

ATTACHMENT 2

Attachment 2; Private Plan Change 13; Section 32AA Further Evaluation and Section 77L Further Evaluation

Section 32AA of the RMA requires a further evaluation for any changes that have been made to, or are proposed for, a proposal since the evaluation report for the proposal was completed. The further evaluation must be undertaken in accordance with section 32(1) to (4) and at a level of detail that corresponds to the scale and significance of the changes.

The changes that are proposed to the plan provisions since the original s32 evaluation in September 2022 are identified in **Attachment 1** to this evidence. The changes are grouped by topic or plan provision. I have not included minor wording changes to improve clarity or consistency or any consequential amendments.

1.0 SECTION 32(1)(A) FURTHER EVALUATION

Section 32(1)(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	
Further Changes	Assessment
No further changes are proposed to the objectives of the plan change.	No further assessment required.

2.0 SECTION 32(1)(B) FURTHER EVALUATION

Section 32(1)(b) requires examination 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 Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
<p>1. Policies 4.2.16 b-d</p> <p>Amend policy wording to include reference to alternative transport modes and reference to the neighbouring retirement village. Change the wording of Policy 4.2.16 c to refer to avoiding, remedying or mitigating reverse sensitivity effects, instead of minimising.</p>	<p>Retain the wording as notified</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • The reference to alternative transport modes supports plan rules requiring provision of walking and cycling facilities and connections to public transport. • The reference to the retirement village strengthens the integration between the neighbouring developments as a design outcome. • The reference to ‘avoid, remedy or mitigate’ is a more accurate representation of the higher-level planning instruments, particularly the WRPS so provides clearer support for the subsequent rules. <p><u>Economic</u></p> <ul style="list-style-type: none"> • There are no economic benefits. <p><u>Social</u></p> <ul style="list-style-type: none"> • There is a social benefit in strengthening the requirements for alternative transport modes. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no cultural benefits. 	<p>The further changes, in combination with the other further changes proposed, will better implement Objective 4.2.15 and improve clarity.</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • There are no environmental costs. <p><u>Economic</u></p> <ul style="list-style-type: none"> • There are no economic costs. <p><u>Social</u></p> <ul style="list-style-type: none"> • There are no social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no cultural costs. <hr/> <p>Risks of Acting or Not Acting</p> <p>The information that is available, which includes expert transportation evidence and acoustic evidence is sufficient to act on.</p>	
<p>2. Use the term 'noise sensitive activity' in the rules instead of residential unit.</p>	<p>Retain reference to residential unit.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • The term noise sensitive activity is defined in the ODP and covers a wider range of activities, including marae, overnight medical care facilities, educational facilities as well as residential activities. Therefore, it more comprehensively reflects activities that may lead to reverse sensitivity effects. <p><u>Economic</u></p> <ul style="list-style-type: none"> • There are no identified economic benefits. <p><u>Social</u></p> <ul style="list-style-type: none"> • There are no identified social benefits. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no identified cultural benefits. 	<p>The use of the term noise sensitive activity, in combination with other amendments provides a more comprehensive approach to managing reverse sensitivity and is more consistent with the ODP.</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • There are no identifiable environmental costs. <p><u>Economic</u></p> <ul style="list-style-type: none"> • There will be minor economic costs in additional acoustic treatment and resource consent processes for the wider range of activities that are captured by this change. <p><u>Social</u></p> <ul style="list-style-type: none"> • There are no identifiable social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no identifiable cultural costs. <p>Risks of Acting or Not Acting</p> <p>The information available is sufficient to act on as the ODP already includes a definition of noise sensitive activities and they are included in ODP reverse sensitivity provisions.</p>	

