture of light industrial, offices, health services and retail.

However, the generally small lot sizes and mixed land uses are likely to discourage large scale industrial use in the future. The adjoining industrial zoned land is within the 'Te Rapa Corridor' identified as an overlay in the Industrial zone. Many of the adjoining retail and office activities that were established prior to the ODP being notified in 2012, have specific permitted activity status under the relevant rules, recognising them as 'legacy' activities from a period when non-industrial activities were more acceptable in industrial areas. Therefore, they do not just rely on existing use rights to remain and have the security of permitted activity status. Therefore, the present mix of small scale commercial and office activities is likely to remain.

In order to address these issues the following rules are proposed:

- All residential buildings to be set back at least 30m from Industrial zone boundaries.
- The Precinct Plan requiring a road and open space area around the perimeter of that part of the site within that 30m setback.
- The open space area to be landscaped and fenced.
- Acoustic treatment of any residential buildings within 60m of the Industrial zone boundaries (the 'Noise Sensitive Area').
- Orientation of outdoor living spaces of buildings within the Noise Sensitive Area away from Industrial zone boundaries.

These rules draw on existing ODP rules that are designed and are in place to manage similar reverse sensitivity situations. They apply when new residential activities come closer to industrial activities. The principle is that the residential activities should 'protect themselves' from the effects of nearby industries, as it is not reasonable to expect industries to restrict their operations to reduce their effects on the residential activities.

The 30m setback is the same setback that applies to an industrial-zoned site between Maui Street and Eagle Way, Te Rapa, that provides for residential activities, being retirement villages, managed care facilities and rest homes. Rule 9.5.10 e. requires the residential activities on that site to be set back at least 30m from Industrial zoned boundaries.

The acoustic treatment rule adopts the existing reverse sensitivity rule 25.8.3.10 that requires acoustic treatment of habitable rooms within new residential activities close to transport corridors that carry high traffic volumes, railway lines, the Te Rapa Dairy Manufacturing site and within 'noisy' zones such as the Central City Zone, Business zones and the Industrial Zone. The standard of acoustic treatment is explained in more detail in the Acoustic Assessment in **Appendix G**.

The requirement for a landscape plan is consistent with Rules 1.2.2.21 and 1.2.2.23 which require landscape plans at the time of subdivision applications in the Te Awa Lakes and Rotokauri North areas respectively. These rules ensure that the broad landscape framework for the Precinct is established early, taking into account the purposes of the landscaping. In this case the key purpose is to provide a visual buffer between the residential buildings and the industrial neighbours, so the rule requires the landscape design to achieve that; full screening is not expected but partial screening and interruption of in-views is expected.



## 8.10 Positive Effects

This plan change will allow for the development of currently underutilised land on the site. The site is located within the urban limits of Hamilton City and is well serviced by existing infrastructure and connected to the strategic transport network. The site is located centrally within Hamilton with easy access to the CBD and The Base. There is also a large network of employment opportunities in the immediate locality within the existing industrial and commercial areas. Letting the land lie vacant and underutilised would be an inefficient use of a valuable and scarce land resource. As such, this plan change will enable a suitable development opportunity to be realised for the site. In addition, the plan change will also result in the following positive effects:

- Additional housing supply in a location where demand is high.
  - Greater housing choice and variance of price points to accommodate a wider proportion of the market for dwellings.
  - Ability to comprehensively plan the entire PC13 site to ensure a development outcome on the site which is coordinated with infrastructure provision and achieves a high quality urban environment.
  - Improvements in the quality of stormwater discharge from the site due to a centralised wetland treatment device, with an opportunity to expand it to receive currently untreated stormwater from nearby industrial land.
- Conclusion on Environmental Effects

## 8.11 Conclusion on Environmental Effects

Overall, the subject site is a suitable site for the proposed residential development. The infrastructure, transportation, geotechnical and contamination investigations that support the plan change have confirmed the site is suitable for residential development. The Te Rapa Racecourse Medium Density Residential Precinct Plan allows for a high level of certainty regarding the development outcome on the site. It ensures that the future development outcome responds to and integrates with the existing environmental features and built environment of the locality. Overall, it is considered that any adverse effects can be appropriately managed through rules inserted in the ODP and at the time of future resource consent for subdivision and development on the site.

Overall, adverse environmental effects are considered to be no more than minor when proposed mitigation is taken into account, and there will also be positive effects as a result of the future development on the site.



