

Ruakaka Racecourse Plan Change

Request for a change to the Whangarei District Plan

December 2012

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Report prepared by:	Anna Jennings, Consultant, MNZPI, MPlan(Hons), BPlan(Hons) Trevor Mackie, Senior Planning Consultant, BTP, BBSoc, BArch(Hons)	
Report reviewed by:	David Mead, Director, MNZPI, BTP	
	<p>Hill Young Cooper Ltd Level 4, 128 Broadway PO Box 99847 Newmarket Auckland 1149</p> <p>p: 09 529 2684 f: 09 520 4685 e: d.mead@hyc.co.nz</p>	

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1 Introduction

1.1 Purpose of this document

This document is the formal request, on behalf of Whangarei Racing Club, for Whangarei District Council to adopt a proposed change to its Operative Whangarei District Plan pursuant to clause 21 of the First Schedule to the Resource Management Act 1991 (RMA). The proposed plan change (Attachment 1) introduces a new zone for the Ruakaka Racecourse.

Clause 21 of the First Schedule to the RMA provides that any person may request a change to a district plan and clause 22 specifies that:

- (1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation under section 32 for any objectives, policies, rules, or other methods proposed.*
- (2) Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*

1.2 Structure of the document

This document is the overall supporting document for the proposed plan change and meets the requirements of clause 22 of the First Schedule of the RMA. The document is set out as follows:

Section 1: Introduction

Section 2: Context

Section 3: Existing Environment

Section 4: Resource Management Context

Section 5: Whangarei District Plan

Section 6: The Private Plan Change and Plan Change Text

Section 7: Assessment of Effects on the Environment

Section 8: Analysis of options

Section 9: Conclusions.

Sections 1 – 5 provide the background and context for the plan change by describing the existing environment and setting out the relevant RMA policy provisions at a national, regional and district level that have informed the plan change. These sections provide a summary of the main resource management issues that have been identified for the racecourse site.

Section 6 sets out an overview of the plan change provisions and an outline of consultation undertaken on its preparation. Section 7 provides a summary of the anticipated environmental effects of the development to be enabled by the plan change, while section 8 evaluates the objectives, policies and methods (including a management plan approach) to be introduced by the plan change request, pursuant to section 32 of the RMA to manage these effects.

This report is a summary of a range of studies and investigations that have lead to the preparation of the plan change. These reports and assessments should be referred to for detail on specific matters. The reports and assessments referred to are as follows:

Attachments

1	Proposed Plan Change and Text
2	Legal description and ownership
3	Preliminary Traffic Analysis of MasterPlan, Flow Transportation Specialists, July 2010
4	Landscape and Visual Effects Assessment
5	Consultation Flyer, May 2011
6	Cultural Effects Assessment

Appendices

A	Ecological Review of the Ruakaka Racecourse Plan Change by Wildlands Consultants
B	Natural Areas of Waipu Ecological District – Reconnaissance Survey Report for the Protected Natural Areas Programme – Department of Conservation
C	Conservation Management Strategy Northland – Department of Conservation, 1999
C1	Draft Northland Conservation Management Strategy 2014-2024 – Department of Conservation
C2	Bream Bay Strategic Plan – Department of Conservation, 2006
D	Additional Assessment against NZ Coastal Policy Statement 2010
E	Additional Assessment – Proposed Regional Policy Statement for Northland, 2010
F	Ruakaka Racecourse Masterplan Background Report, Hill Young Cooper Ltd, 2010
G	Response to Patuharakeke Cultural Effects Assessment
H	Whangarei District Council Infrastructure and Services Commentary and Rough Order of Costs for Development Contributions

2.2 Background

The Ruakaka Racecourse has been in operation since the 1970s. The Whangarei Racing Club is an incorporated society formed in the 1920s. It is a non-profit organisation with aims of promoting and assisting the sport of horse racing, as well as aiding other local organisations. A sand-based track, which is suitable for racing at all times of the year, makes the facility particularly attractive for winter racing. The Club held licences for 12 races in the 2010/11 season. It is also used for horse training. Many community groups use the grounds and facilities at other times.

The race club's facilities, including grandstand, club rooms, and race day facilities are not up to modern standards and need substantial refurbishment.

In 2010 a master plan was prepared for the Ruakaka Racecourse looking at both short term and longer term development options to secure the viability of racing on the site. The master plan was endorsed in principle by Whangarei District Council on 8 September 2010 and it was decided that a plan change request should be prepared that would enable the types of activities and development envisaged by the master plan.

Hill Young Cooper Ltd has been working collaboratively with the Whangarei Racing Club and the Whangarei District Council (WDC) to prepare the plan change for the site.

2.3 Request

The request made by WRC pursuant to Part 2 of the First Schedule to the RMA is to rezone the entire site from the existing Coastal Countryside zone under the Operative Whangarei District Plan to "Ruakaka Equine Environment".

The objective of the plan change is to secure the long term viability of equine activities on the site while enabling the expansion of training and horse racing-related activities and compatible commercial, residential and equine-education cluster development.

The key reasons for the proposed plan change are:

- To secure the long term viability of horse racing activities on the site
- To enable the expansion of horse training and related activities, and compatible commercial and equine cluster development
- To provide a framework for future residential and mixed use development through a Management Plan approach that ensures the viability of ongoing equine related activities
- To provide for a higher quality environment and improved facilities within the site.

In providing for these outcomes, it is recognised that development will have to appropriately avoid and mitigate its effects on adjacent natural and built environments. A key tool to achieve this is the preparation and approval of detailed management plans. These plans need to be prepared before significant residential and commercial development can occur on the site and will need to set out how the specific effects of anticipated development are to be avoided or mitigated. This will include effects on the adjacent ecological areas, and the visual and landscape effects of taller development.

3 Existing Environment

3.1 History of the area

Patuharakeke claim a long traditional relationship with the application site and surrounding area. The hapu have held mana over both land and water resources and other taonga through numerous generations of occupation and use. A Cultural Effects Assessment Report was commissioned of the Patuharakeke Te Iwi Trust Board and describes the traditional and cultural relationships with the site and its surrounds. The report is Attachment 3 to this Section 32 Report.

In more recent history, Ruakaka has developed as a coastal rural settlement located around half an hours drive from Whangarei and an hour and a half north of the northern suburbs of Auckland (traffic dependent).

The Marsden Point Ruakaka Structure Plan published in November 2009 set out some of the key features of the area, as follows.

The area consists of two main coastal residential settlement areas – Ruakaka and One Tree Point. The oil refinery was established in the 1960s and a power station in the 1980s (now decommissioned) and more recently the Marsden Point Port has expanded. These three industries formed the basis of the local economy in the area but conversely the location of these industries has restricted access from the existing communities to the coast. This has been further exacerbated by the location of industrial subdivisions undertaken by the Port.

The Marsden Cove development in the northern One Tree Point area has opened up access to the coastal area, providing for a marina and commercial development beside the boat harbour. In the Ruakaka area, access to the coastal area is more informal and low key, centred mainly on the Ruakaka south area.

The Structure Plan¹ states that historically residential uptake has been modest; averaging about 50 – 60 houses a year, and largely based on recreational and retirement lifestyles. However, since the first Structure Plan for the area was developed by WDC in November 2000, there has been a significant growth “spurt” in the area. This can be seen in the expansion of the Port, the construction of the Port Marsden Highway and the Marsden Cove Marina development, along with numerous industrial and residential subdivisions. More recently construction within these subdivisions has been halted, most likely due to the recent economic crisis. This is evident in the empty lots within areas where roading and infrastructure is already in place.

However, longer term growth prospects remain strong due to the Port, better transport links north and south and the steady growth of the Northland population. The area is seen by WDC as a second major centre to that of Whangarei.

¹ Whangarei District Council Marsden Point – Ruakaka Structure Plan, Adopted November 2009

If growth continues in line with the November 2009 Structure Plan, then the two existing settlements will be joined together by further residential and commercial development. At the time of preparing this report, Plan Change 83 (which proposed a new town centre be located in the middle of the two settlements) had been made operative and included within the district plan.

The racecourse site has some strategic significance to the implementation of the Ruakaka-One Tree Point Structure Plan, given its location adjacent to the coastal area. The site provides an opportunity for the developing northern Ruakaka residential area to have a sensitively designed coastal interface. This potential was recognised in a submission that the WRC made to the 2009 Structure Plan. This submission sparked council involvement in the master plan for the racecourse site.

3.2 Landscape and natural environment

3.2.1 Landscape

The racecourse site is located within the coastal environment. As outlined in R A Skidmore's landscape and visual effects report for the master plan,² while the foredunes and the beach area that lie to the east of the racecourse land provide a direct interface with the marine environment, exhibit high natural character values and have been identified in a District-wide landscape study as an Outstanding Natural Landscape,³ the racecourse site itself does not have high landscape values.

The foredune system extends south and then west to the Ruakaka River and Estuary. A dune lake to the west of the racecourse site is a distinctive, remnant landscape feature associated with this dune system.

Together with the surrounding residential and industrial development inland from the immediate coastal dunes, the existing racecourse and associated facilities have modified the natural landscape patterns of the dune system and created an urban backdrop to the coastal area. The man-made landform that elevates the racecourse grandstand creates a particularly bold, clearly modified landscape feature. Further to the west, dwellings on the eastern side of Marsden Point Road sit upon a scarp that is elevated above the Ruakaka River and enjoy expansive views across the racecourse land out to the sea. Taller development on the race course land has the potential to interrupt these views.

Access to the beach area is currently via a track used by horses only, towards the southern end of the site and an informal vehicle access near the northern corner of the site. This informal access is known as "Surfers' gap".

3.2.2 Ecological

The racecourse land is bounded on three sides by areas of high ecological value. The Protected Natural Areas Programme report: Natural Areas of Waipu Ecological District – Reconnaissance Survey Report for the Protected Natural Areas Programme – Department of Conservation 2007 (extracts at Appendix B) identifies the Ruakaka Dunelands to the east, the Dune Lake to the west and the nearby Ruakaka River

² Ruakaka Racecourse Masterplan Landscape and Visual Effects Considerations, Rebecca Skidmore, August 2010 – Attachment 4

³ Whangarei District Landscape Assessment, LA4, 1995

Estuary to the south as high value areas. All these areas are Level 1 sites within the Protected Natural Areas Programme.

The existing environment and the proposed plan change were also assessed against the Conservation Management Strategy Northland (extracts in Appendix C), draft Northland Conservation Management Strategy 2014 – 2024 (Appendix C1) and the Bream Bay Strategic Plan 2006 (Appendix C2).

The natural values of the dune lake have been diminished in the past by the encroachment of residential development and accessways. The Department of Conservation's (DOC) intention (for that part of the dune lake it administers) is that it is managed for wildlife values. The riparian margins of the lake are being planted and public access will be limited, possibly just to access a bird hide.

To the south of the site, the Ruakaka River Estuary comprises 87 hectares. Part of this area (which is owned by the Crown and maintained by DOC) was gazetted in 1958 as a Wildlife Refuge under the 1953 Wildlife Act. The gazetted area lies about 300m to the west and south of the racecourse land. As advised by a representative from DOC, this area is of particular note due to its sensitive structure and because it provides habitat for a high number of rare shore birds that nest and breed seasonally in the area. DOC listed the main impacts from cats, dogs and other pests, as well as from people using the area.

To identify the particular ecological values of these areas and ways in which development should be managed with respect to them, a report was commissioned from Wildland Consultants in November 2012 that reviewed a draft of the proposed plan change. This report is attached as Appendix A.

In terms of values, that report notes:

- Ruakaka Dune Lake: This is of very high ecological significance because of its rarity. The site is known to provide habitat for at least seven Threatened and At Risk fauna species.
- Ruakaka River Estuary: This provides habitat to 21 species that are Threatened or At Risk. It is the 6th most important overwintering site for variable oystercatchers and is a breeding site for NZ dotteral. NZ fairy tern have also been recorded.
- Ruakaka Coastal Dunelands: This is part of a large system running along the Bream Bay coast line. It supports at least 5 species that are Threatened or At Risk, as well as habitat for three At Risk plant species.

Potential threats to these values may arise from increased human activity and disturbance, predation by domestic pets and increased invasion by weed species.

3.3 Adjacent subdivisions

As identified in the 2009 Marsden Point - Ruakaka Structure Plan, the area to the west of the racecourse is to be developed for housing. To this end, a number of subdivisions have been developed around the racecourse site and others have been consented to which far exceed the density as provided for within current district plan zoning. Generally the types of dwellings that have been consented and constructed are more typical of a suburban neighbourhood with single houses on medium density sized plots, than a countryside/rural area on the coast.

To the west of the racecourse, three subdivision consents that have been granted are:

- Tamure Grove, Lot 2 DP 190749, consent for 50 new residential lots
- North Coast Investments, Lot 3 DP 190749, consent for 42 new residential lots
- Ruakaka Lands Ltd (White Sands development), consent for over 100 new residential lots.

Conditions were placed on each of the consents in relation to boundary treatment with the dune lake and/or the Crown Land managed by DOC to the south. These conditions included the need for a detailed landscape plan to re-vegetate and enhance the former wetland area (dune lake) with locally appropriate species, to provide appropriate stormwater run off and treatment and to plant the area with appropriately sourced local species.

A pest management plan and appropriate fencing was a condition of the White Sands consent to protect the nesting area for NZ dotterels on the southern tip of the Crown Land managed by DOC, along with the administration of this plan through a body corporate. Furthermore, as part of the White Sands development a boardwalk walkway is to be developed through the reserve. This walkway will be parallel with the southern boundary of the racecourse site, within the DOC land. The general public will be able to access this track from the beach and walk to a 'wildlife viewing hide' within the rear dune system with views to the mouth of the Ruakaka estuary. It is not clear if the general public will be able to continue on the walkway, through the subdivision, to Tamure Place extension.

3.4 Existing transport network

The site is located towards the southern end of the northern Ruakaka peninsula. Access points into the area are restricted by the location of the Ruakaka Estuary. There are currently no bridges over the estuary near the site. As such, traffic has to drive north to the intersection of Peter Snell Road and Marsden Point Road in order to continue their journey either to the north towards the port and new One Tree Point development or to the south onto State Highway 1 (SH1).

FLOW transportation specialists prepared a preliminary traffic report to support the master plan.⁴ The key destinations for traffic flows from the site as identified in that report included:

- To the port and industrial areas to the north east of the site
- To the proposed Marsden Town Centre and light industry to the north west of the site
- To Whangarei via SH15a and SH1.

At the time of preparing that report, NZTA advised all traffic accessing the proposed Marsden Town Centre and Whangarei will do so via the McCathie Road/SH15a intersection and all traffic accessing the industrial areas will use Marsden Point Road.

It was identified through the preparation of the preliminary traffic report that potentially affected intersections were as follows:

- Peter Snell Road/Marsden Point Road
- Marsden Point Road/McCathie Road
- McCathie Road/SH15a
- SH15a/SH1.