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
<p>3. Rule 4.6.3 Height in Relation to Boundary (HIRB)</p> <p>Include a new HIRB Rule 4.6.3 b that is consistent with the MDRS.</p>	<p>Do not include the new HIRB.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> The HIRB was omitted from the notified version of PPC13. It is necessary to provide access to sunlight and daylight for residents and occupiers. <p><u>Economic</u></p> <ul style="list-style-type: none"> There are no identifiable economic benefits. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social benefits. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural benefits. <hr/> <p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> There are no identifiable environmental benefits. <p><u>Economic</u></p> <ul style="list-style-type: none"> There may be a minor economic cost due to the reduced building bulk permitted by the rules. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable economic benefits. 	<p>The HIRB rule was inadvertently omitted from the notified version of PPC13, although it was included in PPC13 as lodged.</p> <p>This change is to rectify that situation. The HIRB rule is an important means of managing effects between adjacent buildings, including access to sunlight and daylight. It gives effect to the MDRS and is consistent with PC12.</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Risks of Acting or Not Acting</p> <p>The information that is available is sufficient as the HIRB rule is included in the MRDS and in PC12.</p>	
<p>4. Rule 4.6.6 and definitions.</p> <p>Include definition of terrace housing and consequential rules.</p>	<p>Do not include a definition of terrace housing.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • Inclusion of a definition of terrace housing rather than including them as a subset of the definition of apartments, provides further clarity of the range of housing types provided for and likely to be built. <p><u>Economic</u></p> <ul style="list-style-type: none"> • There are no identifiable economic benefits. <p><u>Social</u></p> <ul style="list-style-type: none"> • There may be some minor social benefits by clarifying the range of housing types. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no identifiable cultural benefits. 	<p>The further change of including a definition of terrace housing is consistent with PC12 and also more accurately reflects the likely range of housing types.</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • There are no identifiable environmental costs. <p><u>Economic</u></p> <ul style="list-style-type: none"> • There are no identifiable economic costs. <p><u>Social</u></p> <ul style="list-style-type: none"> • There are no identifiable social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • . There are no identifiable cultural costs. <hr/> <p>Risks of Acting or Not Acting</p> <p>The information that is available is sufficient as PC12 includes an appropriate definition of terrace housing.</p>	

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
<p>5. Rule 4.8.12; Development layout and transport upgrades in the Te Rapa Racecourse Medium Density Residential Precinct.</p> <p>Include a new rule 4.8.12 f requiring the buffer area comprising open space and roading to be established and secured in perpetuity.</p>	<p>Do not include Rule 4.8.12 f.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> The new rule will have benefits of ensuring the open space/roading buffer, inclusive of planting and fencing is established before any noise sensitive activities are occupied providing greater certainty that potential reverse sensitivity effects will be addressed in the short term and secured indefinitely. <p><u>Economic</u></p> <ul style="list-style-type: none"> There are no identifiable economic benefits <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social benefits. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural benefits. <hr/> <p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> There are no identifiable economic benefits. <p><u>Economic</u></p> <ul style="list-style-type: none"> There are some minor economic costs of development by bringing forward development of the open space buffer area.. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural costs. 	<p>The further change will better implement Policies 4.2.16 a-d and will more comprehensively give effect to relevant WRPS policies addressing reverse sensitivity.</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Risks of Acting or Not Acting</p> <p>The information that is available on development of the open space/roading buffer is sufficient based on the urban design assessment and evidence of Stuart Mackie.</p>	
<p>6. Amendments to exempt or modify rules affecting the adjoining Industrial activities in relation to various restrictions at their common boundary with PPC13;</p> <p>Chapter 9 – Industrial Zone; Amendments to Rules 9.3 l, j, k to treat the 30m setback as the property boundary and 9.4.1 and 9.4.3</p>	<p>Do not include amendments and exemptions for adjoining Industrial activities.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • There is an environmental benefit in establishing a better balance between new residential development and existing industrial development, mitigating reverse sensitivity effects. <p><u>Economic</u></p> <ul style="list-style-type: none"> • The amendments will more fully protect the existing and potential future industrial activities on adjoining land which will provide more investment and operational certainty. <p><u>Social</u></p> <ul style="list-style-type: none"> • There are no identifiable social benefits. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no identifiable cultural benefits. 	<p>The further changes provide more protection for adjoining industrial activities which is consistent with Policy 4.2.16c to mitigate reverse sensitivity effects. It is consistent with a balanced approach to reverse sensitivity whereby PPC13 is designed to protect itself against external effects as far as practicable.</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
<p>to exempt Industrial buildings adjoining the Precinct from building setback and HIRB requirements.</p> <p>Amendments to Rule 25.4.5.1 u to treat the 30m setback as the property boundary for hazardous facilities consenting.</p> <p>Amendments to Rule 25.5.3.1 to exempt adjoining Industrial activities from landscaping, screening and fencing standards.</p> <p>Amendments to Rule 25.6.4.4 to treat the 30m setback as the boundary in relation to light spill.</p>		<p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • Adverse effects from industry may to extend into the PPC13 area to a greater extent than without these changes, but the effects can still be appropriately mitigated. <p><u>Economic</u></p> <ul style="list-style-type: none"> • There are no identifiable economic costs. <p><u>Social</u></p> <ul style="list-style-type: none"> • There are no identifiable social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no identifiable cultural costs. <hr/> <p>Risks of Acting or Not Acting</p> <p>The information that is available, including advice from urban designers, acoustic and lighting consultants is sufficient. See the letter from LDP consultants attached as Appendix 3 in relation to light spill.</p>	