## 9. Consultation

### 9.1 Hamilton City Council

Engagement and consultation with HCC has taken place on several levels since November 2016. Initially the consultation was at a conceptual level to provide information and gain feedback on the broad concept. Discussions included the general concept and the information required to be included in the plan change application. The initial concept was workshopped with a wider group that included HCC Planning, Urban Design and Engineering input.

Key relevant issues discussed were:

- Reverse sensitivity issues from nearby industry.
- Water and wastewater infrastructure, capacity and reallocation from industrial to other uses.
- Traffic effects

HCC have also provided peer reviews and comments on draft technical reports prepared for the proposed plan change. As a result, a number of the reports have been amended to take into account the peer review feedback.

During 2022 there have been regular meetings with HCC staff, particularly focussed on the implications of the Enabling Housing Act and coordination with the preparation of their PC12. On 4 May 2022 a presentation was made to the District Plan Committee to brief them on the project.

### 9.2 Hamilton Urban Design Panel

A meeting with the Hamilton Urban Design Panel was held on 12 May 2022. At that meeting, the proposed concept design plan and urban design package was presented to the panel, seeking feedback on the high level design aspects included in the concept plan.

The feedback received from the panel was extensive and varied. The meeting minutes and recommendations of the panel are included in **Appendix J** of this report. By way of summary, the following comments were made:

- The site has a range of possible land use options available to it, being a buffer between residential, open space, commercial and light industrial. Need to consider the high level land use options.
- The site is well placed for future residents with good amenity, and connectivity afforded by existing land uses surrounding the site (i.e. sports and swimming facilities, outdoor recreation, retail, public transport).
- Potential for this area to be a 'residential island', particularly if future development of the balance of the racecourse site occurs and differs from residential.
- Encouragement towards thinking about target demographic and providing the housing typology and urban design to respond to this.
- The panel notes that a higher density housing development would be supported in this location.
- More integration between the housing areas and green spaces was recommended.
- The road layout should avoid a racetrack shape to avoid possibility of street racing.
- Retention of existing trees is encouraged and supported by the panel.
- The panel supports Ken Browne Drive being the primary access point for the site and Sir Tristram Avenue being a secondary access.
- The panel encourages design around future travel choices and alternative travel options.



The comments of the urban design panel have been considered. The following provides responses:

- The s32 analysis in this report identifies the preferred option for development on this site is residential. The analysis included consideration of industrial options. The location and scale of the PC13 area does not foreclose other land use options for the balance of the site in the future if other land became available. In particular the northern parts of the site have alternative road accesses from Sunshine Avenue and Mainstreet Place.
- A range of housing typologies and densities is provided for across the site to ensure that a wide range of the population is provided for.
- The design layout shown in the concept plan is partly a result of the existing features of the site (i.e. infrastructure traversing the site and site constraints) and the surrounding land uses.
- The concept plan is a high-level design outcome for the site and the detailed design may result in an alternative design layout for the future development. There will also be flexibility to apply for resource consent for higher density development, if and where appropriate.
- The design of the transport corridor has been amended to remove any suggestion of a racetrack.
- A landscaped buffer around the eastern and southern edge of the site creates an opportunity to retain more of the existing trees.

### 9.3 Tangata Whenua

Direction on consultation with iwi was initially sought from HCC in May 2017. HCC directed the applicant to consult with Waikato Raupatu Lands Trust and Te Ha o te Whenua o Kirikiriroa (THaWK).

Initial contact regarding the proposed plan change was made with Waikato-Raupatu Lands Trust and THaWK in September 2017. This provided a high-level outline of the proposal and identified that a number of technical documents had been commissioned to inform the proposed plan change. These documents were also identified as being required to address the Waikato-Tainui Environmental Plan – Tai Tumu Tai Pari Tai Ao (WTEP), an assessment of which would follow.

An assessment of WTEP was subsequently completed and provided to Waikato-Raupatu Lands Trust and THaWK in November 2017. Following a review of the assessment of the WTEP, THaWK provided written support for the plan change. A copy of their letter is included in **Appendix J**. Waikato- Raupatu Lands Trust acknowledged receipt of the assessment of the WTEP however did not provide any further feedback.

Since receiving the written support of THaWK, the project went on hold and various changes have been made. For this reason, further contact was made with Waikato-Tainui, THaWK and Ngati Wairere in 2022. Updated information on the plan change was provided and offers to meet to discuss the plan change were made.

A meeting with Waikato-Tainui (Alana Mako and Carolyn Hopa) was held on 30 May 2022. At the meeting, it was requested that the assessment of the WTEP be updated to take into account changes to the project and provided to them. The updated assessment of the WTEP was subsequently provided to Waikato-Tainui. No further feedback has been received.