⁴ Ruakaka Racecourse Preliminary Traffic Analysis, FLOW technical note, July 2010 – Attachment 3

4 Resource Management Context

4.1 Introduction

There are mandatory requirements set out in the RMA for district plan changes, as follows:

A. General requirements:

1. A district plan (change) should be designed to accord with, and assist the territorial authority to carry out, its functions so as to achieve the purpose of the Act.
2. When preparing its district plan (change) the territorial authority must give effect to any national policy statement and the New Zealand Coastal Policy Statement.
3. When preparing its district plan (change) the territorial authority shall:
 - (a) have regard to any proposed regional policy statement
 - (b) give effect to any operative regional policy statement.
4. In relation to regional plans:
 - (a) the district plan (change) must not be inconsistent with an operative regional plan on any matter specified in section 30(1) [or water conservation order] and
 - (b) must have regard to any proposed regional plan on any matter of regional significance.
5. When preparing its district plan (change) the territorial authority must also:
 - have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register, and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities,
 - take into account any relevant planning document recognised by an iwi authority, and
 - not have regard to trade competition.
6. The district plan (change) must be prepared in accordance with any regulation;
7. The formal requirement that a district plan (change) must also state its objectives, policies and rules (if any) and may state other matters.

B. Objectives [the section 32 test for objectives]

8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.

C. Policies and methods (including rules) [the section 32 test for policies and rules]

9. The policies are to implement the objectives, and the rules (if any) are to implement the policies.
10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:

- (a) The benefits and costs of the proposed policies and methods (including rules); and
- (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

D. Rules

- 11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

These provisions are addressed in relevant subsections below.

4.2 Resource Management Act 1991

The RMA is the statute governing planning in New Zealand and the plan change process. All district plans are required to be consistent with it, and in particular its purpose and principles which are contained in sections 5-8, as follows:

5 *Sustainable Management*

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6 *Matters of national importance*

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*

(g) *The protection of recognised customary activities.*

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) *Kaitiakitanga:*

(aa) *The ethic of stewardship:*

(b) *The efficient use and development of natural and physical resources:*

(ba) *The efficiency of the end use of energy:*

(c) *The maintenance and enhancement of amenity values:*

(d) *Intrinsic values of ecosystems:*

(e) *Repealed.*

(f) *Maintenance and enhancement of the quality of the environment:*

(g) *Any finite characteristics of natural and physical resources:*

(h) *The protection of the habitat of trout and salmon:*

(i) *The effects of climate change:*

(j) *The benefits to be derived from the use and development of renewable energy.*

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

The application of Section 5 involves an overall broad judgement as to whether a proposal will promote the sustainable management of natural and physical resources. The Act's use of the terms "use, development and protection" are a general indication that all resources are to be managed in a sustainable 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. This requires the consideration of the extent to which the proposed changes enable social and economic well being, while taking into account adverse effects on the environment, the extent and nature of these effects and the degree to which these effects can be avoided or mitigated.

Sections 6, 7 and 8 of the RMA provide further context and guidance to the constraints found in sub-sections 5(2)(a), (b) and (c) of the Act. The commencing words to each of these later sections differ, thereby laying down the relative weight required to be given to each.

Important sections that are of particular relevance to this plan change are:

- Section 6(a), (b) and (d) relating to the preservation of the natural character of the coastal environment and the protection of outstanding natural features and landscapes as well as the

maintenance and enhancement of public access to the coast. These have been key considerations when developing appropriate plan change provisions.

- Section 7 matters (which are to be taken into account) relate to the maintenance of the environment, the protection and enhancement of amenity and the finite characteristics of resources.
- Sections 6(e) and 7(a) relating to the relationship between Maori and the natural resources present in the area.

The RMA goes on to set out the statutory framework for assessing this plan change request under Sections 74 and 75 as follows:

74 Matters to be considered by territorial authority

- (1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.*
- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
- (a) any—*
 - (i) proposed regional policy statement; or*
 - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) any—*
 - (i) management plans and strategies prepared under other Acts; and*
 - (ii) [Repealed]*
 - (iia) relevant entry in the Historic Places Register; and*
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
to the extent that their content has a bearing on resource management issues of the district;
and
 - (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

75 Contents of district plans

- (1) A district plan must state—*
- (a) the objectives for the district; and*
 - (b) the policies to implement the objectives; and*

- (c) *the rules (if any) to implement the policies.*
- (2) *A district plan may state—*
- (a) *the significant resource management issues for the district; and*
 - (b) *the methods, other than rules, for implementing the policies for the district; and*
 - (c) *the principal reasons for adopting the policies and methods; and*
 - (d) *the environmental results expected from the policies and methods; and*
 - (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
 - (f) *the processes for dealing with issues that cross territorial authority boundaries; and*
 - (g) *the information to be included with an application for a resource consent; and*
 - (h) *any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (3) *A district plan must give effect to—*
- (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (c) *any regional policy statement.*
- (4) *A district plan must not be inconsistent with—*
- (a) *a water conservation order; or*
 - (b) *a regional plan for any matter specified in section 30(1).*
- (5) *A district plan may incorporate material by reference under Part 3 of Schedule 1.*

The following sections consider the hierarchy of plans set out above, commencing with the Coastal Policy Statement and then the Regional Policy Statement. The Whangarei District Plan is addressed separately in Section 5 below.

4.3 National Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement (NZCPS) took effect from December 2010. The Statement is intended to guide local authorities in their day to day management of the coastal environment. District Plans must give effect to the provisions of the Coastal Policy Statement.

Appendix D sets out a detailed assessment of the NZCPS. The following provides a summary of the key points of that assessment.

4.3.1 NZCPS Objectives

Objectives relevant to the plan change and their implications for the way that the plan change is structured are as follows:

Objective 1 - To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*

- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

Comment: The re-zoning approach needs to include methods to safeguard the integrity, form, functioning and resilience of the surrounding coastal environment. The Wildlands report has assessed the ecological values of the coastal area and a range of management measures are to be put in place to manage risks arising from human behaviour, to avoid predation from pets and to avoid the spread of weeds.

Objective 2 - To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and*
- *encouraging restoration of the coastal environment.*

Comment: The subject site is located within the coastal environment and development within the site could potentially be seen from the beach area, if it is tall enough. The distribution of activities and associated bulk and vertical scale needs to step up away from the coastal foredune to maintain a sensitive interface with the coastal edge. A concentration of commercial/retail activity with the potential to accommodate a hotel/motel and/or conference centre can be located within the general envelope of the created landform and racecourse grandstand and associated facilities without creating significant additional effects on the coastal environment.

Planting along the boundary with the coastal reserve will also be important to create an appropriate transition to the coastal area.

Objective 3 - To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

Comment: Whangarei District Council took on the role of consultation with tangata whenua, and along with the iwi management plans (Patuharakeke Iwi Management Plan and Te Iwi O Ngatiwai Management Plan) and the commissioning of a Cultural Effects Assessment report from Patuharakeke Trust Board, iwi were also invited to participate in the consultation and the master planning exercise. The Cultural Effects Assessment (Attachment 6) records a number of concerns with the approach and the outcomes proposed, and is discussed more fully in section 4.6.4. Amendments were made to the plan change as a result, as set out in section 4.6.4.

Objective 4 - To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and*

- *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*

Comment: The plan change needs to maintain and support the horse training and racing-related recreation functions that are unique in Northland to this site, and which utilise the coastal area for training. There is also the opportunity to provide for low key commercial activities near the coastal environment that will enhance residents' and visitors' experience. Access to the coastal environment can be improved through better management of access to the foredune area controlled by DOC. There is the potential to close the current informal vehicle access at the northern end of the site and to replace it with a properly formed pedestrian access and associated car parking area near the middle of the site. No car access to the beach area is proposed as part of the plan change and it is understood that the Council and DOC are in the process of moving the location of the current informal vehicle access point away from the site.

Objective 5 - To ensure that coastal hazard risks taking account of climate change, are managed by:

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.*

Comment: Tonkin and Taylor in January 2010 published a report entitled 'Coastal Erosion Hazard Zone Review' for Whangarei District. This report was used to inform the development of the masterplan and the plan change. The report showed that the site is located outside of the Coastal Erosion Hazard Zone 1 (soft shore) and Zone 2 (soft shore), apart from one pinch point where the current 'blow out' has been created from the location of the informal car access point.

The creation of a second road into the site would greatly improve the hazard resilience of the area by providing a number of evacuation routes for future and current occupiers of the site and surrounding area.

Objective 6 - To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

Comment: The development of the racecourse for a range of equine, commercial and residential activities provides the opportunity for a wide range of people to enjoy the coastal environment in a way that does not see that environment substantially altered, in that the racecourse has already modified the environment while the site now sits within a mostly developed, urban environment. Having people work

and live near the coastal area will enhance social and economic well being. Adverse effects on the natural value of the coastal environment need to be avoided or appropriately mitigated.

4.3.2 NZCPS Policies

The NZCPS sets out a detailed list of policies in relation to the above objectives. The detailed review in Appendix D provides a fuller commentary on these policies. Important points to note are:

Policy 1: Extent and Characteristics of the coastal environment

The extent and characteristics of the coastal environment is further defined in the regional and local planning and policy. The racecourse land is located within the coastal environment and is identified as such within the Proposed Northland Regional Policy Statement (PNRPS). However the racecourse land itself is not included within the Outstanding Natural Landscape or the Coastal Natural Character areas identified by that Policy Statement. The landscape assessments prepared for the PNRPS, in relation to the Bream Bay Beach Unit, explain:

"The beach is backed by low dunes which in places form an extensive dunefields, however only the seaward margin of the foredunes are included within the landscape given the modification and weed infestation associated with the remainder of the area."

"Adjacent land use on sand dunes and alluvial flats is generally intense, being a mixture of industrial, pastoral, residential and recreational activities, which are served by State Highway 1."⁵

Policy 3: Precautionary approach

There needs to be a precautionary approach taken for proposed activities where effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. The future land uses and redevelopment on the racecourse land are largely recreational and residential, with some commercial and event-related potential identified. To a great extent, the effects of these uses on the coastal environment are understood and can be anticipated and appropriately managed. The one area of some uncertainty relates to the impacts of additional people and activity on rare and endangered wildlife within the coastal area. The assessment provided by Wildlands Consultants is that an appropriately detailed ecological management plan can address these uncertainties. The approach to this issue is therefore one of Management Plans to be prepared as discretionary activities to determine potential effects and their management when the actual scale and extent of uses are known.

Policy 4: Integration

The racecourse is bounded by DOC reserves, including the coastal environment, and there is a need to work collaboratively with DOC in the protection and maintenance of the values of the reserve land, and with iwi for the local environmental values. This can be recognised in the proposed Management Plan approach.

⁵ Northland Regional Landscape Assessment Worksheet and Outstanding Natural Landscapes Mapping Methodology Report, Littoralis Landscape Architecture and Simon Cocker Landscape Architecture, September 2012

Policy 5: Land or waters managed or held under other Acts

Land or waters managed or held under other Acts raises the need to acknowledge the proximity and values of the wildlife refuge. The masterplan and consultation programme explored the relationships of land uses and developments with the adjacent reserves, resulting in a range of policies and development controls to ensure the values protected by the reserves are maintained.

Policy 6: Activities in the coastal environment

The proposed re-zoning anticipates a more consolidated development form than its surrounding urban area, and there is space within the site to step back taller development from the boundary with the foredune, so as to mitigate visual impacts on the coastal environment.

The additional infrastructure required for the re-development of the racecourse land is not intrusive, comprised largely of underground reticulated services and road access. It would occur at a rate relative to redevelopment of the surrounding residential land as Council services are extended, and when actual redevelopment is planned and consented.

Policy 11: Indigenous biodiversity

Protection of indigenous biological diversity in this coastal environment is a significant issue. The proposed plan change has been informed by an ecological assessment and the steps to be taken to avoid adverse effects on threatened and at risk taxa is an important part of the plan change, as detailed in appendix A Ecological Review of the Ruakaka Racecourse Plan Change.

Policies 13, 14, 15: Preservation of natural character of the surrounding lands

For the racecourse land, much of the natural character has been lost to the original racecourse developments including the constructed grandstand mound. The height of new buildings needs to be controlled in relation to visibility from the beach. Restoration of the natural character of the interfaces of the site with coastal reserve areas is also proposed.

Policy 18 and 19: Public open spaces and public access

The redevelopment of the racecourse site provides an opportunity to enhance the racecourse infrastructure and its recreational and event attributes and potential. Development needs to include consideration of access through to the beach and dune environment. The plan change provides an opportunity for an improved outcome through new properly formed access and closure of the current informal access.

Policy 22 and 23: Discharges and contaminants

Sedimentation levels and impacts will need to be managed by the design of sediment control systems during earthworks. The plan change can require low impact design of stormwater systems for subdivision, and a stormwater management effects assessment can be required at the management plan stage of development. It is not proposed to discharge any contaminants directly into the coastal environment, and in particular the stormwater management systems will be expected to treat discharges from the roads as well as from development, and involve re-use of collected rainwater and controlled rates of discharge into the ground to ensure the dune lake recharge is maintained.

Conclusion

The proposed plan change is required to give effect to the National Coastal Policy Statement, so all of the objectives and policies of the Statement have been considered.

The racecourse, with all of its land modification, structures, open space and public events, lies within the coastal environment. Protection of the surrounding areas in their more natural or less modified state, and enhancement of the public connections with the coast, is part of the unique character of this location, and requires integrated management of the resources present. However this does not foreclose development of the racecourse site, as identified in Objective 6, which refers to *“the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits”*.

In particular, given the extent of existing development in the area, the main policy test for the plan change is considered to be Policy 13.1(b), namely to *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment*.

4.4 Northland Regional Policy Statement

Under the RMA the Whangarei District Plan is required to give effect to the Northland Regional Policy Statement (RPS). The RPS was made operative on 31 March 1999.

The Proposed Regional Policy Statement (PRPS) for Northland was notified in September 2012. It covers the issues of the operative Regional Policy Statement and goes further in some areas, for example giving effect to the NZ Coastal Policy Statement 2010. The District Plan is required to have regard to the Proposed Regional Policy Statement.

4.4.1 Proposed Regional Policy Statement

The PRPS includes issues, objectives and policies relating to fresh and coastal water, indigenous ecosystems and species, economic wellbeing, regional form, issues of significance to tangata whenua, natural hazards, and natural character, features/landscapes and historic heritage (Section 2).

The following sections list key outcomes from the PRPS and comment on their implications for the plan change first for objectives, then policies.

Objectives

Objective 3.1 Safeguard water and its ecosystems

Safeguard the life-supporting capacity, ecosystem processes, and indigenous species including their associated ecosystems of fresh and coastal water, in sustainably managing:

- (a) The use and development of land, and of discharges of contaminants; and*
- (b) The taking, using, damming, or diverting of freshwater.*

For Ruakaka Racecourse, the significant dune lake, wildlife refuge and coastal reserves are outside the racecourse site, but all have an influence on how the racecourse land is to be used. Potential impacts of modification and disruption of ecosystems are to be avoided and mitigated (2.1). The stormwater management of the site will need to ensure that contaminants are not discharged to waterways, and that

the dune lake recharge is monitored and maintained, through low impact design of the stormwater systems.