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
<p>7. Amendments to Rule 25.8.2.3.10 to remove the reference to the acoustic design standards and replace them with additional Restricted Discretionary Activity assessment criteria at Rule 1.3.3 P.</p>	<p>Retain the rules as notified.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> All noises sensitive activities in the Noise Sensitive Area (NSA) are a restricted discretionary activity so including detailed assessment criteria instead of a standard will result in finer-grained approach to acoustic design to better match the noise environment. There will be clearer guidance as to the incident noise level to be used. <p><u>Economic</u></p> <ul style="list-style-type: none"> The finer-grained approach to acoustic design may lead to less over-design which would be an economic benefit. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social benefits. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural benefits. <hr/> <p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> There are no identifiable environmental costs. <p><u>Economic</u></p> <ul style="list-style-type: none"> There are no identifiable economic costs. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural costs. 	<p>The further changes are consistent with Policy 4.2.16c and more fully give effect to WRPS policies on reverse sensitivity through more detailed assessment criteria that allow discretion to be exercised with more certainty.</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Risks of Acting or Not Acting</p> <p>The information that is available is sufficient, as it includes expert acoustic advice from James Bell-Booth and Peter McGregor (on behalf of HCC).</p>	
<p>8. Chapter 23-Subdivision</p> <p>Rule 23.8 xv; add cross reference to Assessment Criteria 1.3.3 P to guide subdivision consents.</p>	<p>Retain the rules as notified.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> Applying the same assessment criteria as for land use consents will provide a consistent approach to environmental effects for all consents. <p><u>Economic</u></p> <ul style="list-style-type: none"> There are no identifiable economic benefits. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social benefits. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural benefits. <p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> There are no identifiable environmental costs. <p><u>Economic</u></p> <ul style="list-style-type: none"> There are no identifiable economic costs. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural costs. 	<p>The amended provision will provide a more integrated and consistent approach to subdivision and land use.</p>

Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>Risks of Acting or Not Acting</p> <p>There is sufficient information available as this is a straightforward cross-referencing item.</p>	

<p>9. Rezone site adjoining Sir Tristram Avenue from Major Facilities to Industrial (approximately 1100m2 of Lot 1 DP 505728)</p>	<p>Retain the zoning as Major Facilities. Rezone as Medium Density Residential.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> The site is adjoined on two sides by land zoned Industrial adjoining Te Rapa Road, and also has frontage to Te Rapa Road. It is somewhat isolated from the balance of the Major Facilities zoned land. It is occupied by a house building company. Therefore, its character is more industrial than Major Facilities and it is more likely to be subject to environmental effects from neighbouring industries and Te Rapa Road, than the balance of the Major Facilities and proposed Medium Density Residential site. <p><u>Economic</u></p> <ul style="list-style-type: none"> Given its isolation from the balance of the site it could not be readily integrated into the PPC13 residential development so there are likely to be economic benefits in it being zoned Industrial so that it can continue to be used and further developed for industrial purposes. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social benefits. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural benefits. <p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> There are no identifiable environmental costs. <p><u>Economic</u></p> <ul style="list-style-type: none"> There are no identifiable economic costs. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social costs. <p><u>Cultural</u></p>	<p>Rezoning the site as Industrial is consistent with its location and configuration facing Te Rapa Road which is a major arterial. The site is not suitable for residential or Major Facilities use because of its small size, isolation from the balance of the PPC13 site and proximity to the arterial road.</p>
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Further Changes	Other reasonably practicable options	Efficiency and effectiveness (including costs and benefits and risks of acting or not acting)	Reasons for deciding on the provisions
		<p>There are no identifiable cultural costs.</p> <p>Risks of Acting or Not Acting</p> <p>There is sufficient information available as the site is small, is used and occupied by a house building company industrial and has limited environmental effects.</p>	