### 9.4 Nearby Landowners and Occupiers

Consultation with neighbouring landowners and occupiers has also been undertaken prior to lodging this plan change application. Consultation included distribution of a letter and various plans to the owners and occupiers of the directly adjoining neighbours of the plan change area. Refer to **Appendix J** for a record of consultation with the neighbouring properties.



A BBO representative went door knocking around houses and businesses to drop letters off to occupiers and where owners were not occupiers, letters were mailed to the owners.

Feedback from neighbours has varied. The majority of neighbours have provided no response to the consultation letter. During visits, some informal feedback indicated that there were no concerns with the proposed plan change. Other feedback has been in opposition of the rezoning as a result of potential reverse sensitivity effects.

Since the initial letter drop, further consultation meetings have been undertaken with EcoStream Irrigation, Hamilton Veterinary Services. Their concerns were mainly with the potential reverse sensitivity effects of residential neighbours so close to their rear boundaries. They indicated a preference for the land to be used for industrial rather than residential purposes and also suggested that a combination of industrial and residential zoning be considered. As a result the later combined zoning was incorporated into the s32 assessment in **Appendix B**.

At that time the Concept Plan envisaged residential development up to about 5m from their rear boundaries. The concerns included noise, visual, lighting and odour effects. The outcome of the initial meetings and engagement was reconsideration of the Concept Plan and redesign to provide a setback of at least 30m for all residential units from industrial neighbours. This has largely been achieved by reconfiguring the roading layout so that a road runs around the perimeter of the plan change area, together with additional landscaped open space.

An updated Concept Plan was provided to these three parties. Some further discussions have been held with them. It is expected that discussions will continue.

An onsite meeting has also been held with Takanini Rentors who own land occupied by the Community Kindy, Get Wet dive shop and Vehicle Direct car sales yard. A copy of the updated Concept Plan and Acoustic Assessment has been provided to them.

There was also a concern expressed by Hamilton Veterinary Services and Ecostream Irrigation that the existing access to the rear their properties be retained. As explained in section 2 of this report, the access to Hamilton Veterinary Services and the use of some of the land for carparking has been incorporated into the PC13 area, but the Ecostream Irrigation storage yard will not be accommodated.

## 9.5 Waikato Regional Council

Waikato Regional Council were briefed on the plan change and advised they did not have any particular interest in it.



## 10. Planning Assessment

This section summarises and supplements the various assessments included within this document taking account of the overall statutory framework to be applied.

The following statutory and non-statutory documents are assessed in this section:

- Waikato-Tainui (Raupatu Claims) Settlement Act 2010 and Vision and Strategy for the Waikato River
- Hamilton City District Plan
- National Policy Statement on Urban Development 2020
- National Policy Statement for Freshwater Management 2020
- National Planning Standards
- Waikato Regional Policy Statement
- Waikato Regional Plan
- Waikato Tainui Environmental Management Plan
- Waikato Regional Land Transport Strategy 2011-2041
- Hamilton Urban Growth Strategy
- Access Hamilton
- Future Proof

### 10.1 Waikato-Tainui (Raupatu Claims) Settlement Act 2010 and Vision and Strategy for the Waikato River

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted in May 2010 with the purpose of implementing co-management of the Waikato River. The overarching purpose of the Act is to restore and protect the health and wellbeing of the Waikato River for future generations. Through this piece of legislation, it is intended to implement Te Ture Whaimana (the Vision and Strategy) for the Waikato River and consequently aims to meet the objectives of Waikato Tainui for the Waikato River.

The Vision and Strategy forms part of the District Plan and the RPS and is given effect through the plans administered by Regional and Territorial authorities along the river. The settlement also provides for joint management agreements between Waikato-Tainui and the local authorities; participation in river-related resource consent decision-making; recognition of the Waikato-Tainui Environmental Plan and provision for regulations relating to fisheries and other matters managed under conservation legislation and an integrated river management plan.

This is a plan change and therefore does not lead directly to development; however it is important to consider the future development potential as a result of the plan change. The proposed PC13 area has been designed and serviced with the downstream receiving environment in mind, particularly considering the stormwater from the site will eventually discharge to the Waikato River. The sub-catchment ICMP recommends that the stormwater management strategy for the site comprises a reticulated network to convey stormwater to a centralised stormwater wetland device. The wetland will drain to the existing stormwater pipe on the site via a controlled discharge outlet. The wetland device will provide for a high level of treatment to ensure high water quality in the runoff for the site, thereby improving the quality of existing stormwater discharges. In addition, an opportunity has been identified to connect some nearby industrial activities to the treatment wetland.

