

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of proposed Private Plan  
Change 113 (Ruakaka  
Racecourse) to the  
Whangerei District Plan

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**STATEMENT OF EVIDENCE OF DAVID WILLIAM ARTHUR MEAD**

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## Introduction

1. My name is David William Arthur Mead. I hold a Bachelor of Town Planning Degree from the University of Auckland. I have practised as an urban planner for the past 25 years and am a full member of the New Zealand Planning Institute. I am currently a Director of Hill Young Cooper Limited, a resource management and planning consultancy based in Auckland.
2. My planning and urban design experience includes involvement in district plan development for North Shore, Waitakere, Queenstown and the proposed Unitary Plan for Auckland. I have had major input into various plan changes in Auckland and around the country, including Long Bay and Albany in the former North Shore City area, New Lynn in the former Waitakere City and Wanaka and Frankton Flats in Queenstown Lakes. I have undertaken planning and urban design reviews of various resource consents and infrastructure projects and provided evidence to the Environment Court on these matters.
3. I act as an Independent Hearing Commissioner and have sat on a number of hearings that have considered plan changes. I am a member of Auckland Council's Urban Design Panel (appointed in 2007). I have presented urban design training workshops for the New Zealand Planning Institute and am a co-author of People, Places and Spaces: A Design Guide for Urban New Zealand, published by the Ministry for the Environment.
4. In preparing this evidence, I acknowledge that I have read the code of conduct for Expert Witnesses in the Environment Court Practice Note (November 2011). I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

5. My involvement in Private Plan Change 113 (or 'the plan change') started in 2010 when I was asked by Whangarei District Council ('the council') to undertake a master planning exercise for the race course land. My work to date has covered:
  - (a) Organising and leading the master plan development process
  - (b) Preparation of a draft of a plan change, including section 32 material
  - (c) Responding to further information requests
  - (d) Attendance at the pre hearing meeting in July 2013.
6. I have visited the site and surrounding area on a number of occasions. I have reviewed the submissions made on the plan change and the section 42a report.

### **Summary of evidence**

7. I support the proposed plan change. In my opinion it appropriately enables more effective use of the racecourse land and facilities, providing opportunities to improve the social and economic wellbeing of the community, while managing adverse effects on the environment arising from this more effective use of land and resources. In particular, in relation to potential adverse effects:
  - (a) the coastal environment is respected. Visual effects experienced by users of the adjacent beach will not be significant
  - (b) adverse effects on the sustainability of nearby ecological areas are to be managed by way of building setbacks, landscaping, limits on density of development, treatment of stormwater, banning of cats and dogs and preparation of management plans to help control human behaviour
  - (c) effects on amenity of nearby residents are managed by controls on events and activities and limitations on building heights and bulk, as well as the requirement for detailed assessment and management of

specific development proposals that may cause adverse effects (such as taller buildings which may have some effects on views).

8. Within the site, the design of development is to be managed so as to ensure high quality buildings and spaces are provided. Redevelopment also provides some opportunities for environmental enhancement (i.e. an improvement to the current environment). This includes pedestrian linkages through the site, car parking for public use, publicly accessible plazas, and enhancement planting and landscaping across the site.
9. In terms of enablement of positive economic and social outcomes, the plan change provides opportunities to:
  - (a) maintain and improve race course facilities that are enjoyed by large numbers of people
  - (b) provide space for community activities (i.e. pony club, markets, open space, events and functions)
  - (c) offer opportunities for employment related activities (horse training, other equine-related activities, conference/hotel)
  - (d) develop living environment arrangements not found in the surrounding area (apartment / retirement complex type living) that help meet changing preferences.
10. I largely agree with the changes recommended in the section 42a report, apart from three relatively minor points. These relate to:
  - (a) REE 1.5 Management Plan requirements - natural hazards assessment. I do not see the need for further natural hazards assessments as part of all management plans, given that the Regional Policy Statement and District Plan do not identify the land as being subject to reasonably foreseeable hazards. If risk profiles change, then these documents will be updated, triggering the need to additional investigations / consents.