<p>10. Add a new Rule 4.8.13 requiring buildings in the Low Hazard Flood Area to comply with Rule 22.5.6 (freeboard requirements) unless a flood assessment report has been provided at the time of subdivision.</p>	<p>Retain the rules as notified.</p>	<p>Benefits</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> Provides an additional factor of safety in relation to flood hazards, in the unlikely event that subdivision has not been undertaken first, in which case a flood risk assessment will have been undertaken and subsequent floor levels will have been set. <p><u>Economic</u></p> <ul style="list-style-type: none"> There is an economic benefit in avoiding flood risk if subdivision has not taken place. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social benefits. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural benefits. <p>Costs</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> There are no identifiable environmental costs. <p><u>Economic</u></p> <ul style="list-style-type: none"> There are no identifiable economic costs. <p><u>Social</u></p> <ul style="list-style-type: none"> There are no identifiable social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no identifiable cultural costs. <p>Risks of Acting or Not Acting</p> <p>There is sufficient information available to act as the amendment is similar to existing rules in the ODP.</p>	<p>The new rule 4.8.13 addresses the very small risk of buildings being erected prior to any subdivision and is consistent with the ODP.</p>
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Section 77L

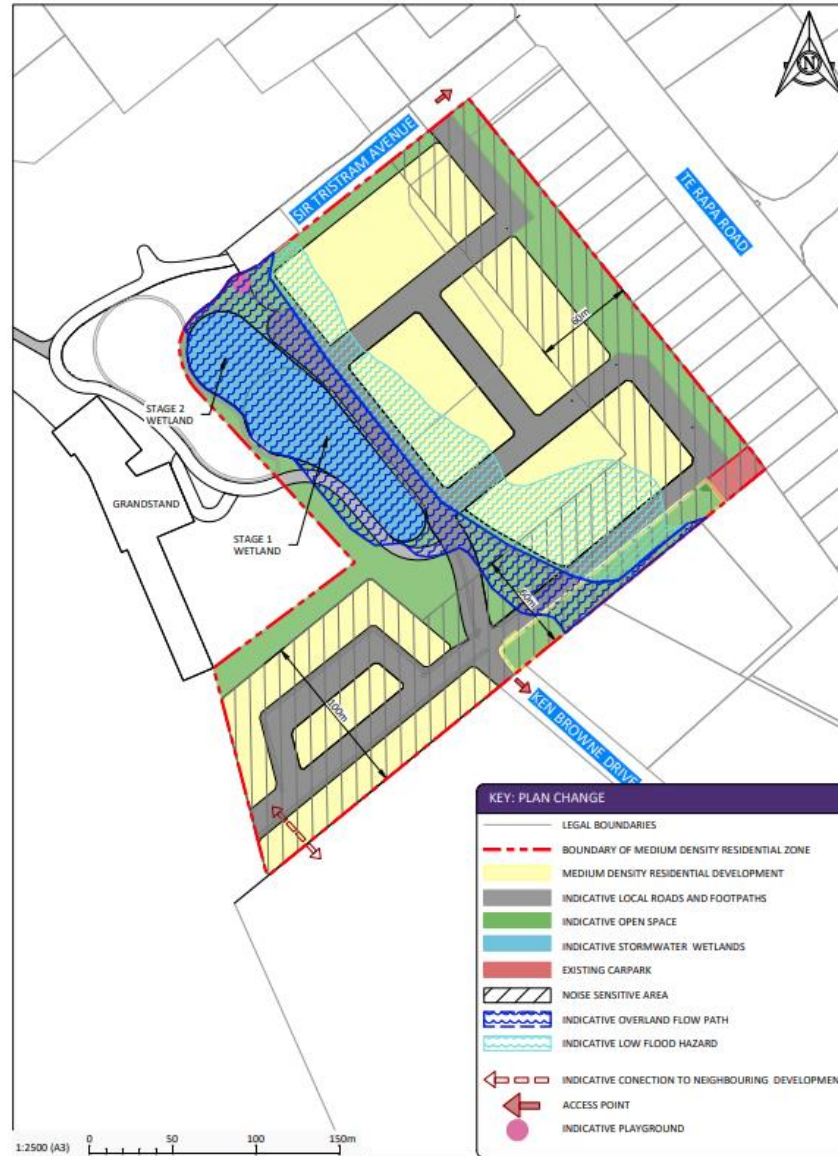
Section 77L of the RMA requires that in relation to a qualifying matter under s77I(j) the further evaluation under s32AA must cover some additional matters. This applies to the 30m setback provision as described in **Attachment 3** of this evidence. Section 77L requires;

- (a) Identification of the specific characteristics that make the level of development provided by the MDRS inappropriate in the area; and
- (b) Justification as to why that characteristic makes the level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
- (c) Includes a site-specific analysis that-
 - (i) Identifies the site to which the matter relates; and
 - (ii) Evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
 - (iii) Evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS.