The proposed stormwater management approach set out in the sub-catchment ICMP demonstrates there is a workable solution for the site and overall, there will be an improvement in quality of the stormwater runoff from the site.





There are not considered to be any other effects on the Waikato River as a result of the significant distance of the site from the Waikato River (i.e. 1.5km) and any of its tributaries.

For these reasons, the proposal is considered to contribute to the restoration of the Waikato River, including protecting its health and wellbeing.

## 10.2 Hamilton City District Plan

This section assesses the policy 'fit' of this plan change with the ODP. The ODP was made operative on the 18th October 2017, so it is a recent planning instrument. As described elsewhere in this report, this plan change proposes only minimal and necessary additional objectives and policies which are directly relevant to the Te Rapa Medium Density Residential Zone. Overall, the plan change is designed to fit into the objective, policy and method framework of the existing ODP, not affecting its overall coherence.

Section 2 of the ODP is the Strategic Framework which sets out the strategic objectives and policies for the city, based on its functions under the RMA. It also provides links between the ODP and other strategies. Notably those include Future Proof, the WRPS, the Hamilton Urban Growth Strategy (HUGS) and Access Hamilton which have all informed and been assessed in this plan change.

Objective 2.2.2 states:

*'urban development takes place within areas identified for this purpose in a manner which uses land and infrastructure most efficiently'.*

The plan change is consistent with this objective as the site is located in an urban area that is already developed. The plan change represents an opportunity for brownfield redevelopment in an area that contains a number of amenities for residents. It proposes to redevelop land that has been identified as being inefficiently used and to provide a number of houses, assisting in delivering Hamilton's housing targets as set out in HUGS, Futureproof, the WRPS and aligning with the NPS-UD.

The plan change fits within the existing policy frameworks of the District Plan and does not propose to change any existing objectives or policies of the District Plan. The new provisions proposed to be inserted into the District Plan have been drafted to ensure that they align with the Medium Density Residential Standards which are required to be inserted into the District Plan by the Enabling Housing Act. For this reason, the development is considered to be consistent with the District Plan.

## 10.3 National Policy Statements

There are five national policy statements that are currently in place covering urban development, freshwater, renewable electricity generation, electricity generation and the coastal environment. It is considered that of those five only two are relevant to this plan change, being the National Policy Statement on Urban Development 2020 (NPS-UD) and the National Policy Statement for Freshwater Management 2020 (NPS-FW). These are assessed below.

There are also two further national policy statements proposed, one relating to indigenous biodiversity and another relating to highly productive land. Both of these are still in draft form. Neither of them are relevant to the proposed plan change or subject site.



### 10.3.1 NPS Urban Development

The NPS-UD came into effect on the 10th of August 2020 and was amended in December 2021 by section 77S of the Enabling Housing Act. It replaced the National Policy Statement on Urban Development Capacity 2016.

Hamilton City Council and Waikato Regional Council are classified as a Tier 1 local authorities in the NPS-UD and as a result are required to update the District Plan and WRPS to give effect to the provisions in the NPS-UD no later than 2 years after commencement date (ie. by 20 August 2022). At the time of this application, the WRPS has not been amended to reflect the requirements of the NPS-UD, set 'housing bottom lines'. As set out above HCC has notified PC12 as its IPI, as required by the NPS-UD.

There are several objectives and policies of the NPS-UD that are relevant to the proposed development, including:

*Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

*Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.*

*Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

- a) the area is in or near a centre zone or other area with many employment opportunities*
- b) the area is well-serviced by existing or planned public transport*
- c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

*Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

*Objective 6: Local authority decisions on urban development that affect urban environments are:*

- a) Integrated with infrastructure planning and funding decisions; and*
- b) Strategic over the medium term and long term; and*
- c) Responsive, particularly in relation to proposals that would supply significant development capacity.*

These objectives are supported by several relevant policies that refer to enabling a variety of homes (Policy 1(a)), have good accessibility (including by way of public or active transportation) for people between housing, jobs, community services, natural spaces and open spaces (Policy 1(c)), and support the competitive operation of land and development markets (Policy 1(d)). Policy 8 also sets out 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, even if the development capacity is unanticipated by existing RMA planning documents.