- (b) REE 3.7 General Policies – Policy 9, relating to an additional road access being required before any intensive residential development occurs in Precinct B. I do not consider that an additional vehicle access has to be provided. However the potential for a link to the west should be retained. I have recommended changes to the relevant policy to clarify this.
  - (c) REE 5.7.8. Relocation of horse beach access. My understanding is the existing access point will be retained and not relocated to the southern boundary as originally proposed. This is because DoC wanted the existing dune crossing retained rather than it being shifted and because of the presence of archaeological sites in the south-eastern corner. A small adjustment to the policy is needed to reflect this.
11. I note three points where I disagree with the analysis and recommendations set out in the section 42a report:
- (a) At paragraph 180, the recommendation in relation to the submissions on the topic 'Resource Management Act and NZ Coastal Policy Statement' is for submissions and further submissions to be accepted in whole or in part, and that all other submissions be rejected, to the extent that they are addressed under other topics. It is not clear from this recommendation as to which submissions are being accepted or rejected. In my opinion, the plan change does give effect to the NZ Coastal Policy Statement, and so submissions calling for the plan change to be rejected on the basis that it does not give effect to the Coastal Policy Statement should not be accepted.
  - (b) At paragraph 267, there is a recommendation to amend Policy REE 1.4.1 (i) to reflect the need to balance (a) the ongoing viability of the race club with (b) the capacity of the adjoining environment to sustain the level of intensity proposed, with an intensity quota, if imposed to be dependent upon further evidence to be presented. I do not see the need for such a "balancing" policy, as the objectives and policies for the Ruakaka Equine Environment already state how this balance is to

be achieved. For example, Policy REE 1.4.1 (ii) already refers to a maximum of 350 dwelling units, while other policies refer to building height and coverage controls. Yet other policies set in place a wide range of techniques to ensure that this level of development is compatible with the surrounding environment, particular the need for extensive management plan requirements. Certainly the section 42a report does not recommend an alternative "balance". I further note that this specific recommendation is not included in the table of recommendations at para 317, nor in the track changes version of the plan change attached to the section 42a report.

- (c) In the track changes version of the plan change (Part 2 of the section 42a report) there is a recommended change to REE 1.4.3 which alters the focus of the policy away from the amenity of the surrounding area to that of the race course land itself. In my view, the policy should cover both on-site and off-site amenity, and could read as follows:

*To respect the amenity values of areas surrounding the Ruakaka Equine Environment and to promote amenity within the Environment through considerate building design and landscape treatment, including building massing, height, colour and materials.*

12. In relation to the issues raised by submitters, in my opinion the concerns are largely managed through the provisions of the plan change as notified and as to be amended by the recommended changes.

### **Outline of Evidence**

13. In this evidence I set out:
- (a) The main planning factors that informed the development of the plan change
  - (b) A brief description of the plan change and the use of management plans

(c) Response to issues raised by submitters and the section 42a report

(d) Overall analysis of the plan change as recommended to be modified - that is, will the plan change lead to improved sustainable management of the natural and physical resources within and adjacent to the race course land?

## **Background**

14. I do not intend to describe at length the current environment. I agree with and concur with the explanatory material set out in Sections 3, 4 and 5 of the section 42a report. Attachments 1a and 1b to this evidence provides an aerial photograph of the race course property and the main surrounding features often referred to in this evidence, as well as other material.
15. I also agree with the analysis of statutory matters set out in Section 6, 7 and 8 of the section 42a report, apart from reinforcing the often stated point that the Resource Management Act (RMA) requires an overall broad judgement to be made as to how to provide for sustainable management. As part of this overall broad judgement, the RMA contemplates changes to the environment. The RMA is not a "no effects" or "no risk" statute. This includes changes to the environments covered by Section 6 of the RMA (Matters of National Importance, such as the coast). It is the nature and extent of changes to the environment and the extent to which associated adverse effects can be appropriately avoided or mitigated that is relevant, taking into account the context of the area and their relative importance as set out in the RMA and relevant documents.
16. In making this overall judgement, the section 42a report refers to the Long Bay decision in terms of the statutory tests to be considered. That decision also usefully sets out the Court's approach to resource management decision making. The Court described a four stage process:<sup>1</sup>

(1) fact-finding;

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<sup>1</sup> Para 20 to 22 of the Long Bay decision

- (2) the statement of the applicable law;
- (3) risk predictions: assessing the probabilities of adverse effects and their consequences; and
- (4) the overall assessment as to what better achieves the purpose of the RMA.