Section 77L Further evaluation of 30m Setback	
Subsection	Evaluation
(a) Identification of the specific characteristic that makes the level of development provided by the MDRS inappropriate.	The specific characteristic of the PPC13 site is its interface with adjoining industrial activities on its eastern and southern boundaries. The interface is expected to create reverse sensitivity effects on the adjoining industries if no mitigation measures are implemented. The potential effects are likely to relate to noise, visual, glare from lighting and dust, smoke, fumes and odour. Reverse sensitivity is a valid and well-recognised planning issue addressed through policy direction in the WRPS and the ODP.
(b) Why the characteristic makes the level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD	<p>The 30m setback has been developed following engagement with neighbouring industrial occupiers and owners, and with advice from James Bell-Booth (acoustics) and Stuart Mackie (urban design). It is also based on existing reverse sensitivity setback rules in the ODP. Development in that area is likely to result in conflicts between residential occupiers and industrial neighbours that would play out through reverse sensitivity outcomes such as complaints about the industries or attempts to restrict their expansion.</p> <p>Therefore, residential development within the 30m setback is generally not appropriate. Note that the plan provisions provide some flexibility by discretionary activity resource consent to develop within the 30m setback, but it would need to be based on a specific design that satisfied the relevant assessment criteria in Rule 1.3.3 P.</p>

<p>(c) Includes a site-specific analysis that-</p> <ul style="list-style-type: none">(i) identifies the site to which the matter relates;(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter;(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS.	<p>The 30m setback is identified on the Precinct Plan below as the Indicative Open Space area including roads on the eastern and southern perimeter of the site.</p> <p>The site-specific characteristics are that the extent of the setback is driven by having sufficient space to establish landscaping, including large trees to provide a partial visual screen between the activities, as set out in Mr Mackie's evidence. It is also to assist in mitigating noise, but as outlined in Mr Bell-Booth's evidence it is supplemented with other methods such as acoustic treatment of houses and orientation of living areas. It is also sufficient to allow for some issues such light spill from neighbouring industrial activities, without exceeding levels set for spill onto residential activities. In this way the setback also allows for neighbouring industries to continue to operate largely without the restrictions that would be placed on them if the common boundary was treated as a residential zone boundary.</p> <p>This combination of factors leads to the 30m setback.</p> <p>As set out in the s32 evaluation that was included in the PPC13 application, a range of options were considered to achieve the greatest heights and densities permitted by the MDRS. They included implementing a Medium Density Residential Zone versus a General Residential Zone, with the Medium Density Residential Zone chosen as it allowed for higher density and a higher height limit of 15m and therefore more intensive use of the developable land.</p>
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FIGURE 4.5-1 TE RAPA RACECOURSE MEDIUM DENSITY RESIDENTIAL PRECINCT PLAN



ATTACHMENT 3

Attachment 3; Private Plan Change 13; Section 77J Evaluation

Section 77J

Section 77J(3) of the RMA requires an evaluation in relation to any proposed amendments to accommodate a qualifying matter that;

- (a) Demonstrates why it is considered:
 - (i) That the area is subject to a qualifying matter; and
 - (ii) That the qualifying matter is incompatible with the level of development permitted by the MDRS; and
- (b) Assess the impact of limiting development capacity will have on development capacity; and
- (c) Assess the costs and broader impacts of imposing those limits.

Section 77J(4) further requires:

- (a) A description of how the provisions of PPC13 allow the same or a greater level of development than the MDRS;
- (b) A description of how modifications to the MDRS in the Te Rapa Racecourse Medium Density Residential Precinct are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—
 - (i) any operative district plan spatial layers; and
 - (iii) any new spatial layers proposed for the district plan.