Objective 3.2 Protect outstanding freshwater bodies and wetlands

Protect outstanding freshwater bodies and the significant values of wetlands.

Objective 3.4 Maintain and improve water quality

Maintain the overall quality of Northland's fresh and coastal water while:

- (a) Progressively improving the overall trophic level status of the region's lakes and overall abundance and diversity of macroinvertebrate species in the region's rivers;*
- (b) Progressively reducing sedimentation rates in the region's estuaries and harbours toward more natural levels;*
- (c) Progressively improving microbiological water quality at popular contact recreation sites, recreational and cultural shellfish gathering sites, and commercial shellfish growing areas to minimise risk to human health;*
- (d) Protecting the potable water quality of the region's aquifers; and*
- (e) Optimising economic productivity through improved water quality for irrigation, stock drinking and aquaculture.*

Objective 3.5 Safeguard indigenous ecosystems and species

Safeguard and, where practicable, enhance the life-supporting capacity of Northland's indigenous ecosystems, and contribute to the reduction in the overall threat status of regionally and nationally threatened species.

Indigenous ecosystems and species include the dune system and the dune lake. The Ruakaka River wildlife area is home to a number of threatened and at risk species. Key pressures include elevated levels of fine sediments and nutrients in water bodies, invasive weeds and pest species, including domestic cats and dogs, and impacts from human activity.

Objective 3.6 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

Objective 3.8 Promote regionally significant infrastructure

Support infrastructure that, through its use of natural and physical resources, significantly enhances the environmental, social, economic, and cultural wellbeing of Northland.

The PRPS sees economic wellbeing in Northland limited in part by residential development compromising productive activities and regionally significant infrastructure (Issue 2.3). In the case of Ruakaka Racecourse, residential development integrated with the horse-related functions is compatible and a means of protecting the racecourse as regionally significant infrastructure. With the recent closure of Dargaville Racecourse this is the only full-scale racecourse remaining in Northland.

Objective 3.12 Regional form

Northland has sustainable built environments that effectively integrate infrastructure with land use development, and have a sense of place, identity, a range of compatible residential and mixed use opportunities, and transport choices.

Regional form issues include urban design and the benefits of planned growth (Issue 2.4). Well designed development on the racecourse land has the ability to add to a more sustainable built environment by offering a mix of residential and commercial activities that will have a strong sense of place.

Objective 3.13 Tangata whenua role in decision making

Tangata whenua kaitiaki role is recognised and provided for in decision making over natural and physical resources.

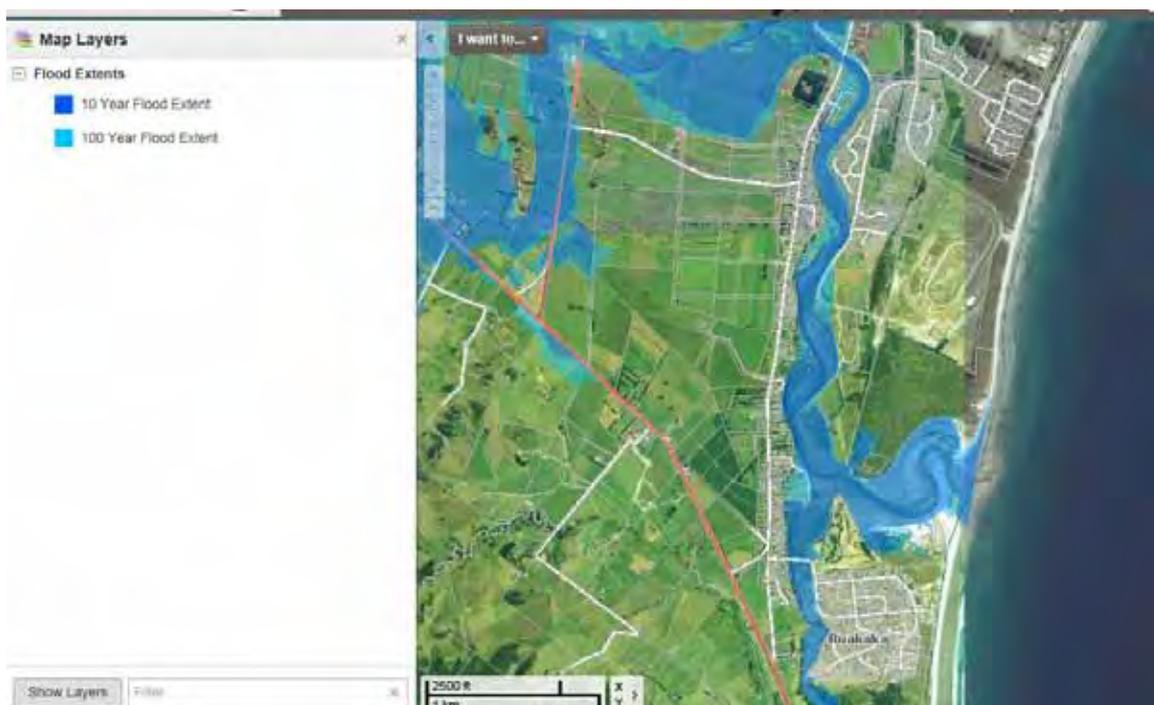
Issues of significance to tangata whenua include participation in resource management (Issue 2.5) and natural and physical resources (Issue 2.6). A Cultural Effects Assessment was requested from Patuharakeke Trust Board, to begin identifying issues and how they could be addressed in changes to land use and development. This led to recommendations on planning and development processes for the plan change, including a more detailed cultural effects assessment at the Management Plan stage when development and change are proposed.

Objective 3.14 Minimising natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, infrastructure, and our regional economy are minimised through:

- (a) Increasing our understanding of the potential influence of climate change on natural hazard events;*
- (b) Becoming better prepared for the consequences of natural hazard events;*
- (c) Minimising inappropriate development in hazard-prone areas;*
- (d) Not compromising the effectiveness of existing defences (natural and man-made); and*
- (e) Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development.*

Natural hazards include flooding and coastal erosion and inundation. The maps within the PRPS do not show the racecourse land to be affected by the 100 year or 10 year flooding event (see below). The Tonkin and Taylor investigation into coastal erosion and inundation is referenced elsewhere within this report (Attachment 1 to the Masterplan report which itself is Appendix F to this section 32 report). The "Surfer's Gap" blow out adjacent to the northeastern corner of the site is of concern and DOC and WDC have been considering how to address this particular area.



Screenshot from Northland Regional Council website: Flood mapping

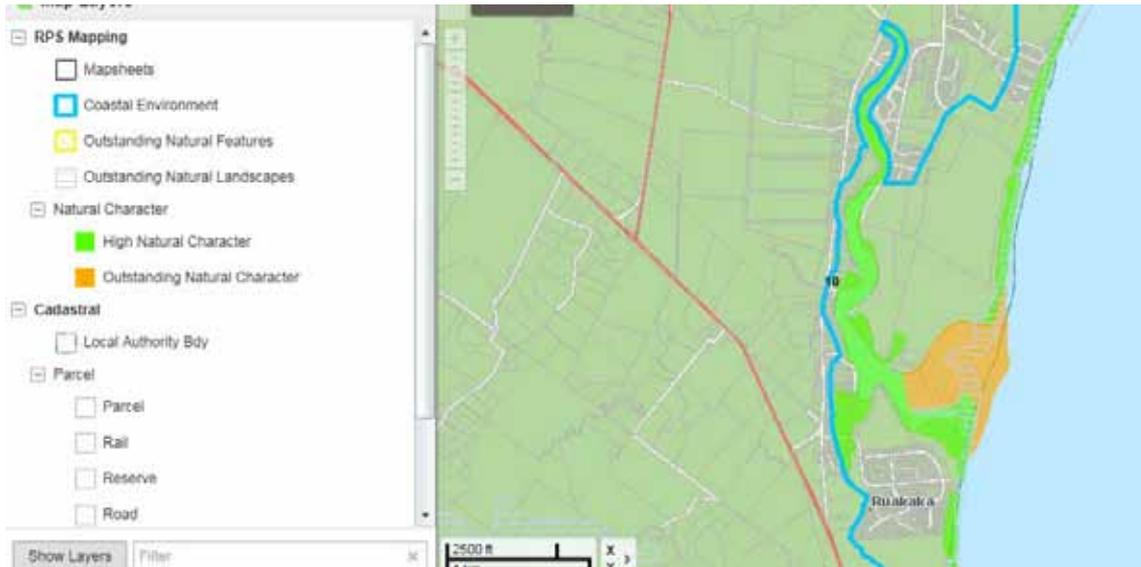
Objective 3.15 Protecting natural character, features/landscapes and historic heritage

The following natural and physical resources are identified using consistent approaches across Northland:

- (a) High and outstanding natural character areas of the coastal environment and margins of freshwater bodies;
- (b) Outstanding natural features and landscapes; and
- (c) Historic heritage (including areas, sites, and structures of cultural significance) that contributes significantly to Northland's distinctive character and sense of identity.

The important values of these resources are to be protected from inappropriate subdivision, use and development, and appropriate development that contributes to sustainable management is to be enabled.

The racecourse site is within the coastal environment but is not mapped by the PRPS as having areas or features of outstanding or high natural character within in it (See map extract below). However land use change and re-development would need to be controlled to ensure it does not adversely affect the adjacent Outstanding and High Natural Character areas.



Screenshot from Northland Regional Council website: Coastal environment and Natural character areas

Policies

The following section lists relevant policies and comments on their implications for the plan change.

4.5.2 Policy – Enabling use and development

Recognise and enable use and development (including subdivision) that achieves Objective 3.5, including activities that:

- (a) Actively manage pests, particularly where it will complement an existing pest control project or programme;*
- (b) Improve water quality and/or environmental flows and/or levels in over-allocated freshwater bodies;*
- (c) Improve water quality in parts of the coastal marine area where it is having significant adverse effects;*
- (d) Restore natural processes in the coastal environment;*
- (e) Restore or create natural habitat, including ecological corridors, for biological values identified under Policy 4.5.1; and*
- (f) Protect either through legal mechanisms or physical works biological values identified under Policy 4.5.1.*

Re-zoning of the racecourse land needs to include provision for management of activities that could have adverse impacts on the surrounding environment, including pest management, avoidance of predators, management of human behaviour, stormwater management, dune restoration, and protection against edge effects around the perimeter of the racecourse land. These can be included in the plan change.

4.6.1 Policy – Identification of the coastal environment, outstanding natural features and landscapes and high and outstanding natural character

The areas identified in the Regional Policy Statement - Maps will form Northland's:

- (a) Coastal environment;*
- (b) High and outstanding natural character areas within the coastal environment; and*
- (c) Outstanding natural features and outstanding natural landscapes.*

Note: Existing plan provisions will not apply within these mapped areas until such time as the maps are included in the relevant district or regional plan by way of a plan change. Such plan changes will include associated objectives, policies and methods as needed to give effect to this Regional Policy Statement.

As noted, the racecourse site is within the coastal environment, but does not contain areas of high and outstanding natural character or outstanding natural features.

4.6.2 Policy – Refining the coastal environment boundary

The district councils may review the landward boundary of the coastal environment as identified on the Regional Policy Statement – Maps and amend district plan maps accordingly under either of the following circumstances:

- (a) Where the landward boundary of the coastal environment traverses an urban, industrial or residential area (land that is zoned for or dominated by residential, business or industrial development); or*
- (b) On consent applications where:*
 - (i) The activity is within 50m of the coastal environment boundary;*
 - (ii) Qualified and experienced expert evidence is provided in support of the review;*
 - (iii) The criteria applied in the review will be consistent with the methodology used to generate the mapped coastal environment boundary (councils can provide this); and*
 - (iv) Costs of the review are paid by the applicant.*

Note: If the coastal environment boundary moves and an area no longer within the

coastal environment is also mapped as having high or outstanding natural character, then the natural character boundaries will also need to move so that natural character is only mapped within the coastal environment.

The proposed coastal environment has some subdivided and developed settlements, including Ruakaka, within it. It is not proposed that the current private plan change request includes moving the coastal environment boundary off the racecourse land.

4.7.1 Policy – Protecting outstanding natural character and outstanding natural features and landscapes

In the coastal environment, avoid adverse effects of subdivision, use, and development on the values, elements and characteristics which contribute to:

- (a) Outstanding natural character;*
- (b) Outstanding natural features; and*
- (c) Outstanding natural landscapes.*

Subdivision, use and/or development on the racecourse land will not directly involve areas of outstanding natural character, outstanding natural features, or outstanding natural landscapes. However, subdivision, use and development do need to be controlled for their potential adverse effects on adjacent land with those values.

4.7.2 Policy – Maintaining the integrity of features/landscapes, natural character and heritage resources

Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects (including cumulative effects) on the values, elements, and characteristics which contribute to:

- (a) Outstanding natural features and outstanding natural landscapes outside the coastal environment;*
- (b) Natural character and landscape values in the coastal environment, particularly:
 - (i) Wetlands, rivers, lakes, and estuaries, and their margins;*
 - (ii) Undeveloped or largely undeveloped natural landforms between settlements, such as coastal headlands, peninsulas, ridgelines, and dune systems;*
 - (iii) Areas of high natural character; and*
 - (iv) Remnants of indigenous coastal vegetation outside urban areas and settlements, particularly where these adjoin water bodies and/or can be linked to establish and/or enhance ecological corridors;**
- (c) Natural character of wetlands, rivers, lakes, and their margins outside the coastal environment; and*

- (d) Significant historic heritage features that have been identified in plans in accordance with Policy 4.6.3 and Method 4.6.4(2).*

Subdivision, use and/or development on the racecourse land will not directly involve areas of outstanding natural character, outstanding natural features, or outstanding natural landscapes. Within the coastal environment subdivision, use and development do need to be controlled for their potential adverse effects on adjacent land having those values, and on the natural character and landscape values of the dune lake margins.

4.8.1 Policy – Promote active management

In plan provisions and the resource consent process, recognise and enable activities and land uses that contribute to the active management, restoration, maintenance, public use, and enjoyment of landscape, natural character, and heritage features; and promote these where the activity will achieve or has achieved one or more of the following:

- (a) Plant and animal pest control, particularly where it will complement an existing pest control project/programme;*
- (b) Soil conservation/erosion control;*
- (c) Water quality improvement, particularly in areas targeted for water quality enhancement;*
- (d) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement;*
- (e) Maintenance of heritage features (including sites, buildings and structures);*
- (f) Improvement of public access to and along the coastal marine area or the margins of rivers or lakes; or*
- (g) Exclusion of stock from waterways.*

The mix of activities enabled by the proposed plan change, subject to the management plan processes in establishing those, can contribute to the active management, restoration, maintenance, use, and enjoyment of the landscape. In particular, it can involve plant and animal pest control, some re-vegetation and water quality improvements, and improvement of public access to and along the coastal marine area.