17. In particular, the Court noted the importance of step 3 - that is, establishing the probability of each relevant alleged (future) effect and its consequences. In other words, in a plan change the focus is on a judgement as to whether an adverse effect can be appropriately avoided or mitigated, given its anticipated nature and extent. It is not necessary to be definitive as to the size and scale of every adverse effect and how these effects are to be specifically managed, as in many cases this relies upon (and necessarily involves) analysis of a particular development proposal. A plan change is about setting in place an appropriate framework in which to manage these future effects.
18. The reference in step 4 as to what better achieves the purpose of the RMA highlights the comparative nature of plan changes. The proposed plan change should be considered alongside the current zoning as to which better provides for sustainable management. Of course in a plan change process, there is the ability to modify the plan change if need be, to more appropriately accord with sustainable management.

## **Plan Change**

19. The site is well described in the section 42a report, and in the plan change material. In summary, important resources that shape how the land may be used more effectively are:
  - (a) coastal environment - the land is within the coastal environment, but not within any area identified as being of outstanding value or character. It does however sit adjacent to areas of high value, being the coastal dune and foreshore, the reserve to the south and the dune lake and estuary to the west



- (b) ecological resources associated with the wildlife refuge, Department of Conservation (DoC) coastal reserve and dune lake
  - (c) amenity of residential development to the east - this includes the houses that look over the site, situated on the escarpment above the Ruakaka River, as well as the existing and planned development along Tamure Place and Peter Snell Road
  - (d) cultural resources. These principally relate to the natural features of the site including the dune lake and water quality, coastal environment and wildlife habitat. There are also some sites of archaeological significance.
20. The plan change request documentation included a range of technical assessments that considered possible effects on these resources, including:
- (a) master plan preparation
  - (b) preliminary traffic assessments (Flow NZ)
  - (c) landscape and visual effects analysis (RK Skidmore)
  - (d) infrastructure servicing of the site (Whangarei District Council Infrastructure)
  - (e) ecological assessment of the site and its surroundings (Wildlands Consultants)
  - (f) preliminary cultural effects assessment, commissioned through Patuharakeke Te Iwi Trust Board.
21. Natural hazard risks (coastal erosion, coastal inundation) have been investigated by the Whangarei District Council (Tonkin and Taylor report) and this report has been peer-reviewed by the Northland Regional Council. The Whangarei District Council also used fine-grained LIDAR data to model the projected sea level rise at Ruakaka/Marsden Point, in determining the long-term flooding risks. This information has been relied upon and is discussed further in this evidence.
22. Since the plan change was notified, further analysis has involved:

- (a) an archaeological assessment of the race course land to determine if there are any unrecorded archaeological sites (Geometria report). Two were identified
  - (b) additional investigation of ground conditions and whether a low impact stormwater management approach is appropriate (PDP report). Ground soakage is appropriate.
23. The plan change provides a detailed framework within which further development of the Ruakaka racecourse is enabled, for a mix of uses compatible with ongoing horse racing and related activities.
24. The exact form of development that will occur is not known, and does not need to be known at this stage. The plan change provides for 4 precincts, and allows for varying types and intensity of development in these precincts, taking into account feasible development options as well as the natural and physical resources present in the area. Attachment 2a provides a copy of the precinct plan included in the plan change, while Attachment 2b is a copy of a surveyed plan of the precincts, showing their area. Attachment 2c has the survey plan overlaid over the aerial photo. There are some small differences between the precinct plan in Attachment 2a and the survey plan in Attachment 2b in terms of precinct boundaries. The precinct boundaries in Attachment 2b are the correct boundaries.
25. As described in the Section 32 report, the plan change essentially sets out three development 'envelopes' within these precincts. The first and smallest envelope provides for horse and recreation-related activities to occur, largely without the need for resource consents. Effects associated with these activities have existing use rights, have no major effects or are otherwise consented.
26. The second envelope provides for a range of activities to occur where effects can be contained within the site, subject to certain standards. This includes, for example, redevelopment of the grandstand within its current profile and stand alone housing development in the western precinct as well as larger events using race course facilities. Use of land for equine-

related activities in low rise buildings is also in this category (such as additional horse training facilities, farrier, saddler etc).