Policy 3(d) is also relevant. It requires regional policy statements and district plans to enable;



*(d) within and adjacent to neighbourhood centre zones, local centre zones and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activity and community services.*

The PC13 site is approximately 320m from the Garnett Road Business 6 Neighbourhood Centre Zone and approximately 100m from the Home Straight Business 1 Commercial Fringe Zone, well within the widely accepted walkable catchment measure of 400m which is used in PC12. These provide commercial and community services that would be the equivalent of the zones referred to in Policy 3 (d). They are surrounded by other mixed commercial and large format retail activities in other zones that reinforce this part of Te Rapa Road/Garnett Avenue as having commercial and community characteristics that are consistent with Policy 3(d). Therefore, this policy provides further support for a Medium Density Residential Zone for the PC13 site.

The proposed plan change gives effect to the outcomes sought by the objectives and policies of the NPS-UD for the following reasons:

- The above objectives and policies provide support for the plan change as they emphasise the importance of increasing development capacity, supporting additional market competition, encouraging choice of housing types and locations, and responding to opportunities even when the development does not match the assumptions in the planning documents. The emphasis is one of erring on the side of more capacity rather than less capacity.
- PC13 has been developed with a coordinated approach, integrating land use and infrastructure planning, and connecting to the surrounding locality. It has been concluded that the proposed land use as a result of this plan change can be appropriately integrated with existing infrastructure.

For the above reasons, the proposed plan change is considered to give effect to the objectives and policies of the NPS-UD, and contributes to achieving a well-functioning urban environment.

### **10.3.2 NPS Freshwater Management**

The NPS-FM sets out the statutory framework for the management of freshwater across New Zealand. The NPS-FW requires Regional Councils to recognise the national significance of freshwater and freshwater quality within a region must be maintained or improved. The NPS-FM is premised on a 'fundamental concept' termed 'Te Mana o Te Wai'/the integrated and holistic well-being of a freshwater body (Part 1 of the NPS), which must be recognised in development. The NPS focuses on governance and stewardship of freshwater.

Te Mana o te Wai (the fundamental concept of NPS-FW) encompasses 6 key principles relating to the management of freshwater by both tangata whenua and other New Zealanders. These principles are set out in section 1.3 of the NPS Freshwater and inform the NPS and its implementation.

It is noted that the NPS-FM has not yet been accounted for in the development of the WRPS and in terms of the hierarchy of planning documents, the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 sits above it.

Any development in close proximity to a freshwater body has potential to compromise the health and wellbeing of the water body. While the site does not adjoin any freshwater bodies, or is in close proximity to freshwater bodies, the NPS-FM is considered to be relevant for consideration as a result of the stormwater discharge from the site eventually being to the Waikato River.

Part 2 sets out the objective and policies of the NPS-FM. The objective states:

#### ***"2.1 Objective***

*The objective of the National Policy Statement is to ensure that natural and physical resources are managed in a way that practises:*



- a) *First, the health and well-being of water bodies and freshwater ecosystems*
- b) *Second, the health needs of people (such as drinking water)*
- c) *Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.”*

Under this objective there are various relevant policies relating to giving effect to Te Mana o te Wai, tangata whenua involvement, management of freshwater in a whole-of-catchment basis, maintenance and improvement of freshwater bodies and the efficient allocation and use of freshwater. The proposed plan change is considered to be consistent with the above objective and its relevant policies for the following reasons:

- The sub-catchment IMCP identifies a high level of water quality will be required prior to stormwater being discharge into the Council reticulation and eventually the Waikato River.
- The proposed stormwater management will be an improvement over the existing situation on the site.
- Detailed assessment of effects will be required at the time of development within the plan change area.

## 10.4 National Planning Standards

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 ODP. Therefore, PC13 does not use the National Planning Standards. The inclusion of a ‘precinct’ for the PC13 site is consistent with the National Planning Standards as they specifically refer to using precincts to address site-specific spatial controls. However, precincts can also be used as a method under the RMA, so it is not necessary to specifically rely on the standards.

## 10.5 Waikato Regional Policy Statement

The WRPS aims to achieve integrated management and protection of Waikato’s natural and physical resources by identifying and addressing resource management issues within the region. The RPS must give effect to National Policy Statements. However, the NPS-UD and NPS-FM post-date the WRPS so it does not reflect them. The main issue of relevance for this development is the management of the Built Environment (Section 6).

Following on from these issues, there are various objectives and policies of relevance to this application.

The WRPS takes a strong lead in ensuring development of the built environment is planned and coordinated, including the coordination of new development with infrastructure. Key objectives and policies relating to the built environment includes the following:

- Objective 3.1 – Integrated management
- Objective 3.12 – Built environment
- Objective: 3.21 – Amenity
- Policy 6.1 – Planned and co-ordinated subdivision, use and development
- Policy 6.3 – Co-ordinating growth and infrastructure
- Policy 6.14 – Adopting Future Proof Land Use Pattern
- Policy 6.15 – Density targets for Future Proof area



The above policies are part of the implementation of broader growth policies contained in section 6 of the WRPS, which have the purpose of ensuring the built environment is planned and coordinated, including coordination with the provision of infrastructure (Policies 6.1 and 6.3). Growth strategies are one of the other implementation methods used to ensure planned and coordinated growth, in this instance Future Proof is the relevant growth strategy.