4.8.3 Policy – Improving natural character

In the coastal environment, promote the improvement of natural character in the following areas:

- (a) Wetlands, rivers, lakes, estuaries, and their margins;*
- (b) Undeveloped or largely undeveloped natural landforms between settlements, such as coastal headlands, peninsulas, ridgelines, and dune systems;*
- (c) Areas of high natural character;*
- (d) Land adjacent to outstanding natural character areas, outstanding natural features, and outstanding natural landscapes;*
- (e) Remnants of indigenous coastal vegetation outside urban areas and settlements, particularly where these are adjacent to water or can be linked to establish or enhance ecological corridors; and*
- (f) The areas or values identified in Policy 4.5.1 (protecting significant areas and species).*

The plan change can propose improvement of the natural character of the racecourse site edges, from buffer planting with indigenous species, for protection and enhancement of the natural character of adjacent land.

5.1.1 Policy – Planned and co-ordinated development

Development should be located, designed, and built in a planned and co-ordinated manner which:

- (a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;*
- (b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2;*
- (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects of development;*
- (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- (e) Should not result in incompatible adjacent land uses and avoids the potential for reverse sensitivity; and*
- (f) Maintains or enhances the sense of place and character of the surrounding environment.*

Note: in determining the appropriateness of subdivision and development (including development in the coastal environment – see next policy), all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to significant natural areas, landscape, heritage, natural hazards, indigenous ecosystems and fresh, and coastal water quality.

Planning for the racecourse re-zoning has been consistent with many of the contents of the Regional Form and Development Guidelines, particularly through the Masterplan exercise, and the proposals for enabling the inclusion and expansion of social infrastructure that the racecourse facilities can provide. Re-development and land use change is intended to occur in an integrated manner, and implemented through the application of the Environment, Policy framework and Management Plan approach of the Whangarei District Plan. Although a high standard of urban design would have been expected of any re-development, it is considered appropriate to include a requirement for an Urban Design Assessment as part of the Management Plan stage, when actual development is being proposed.

5.1.2 Policy – Development in the coastal environment

To enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:

- (a) Consolidates built development within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development;*
- (b) Ensures sufficient development setbacks from the coastal marine area to avoid: increasing the risk of harm to people and property from coastal hazards; to maintain and enhance public access, open space, and amenity values; and to allow for natural functioning of physical processes;*
- (c) Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land); and*
- (d) Ensures adequate infrastructure services will be provided for the development.*

The Ruakaka Racecourse Plan Change consolidates built development in clustered precincts, while maintaining the racetrack and infield as largely open space and low intensity development. It is complementary to the current extensive suburban development occurring on all adjacent private land in the vicinity. The development types enabled by the plan change will take into account the values of adjacent land, and ensure efficient infrastructure provision.

5.1.3 Policy – Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new use and development, particularly residential development on the following:

- (a) Primary production activities in primary production zones (including within the coastal marine area);*
- (b) Commercial and industrial activities in commercial and industrial zones;*
- (c) The operation, maintenance or upgrading of existing or planned⁸ regionally significant infrastructure⁹; and*
- (d) The use and development of regionally significant mineral resources¹⁰.*

The issue of adverse effects, including reverse sensitivity, is intended to be managed by integrated development of the precincts identified within the racecourse land. Residential development in conjunction with continued and expanded horse-related and public event activities is to occur in an integrated manner, rather than one established activity resisting the arrival of another. The residential activity is being proposed at the same time as, and to co-exist with, the enhanced event uses and broadened horse-related range of activities. Reverse sensitivity issues arise when a new or re-establishing use brings unanticipated adverse effects, or finds it cannot co-exist with the existing land uses.

5.3.1 Policy – Identifying regionally significant infrastructure

The following criteria will be used to determine whether infrastructure is regionally significant:

- (a) The infrastructure is designed in a way so that its beneficial impacts are felt over the longer term; and*
- (b) The infrastructure positively impacts (directly or indirectly) across multiple localities and communities or across jurisdictions by:*
 - (i) Providing a utility service to support essential public services, large industry or business uses, or high numbers of domestic users – particularly if it is difficult to repair or replace the service with an alternative if it is compromised; or*
 - (ii) Providing a significant social or community facility.*

A list of regionally significant infrastructure is included as Appendix 3.

The racecourse is considered to constitute a significant social and community facility, particularly now that it is the only fully-functioning racecourse in Northland. There is substantial community support for the racecourse and its related horse and social event attributes to continue and be enhanced.

5.3.3 Policy – Appropriateness of regionally significant infrastructure

- (1) *New regionally significant infrastructure proposals are considered appropriate if:*
- (a) *The proposal is consistent with Policies 4.7.1, 4.7.2, and 4.5.1;*
 - (b) *The proposal does not result in established water quality limits or environmental flows and/or levels being exceeded (refer to Policy 4.2.1);*
 - (c) *Damage to and/or loss of the relationship of iwi with ancestral sites, sites of significance, wahi tapu, customary activities and/or taonga is avoided or otherwise agreed to by the affected iwi or hapū; and*
 - (d) *Except where 1(a)-(c) applies, the adverse effects of the proposal are temporary and reversible (for example the placement of monitoring equipment) or where to the extent that is practicable, adverse effects are remedied and mitigated.*
- (2) *If the matters above cannot be achieved, new regionally significant infrastructure proposals (particularly those in accordance with any national policy statement) may still be considered appropriate if:*
- (a) *Alternatives to the proposal have been assessed and proven to be impractical or have greater adverse effects;*
 - (b) *Adverse effects which cannot be avoided, remedied, or mitigated will be adequately offset with positive effects, either within the subject site or elsewhere provided that the positive effects accrue to the community of interest and/or resource affected; and*
 - (c) *A monitoring programme sufficient to identify any emerging environmental, cultural, or social concerns is required as a condition of consent and an*

adaptive management regime (including modification to the consented activity) is used to respond to such concerns.

- (3) *Notwithstanding (1) and (2) above, the operation, maintenance, and minor upgrading of established regionally significant infrastructure will be provided for.*

The operation, maintenance, and upgrading of established regionally significant infrastructure will be provided for. The racecourse constitutes regionally significant infrastructure, and its viability is seen to depend on enhancement and broadening of the horse-related and event activities, as well as enabling other integrated activities on the land, such as residential development, community and hospitality facilities.

7.1.1 Policy – General risk management approach

Subdivision, use, and development of land will be managed to minimise the risks from natural hazards by:

- (a) *Seeking to use the best available information, including formal risk management techniques;*
- (b) *Minimising any increase in vulnerability due to residual risk;*
- (c) *Aligning with emergency management approaches (especially risk reduction); and*
- (d) *Ensuring that natural hazard risk to private vehicular access routes for proposed new lots is considered when assessing subdivision proposals.*

Where there is uncertainty in the likelihood or consequences of a natural hazard event, decision-makers will adopt a precautionary approach.

The plan change preparation has considered natural hazards, and requires the restoration of the dune environment adjacent to the northeastern corner of the racecourse. A second road access to the site is highly desirable if more intensive use is proposed. A detailed traffic effects assessment is required, as part of the Management Plan, at the time an actual development is proposed, and would establish the desirability and possibly necessity for such a secondary access.

7.1.7 Policy – Climate change and development

When managing subdivision and development in Northland, climate change will be included in all estimates of natural hazard risk, using the latest Ministry for the Environment mid-point/baseline predictions.

7.2.1 Policy – Role of natural features

Recognise and protect natural systems and features that contribute to minimising the impacts of natural hazard events on the built environment.

The Tonkin and Taylor report, referenced in this plan change Section 32 report and attached within the Masterplan Background Report (as Attachment 9 within Appendix F of this report), dealt with the natural hazard risk, including climate change. For the racecourse land, dune restoration at the “Surfers’ gap” adjacent to the northeastern corner of the site is also possible.

4.4.2 Operative Regional Policy Statement

A principal purpose of the operative Regional Policy Statement is to provide for policies and methods which achieve integrated management of the Region’s natural and physical resources.

The following relevant objectives are listed within the operative RPS.

12.3 Objective

1. *The integrated and co-ordinated management of natural and physical resources, and associated decision making processes, that enable their protection, use and development at both the regional and district level.*

18.3 Objectives

1. *The maintenance of water flows and levels in natural water bodies that are sufficient to preserve their life-supporting capacity, natural character, intrinsic values and any associated or dependant values.*
2. *The maintenance of groundwater levels to the extent that the use of groundwater resources is sustainable.*
3. *The efficient use and conservation of water resources*

23.1 Objectives

1. *The preservation of the natural character of the coastal environment, including protection from inappropriate subdivision, use and development.*
2.
3. *Maintenance and enhancement of public use, enjoyment of and access to the coastal environment.*
4. *The minimisation of the conflicts between uses in the coastal environment and their effects on public health and safety*

The following sections set out how the plan change is consistent with the relevant objectives of the Northland Regional Policy Statement in regards to promoting an integrated and co-ordinated management of resources while seeking to preserve the natural character of the coastal environment and maintain and enhance public use, enjoyment and access to the coastal environment.

4.5 Marsden Point-Ruakaka Structure Plan

The Marsden Point-Ruakaka Structure Plan was adopted by Whangarei District Council in November 2009. The aim of the structure plan is to provide an integrated and physical strategic development framework plan and define a vision for the future growth and development of the area. The Structure Plan is a non-statutory document. The structure plan did not provide any specific guidance on the future development of the racecourse site.

The Structure Plan envisages a substantial build-up of the resident population of the Marsden Point - Ruakaka area to help balance the large employment base possible in the area. Two main residential suburbs are envisaged:

- To the north is the Marsden Point / One Tree Point residential area with an interface with the coast at the developing Marsden Cove area.
- To the south is an expanded Ruakaka residential area, with most new development planned to the south and west of the current shopping area, away from the coast and the amenity that it provides. Ruakaka South remains at a similar size as it is today.

A large shopping centre is proposed between these two suburbs, to help “knit them together”. While this centre will be important in terms of providing mid-level services and facilities, to a great extent the viability of the proposed residential developments will be dependent upon the recreational amenities available in and adjacent to the residential suburbs.

The northern Marsden Point residential area is likely to have a focus on boating and water sports, given the estuarine frontage in this area and the boat ramps present. It also has a number of developing neighbourhood-sized centres.

In the Ruakaka area, access to the open coastal beach is likely to be the main driver of demand, yet the Structure Plan proposes that most new development be some way inland from the beach. The racecourse site has some strategic importance in this regard, in that it can provide a linkage between the residential development to the west, and the beach. It also affords the opportunity to develop a small neighbourhood node for the suburb developing to the south of Tamure Place. It is noted that the Ruakaka shopping centre is outside the walkable catchment of the new subdivisions that are proposed to the west of the racecourse.

Structure planning for the area has involved planning for large scale infrastructure, to ensure that the urbanisation results in fully-serviced land.

4.6 Iwi Management Plans

No sites of significance to Maori are registered in the District Plan or Historic Places Trust Register within the boundaries of the racecourse site, and much of the land was modified to create the racecourse and grandstand hill. However, it is recognised that iwi have an important role to play in resource management and consultation with iwi is desirable to ensure that all cultural values are identified (whether these are recorded or not).

The two iwi that exercise mana whenua over the area are Patuharakeke and Ngatiwai.

south Omaha and includes all of the off shore islands, for particular relevance for this plan change the Hen and Chicken (Marotere) Islands.

The purpose of the Te Iwi O Ngatiwai Management Plan is to state the core values from an iwi perspective of generic environmental issues. The iwi have a Resource Management Unit titled Ngatiwai Trust Board Resource Management Unit that is set up to develop the resource management capacity of the iwi.



Figure 3: Ngatiwai Traditional Territory

The Management Plan includes a number of high level resource Guidelines which include policies, objectives and methods. These guidelines cover some specific projects i.e. plantation forest, mineral extraction and genetically modified organisms. Other guidelines relate more generally to the use of natural resources (water, air, soil) and protection of indigenous flora and fauna. Strongly emphasised is the need to consult the iwi group early on and respect and appropriately use their knowledge. Some of the specific resource objectives that are relevant for this plan change include:

The sustainable management of water, soil and air in a collaborative manner considering all flow-on effects.

Wahi tapu within the rohe of Ngatiwai are correctly understood and managed by all who empower themselves under the Resource Management Act.

The relationship of Tangata Whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu and taonga is recognised and provided for as a matter of national importance by councils.

Tangata Whenua traditional environmental knowledge in relation to their customary resources is appropriately acknowledged and utilised.

4.6.3 Consultation with iwi

The development of an Equestrian Centre at the racecourse site originates from the Marsden-Ruakaka Structure Plan 2009. Iwi involvement in the preparation of the Structure Plan included discussions

between the Council and the Patuharakeke Trust Board in March 2009 followed by 2 comments (informal submissions) being made by the Patuharakeke Trust Board to the draft Structure Plan. Patuharakeke Trust Board presented its views at a hearing on 25 June 2009 which the Structure Plan Hearing Committee considered in its deliberations.

During the preparation of the Racecourse master plan in 2010 the Whangarei Racing Club consulted with the Patuharakeke Trust Board as representatives of the iwi who are kaitiaki in this area.

On 1 February 2011, Council officials and representatives of the Whangarei Racing Club met with members of the Patuharakeke Trust Board to discuss the plan change project. Correspondence from the Trust Board following the meeting on 1 February 2011 indicated that they wished to be involved further in the draft plan change once the draft plan change documents were available. Documentation was sent to Patuharakeke Trust Board for consideration and a follow-up meeting was scheduled for 14 June 2011.

Patuharakeke Te Iwi Trust Board was subsequently commissioned to prepare a Cultural Effects Assessment and that December 2011 report is appended to this Section 32 Report as Attachment 6.

4.6.4 Patuharakeke Cultural Effects Assessment Report

Appendix G provides a detailed response to the issues raised in the Cultural Effects Assessment. The following provides a summary of the issues raised:

1. *Only one dune lake exists now which should be a matter of significance to the region and nation (4.1).* The natural character and ecological values of the dune lake can be further recognised in the policies and provisions.
2. *This planning framework could provide opportunities for engagement, collaboration and partnerships going forward (4.4).* The plan change process can serve as a catalyst for WDC and WRC engagement, partnership and collaboration with Tangata Whenua.
3. *Questionable for existing heavily-modified coastline to be used to justify further modification (and cumulative effects) of an area that still maintains some very significant natural characteristics (5.1).* The proposed plan change is applied to the modified parts of the coastline, where the racecourse currently exists, and proposes to manage the environmental effects of re-development on the beach area and foredunes.
4. *Concern at potential to affect groundwater quality and the dune lake (5.1).* Management of stormwater and use and demand for water on the racecourse site is required, and the plan change policies include a requirement for on-site stormwater attenuation and re-use. The site will have reticulated services, but the quality of groundwater and the dune lake re-charge need to be included in the management plan infrastructure and stormwater management effects assessment.
5. *Stormwater management should be required for Precinct D (Grandstand and parking) (5.1).* Management plans are required for all precincts except Precinct A (Infield) REE 1.5 (1).
6. *Concern at possibility of on-site wastewater disposal (5.1).* On-site wastewater systems can be deleted from the plan change subdivision policies, as the ocean outfall is proceeding.