27. The third envelope provides scope for compatible residential and larger scale commercial development, where effects can be contained within the site through specific management approaches. Here management plans need to be prepared and approved before these activities can occur. The management plans provide the means by which adverse effects are to be managed, within the outcomes established by relevant policies.
28. The extent of this third envelope is capped. Policies limit the total number of dwellings to 350, while REE 3.6.10 refers to a covenant to protect the infield area as open space. The extent of taller buildings is capped by building height and coverage controls (as amended through management plans criteria in specific areas).
29. The Ruakaka Racecourse Master Plan Background Report shows the early analysis and investigations into the existing environment, and consultation and design exercises in relation to options for redevelopment. The master plan was an “inquiry by design” exercise to establish outcomes sought and parameters for environmental effects of redevelopment and land use change. It remains as background investigation and is not directly forming part of the proposed plan change.
30. Initial investigations looked at shifting the race track and grandstand to provide for development areas on the northern side of the land, closer to the existing town centre and housing. It was not possible to achieve this level of reconfiguration for a range of operational and practical reasons.
31. The master plan developed a mixed use approach, with the race course and horse-related activities as its base. It included residential development with a more intensive village focus in the southern part of the site and lower density residential use in the western and eastern parts. The grandstand area and its associated facilities have some potential for more business activity, upgrading and expanding the current social amenities and hospitality activities, even possibly to a conference venue and hotel,

with all of these activities being compatible with the principal function of horse racing. There would be limited demand for retail facilities in this location, as it is at the end of a peninsula within a low density residential catchment. Horse-related industries and possible residential activities could generate the need for some local services.

32. Possible types and amounts of residential development were explored in the master plan design exercise. From the start it was recognised that the racecourse site provided the opportunity to offer a diversity of housing, and not replicate the same form of residential development as is occurring over the rest of the peninsula. The coastal proximity and prominent racecourse facilities with their recreational and community focus encourage more consolidated development, with the racetrack and infield as open space. A range of stand-alone houses, attached townhouses and terraced housing, and low-rise apartments would provide a mix across the different precincts of the racecourse land, including some associated directly with the horse-related activities.
33. The parts of the master plan that have not been incorporated into the plan change mainly relate to the infield area of the racetrack. That precinct had earlier been proposed with a retirement village as well as racing-related and recreational uses. Continuous access to this infield area would have required a tunnel beneath the racetrack, which is not considered viable in this location due to the high water table. The infield precinct in the proposed plan change is expected to accommodate racecourse and training activities, race-day facilities including car-parking, and open space suitable for events and recreational activities.
34. The racecourse is currently zoned Coastal Countryside Environment. This zoning is not appropriate for the ongoing operation of the race course and its ancillary activities, let alone for appropriate expansion of other activities. Traditionally the Coastal Countryside Environment (CCE) has been used predominantly for primary production and also for low-density rural residential purposes. The basic minimum subdivision and development standards applying to the CCE include a 20ha minimum lot size (as a

controlled activity); 1 residential unit per site or a second residential unit on a site if at least 20ha is associated with each unit (with residential units subject to a range of restricted discretionary activity criteria); a maximum height of 8.5m and maximum coverage of 5% net site area or 500m<sup>2</sup>.

35. The plan change introduces the Ruakaka Equine Environment (or REE). This Environment uses the council's "requisite policy" and "management plan approach" as important organisational tools. The use of these techniques was on request of the council, to be consistent with its emerging approach as explained in the section 42a report, paragraphs 27 to 33.
36. I do think that the requisite and general policy approach will work, and some submitters' concerns about the degree of certainty associated with this approach should recede as they get used to the new format. Having said that, I would also see no problem in restructuring the plan change into a more traditional format if the Commissioners considered that this provided a better format.
37. As for the management plan approach, many district plans are moving towards encouraging place-based management frameworks to be prepared, and away from broad brush zones, objectives and policies. Management plans do allow for more calibrated, up-to-date management requirements to be put in place. By calibrated, I mean more targeted to the particular activity and resources present in relevant precincts and sub areas. The main issue from a resource management point of view is ensuring that the outcomes that management plans should achieve are spelt out in District Plans.

### **Potential Adverse Effects of the Plan Change**

38. Utilising the headings in the section 42a report, the following section provides my analysis of the issues raised in submissions and by council staff, in relation to potential adverse effects.