Section 77J Evaluation of Overland Flow Path	
Subsection	Evaluation
3 (a) (i) Why it is considered that the overland flow path is a qualifying matter.	The overland flow path as shown on the Precinct Plan delineates an area that flood modelling has shown as flooding during a 100-year ARI event, with flood flows occurring in a south to north direction. Flood velocity and flood level data shows the floodwaters are generally slow moving with depths ranging from 0.1-1.14m. Therefore it is an area of land where a significant risk from natural hazards needs to be managed under s6(h) of the RMA. Matters of national importance are identified as qualifying matters under s77I (a).
3 (a) (ii) Why it is considered that the Overland Flow Path is incompatible with the level of development permitted by the MDRS.	The Overland Flow Path represents a risk to people and property and must be maintained clear of any development to allow it to continue to function as an overland flow path. In the Precinct Plan this area is will be maintained as open space, roads and the stormwater management wetland. It is not suitable to be built on as that would interfere with its function.
3 (b) Assess the impact that limiting development capacity will have on the provision of development capacity.	The overland flow path does not have any development capacity because it is unsuitable for housing development. Any development scenario for the site would need to maintain it as open space/roading/wetland so it is unrealistic to treat it as lost development capacity. However, it will be used for infrastructure in the form of roading and stormwater wetland to support development of the balance of the site, so to that extent supports development capacity.
3 (c) Assess the costs and broader impacts of imposing limits on development of the overland flow path.	There is no cost associated with limiting development in the overland flow path as it is unsuitable for development; it is not a lost opportunity. It will be used as efficiently as possible by accommodating infrastructure to support the development of the balance of the site.

<p>4 (a) Describe how the provisions of the Te Rapa Racecourse Medium Density Residential Precinct allow the same or greater development than the MDRS.</p>	<p>The balance of the Precinct land that is developable adopts the MRDS provisions except that it includes a maximum building height of 15m instead of the 11m maximum in the MDRS. This therefore allows for greater development than if the MDRS had been adopted in full.</p>
<p>4 (b) Describe how modifications to the MDRS in the Te Rapa Racecourse Medium Density Residential Precinct are limited to only those modifications necessary to accommodate the qualifying matter.</p>	<p>The Precinct Plan delineates the overland flow path based on preliminary flood modelling. Detailed flood modelling will be carried out at subdivision stage and that will ultimately inform the final width and levels of the overland flow path, including minimum freeboard requirements for future buildings. This will allow the development capacity of the site to be maximised and to limit modifications to those required to accommodate the qualifying matter. The PPC13 rules provide for a discretionary activity resource consent if residential units are to be built within the overland flow path (Rule 4.5.4w) so there is flexibility if alternative solutions are identified at detailed design/consenting stage.</p>

Section 77J Evaluation of 30m Setback	
Subsection	Evaluation
<p>3 (a) (i) Why it is considered that the 30m setback is a qualifying matter.</p>	<p>The 30m setback is required to mitigate the reverse sensitivity effects on adjacent industry, as outlined elsewhere in my evidence. Reverse sensitivity is a valid planning issue recognised and provided for in the WRPS and the ODP. The 30m setback will apply to all 'noise sensitive activities' within 30m of the Industrial zone on the eastern and southern boundaries of the site as shown on the Precinct Plan. It is a critical element of that plan. The 30m wide area is to be allocated to roading and walking/cycling paths, and landscaped open space, to support development of the balance of the site.</p> <p>It is a qualifying matter in accordance with s77I(j); any other matter that makes higher density as provided for by the MDRS, inappropriate in the area.</p>
<p>3 (a) (ii) Why it is considered that the 30m setback is incompatible with the level of development permitted by the MDRS.</p>	<p>The 30m setback has been developed following engagement with neighbouring industrial occupiers and owners, and with advice from James Bell-Booth (acoustics) and Stuart Mackie (urban design). The potential reverse sensitivity effects which need to be managed relate to noise, visual, glare from lighting, and dust, smoke, fumes and odour. As outlined in my evidence it represents a balanced approach to mitigating the reverse sensitivity effects, by developing plan provisions that protect future occupants of the Precinct from effects from neighbouring industries, together with provisions that do not unduly restrict most of the operations of the neighbouring industries. It achieves this by treating the 30m setback line as a proxy for a residential zone boundary.</p> <p>The outcome is that residential development within the 30m setback is not appropriate.</p>