7. *Opportunity for residents to support Coastal Cultural Health Index monitoring of the health of mahinga kai (5.1).* It is an opportunity, although if development does proceed, much of it will occur before residents come to live here. This opportunity can be provided outside the district plan.
8. *Concern at proximity of the REE to the Ruakaka Wildlife Refuge, and potential effects of noise, lighting, pets and human disturbance (5.1).* These concerns have been acknowledged in policies, rules and management plans.
9. *The requisite policies and the section 32 report differ on when education and involvement in the management of the wildlife refuge (5.1).* The management plans need to address the timing and scope of resident education and involvement in the wildlife refuge. It would be appropriate to have such a programme developed before substantial residential development proceeds, and to be available for new and prospective residents.
10. *Concern at visitor accommodation and retirement units as a potential threat to wildlife (5.1).* There is a need for management plans to limit potential threats from visitors, and more broadly to raise awareness of the significant natural values of the area. This is likely to require signage and specific information directed at visitors staying in accommodation units.
11. *Extension of ban on cat and dog pets to include mustelids, for clarity (5.1).* Such a ban was considered useful in earlier drafts of the plan change, however there are other species that are also rarely kept as pets, but can predate birdlife and compete for food. Ferrets are now unlawful pets unless being bred for export and with the consent of the Minister of Conservation. Stoats and weasels are not kept as pets. However reference can be made to mustelids in terms of animals that cannot be accommodated on the site.
12. *Opportunity for residents to support a Pingao or Dune Restoration planting project (5.1) and (5.3).* This is an opportunity provided for by allowing residential development on the site. This opportunity can be provided outside the district plan.
13. *Concern at Section 32 assessment of alternative options, cost-benefit analysis, and risks of acting or not acting (5.1).* Section 8 of the private plan change request report addresses the appropriateness of the objectives, in terms of more or less activity, and different land uses. The do-nothing option threatens the viability of the racecourse, and prompted the initiation of the Masterplan and Plan Change. The other alternative was the Council purchasing the land for recreation, which would need to be initiated by the Council itself, and this option is not precluded by the plan change. The opportunities and constraints on development and the potential effects on the environment are considered as costs and benefits.
14. *Concern about 'stepped' development process (5.1).* The plan change needs to rely on a stepped process, from overall strategy through zoning to establish the opportunity for future development and change. There is no actual development proposed at this stage, nor specific development plans or partners. The management plan and resource consent technique used in the Whangarei District Plan is appropriate for the implementation of the zone strategy.
15. *Concern that certain housing types are more appropriately located elsewhere (5.1).* The more intensive housing types should be able to occur in more locations than just Marsden Town Centre. The racecourse and coastal location will provide a sense of place where people want to live, and such development will complement the wider range provided across Ruakaka and Marsden Point. Compact new settlements are an efficient use of land, can help support some small scale commercial activity and community facilities/social infrastructure, and may provide a stronger focus to community identity than extensive suburban development.

16. *The assessment has no discussion on actual and potential cultural effects of development (5.2).* Patuharakeke Te Iwi Trust Board was consulted earlier in the process, and was commissioned to provide the cultural effects assessment.
17. *The Assessment of Environmental Effects states that no sites of significance to Maori are located within the boundaries of the racecourse site (5.2).* There are no specifically known sites within the racecourse site, and Patuharakeke Te Iwi Trust Board has not previously raised such a possibility. The racecourse and grandstand are also relatively modified landforms within the dune system. DOC reports describe prolific archaeological sites along the coastal margins, although not comprehensively mapped and there are no recorded archaeological sites on the racecourse land. The management plans should include specific identification, management and where necessary protection of the cultural heritage landscape relating to the racecourse and, to a certain extent, its surrounds. The Cultural Heritage Effects Assessment required as part of the Management Plan would investigate that possibility in relation to the racecourse vicinity, and also in relation to any management proposals for public access to the coast across the dunes. The policies could allow for the provision of cultural education and programmes as they do for education and advocacy around the protection of wildlife. The proposed plan provisions do not prevent such activities from occurring, but should be more explicit as they are with events and recreational activities.
18. *A cultural heritage monitoring programme should be required by the management plans or requisite policies and some matters are suggested for inclusion (5.2).* The management plans are the appropriate instrument for some of the detailed requirements of cultural heritage monitoring, and particularly a cultural constraints mapping exercise. They should also contain reminders of the other requirements outside the district plan. For example, the Historic Places Act contains requirements for consultation with Tangata Whenua in archaeological assessments, and the discovery of Koiwi Tangata / human remains and artefacts. Other parts of a cultural heritage monitoring programme could be pursued outside the district plan change. These include protocols for tikanga and contractor training, recognition and Waahi Tapu registration, interpretation programmes and the establishment of memorial artefacts, building opening rituals, options for a cultural centre on the site, and apprenticeships or scholarships.
19. *Concern at potential height, bulk and design of buildings (5.2).* For Precinct D – Eastern (grandstand), as well as specific existing buildings being used as locators for proposed height limits, the policies also limit the extent of building visible from reference points on the beach. For Precinct B – Southern, the policies allow for up to 10 per cent of the precinct to be built above 2 storeys, up to 14 metres (four storey), subject to effects assessment through the discretionary activity resource consent process. As there is no current development proposal the plan provisions are a guide and set out the process for assessment.
20. *Ongoing involvement and participation of Patuharakeke (6).* The management plan requirement can be used to clarify the further involvement of Patuharakeke, in relation to a specific development proposal. However, the relationships between Patuharakeke and WDC and between the WRC and Patuharakeke should not be determined by a rule or policy in a district plan.
21. *Concern at Council roles as adviser to developer and regulatory authority (6).* The Council is involved in, and required to be involved in, planning for the future use and development and protection of all land within its district. This involvement becomes more 'hands-on' with places of significant public interest, such as community, recreational, environmental, economic and strategic importance. The Ruakaka Racecourse and its surrounds is one of these. The Council is

also required to make decisions on requests for private plan changes, and would be expected to use independent advice and decision-making processes.

22. *Environmental case law has established a hierarchy of adverse effects management. If at all possible effects must be avoided. If this is not possible then they must be remedied, and where they can be neither avoided nor remedied then adequate mitigation measures are required.* Ministry for Environment states that case law on the avoid, remedy or mitigate hierarchy is divided rather than settled. The RMA lists them in order but does not give pre-eminence to 'avoid'. It is considered that a choice can be made to mitigate an adverse effect rather than avoid it, if this is appropriate given the value of the resource and the extent and nature of effects.

5 Whangarei District Plan

5.1 Zoning and zone-based provisions

The racecourse is currently within the Coastal Countryside zone. The full description of the zone and purpose is set out in Part D, Section 38 of the District Plan and reads as follows:

Some ninety percent of the District's land area is contained within the Countryside and Coastal Countryside Environments.....The most distinctive feature of the District is, however, its long and varied coastline, which includes a wide range of landforms and landscapes. Most of the land within the Coastal Countryside Environment is uninhabited, but there are specific locations within the Environment, and especially in areas with access to beaches, where development and settlement has occurred in the past, or where new development is being promoted at present.

The Countryside and Coastal Countryside Environments were subject to Plan Change 95, which sought to change the zoning of some Countryside land to Coastal Countryside, and vice versa. The racecourse is not affected by that plan change, and its current zoning remains Coastal Countryside. At the time of writing this report Plan Change 95 had been withdrawn, awaiting the reviewed Regional Policy Statement identification of, and policy framework for, the coastal environment.

5.1.1 Objectives and policies

For the purpose of this assessment the relevant objectives and policies under the 'Amenity Values' section have been identified as follows:

Section 5 Amenity Values

5.3 Objectives

- 5.3.1 *The characteristic amenity values of each Environment are maintained and, where appropriate, enhanced.*
- 5.3.2 *Adverse effects on amenity values do not result in a reduction of amenity value below that which is desirable for people's health and safety.*
- 5.3.3 *Activities that demand a high level of amenity do not unduly compromise other land uses.*
- 5.3.4 *The amenity values of the coast and open space are maintained and enhanced.*
- 5.3.5 *The actual or potential effects of subdivision, use and development are appropriately controlled and those activities located and designed, are to be compatible with existing and identified future patterns of development and levels of amenity in the surrounding environment.*

5.4 Policies

- 5.4.1 *Effects on the Local Environment*

To ensure that activities do not produce, beyond the boundaries of the site, adverse effects that are not compatible with the amenity values characteristic of the surrounding and/or

adjacent environment, unless such effects are authorised by a district plan, a designation, a resource consent or otherwise. The following effects should be given particular consideration in this respect:

- *Noise effects;*
- *Shading;*
- *Glare;*
- *Light spill;*
- *Dust;*
- *Smoke;*
- *Odour;*
- *Vibration;*
- *Spray drift;*
- *Visual amenity.*

Where internalisation of effects cannot be wholly achieved, the Council will consider a Best Practicable Option approach.

5.4.2 Character and Timing of Activities

To allow activities where their nature, timing and duration do not result in adverse effects on amenity values beyond the extent compatible with the characteristics of the surrounding and/or adjacent Environment/s.

5.4.4 Coastal-Countryside Environments

To encourage development in the Coastal-Countryside Environment not to have adverse effects on the amenity values of the environment. The visual amenity and natural character, in particular, has to be protected from subdivision, use or development that is sporadic or otherwise inappropriate in character, intensity, scale or location.

.....

5.4.7 Intensity and Design of Subdivision and Development

To ensure that subdivision and development do not unduly compromise the outlook and privacy of adjoining properties, and should be compatible with the character and amenity of the surrounding environment. Particular regard should be given to:

- *The layout and intensity of subdivision;*
- *The location, design and siting of buildings and structures, except where such buildings and structures provide a specific service for the surrounding environment. In the latter case, any building or structure shall be designed, laid out and located, so as to avoid, remedy or mitigate any adverse effects on the environment.*

Restrictions on density of development and subdivision size may be required to ensure new development does not increase population concentration in noise sensitive areas.

.....

5.1.2 Rules

The zone uses a system of rules linking to standards to determine the consent status of an activity. This is in essence an “effects based” approach where the status of the activity is determined by the level of effect it imposes on the environment (represented by the thresholds in the standards).

Any general activity is a permitted activity within the Coastal Countryside environment if it falls under the following:

- a) *It is not a commercial activity involving intensive livestock farming, wool scouring, rendering, motor vehicle manufacturing or dismantling, rubbish disposal or landfills, sewage collection or disposal, or septic tank sludge disposal; and*
- b) *It does not involve food irradiation; and*
- c) *It is not an activity that is classified as an offensive trade in the Health Act 1956; and*
- d) *It does not involve commercial or industrial activities that occupy in excess of 500m² in gross floor area; and*
- e) *It does not involve commercial or industrial activities that are located within 100m of:*
 - i. *Any existing residential unit on a separate site; or*
 - ii. *The open space environment.*
- f) *It does not involve new plantation forestry within 30m of an existing residential building on a separate site.*

For the purposes of this rule, ‘commercial activity’ does not include any activity that otherwise falls within the definition of “temporary activity” and is associated with a place of assembly.

A variety of other activities such as the storage of hazardous material, network utility services, traffic movements, signs, noise and parking are permitted providing they comply with the relevant provisions set out in Rules 38.3.2 to 38.3.18.

The standards are shown in summary form in the table below.

Development Standards	
Maximum building density	1 unit per site or 1 per 20.0ha net site area.
Minor household unit	1 per site with minimum net site are of 1.2 hectares
Maximum building height	8.5m
Maximum building coverage	500.0m ² or 5% of net site area, whichever is greater
Minimum building set back	8.0m from road boundaries, 3.0m from other boundaries
Minimum building setback from water bodies	27.0m from MHWS and 5.0m from the dune lake
Minimum separation distance to access	2.0m
Minimum landscaping requirement	All land within 6.0m of the road boundary other than access required to be planted in pasture, trees or shrubs
Coastal minimum flood level	2.5m above One Tree Point Datum Mean Sea Level 1964
Building daylight angles	Compliance with Appendix 11

Development within the Coastal Countryside Environment in addition to the above rules, has to comply with the Road Transport Environment Rules listed in Part D, Section 47 of the Plan.

5.2 Special provisions

The south eastern corner of the site is shown to be located within a 'Notable Landscape Area'. This imposes further rules in relation to permitted building height (8.5m maximum), indigenous vegetation clearance (1.0 ha), and earthworks (up to 500.0m³) under Section 57.3. The area loosely follows the coastline, wraps around the Crown land and wildlife refuge to the south of the site and along the estuary borders. It does not match the Coastal Marine Area boundary.

5.3 Summary

The Coastal Countryside Environment provides for very low density development typical of countryside living. A range of activities is permitted that would generally be located within the countryside i.e. farming, storage of materials and network utilities. Certain levels of noise, traffic movements and signage are permitted.

The rules associated with the Coastal Countryside Environment seek to control the effects of activities to a level that is anticipated in a coastal countryside location i.e. limited building height, low density (1 house per 20 hectares) and low building coverage (5%).

As expected of countryside zone provisions there is no support for the current event and equine use on the racecourse site or potential for residential development of any significance due to the low thresholds established by the rules and standards. Whilst the rule framework is "effects based" and therefore there is no restriction on the ability to seek consent for significant urban activities (except in the instance of some select "prohibited activities") the framework of objectives and policies dictates that such proposals must be subject to case-by-case scrutiny. The current provisions are not site specific and so the particular constraints and opportunities of the racecourse land are not recognised in the current RMA framework. This imposes a high transaction cost on the race club (and potential interested parties) in terms of advancing proposals to expand training facilities and undertake compatible development.

On that basis, this plan change, and the creation of a new equine environment zone for the site, is the better course of action to deliver both security for the ongoing equine use of the site and potential to deliver future residential development within a tailor-made framework.

6 The Plan Change

6.1 Building on the master plan

As set out in the Introduction to this report, in 2010 a Concept Master Plan was developed for the Ruakaka Racecourse. The origins of this master plan were in a submission made by WRC on the Marsden-Point Ruakaka Structure Plan, requesting that development options for the racecourse land be investigated. The intention of the development options was to safeguard the long term viability of the club through development of surplus areas of the site while ensuring all future uses would be 'complementary to the club's core business of training and racing'.

In response to the submission received by the WRC, WDC commissioned the production of a master plan for the Ruakaka Racecourse. The Council appointed a team of consultants to prepare the master plan, involving Hill Young Cooper (planning consultants), Construkt Architects Ltd (architects/urban designers), Flow (transportation specialists) and R A Skidmore Urban Design Ltd (landscape specialist) to develop a concept master plan.

The term 'concept master plan' refers to an indicative or general plan for the site. As such, the final plan was not a detailed plan showing individual uses or buildings; rather it illustrated general activities and building envelopes were depicted. The intention was that the concept master plan would provide an appropriate framework from which a change to the Whangarei District Plan could subsequently be prepared and notified. The principles of the master plan were adopted by the WDC Committee on 8 September 2010.