## Coastal Environment

39. As stated, the racecourse is within the coastal environment. This environment contains landscape, ecological and cultural values. It also presents risks in terms of exposure to natural hazards. In this section I discuss effects on landscape values. Effects on other values are addressed below.
40. The evidence of Ms Skidmore covers the landscape values in more detail and I concur with her analysis and recommendations.
41. Attachments 3a and 3b set out relevant information from the Northland Regional Policy Statement and the Whangarei District Plan respectively on the coastal environment. The Regional Policy Statement plan shows the location of the coastal environment (blue line). This environment encompasses a range of built, modified and natural landscapes, including the race course land. Also identified are areas of high natural character, being the fore dune and estuary, and areas of outstanding natural character, being the estuary entrance. The race club land is outside of these two areas. Attachment 3b shows the District Plan's interpretation of Notable Landscape Areas. A small part of the south-eastern corner of the race club land is covered by this notation.
42. In landscape terms, the most likely negative effect on the coastal environment of more development on the racecourse land would be the visual effect of taller buildings and structures, as experienced by users of the beach area. Currently beach users enjoy a relatively undeveloped back drop, although development and buildings are visible.
43. The grandstand mound and the grandstand structure are significant modified elements of the landscape. The height of the racetrack at the finish line in front of the grandstand is at RL 5.25m (RL is the height above the One Tree Point Datum of Mean Sea Level). The grandstand roof is at RL 16.24m and the commentators box roof is at RL 21.74m. The fore dune (beachfront dune) reaches RL 5 to 7m. Part of the commentators box can be seen from the dry, sanded areas of the beach, but most of the

grandstand mound and all of the grandstand structure can be seen from further out at sea (as shown in the photo taken 400m out at sea included in the section 42a report).

44. The building heights proposed for Precinct D (Eastern) are as follows (as notified):

(a) Residential buildings should not be visible on the beach, from Mean High Water Springs, east of the REE

(b) Any new building on the grandstand hill should not exceed the height of the existing profile (roof line and commentators' box building), nor extend further in a north-south direction than the current buildings on the site (as they exist July 2011), unless the building fits within an envelope set out in an approved management plan

(c) As part of any management plan process, the effects of any building that exceed the current height and bulk envelope will be assessed. Any buildings (or parts of buildings) that will be visible from the beach area (when viewed from Mean High Water Springs, at any point between the northern and southern boundaries of the REE) should be limited to non-residential buildings which contain a public function, with the design of the visible elements helping to provide a visual connection between the building, the public function and the coastal area, while ensuring that the design is compatible with the natural character of the coastal area. Policy REE 5.7.5 provides further direction on the design of the building elements that may be visible from the beach.

45. In my opinion these provisions provide an appropriate management framework. Residential towers will not be visible from the beach. Some form of non-residential development may be visible, but this will need to be sensitively designed, including through manipulation of profile, colour and materials. A well designed building can enhance the coastal environment and offers opportunities for a range of people to appreciate the coastal environment who may be unable to otherwise access it. In my opinion, it would be inappropriate for the plan change to rule out a building that does

"pop its head" above the dune, given the context of the area (being essentially an urbanising environment).

46. DoC have raised the issue of oblique views, as well as views from the near shore area (where presumably the concern is the view people have when bathing). To this end, they submitted that the area where no buildings are to be visible should be extended 200m north and south of the boundaries of the REE zone and 20m offshore. This seems an excessive "area of control", given that there is already development visible in the background.
47. Finally, I note that there could be seen to be an inconsistency between the general policies for the Environment and the specific policies applying to development in Precinct D. General Policy REE 1.4.2 refers to *"new development not being visible from the beach area when viewed from the foreshore area adjacent to the Environment"*. Policies REE 5.6.1 and REE 5.7.6 refer to providing scope for a non-residential "marker" building to be visible from the beach, as part of a management plan process. As noted, part of the grandstand building is already visible from the beach area and so REE 1.4.2 is not aligned with the current environment. As a general statement, REE 1.4.2 is correct in that the intention is to ensure that new residential development and most non-residential development is not visible from the beach area. As discussed above there should be scope for a well designed building on the grandstand hill to be visible from the beach area, with the extent of visibility to be controlled by way of a management plan (and as guided by REE 5.6.1 and REE 5.7.6). In my opinion, it would be appropriate - so as to avoid confusion - to amend REE 1.4.2 to signal the potential for a single exception to the general statement, recognising that some building elements are already visible from the beach. To this end, the last sentence of REE 1.4.2 could be modified to read:

*New development should not be visible from the beach area, when viewed from the foreshore area adjacent to the Environment, except for a well designed, non-residential marker building in Precinct D.*



48. I agree with the recommended amendments in the section 42a report that the reference in relevant policies be to Mean Low Water Springs and that the map showing the current height of the grandstand hill and grandstand roof be included in the plan change to aid in implementation.