<p>3 (b) Assess the impact that limiting development capacity will have on the provision of development capacity.</p>	<p>The impact of the 30m setback on yield is minimised by providing a road within the setback area around the perimeter of part of the site resulting in more efficient development of the balance of the site. It will also be used for informal recreational space and walking/cycling access. The subsequent reduction in developable area is therefore estimated at approximately 0.5ha, which equates to approximately 15 residential units. This reduction in number of units is not sufficient to undermine the economic viability of the development.</p>
<p>3 (c) Assess the costs and broader impacts of imposing limits on development of the 30m setback area.</p>	<p>A reduction in developable area of approximately 0.5ha means that theoretically the costs of development are spread across a smaller area. However, the masterplanning that was undertaken at an early stage to underpin the Precinct Plan demonstrated that the target yield of 200 units would still be achieved with the 30m setback in place. While there will be costs to the Applicant due to the reduced land for residential development, there will also be benefits by ensuring that residential activities are suitably protected from the potential adverse effects of industrial activities. There are no broader impacts.</p>
<p>4 (a) Describe how the provisions of the Te Rapa Racecourse Medium Density Residential Precinct allow the same or greater development than the MDRS.</p>	<p>The balance of the Precinct land that is developable adopts the MRDS provisions except that it includes a maximum building height of 15m instead of the 11m maximum in the MDRS. This therefore allows for greater development than if the MDRS had been adopted in full.</p>
<p>4 (b) Describe how modifications to the MDRS in the Te Rapa Racecourse Medium Density Residential Precinct are limited to only those modifications necessary to accommodate the qualifying matter.</p>	<p>The Precinct Plan shows the 30m setback as open space and roading on the perimeter of the eastern and southern parts of the site. That is the only area where the MDRS is limited by the setback. However, the plan provisions provide for residential development within that area by discretionary activity resource consent, so there is flexibility if an appropriate design solution is found that still appropriately mitigates reverse sensitivity effects.</p>

24 July 2023

Bloxam Burnett & Olliver
PO Box 13027
Tauranga Central
Tauranga 3141

Attention: John Olliver

Dear John,

**RE: HCC PPC13 – TE RAPA RACECOURSE REZONING
REVERSE SENSITIVITY – LIGHT SPILL**

We understand that a parcel of land is proposed for rezoning from Major Facilities Zone to Medium Density Residential and that the rezoned land will be adjacent land that is presently zoned Industrial.

A minimum 30m setback has been proposed for residential buildings from the Industrial boundaries.

The Hamilton City District Plan Rule 25.6.4.5 states that;

25.6.4.5

All Other Zones

a. The spill of light from artificial lighting (excluding street and navigation lights and traffic signals) on to any other site shall not exceed 10 lux (horizontal and vertical) when measured or calculated at points 1.5m within the boundary of any other site. In the case of contiguous sites held in the same ownership for the same activity, the spill of light shall be measured or calculated at points 1.5m within the boundary of any other site beyond the boundary of the land holding.

b. The spill of light from artificial lighting (excluding street and navigation lights and traffic signals) on to any site in the Residential, Special Character, Open Space, Community Facilities or Future Urban Zones shall not exceed 3 lux (horizontal and vertical) when measured or calculated at points 1.5m within the boundary of any other site so zoned.

Given that Rule 25.6.4.5a would currently apply to light spill from Industrial land towards the Major Facilities land, by right there could be up to 10 lux at 1.5m within the adjacent land now proposed to become Residential.

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We have been asked what would be the approximate light spill at 1.5m beyond the proposed 30m building setback (i.e. at 31.5m from the Industrial boundary), if there is 10 lux light spill at 1.5m within the residential property.

Since light spill diminishes inversely with respect to the square of distance, we estimate that the light spill at 31.5m would be approximately;

$$E_{31.5m} = 10 \text{ lux} \times 1.5^2 \times (1/31.5^2) = 0.02 \text{ lux}$$

Hence, the light spill that could exist by right would be less than 3 lux at 31.5m within the land proposed to become residential, with respect to lighting installed in the adjacent Industrial land. Therefore, the light spill would satisfy Rule 25.6.4.5b.

We trust the foregoing is sufficient for your present needs. Please contact us if any further information is required.

Yours faithfully,


LDP Leading Design Professionals
Ngāio Te Kāwhiri Hoahoa

John Mckensey

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