In proceeding to the preparation of the Plan Change, it was recognised that the Master Plan had been an "inquiry by design" exercise, and was not an actual development proposal being promoted for the land. It had allowed the consideration of alternative activities and land uses and development, and assisted with the testing of development parameters and their potential effects. The Ruakaka Racecourse Master Plan Background Report is Appendix F to this report. The two most significant differences between the Master Plan and the Plan Change are:

1. Buildings taller than two storey in Precinct B Southern are discretionary activities, requiring specific landscape and visual effects assessment, and
2. The Precinct A Infield and Racetrack has an objective supporting equine and recreational activity, maintaining an open space character, and any residential land use would be a discretionary activity. The tunnel that would have been required for effective access to intensive development in the Infield (for example a retirement village) is not considered viable, and a fully functional surface access would conflict with use of the racetrack.

6.1.1 Process

The master plan was formulated through a collaborative process between WDC staff, representatives from the WRC and the design team. An initial opportunities and constraints analysis was carried out and this was followed by a two day workshop in June 2010 that incorporated a mix of presentations, break out sessions on specific topics, brainstorming and design. Following this workshop two options were drawn up

for public consultation. A further workshop was held in July 2010 prior to the public consultation to further explore the consultation concept design. Limited public consultation was carried out in July - August 2010.

6.1.2 Master Plan Options

A number of options for development of the racecourse were explored during the preparation of the Master Plan, and also formed part of the Section 32 requirements for consideration of alternatives. Underlying the decision process around each of the options was the need to ensure that the long term viability of the racecourse for horse racing and training was supported and not compromised. Important design principles are summarised below:

- Access – need for more than one vehicular access into the site, to spread traffic load during busy times and separate out traffic associated with different uses. Options for access included a tunnel under the race track, access through to Tamure Place and a new access through the land to the north west of the racetrack (also onto Peter Snell Road).
- Mix of activities to help generate a range of income streams for the Club – proposed activities generally fitted within four broad activity types being equine-related, commercial recreational, business/commercial and residential.
- Interface with the coastal area – the RMA places the most importance on the coastal interface. The master plan proposed a stepping back of development from the coastline to a maximum height no higher than the current commentators' box on top of the grandstand, which is barely visible from the beach. Appropriate setbacks to the DOC reserve to the south and dune lake to the west were also identified.
- Community use/benefits – the master plan identified that development of the racecourse opened up a number of opportunities to positively contribute to public amenity in the area including improved public access to the coast, closure of the 'Surfer's gap' (that provided car access to the beach), a publicly accessible viewing plaza, a new walkway route and the possibility of dedicated community use within the infield.
- Intensity of activities – the height and density of development were two important issues in the development of the master plan, given the coastal location and surrounding residential areas. Residential development was concentrated in the southern flank of the race course, this being the area where taller buildings could be located where they would not be visible from the coast. Realignment of the racecourse was not a feasible option. The design and layout of the taller development requires specific assessment so as to minimise disruption of views from residential areas to the west.

The decision process around each of the above elements influenced the final option that was selected and reported to the WDC Committee. Refer to Figure 4 below for the adopted master plan.



Figure 4: Master Plan Option

6.2 Plan change structure

The plan change creates a new environment within the District Plan: the Ruakaka Equine Environment. The Environment has been divided into a number of Precincts. These Precincts reflect the specific characteristics of different parts of the racecourse site and enable different future uses. Racecourse-related activities are provided for across the Environment, along with compatible commercial activities in specific Precincts. Development of activities additional to these is largely dependent upon preparation and approval of specific Management Plans for individual precincts.

The four Precincts are as follows (see Figure 5 below):

- Precinct A – Infield and racetrack
- Precinct B – Southern
- Precinct C – Western
- Precinct D – Eastern/grandstand.

Within the text for each Precinct there are some activities that are either:

- Permitted (predominantly relate to equine use)
- Require consent as discretionary activities

- Require a management plan to first be submitted and approved by way of a discretionary land use activity.

A list of criteria (requisite policies) is provided in relation to the notification of consents within each Precinct i.e. the criteria must be met for the application to proceed on a non-notified basis.

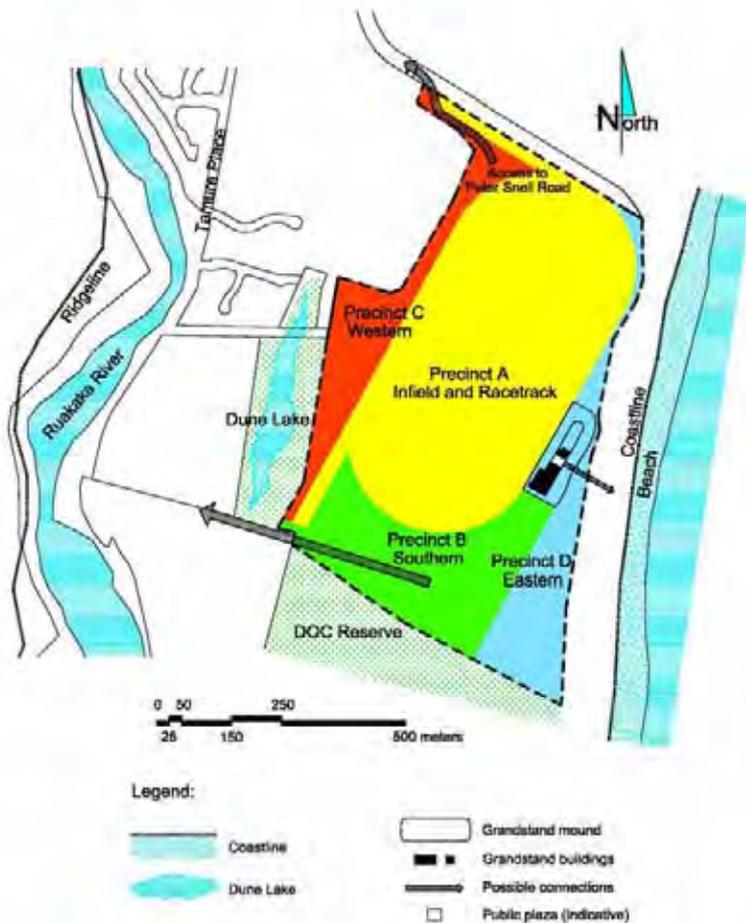


Figure 5: Plan Change District Plan Map

The objectives for each of the Precincts as set out in the diagram above are as follows:

- *Within Precinct A, to create an equine and recreational cluster within the infield area and provide effective race day facilities while maintaining an open space character.*
- *Within Precinct B, to allow the development of a range of residential accommodation that is compatible with the surrounding environment and provides linkages through the site to the coast.*
- *Within Precinct C, to allow the development of houses and stabling facilities that are designed to be stepped back from the interface with the dune lake.*
- *Within Precinct D, to allow the development of the existing grandstand, capitalising on the views from the existing landform, to provide for multiple uses that may include watching racing, public open space, accommodation, conference centre facilities and related commercial development.*

6.3 Consultation

Consultation on the draft plan change was launched at a public drop-in session on 17 February 2011 at the Ruakaka Racecourse to discuss the content of a plan change. Following the drop-in session feedback was received from members of the public, WDC and from DOC. Further consultation was carried out in May 2011 through sending out a consultation flyer (Attachment 5) and making copies of the draft plan change text available for public viewing at WDC's Ruakaka Service Centre. 13 feedback forms were received by the WRC. Some of the feedback sheets received in the May consultation round were unsigned or had unreadable signatures, but the comments were noted.

Comments raised during these rounds of consultation reinforced the points raised during consultation carried out during preparation of the master plan. Comments are summarised as follows:

- Development of the site – concern was raised over any development of the site for residential or other purposes. Some submitters considered that if the racecourse was to no longer operate on the site that the site should become open space.
- Visual effects – comments and concerns in relation to the height of buildings and visual effects predominantly related to the scale of development, site coverage and buildings over 2 storeys in height and vegetation (height of trees) that had the potential to affect the enjoyment of views from private properties along the ridgeline to the west.
- Interface with the natural environment - concerns were raised over the interface with the natural environment particularly in relation to the boundaries of the development with the dune lake to the west, the Crown land to the south.
- Development on the grandstand mound - comments and concerns over the development on the grandstand mound were two-fold, relating firstly to the impact on views from private properties along the ridgeline and secondly to the impact on the view from the beach to the east.
- Event management - the plan change will enable the racecourse facilities to be more efficiently used both for equine/racing-related events and for events unrelated to equine activities.

These issues have informed the development of the Plan Change, in particular the proposal to require management plans to be prepared prior to any large scale, non-equine development. It is noted that the technique of management plans as discretionary activities will allow further participation at the Precinct planning stage, when the detailed amenity and effects consideration will occur.

In response to the feedback, a number of changes have been made to the plan change text to clarify the requirements associated with visual impact assessments, the baseline for redevelopment of the buildings on the grandstand hill (that is, what development is possible before visual assessment is required), and that the plaza proposed for the grandstand hill is to be an open air plaza, not a covered plaza.

6.3.1 Consultation with DOC

Officers from the Department of Conservation were invited to and attended workshops and meetings both during the development of the Master Plan in 2010 and in the formulation of the plan change this year. Key concerns that were raised by DOC were around the overall number of residential units to be allowed on the site and the type of treatment proposed for the boundaries of the site, particularly with the dune lake to the west and with the Crown land to the south. These points are further addressed in Sections 6, 7 and 8 of this Report. Further consultation with DOC occurred in December 2012 after the preparation of the Ecological Review of the Plan Change and arising from that assessment further detail has been

incorporated into the plan change in relation to the preparation of a specific habitat protection plan, as part of the management plan process.

6.3.2 Consultation with Iwi

Consultation with iwi was led by the Whangarei District Council, and has been covered in Section 4.7.4.

6.3.3 Consultation with NZTA

Further to the consultation carried out with the New Zealand Transport Authority (NZTA) as part of the Master Plan process, NZTA provided comments on the draft plan change text; these related to the differences between the earlier master plan proposal and the draft plan change. In response to this a meeting was held with NZTA staff, and Flow Transportation provided advice on the assumptions used in the initial assessment.

The master plan was used to explore the potential of the site, and the draft plan change proposes a “stepped” approach to redevelopment, using management plans to provide an appropriate level of investigation and design and effects mitigation prior to significant development occurring. The NZTA comments raised the issue of the appropriate stages of the planning and development process to require an integrated transport assessment, particularly in relation to effects on the state highways and their intersections. It was agreed that the discretionary activity consents required for management plans would be an appropriate trigger for such an assessment. The issue of funding of network infrastructure improvements required to service the redevelopment was also raised, and a financial or development contribution mechanism may be necessary should the additional traffic likely to be generated as a result of the plan change adversely affect the operation of the State highways and mitigation works be required.

7 Assessment of Effects on the Environment

7.1 Introduction

As set out in Schedule 1, Clause 22(2) of the RMA, where environmental effects are anticipated the plan change request shall describe the effects in accordance with the provisions set out in Schedule 4 and the scale and significance of the actual or potential environmental effects anticipated from the implementation of the plan change. As such, this section addresses the anticipated environmental effects of the proposed plan change.

Clause 1 of Schedule 4 to the RMA sets out the matters that should be included in an assessment of effects on the environment when making a resource consent application under Section 88 of the RMA. Therefore these matters are not relevant to a plan change request. They will become relevant to the future precinct plan applications and any subsequent development plans.

Clause 2 of Schedule 4 sets out the matters that should be considered when preparing any assessment of effects on the environment, including one required by Clause 22(2) of the First Schedule.

Schedule 4 requires the following assessment:

- 2 Matters that should be considered when preparing an assessment of effects on the environment. Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:*
- (a) any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects:*
 - (b) any physical effect on the locality, including any landscape and visual effects:*
 - (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
 - (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations:*
 - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants:*
 - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*

7.2 Neighbourhood Effects

Recognition of the racecourse as a specific environment with its own set of policies and rules will help to ensure the long term viability of the race club and the wider social and economic benefits that flow from this. This includes:

- Development of the racecourse for a range of compatible education and commercial activities will enable economic goals related to jobs and business development in the Marsden Point – Ruakaka area to be advanced

- The racecourse land has the ability to support a range of housing options not found in the immediate area, enabling social and community outcomes relating to housing choices (e.g. retirement, apartments for couples/ singles)
- Development, if integrated with surrounding roading network, can provide additional opportunities for people to access the coastline and enjoy the coastal environment
- The racecourse could offer a number of local services and activities that would benefit the neighbouring community (e.g. cafe, coastal viewing platform).

Development of the racecourse site may change the amenity currently enjoyed by some surrounding residents, in particular views (discussed separately) as well as general disruption to amenity due to increased activity on the site.

General disruption may come from night time races, and a greater number of concerts and outdoor events that generate noise, light spill, traffic and parking and the potential for anti-social behaviour. These effects are to be covered by controls on the size and frequency of events and a requirement for event management plans.

7.3 Landscapes and Visual Amenity

One of the key issues that has been raised through consultation on the master plan and plan change is landscape and visual effects, related to the potential effects of the proposal on the amenity of the adjacent residential areas, particularly in terms of the impact on people’s views from taller development. Effects on coastal landscapes are covered below.

Feedback and discussion was focused on the view from properties along the ridgeline located on Marsden Point Road. Residents living at properties along this ridgeline were concerned, particularly in regards to development over 2 storeys and/or development on the grandstand mound that exceeds the current building envelope. An example of the views enjoyed by residents is set out in Figure 6.

There are no public viewing areas along this stretch where members of the public would be affected by the development.

The earlier master plan and this proposed plan change were prepared with the assistance of landscape and visual effects reports from R A Skidmore Urban Design Ltd (Attachment 4). Specific measures are proposed to ensure that the impact of development on visual amenity is taken into account in the development of the racecourse site.



Figure 6: Example of private view

The plan change can manage effects on the wider landscape by policies and methods that limit development to heights where development will not significantly impact upon views, and in the case of the grandstand, the current building envelope. Where greater heights or bulk are proposed then the effects of these on landscape and residential amenity will be first assessed by way of a specific visual and landscape assessment. This assessment can then provide detailed controls and design criteria. The plan change provides a number of parameters as where additional height and bulk is appropriate:

- Any new building within the footprint of the existing grandstand should not exceed the height of the commentators' box on the existing grandstand, nor extend in a north-south direction, greater than the current building on the site (as they exist July 2011), unless specific assessment of the landscape and visual impacts of greater building height and bulk show that additional development does not create significant adverse effects on the amenity of surrounding residential areas.
- Building coverage and height within the infield is limited to a low level while within the western precinct, development is to be no more than 8 metres high (2 storeys).
- In the southern precinct, buildings over 2 storeys high will only be possible where visual effects are addressed. Buildings over 2 storeys could not occupy more than a minor portion of the precinct (10% of the southern precinct) and no building is to exceed 14 metres or 4 storeys in height. The exact location of any buildings over 2 storeys in height will need to be determined by an appropriate assessment of the landscape and visual effects assessment on panoramic views and views of key features like the Hen & Chicken Islands and headlands, enjoyed by residents in the surrounding area.
- Controls could be put in place through a management plan that imposes a restriction on the species of vegetation to reduce potential effects on the views from surrounding properties.