Policy 6.14 of the WRPS is to adopt the Future Proof land use pattern. 6.14(a) sets out that new urban development should occur within Hamilton City within the Urban Limits indicated on Map 6.2. The PC13 site is within Hamilton City. Future Proof encourages intensification and infill development to deliver the housing targets within Hamilton City. The proposed plan change provides for additional housing capacity through infill development on a suitably located and serviced site that would otherwise lie vacant.

Implementation methods 6.14.1 and 6.14.2 refer to implementing the Future Proof land use pattern through District Plan provisions and ensuring land is appropriately zoned to give effect to Table 6-1. The plan change site is within the 'Hamilton existing urban' growth area which is planned to accommodate a total residential population of 136,400 by 2021, 161,100 by 2041 and 187,900 by 2061. PC13 will positively contribute towards providing housing for the high levels of residential population growth that the WRPS seeks to achieve within the existing urban area.

Policy 6.15 provides density targets for the Future Proof Sub-Region aiming to support a compact urban environment in Hamilton city. Future Proof identifies general residential density targets to be achieved over time. For Hamilton Intensification Areas they are 30 households per hectare. While this site is not specifically subject to a direction for infill housing or brownfield redevelopment, Future Proof equates brownfield development with intensification. Future Proof also directs that intensification areas should be focused in and around the city centre, transport hubs, suburban and town centres and areas of high public amenity. The proposed plan change anticipates a gross density of approximately 30 households per hectare, aligning with the WRPS target density in Policy 6.15.

Objective 3.12g) refers to '*minimising land use conflicts, including minimising potential for reverse sensitivity*'. This objective recognises that in urban environments some reverse sensitivity impacts cannot be avoided. PC13 is consistent with this objective as it minimises the effects by implementing site-specific rules.

It is considered that the proposed plan change is aligned with the settlement pattern promoted in the WRPS.

## 10.6 Waikato Regional Plan

The Waikato Regional Plan (Regional Plan) became operative on 28 September 2007 and subsequently there have been a number of changes to the Regional Plan. Section 75(4) of the RMA states that the District Plan must not be inconsistent with a Regional Plan.

The Regional Plan provides further policy direction to give effect to the WRPS relating to matters within the scope of Regional Council function under the RMA.

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 Regional Plan at the time of development will be assessed in detail at that time.

## 10.7 Waikato Tainui Environmental Plan

The Waikato Tainui Environmental Plan (WTEP) is a comprehensive document encompassing both processes and desired outcomes for Waikato – Tainui. The WTEP is designed to enhance Waikato-Tainui participation



in resource and environmental management. The vision of the WTEP is not only to maintain the environment, but also to restore or enhance the quality of natural and physical resources.

The WTEP confirms that Waikato-Tainui Te Whakakitenga o Waikato Inc is the Iwi Authority for Waikato – Tainui. The Iwi Authority is to be consulted on plan changes in accordance with s32 of the RMA. The plan notes that Te Whakakitenga may delegate its functions to other entities, including other Waikato Tainui entities. Engagement with Waikato Tainui has been ongoing throughout the development of this plan change application and will continue as required. Refer to Section 9 above for further details of consultation.

A comprehensive and detailed assessment of the WTEP has been undertaken and is attached within **Appendix L**. The conclusion of the assessment is:

*“The proposed plan change for the Te Rapa Racecourse represents a brownfield redevelopment opportunity in Hamilton’s urban area. The area of the site has been identified as being surplus to the requirements of the WRCl and its development would ensure the efficient use of an existing land resource.*

*This development aligns well with national and regional policy which is to intensify residential development within existing urban areas to make more efficient use of land and infrastructure and to increase housing supply, thereby contributing to housing affordability and reducing the need for greenfields expansion.*

*HCC are currently working on revising all of their residential zones to take into account the national direction to include specific Medium Density Residential Standards (MDRS) in the RM (Enabling Housing Supply and Other Matters) Act 2021. WRCl are working closely with them to integrate PC13 with their rezoning plans.*