### **Natural Hazards**

49. I agree with the facts set out in paragraph 184 of the section 42a report:
- (a) The racecourse is inland of the two coastal hazard lines depicted in the district plan. Attachment 3b shows the coastal hazard lines. Attachment 4a is an extract from the Tonkin and Taylor report referred to in the section 42a report. The red line represents the 50 year hazard line, the blue line the 100 year hazard area.
  - (b) The racecourse is not within a 10 or 100 year flood plain. Attachment 4c is sourced from the Northland Regional Council's website and shows these two flood plains.
  - (c) A part of the area is potentially affected by coastal inundation, but this can be remedied by closure of surfers' gap and restoration of the dune (an action that is not within the control of the race club). Attachment 4b is from the council's website and shows the council's estimate of areas affected by sea level rise, over different time periods.
50. The eastern racecourse boundary is approximately 130m to 140m inland of Mean High Water Springs. As noted above, the race track is about 5m above mean sea level. The most recent indications of sea level rise are in the order of up to 1m in the next 100 years. The Proposed Northland Regional Policy Statement has, as a method, that a 3m freeboard above mean sea level should be provided for all new dwellings. The proposed Auckland Unitary Plan proposes that all new greenfields urban areas be at least 2m above current sea level so as to provide a buffer.
51. As for tsunami risk, the area is definitely at risk of a major event, but then so too is a large part of Marsden Point. Any event will have a low

probability of occurring, and as with other low probability events like volcanic eruptions, risks are likely to be better managed through information and warning systems, rather than stopping development. This is because of the substantial opportunity cost involved in not allowing development to occur.

52. The section 42a report recommends that the general management plan requirements be amended to include reference to coastal hazard assessments. This is so as to ensure adequate recognition is paid to any changes to legislation or regulations. I do not agree that a specific coastal hazard assessment needs to be completed for all management plans, given that the land is outside currently recognised hazard areas. If coastal hazard lines and areas identified as being subject to coastal inundation do change in the future, then these changes will trigger their own consent requirements.

### **Ecological Effects**

53. The potential for effects on adjacent ecological areas has been an important issue in the preparation of the proposed plan change. The DoC land to the south connects to the Ruakaka Wildlife Refuge. Attachment 5 shows the gazetted wildlife refuse area. Key issues are:

(a) the intensity of residential development and the threat that people-generated disturbance pose to wildlife, as well as threats posed by family pets and garden weeds

(b) the design and location of development and the extent which this development may overlook areas of bird nesting and roosting and whether this will create disturbance from noise, light flicker etc.

54. Design and location effects are managed through building setbacks and landscaping requirements. For the southern boundary, these include buildings being 10m off the southern boundary, a height in relation to boundary control that pushes taller buildings further away and a landscape requirement. Policies also spell out design requirements to minimise the

visual impacts of taller buildings and to avoid effects from light spill, noise etc. For the boundary with the dune lake, a 5m setback applies, plus a height in relation to boundary control.

55. The issue of people-generated disturbance and the intensity of people is a matter of debate. Here the issue is one of risk: whether more people in the area means more likelihood of wildlife being disturbed by people walking, kids playing, dogs and cats etc. DoC proposed a cap on the number of dwellings as one way of controlling potential risks. The plan change proposes a mixed cap and management approach whereby the total number of dwellings is capped at 350, and there is a requirement for a habitat protection plan to be prepared prior to any residential development occurring. Policy REE 1.5.4 sets out the detail as to what this plan is to contain. The matters set out were drawn from the ecological assessment prepared by Wildlands Consultants.
56. Risks to ecological resources can be conceptualised as being a combination of the number of people and their behaviour. A larger number of people who understand the value of the wildlife present, how to manage their behaviour so that that resource is maintained and where there is a management framework in place to assist in these outcomes are likely to pose less of a risk than fewer people who have no structures around managing their behaviour. The opportunity to put in place a resident's society or similar that has the resources to develop, implement and maintain over the long term a habitat protection plan is one of the advantages of having a larger resident base. Terrace and apartment type development often requires a body corporate to be set up to maintain properties and manage common areas, and residents get used to the body corporate being in control of some functions. This provides a base upon which involvement by a residents' society or similar could have a role in educating residents and managing behaviour in relation to wildlife habitats. This is in contrast to stand alone housing developments where there is usually no form of common management.