7.4 Ecology

The site has three interfaces with areas of high ecological significance: the dune lake to the west, the coastal dune area to the east and the wildlife refuge further to the south. These areas provide habitat for a number of Threatened and At Risk shorebirds. Potential adverse effects of development have been identified by Wildlands Consultants and are significant. They are:

- Disturbance of wildlife through noise, light and people
- Predation of wildlife by animals
- Invasion of weeds.

Stormwater and water management also have the potential to harm the ecology of the dune lake, through lowering of ground water and discharge of contaminants.

Various management and design responses are proposed to manage these risks to the ecological resources of the area, as set out in the Wildlands assessment, and the plan change. Actions include:

- Fencing and other physical barriers such as buffer planting
- Bans on cats, dogs and predators
- Pest and weed management

- Information for residents
- Co-ordination of residents involvement in management
- Monitoring of the above actions.

Management plan requirements include specific reference to a habitat protection plan. This plan is to be prepared in consultation with DOC and Iwi and is to set out actions to minimise additional risks to ecological resources. A key action will be employment of a warden or similar to undertake enhanced predator control and educate residents and visitors as to appropriate behaviour. In this way the risks of additional people disturbing breeding birds can be offset.

The existing environment and the proposed plan change were also assessed against the Conservation Management Strategy Northland (extracts in Appendix C), draft Northland Conservation Management Strategy 2014 – 2024 (Appendix C1) and the Bream Bay Strategic Plan 2006 (Appendix C2).

7.5 Interface with Coastal Environment

The coastal environment is the main feature that provides significant amenity values. The master plan and plan change were both prepared to respond to the interface with the coastal environment. The coastal environment in Ruakaka has been heavily modified through the location of industry to the North, while housing development is visible to the west. While the area has some natural characteristics, it is not an “untouched natural coastline”.

The foredune area that lies between the beach area and the racecourse land creates a visual and physical buffer. This foredune area is not part of the racecourse land.

Parts of the existing grandstand building are visible from the beach area, otherwise there is considerable scope for redevelopment of the existing grandstand and grandstand hill in a way that new buildings would not be directly visible from the beach, except for longer distance views from the beach north or south of the site.

Relevant effects include:

- Nature and extent of views from the beach area. Provisions ensure that the view of any development from the beach area (at mean high water springs) is restricted to buildings that serve a public use, so as to provide a focal point and connection to people on the beach. Buildings are otherwise to be stepped back from the coast with any taller apartment buildings towards the centre of the site.
- Access to the coast environment. In line with the NZ Coastal Policy Statement, access points can be provided to the coast to ensure that people could access and enjoy the coast. The existing horse only access is proposed to be shifted to the south, while a pedestrian only access point could be provided in the middle of the site, beside the main grandstand area and associated car parking, further away from the wildlife refuge to the south. Both these tracks would need to be designed and implemented with the agreement of DOC as landowner. There is the opportunity, with a new pedestrian path, to close the current informal vehicle access – Surfer’s gap – and to reinstate this part of the foredune.
- Buildings within the racecourse land can be set back 5m from the boundary with the foredune and the resulting yard area planted. This will extend and widen the foredune area.

7.6 Traffic and Infrastructure

Physical infrastructure (water, wastewater) can be extended to serve the development, although there is a cost to doing this. The Council uses a Development Contributions levy to recover the public costs of infrastructure extensions and upgrades. A rough order of costs for development contributions is attached in Appendix H.

Transport effects are not likely to be large, in comparison to the large amount of growth anticipated in the wider area of Ruakaka – Marsden Point:

- The preliminary traffic report prepared for the master plan concluded that redevelopment of the site would not adversely impact on the adjacent environment, if planned roading upgrade projects occur and related roundabout designs are adjusted. That earlier assessment related to a particular level and mix of development and would need to be modified to suit any actual redevelopment proposal.
- Integrated transport assessments will be required at the management plan discretionary activity consent application stage, including assessment of traffic and parking effects, and effects on the State highways and its intersections.

7.7 Stormwater / Discharges

Stormwater management will need to be the subject of specific regional consents.

The sand base of the racecourse means that there will be limited sedimentation effects from earthworks associated with development. Earthworks effects can be addressed at the consent stage and do not need to be the subject of specific controls in terms of zone-based rules.

An important adverse effect of additional development could be changes to the water table, and with this, effects on the dune lake. This effect can be addressed through requirements to use low impact stormwater techniques that promote ground soakage of stormwater, ahead of piping stormwater to outfalls.

Contaminants from new roads and other hard surfaces could also adversely affect the quality of receiving environments. Low impact approaches have a quality as well as quantity benefit.

Water table and contaminant effects can be addressed through the Management Plan requirements.

8 Analysis of Options

8.1 Introduction

Section 32 of the RMA prescribes the level of analysis which must be undertaken in support of any application for a private plan change, namely:

32. Consideration of alternatives, benefits, and costs

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

(a) the Minister, for a national policy statement or a national environmental standard; or

(b) the Minister of Conservation, for the New Zealand coastal policy statement; or

(c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or

(d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.

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

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

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

(3) An evaluation must examine—

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

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

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

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

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

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

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

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

8.2 Assessment of objectives

The objectives of the plan change are to secure the long term viability of equine activities on the site while enabling the expansion of training and horse racing-related activities and compatible commercial and equine education cluster development. The plan change also provides a framework for future, high quality residential and mixed use development, while respecting the values of the surrounding environment.

The main objectives of the proposed new Environment are as follows:

- The long term viability of equine activities on the site is secured.
- The expansion of horse racing and training-related activities, and compatible commercial and equine education cluster development is enabled.
- A framework for future residential and mixed use development is provided through a Management Plan approach that ensures the viability of ongoing equine-related activities; provides for a high quality environment within the site and respects the amenity of the surrounding environment.
- The natural character of the coastline is protected, and in the first instance, any significant adverse effects of development on the adjacent DOC reserves are avoided.

The objectives for each of the Precincts are as follows:

- Within Precinct A, to allow the creation of an equine and recreational cluster within the infield area and the provision of effective race day facilities while maintaining an open space character.
- Within Precinct B, to allow the development of a range of residential accommodation and to ensure linkages through the site to the coast.
- Within Precinct C, to allow the development of houses and stabling facilities that are designed to be stepped back from the interface with the dune lake.
- Within Precinct D, to allow for the redevelopment of the eastern precinct and existing grandstand and function rooms, capitalising on the views from the existing landform, to provide for multiple uses that may include watching racing, public open space, visitor accommodation, conference centre facilities and related commercial development, as well as some low scale residential development.

8.2.1 Appropriateness of the objectives

The main issue with the objectives is considered to be whether it is appropriate to enable commercial and residential development on the site, and development that is over two storeys in height, these being the issues that were identified through the consultation process as being most in contention.

One interpretation of national and regional resource management objectives and policies (as advanced by some people who responded to the consultation phases of the project) is that the site should be retained as a low intensity, recreationally-focused area, given its proximity to the coast and other important natural features. This interpretation takes what could be called a "risk avoidance" approach to the future

development of the site. That is, development that has the potential to harm the wider environment should be avoided, with activities confined to racing related activities, including training.

This approach fails to take into account the positive benefits of enabling a wide range of activities on the site, as well as the measures that can be taken to minimise risks and adverse effects of these activities. The Resource Management Act requires that an overall broad judgement be made as to whether development will provide for the sustainable management of an area's natural and physical resources. It is not a risk avoidance Act. This overall broad judgement requires the consideration of both positive and negative effects, within various guidelines and criteria. For example, a risk adverse (avoidance) approach to development may be appropriate where the natural environment has a very high value and there are very real consequences of development to the natural environment that outweigh any positive social and economic outcomes.

In the case of the Ruakaka racecourse site, while it sits within a sensitive natural environment, it is considered that, subject to a range of policies and criteria, a level of development can be enabled that will see a range of positive social and economic outcomes, while not placing the natural environment at great risk of harm.

Important points to note are:

- The site can be developed without major earthworks or landform modification. The flat profile of the site and the sand base means that the coastal area will not be subject to sedimentation risks. Within the racecourse site, there are no natural environment features that need to be removed (such as streams or areas of native vegetation, apart from one small remnant of coastal dune land). On-site stormwater measures can be put in place. This is in contrast to many coastal environments in the wider area where there are risks to coastal water quality from urban development.
- The site is contained by urban activities to the west and north. It is within a developing coastal settlement where the opportunity should be taken to make effective use of coastal land that can be serviced and developed in a way that does not create large scale infrastructure issues. It is not an isolated environment, separated from other urban activities.
- The risks to the wildlife from additional people in the area can be controlled through appropriate design responses and management plans. The number of additional people proposed is only a small fraction of the total population envisaged for the Ruakaka – One Tree Point Structure Plan area. Reduction of the number of people living on the racecourse site will not reduce the overall pressure on the wildlife resources of the area due to this increase in population.
- The natural character of the coastline, as experienced from the beach, will be largely maintained as it exists today. New buildings will have to be designed to not be visible from the beach area, the one exception being the possibility of a well designed “marker building”.
- The dune lake interface will be subject to the same criteria as apply to the residential subdivisions occurring on its western flanks.

Important methods used to control risks to the natural environment include:

- The race track and infield area (the largest precinct) is to be retained for equine-related activities.
- There is to be a maximum of 350 dwelling units across the Environment (that is, units that may attract families, although this is far from certain and more than likely most units will be occupied by singles, couples, empty nesters and the like). Units in visitor accommodation developments and retirement villages or similar may be in addition to this.

- Before any residential development can begin, a covenant shall be entered into by the Race Club and the Council, protecting the use of the track and infield area as an equine-related activity area. Prior to any residential development on the site, a Habitat plan shall also be prepared and approved by the Council, involving consultation with Iwi and DOC as necessary, as to how owners and occupiers of the residential units will be educated about, and where appropriate be involved in, the management of the wildlife refuge and surrounding reserves. This may include the establishment of a Residents Society that contributes to the upgrade of the Crown Land, provides on-going advice in relation to beach access and use and helps fund a wildlife warden or similar.
- To preserve the natural character of the coastline, and the neighbouring dune lake and Department of Conservation reserve to the south buildings shall be set back and indigenous vegetated buffer strips provided along the boundaries. New development should not be visible from the beach area, when viewed from the foreshore area adjacent to the Environment, except for the possibility of a marker building.

The main risk of not acting is that the racing club can no longer maintain the facilities present and no longer operates from the site. In this case the site may be sold, and is most likely to be taken up for some sort of urban development. It would appear unlikely that the council would purchase the whole site. The site is therefore likely to be developed in one shape or form. The plan change reduces the uncertainties as to future potential uses for the land.

The main risk of acting in the way outlined in the plan change is that harm to the natural environment is under-estimated. However this risk can be managed through a “stepped” development process. The plan change is structured so that those activities most likely to potentially cause some adverse effects require specific assessment as part of a management plan approach. The requirement for a management plan (as discussed in the next section) allows for detailed consideration of environmental effects, at the time that the management plan is prepared, using the best information available on benefits and costs and risks, at that time.

It is therefore considered that the proposed objectives are the most appropriate way to promote the sustainable management of natural and physical resources because they will enable the people and communities of Whangarei to provide for their social, economic and cultural wellbeing, by ensuring the viability of the racecourse and its equine-related activities and its potential as a resource for community events, while sustaining the potential of the land to meet the needs of future generations; safeguarding the life-supporting capacity of air, water, soil and ecosystems; avoiding, remedying and mitigating adverse effects on landscape and visual amenity, transportation and other infrastructure, and the interface with the coastal environment.

8.3 Assessment of policies

The General Policies and the Requisite Policies give effect to the proposed objectives.

As has been explained, the policies have been designed to address the key concerns and issues that were raised through the consultation process and also to respond to the relevant provisions of the NZ Coastal Policy Statement, Regional Policy Statement and District Plan.

This part of the section 32 analysis concentrates on those parts of the plan change where consultation has highlighted divergent views as to how the resources of the racecourse site should be managed, in particular:

- 1 Visual / amenity effects of more than 2 storey development
- 2 Protection of the interface with the natural and coastal environment
- 3 Reducing potential neighbourhood effects.

Prior to discussing these three issues, there is first a general discussion as to the overall approach to the management of development.

8.3.1 Use of management plans

A key method to manage adverse effects of specific activities and development areas within the overall race course site is management plans.

The plan change sets out two “bundles” of activities:

- 1 Those that can proceed with minimal consideration of effects
- 2 Those that require specific assessment of off-site effects.

In the first bundle are activities such as horse racing, horse training and related equine educational activities. Redevelopment of the grandstand buildings within their current footprint is also provided for, along with stand alone dwellings on the western fringe, and outdoor events up to a mid-level scale. Generally, the effects of these activities can be contained within the site, are within current development / environmental effects envelopes and, subject to appropriate standards, will not spill over into adjoining environments.

Other activities, including larger scale events, intensive residential development and more intensive use of the grandstand hill area fall into the second bundle. These activities have the potential to generate “spill over” effects, if not appropriately controlled. Management plans therefore generally apply to the second bundle.

The plan change requires that, prior to the commencement of the second bundle of effects, management plans have to be prepared and approved. These management plans are to be a discretionary activity so that a wide ranging assessment of effects (positive and negative) can be undertaken. They will be required to cover the whole of the precinct to which they relate so that an integrated approach is taken.

The plan change will require that management plans should, at a minimum, be based on the following information:

- Context analysis, including how development within the precinct will integrate with existing and possible development in adjacent precincts and other zones/environments
- Traffic assessment, including effects within the site and on the broader roading and State Highway networks
- Ecological assessment
- Landscape and visual effects assessment
- Infrastructure assessment
- Stormwater management assessment
- Cultural heritage impacts assessment.

Management plans shall set out how the Precinct is to be developed in a way that responds to, and is compatible with the above assessments, and are expected to contain, at a minimum, the following (as relevant to each Precinct):

- Activities, and their activity status (permitted or discretionary)
- Performance standards for activities, including where necessary standards for noise, lighting, visual amenity, car parking, traffic management
- Building envelopes (footprints, height, separation, coverage)
- Building design assessment matters and criteria
- Proposed road layout and cross sections and pedestrian and cycle facilities
- Landscaping requirements
- Staging / timing of development
- Financial contributions / upgrades of surrounding infrastructure
- Provisions for the identification and protection of significant natural and cultural heritage.

As is discussed below in relation to ecological effects, the ecological assessment is expected to lead to the development of a specific habitat management plan. This plan is to address how effects from human disturbance and weeds and pests on adjacent ecological areas are to be managed.

A management plan approach has been adopted because of the flexibility it provides to tailor precinct-specific development controls and assessment criteria. Rather than broad brush, Environment-wide rules and assessment criteria being set by the plan change, management plans offer the ability to consider specific effects and responses. This has the ability to both allow for more development than may be possible under a broad brush approach, while ensuring that adverse effects are appropriately avoided or mitigated.

Management plans do come at the cost of preparation costs for the developer / landowner. A range of assessments and investigations are required to prepare the management plans and public consultation is likely. The necessary resource consent has to be lodged and processed. Management plans can be declined resource consent if they do not provide sufficient mitigation of effects arising from the anticipated development. Modifications of management plans may also be necessary, which will require further consent processes. These costs are not insubstantial in themselves, but they are warranted due to the environmental benefits that will flow from more place-based provisions.