*Technical reports to date have shown that the site is suitable for residential development and there is sufficient capacity in the transportation network, the water supply network and the wastewater network to accommodate the proposed concept design. Stormwater quantity and quality will be managed on site to ensure that runoff is treated to a high level and attenuated appropriately before it is discharged to the reticulated network, including treatment of some existing discharges. This is an improvement in the quality of existing discharges from the site.*

*Overall, the proposal aligns well with the provisions of the WTEP.”*

## 10.8 Waikato Regional Land Transport Plan 2021-2051

The Waikato Regional Land Transport Plan 2021 – 2051 sets out the strategic direction for land transport in the Waikato region over the next thirty years. The Plan is built around the region’s three key transport problems, namely:

- Protecting the function of our strategic corridors in the context of growth pressures in and around Hamilton, the North Waikato and in the upper North Island.
- Tackling our complex road safety problem and the disproportionate number of death and serious injuries in the region.
- Providing better, more equitable transport options to access social, health, economic and cultural opportunities.

The Plan sets out seven priorities for land transport in the Waikato region. The priorities relevant in this instance are as follows:



- Strategic Corridors: Improving network resilience, route reliability and safety on key strategic corridors.
- Managing Growth: Providing multi-modal transport solutions to support housing and growth in high growth areas.
- Road Safety: Implementing priorities in Road to Zero for the Waikato 2020 road safety strategy.
- Access and Mobility: Growing public transport and active mode share in urban and high growth areas.
- Maintaining what we have: Maximising efficiencies and optimisation across the transport system.

The ITA (**Appendix G**) has shown that any effects arising on the network due to the proposed eventual development can be adequately mitigated to ensure the effects on the wider transportation network are no more than minor. It is considered that the development is able to be integrated into the existing network.

There is a focus on improving the safety of local roads across the network and includes increased investment in footpaths to support access to and uptake of active travel modes. The proposed rezoning will result in additional vehicle movements on Te Rapa Road, which is identified as a regionally significant corridor in the Waikato Regional Policy Statement. Upgrades will be made to the Te Rapa Road / Sir Tristram Avenue intersection to ensure that unsafe movements are reduced and to allow safe access to the site.

The proposed rezoning will establish residential dwellings in close proximity to places of employment (Te Rapa Industrial Zone), places of recreation (i.e. The Base, Waterworld and Minogue Park) and education (St Peter Chanel Catholic School, Vardon School, Forest Lake Primary) reducing the need for future residents to rely on private motor vehicles. As part of the development, walking and cycling connections to the wider network will be improved as set out in the ITA.

Overall, the plan change can be implemented in accordance with the strategic direction set out in the Waikato Regional Land Transport Plan and without creating any significant adverse effects on the existing road network.

## 10.9 Access Hamilton

Access Hamilton guides the city's development, transport infrastructure, and planning over the next 30 years. It aims to support Hamilton's economic and social environment, support sustainable development and land use, manage incremental change in transport, and position infrastructure and land development to meet the city's long-term needs.

Te Rapa Racecourse is identified in Access Hamilton as one of several 'generation and destination nodes' in the Te Rapa locality. PC13 is considered well aligned with Access Hamilton insofar as the rezoning outcomes will contribute towards the economic, social, environmental and cultural wellbeing of the city. The racecourse is an important social and cultural hub which makes a tangible contribution to the economic wellbeing of the racing industry. The proposed plan change includes various upgrades to the access to the racecourse and therefore enhances safety and efficiency. The proposed rezoning also supports sustainability and economic development objectives of Access Hamilton to achieve a compact city with consolidation and intensification around a key node.

## 10.10 Hamilton Urban Growth Strategy

The Hamilton Urban Growth Strategy (HUGS) is a long-term growth planning exercise based around delivering coordinated and sustainable growth in Hamilton. It sets a clear pattern of future development within the Hamilton City boundaries. HUGS specifically details how, when and where growth should occur. The outcomes and recommendations of this process have been fed into Future Proof. The HUGS is currently undergoing a comprehensive review. The current strategy was originally published in 2008 and many things have changed since then, including population growth, land availability and affordability of housing, central



government's direction and policy regarding development and infrastructure capacity and provision. The following is an assessment of the plan change against the existing HUGS.

The first principle of HUGS is to "mend before we extend" referring to the need to regenerate parts of the city. HUGS also seeks to develop land more efficiently, noting that at the time, typical sections were 600-800m<sup>2</sup> pushing up the cost of land and causing urban sprawl. HUGS seeks to provide a range of section sizes, including options for those wanting smaller sections and more compact living environments. Growth approach 1 is to provide for approximately 50% of Hamilton's new dwellings through regeneration of existing parts of the city and be focussed around suburban centres, parks and transport hubs. The remaining growth approaches relate to identified growth cells for greenfield development

PC13 represents an opportunity to redevelop an area of land that is vacant and has been identified as being underutilised by the Racing Club. The site is within a 5 minute 'pedestrian shed' (or ped-shed) of the Garnett Ave Neighbourhood Centre, and is located near an established bus route, it is also located within walking distance of Waterworld and Minogue Park. It is therefore considered that the proposed site is consistent with the regeneration growth approach of HUGS.

### 10.11 Future Proof

Future Proof is a 30-year subregional growth strategy covering the Hamilton City, Waikato District and Waipa District areas. It is a non-statutory document, but some elements have been given statutory effect through the WRPS and the ODP. The Future Proof Strategy was updated in 2022 and this latest update is not yet reflected in the WRPS or the ODP. One of the urban growth targets of Future Proof is to support compact and concentrated urban growth, by targeting at least 50% of growth in Hamilton through regeneration of existing parts of the city, focusing around key nodes.<sup>12</sup> PC13 is consistent with this and therefore will contribute to meeting this target. As set out above PC13 is also aligned with the Future Proof settlement pattern embedded in the WRPS.

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<sup>12</sup> Future Proof Summary (2022) p9





## 11. Conclusion

This report has outlined in detail the Private Plan Change sought by WRCI to the ODP that will rezone an approximately 6.5ha site in Te Rapa from Major Facilities (associated with the racecourse activities), to Medium Density Residential with a Precinct Plan to guide development. It will also rezone approximately 1100m<sup>2</sup> of redundant Major Facilities land to Industrial.

The current Major Facilities zoning on the 6.5ha of land identified for the proposed rezoning is underutilised and represents an inefficient use of land as a result of changes to the racing industry and the operation of the racecourse. The proposed plan change represents the opportunity to enable a more efficient and economically productive use for this area.

This plan change is for a medium density development and although site-specific, the plan change fits into the existing strategic and policy framework of the ODP and also the higher level national policy direction which has been unfolding over the last two years.

The assessment of alternatives identified that a plan change is the most efficient and effective method of enabling further residential development of the site and likewise achieves the purpose of the RMA. It follows that the policies, rules, and methods of PC13 are the most appropriate to give effect to the relevant objectives of the ODP, the objectives of the MDRS (as directed in section 77G RMA), and the objective of the plan change. Residential development is preferred as it integrates with existing residential development to the south of the site and also provides an opportunity to enhance the racecourse through improving the entrances, providing open space amenities and the activation associated with a residential neighbourhood. The development does not preclude other uses for the balance of the site if the racecourse ever vacated the site, as there is alternative road access to the north.

The proposed changes to the zoning of the site can be readily incorporated into the District Plan without any changes to the existing objectives, policies or rule framework, as set out in this reporting. Further, the reporting has also demonstrated that the plan change can give effect to the existing objectives and policies of the District Plan.

As required by the Enabling Housing Act this change to the ODP includes a suite of new objectives and policies and Medium Density Residential Standards. These are included due to a national directive, not specifically because they are required to support PC13. The timing of PC13 creates an opportunity for HCC to coordinate it with their own intensification planning instrument (PC12) thereby more quickly achieving the objectives of the NPS-UD and the Enabling Housing Act to deliver additional housing capacity.

Some site-specific plan provisions and consequential amendments to other sections of the ODP are required to manage the environmental effects of PC13, particularly to minimise reverse sensitivity effects on industrial neighbours. The inclusion of the Precinct Plan provides certainty of the development outcomes and the key infrastructure and open space requirements that are required to support the residential development.

The effects assessment undertaken in this reporting and the supporting technical reports identifies that the plan change will have no more than minor effects on the environment, subject to the proposed mitigation measures that have been developed from the recommendations of the technical reporting.

The assessment in this report has confirmed that the plan change gives effect to higher order documents, the WRPS and is consistent with the purpose of the RMA.



# Appendix A – Schedule 1: Proposed Amendments to Operative Hamilton City District Plan



# Appendix B – Section 32 RMA Evaluation



# Appendix C – Records of Title



# Appendix D – Urban Design Report



# Appendix E – Sub-catchment Integrated Catchment Management Plan



# Appendix F – Integrated Transportation Assessment



# Appendix G – Acoustic Assessment





# Appendix H – Geotechnical Assessment



# Appendix I – Contamination Assessment



# Appendix J – Consultation Record



# Appendix K – Copy of existing resource consents



# Appendix L – Waikato-Tainui Environmental Plan Assessment