8.3.2 Addressing visual effects of building and vegetation height

Comments and concerns in relation to the height of buildings and associated visual effects predominantly relate to the potential of development to affect the enjoyment of views from private properties along the ridgeline to the west of the site. This includes residential buildings over two storeys in height and vegetation (height of trees). It is noted that vegetation that is not on the racecourse site is growing to an extent that it is starting to impinge on residents' views of the sea.

Comments and concerns over the development on the grandstand mound were two-fold, relating firstly to the impact on views from private properties along the ridgeline and secondly to the impact on the view from the beach to the east.

An important issue therefore relates to the benefits and costs of above two storey residential development, and any additional height and bulk on the “grandstand hill”.

Looking first at residential development, on the positive side more than two storey development has the potential to add to housing choices in the wider area and helps to make development of the racecourse site more financially viable, given the costs of providing the required infrastructure to the site. The surrounding subdivisions are adding to the stock of stand alone houses in the area. The racecourse site has the ability to extend the range of housing choices in the area to those more suited to the longer term future for the area (given that the Structure Plan signals the development of a much larger community in the area). The additional population provided for will also help to enable the viability of some small scale commercial activities. Combined, these attributes will make any housing development more sustainable in a community sense (it will not just be a few houses at the back of the racecourse), while it will also help to ensure the on-going viability of the racecourse itself.

On the other hand, more than two storey development will disrupt, to an extent, the views enjoyed by residents to the west. The views that they do enjoy are obviously an important part of the amenity of their residential area. However it should be noted that the specific views of the residents on the ridgeline to the west of the racecourse site are not protected by the district plan, nor are they protected by the Resource Management Act. To a great extent, the residents have relied upon the racecourse to maintain a low scale of development and have not sought to protect their views by way of legal easement or similar. In this sense, an approach which seeks to minimise the impact of taller development on views is appropriate in a resource management sense, rather than avoidance of any disruption of views. This can be done by way of appropriate criteria and assessment via the management plan process.

The grandstand hill provides an opportunity to develop a combined hotel / race club facility that will provide for a range of public and private benefits. While there is scope to redevelop the grandstand hill in a way that will not alter views enjoyed by residents to the west, the ability to expand the size of the buildings (particularly in a vertical sense) will offer the club greater flexibility over how it can make effective use of the resource present. Any redevelopment of the buildings on the grandstand hill will need to retain the natural character of the coastal area, when viewed from the beach area, given that Section 6 of the RMA places an importance on this. This imposes a restriction on how tall any development can be, and in general it is not expected that re-development will be able to significantly exceed the height of the current commentators’ box, as is discussed in the next section.

As viewed from the residents to the west, redevelopment that increases the height of the buildings is likely to be preferable to redevelopment that increases the length of the building (and therefore the extent of sea view that is obscured by the buildings), as to an extent, the grandstand roof already obscures the horizon.

The main risks of acting or not acting in the way provided for by the plan change relate to the potential visual and landscape impacts of taller buildings on the site, weighed against the inability of the club to remain as a viable entity.

The adverse risks are addressed by way of required management plans. In order to ensure development is designed to take into account these potential costs and risks, the following provisions are proposed to apply:

To minimise any loss of visual amenity to the surrounding residential areas, any new building within the footprint of the existing grandstand should not exceed the height of the commentators’ box on the existing

grandstand, nor extend in a north-south direction, greater than the current building on the site (as they exist July 2011), unless specific assessment of the landscape and visual impacts of greater building height and bulk show that additional development does not create significant adverse effects on the amenity of surrounding residential areas. Similarly, any redevelopment of the barn-like building to the north of the grandstand that increases its height or north-south bulk will require visual assessment. Note: the view of development from the coast is discussed in the next section - additional height will need to be balanced with the need to preserve the natural character values of the coastal environment by limiting visibility from the beach area.

Building coverage and height within the infield is limited to a low level to ensure that a sense of openness is maintained. For example, buildings are to be no more than 6 metres high and occupy no more than 15% of the gross land area of the precinct. Any buildings would need to be carefully sited to ensure they do not interfere with spectator views of racing.

Within the western precinct, development is to be no more than 8 metres high (2 storeys).

In the southern precinct, buildings over 2 storeys high will only be possible where visual effects are addressed. For example, buildings over 2 storeys in height would require consent as a discretionary activity, unless their location and height is in accordance with an approved Management Plan. In either case, buildings over 2 storeys could not occupy more than a minor portion of the precinct (10% of the southern precinct) and no building is to exceed 14 metres or 4 storeys in height. The exact location of any buildings over 2 storeys in height will need to be determined by an appropriate assessment of the landscape and visual effects assessment on panoramic views and views of key features like the Hen & Chicken Islands and headlands, enjoyed by residents in the surrounding area.

Controls could be put in place through a management plan that imposes a restriction on the species of vegetation to reduce potential effects on the views from surrounding properties.

8.3.3 Protection of the interface with the natural environment and impact on the sustainable management of natural resources

Concerns were raised by Department of Conservation (DOC) and others over the interface of the site with the natural environment particularly in relation to the boundaries of the development with the dune lake to the west and the Crown land and wildlife refuge to the south. This concern relates to the effect of people and development on the sustainability of the natural resources in these areas, including threatened and at risk wildlife.

The main policy choices in relation to these effects are to:

- Not allow for residential development (but make provision for equine and related commercial activities)
- Limit the number of people who could live on site, with one suggestion being that the number of dwellings provided for be set based on a suburban level of intensity, similar to the residential subdivisions to the west (such as a maximum of 10 dwellings per ha, or perhaps a maximum of 100 dwellings); or
- Provide for more people to live on site, but subject to an appropriate management plan.

As identified in Section 7.5, the main potential adverse effects relate to the disturbance of wildlife through effects such as noise, light spill, cats and dogs, as well as the behaviour of people. Relevant points in relation to these risks are:

- The effects of noise and light spill from residential properties can be avoided through appropriate design. This includes set backs, planting as well as the design of development itself. There is no need to control the number of dwellings to manage these effects.
- Similarly, potential invasion of reserve areas by weedy plants can be controlled through buffer planting and appropriate landscape management plans for areas of development within the racecourse site.
- Concerns over the introduction of additional cats and dogs and other predators can be avoided through a ban on such animals, enforced through conditions of consent (and informally by future residents), while existing pests within the racecourse land can be removed as part of the redevelopment process.
- As for the concern over the number of people living close to the wildlife present in the adjacent reserve and the risks that this poses, development of the whole of the racecourse site for stand alone houses could see up to 500 houses on the site (10 dwellings per hectare on 50 hectares of land). The plan change proposes to cap residential development at 350 units. The race course is part of an area that is identified for urbanisation and so the number of residents in the wider area will increase even if the racecourse does not accommodate any residential development.
- Furthermore, the type of dwellings to be provided for are likely to shape the demographic profile of occupiers, and as a result the risks they may pose to wildlife. A focus on town houses and apartments is likely to see most homes occupied by older adults (retirees), or working singles and couples. Limiting the house stock to stand alone houses, more attractive to families, may exacerbate risks. Nevertheless, management and monitoring plans need to be put in place no matter what the profile may be of occupiers of residential units. Again the types of units to be provided make the operation of a residents' society or a combined group of body corporate more feasible and likely. Such an entity can have a role in the education of residents in relation to their interaction with the reserves and/or fund a suitably qualified person to act as wildlife warden or similar, as is discussed below.

In order to ensure that development along these boundaries is appropriately set back and designed, the following provisions/criteria apply:

- Buildings would be set back no less than 10 metres from the boundary with the Crown Land administered by DOC to the south and must fit within a daylight angle measured at the boundary of 3 metres high and 35 degrees into the site (consistent with the WDC District plan Appendix 11 treatment of residential development next to a southern boundary).
- The 10 metre setback should provide no less than 5 metres width of indigenous vegetation planting along the southern boundary and be appropriately fenced.
- Through building design (including lighting), the potential for light and noise spill into the adjacent Crown Land to the south of the site could be minimised.
- Buildings are to be set back at least 5 metres from the boundary with the dune lake to the west and the coastal reserve to the east. Buildings must comply with a 3 metre plus 45 degree daylight angle from these boundaries. The 5m set back should be landscaped as a buffer area.
- Buildings in the western precinct are to be limited to two storeys or 8 metres in height and will require appropriate screening from the dune lake through indigenous planting, earth bunds and/or fencing. This would provide a similar treatment to residential development that has been consented on the

opposite side of the dune lake. Public access will not be permitted to the dune lake (or the Crown Land to the south from the site). Appropriate treatment of stormwater is to be required.

- To protect the habitats in the surrounding environment, there would be a ban on cat and dog pets, as well as other predators.
- To enhance biodiversity, only locally sourced, indigenous plant species are to be used and the management plan could also control vegetation height. Species should be selected within the Waipu Ecological District. The protection of indigenous flora & fauna is of particular importance to local iwi, as detailed in iwi management plans.

In terms of the effects of additional human presence:

- A specific Ecological Effects Assessment would need to be prepared as part of required Management Plans. This assessment would set out specific actions to be taken to avoid adverse effects, including weed and pest management, both within the site and on adjacent reserve land, commensurate with the nature of the activities provided by the Management Plan. As part of the assessment and management plan, a Habitat Management Plan would be required to be prepared prior to the first dwellings being commenced across the southern precinct. This will set out how residents are to be involved in and educated about the natural and ecological values of the surrounding environment, and how they should behave, for example by avoiding the area during breeding season. This should also include a monitoring process.
- Upon attainment of a certain number of residents (as to be determined by the management plan), a process and structure is to be put in place to involve residents in the management of wildlife in the lead up and during the breeding season. This involvement could include undertaking predator control, maintaining fences and acting as informal nest wardens. Costs may be able to be shared with adjacent developments, as well as with commercial development within the Racecourse Environment. The ability to co-ordinate (and possibly fund) community involvement represents a significant benefit over a do-minimum approach to the development of the racecourse land. While all human actions cannot be controlled by community involvement, their day-to-day presence along with on-going predator control should see an improvement over current conditions. A co-ordinating structure means that residents' involvement in the maintenance of habitats can be organised and sustained without calling upon DOC resources. A residents' society or similar provides considerable advantages over involvement by individuals.
- In addition to this, there would be a cap of a total of 350 residential units on the site to provide long term certainty over the use of most of the site for equine-related activities. Visitor accommodation units and residential units that are part of a specifically designed retirement complex may be in addition to this.

Overall, while more people means more risks to the ecological values present, provision of a reasonable development envelope for the site means that appropriate management practices can be put in place to manage the risks involved. A 'half way house' of limited residential development has the potential to add risks, but not sustain appropriate management measures to mitigate these risks.

8.3.4 Impact on coastal environment

In terms of coastal interface, residential development is not to be visible, when viewed from the beach area.

Any building that is visible from the beach area (when viewed from Mean High Water Springs i.e. the highest level to which spring tides reach on average over a period of time) at any point between the northern and southern boundaries of the site is to be limited to a single non-residential building which

contains a public function, with the design of the elements visible from the beach helping to provide a visual connection between the building, the public function and the coastal area. Specific assessment of the effect of such development on the coastal environment will be required.

This provision therefore allows for some new development to be viewed from the beach area. This is appropriate as the beach area has an existing urban backdrop that will be further developed over time. A large community will develop to the west of the site and these people will wish to access and enjoy the coastal environment. A marker type building will help to signal the location of public access to and from the beach and help to integrate public focused development with the recreational resources of the coastal area.

8.3.5 Reducing potential neighbourhood effects

The plan change will enable the racecourse facilities to be used both for equine/race-related events and for events unrelated to equine activities, such as concerts. This recognises the potential of the site to host events due to the facilities that are available or will be made available by additional development (car parking, reception areas, grandstand, meeting spaces and services).

The racecourse already holds a number of racing events that attract upwards of 5,000 people. It is estimated that the racecourse land could accommodate the parking associated with this number of people, on site.

While a limitation on non-racing events would avoid any adverse effects on surrounding residents (apart from those events that could be classified as temporary events under the District Plan, or which could be claimed to fall within existing use rights), this would come at the cost of the race club being unable to make effective use of the facilities that they do have, and wish to further develop, on the site. It would also curtail opportunities for the wider community to enjoy events such as outdoor concerts and markets / carnivals.

On the positive side, development of the racecourse area has the potential to offer a number of wider community benefits. These include:

- To enhance public amenity, a plaza that is available for public use should be provided on the grandstand hill to allow views both across the racecourse and out to the coast. A new pedestrian access point to the coast, located near to the grandstand, should be provided, along with parking available for public use.
- Provision for a variety of commercial opportunities to be developed on the site including visitor accommodation (hotel/motel) and conference centres, cafes/restaurants and community/cultural activities and similar. Some residential development is also expected.

In order to manage the potential effects of events and associated activities (traffic, noise, light spill, general disruption of residential amenity) the following provisions/criteria are proposed to apply:

- Consent is required for the use of artificial lighting associated with horse racing events.
- The plan change could allow for up to 6 non-equine outdoor related events per year involving more than 5,000 people, and up to 12 smaller, non-equine related outdoor events (1,000 to 5,000 people). Larger events will require a specific management plan to be prepared and approved, as this number of people will likely raise off-site parking and traffic access issues. No limit is proposed on the number of events attracting less than 1,000 people.

- Use of floodlighting and sound amplification will require preparation of a management plan that will ensure that adverse effects on surrounding residential areas are mitigated.

8.3.6 Infrastructure and transport

The preliminary traffic report prepared as part of the master plan process (Attachment 3) assessed the redevelopment feasibility of the racecourse, based on the development envelope envisaged by the master plan. It looked at a mix of land uses and intensities on the racecourse site, to gain an understanding of the likely range of transport effects. Transport effects were found to be able to be mitigated.

When an actual development proposal comes forward, there will need to be a specific integrated transport assessment prepared, to assess its traffic impacts including on the four intersections. These assessments will also need to propose how any adverse traffic effects will be avoided, remedied and mitigated. This may include recognition of a funding contribution for road and intersection upgrading required by the development.

9 Conclusions

The current zone and associated provisions for Ruakaka Racecourse do not recognise the development potential of the land or support the use of the site for the existing equine activities related to the racecourse. There is a risk that inappropriate, ad hoc development may become established over time that may not be compatible with the existing equine activities, or the surrounding environment. In response, the plan change sets out a comprehensive development framework underpinned by a number of precincts that will require specific Management Plans to be prepared prior to large scale, non-equine development. These Management Plans will ensure co-ordinated, integrated and compatible development on the site which responds to the various environmental constraints and opportunities.

In particular the plan change sets in place a framework which allows for a mixture of residential, visitor accommodation, hotel, conference facilities and small commercial units. It also prohibits industrial activities that may not be compatible with other uses. It sets aside large areas for the continuation of the racecourse and equine uses of the site to ensure the long term viability and expansion of racing-related activities on the site.