57. The 350 residential dwelling cap represents a substantial reduction in the number of dwellings that could be accommodated on the land, should it no longer be used for race course purposes. Residential subdivision is the most likely alternative use, should race course activities no longer be sustainable. There is the option of the council purchasing the land for open space, but that is not a RMA-related matter. At 50ha, up to 600 to 750 homes could be built in a medium density format (12 to 15 dwellings per hectare).
58. DoC's submission requests a 100 dwelling cap, with prohibited activity status for any development in excess of this. The section 42a report recommends that prohibited activity status not be introduced. I agree with this recommendation. This is not because more than 350 units are envisaged, rather that the plan change already contains directive language that there be a maximum of 350 dwellings. I acknowledge that this cap is there to ensure that there is a balance between race course and other activities in terms of land use, rather than being directly related to potential effects on wildlife, although there is a flow-on indirect effect on the number of people living in the Environment and hence risks. However, in my view the emphasis of management of risks of adverse effects on ecological resources has to be on controlling behaviour and education of residents. A dwelling cap cannot control the number of people within dwelling units, nor the type of people, nor their behaviour.
59. In terms of physical access into the DoC reserve along the southern boundary, Policy REE 3.6.7 requires that 5m of the 10m wide setback be landscaped. The other 5m is to be used for horse access to the beach, and the boundary of this track is to be fenced to ensure that people cannot cross the path of horses. This will control informal access directly into the reserve.
60. Attachment 6 shows two consented residential developments to the west of the race course land, off the end of Tamure Place, on the western flank of the dune lake and the DoC reserve. The resource consent for 'The White Sands' subdivision that is to the south west requires the subdivision

to provide a walking track through the reserve to the coast, and is to include a viewing hide. While the consent may have lapsed, it nevertheless indicates some willingness by DoC to see controlled public access through the reserve (but away from the bird nesting areas).

61. Objective REE 1.3.4 is to ensure the natural character of the coastline is protected and any adverse effects of development on the adjacent DoC administered reserves and dune lake and their significant wildlife are avoided. This objective accords with the requirements under the RMA and the Coastal Policy Statement. In particular, the words "avoided" are used rather than "mitigated". The plan change puts in place a number of policies to implement this objective. As discussed, the key issue is risk from human disturbance. The approach of the plan change is risk reduction through the preparation of a comprehensive management plan.

### **Cultural Values**

62. A cultural effects assessment was prepared as part of the preparation of the plan change, and arising from that a number of matters were added to the plan change, including the need for further specific assessments as part of management plan requirements. Early consultation on the master plan was managed by the council.
63. I agree with the recommended amendments in the section 42a report of requiring an archaeological assessment as part of any management plan as well as referring to a "cultural effects assessment", rather than "cultural heritage effects assessment" in management plan requirements.
64. The Geometria archaeological assessment that has been undertaken over the REE noted that most of the race course property (and much of the privately owned area around it for that matter) is highly modified. There are two archaeological sites in fair condition, in the south east corner, within Precinct D. It is possible that subsurface archaeological features are still present elsewhere and these would need to be managed via an accidental discovery protocol included within a management plan.

65. In my view it would be appropriate to insert a policy into Precinct D that recognises the presence of the two identified sites. To this end, a further policy could be added to REE 5.3 (Discretionary Activities) which refers to any buildings or other structures or ground disturbance within 25m of Q07/1404 and Q07/1405 being a discretionary activity.
66. As for the other issues raised in the submission from the Trust Board, including no buildings being visible from the beach, no buildings in the south and west being over 2 storeys as well as the number of homes being no more than 150, I address these under other relevant headings. Suffice to say, that in my opinion there are no compelling resource management reasons to impose the proposed restrictions on building heights and numbers, beyond that already proposed in the plan change. Management plan requirements provide the means by which specific effects can be addressed.

### **Road Access**

67. The main issue raised in the section 42a report is whether an additional road access point should be provided before any intensive residential development occurs in Precinct B.
68. It is agreed that there is no intention to utilise the paper road across the dune lake to provide access to Precinct B or C. Access to Precinct B could be by way of the existing access on the eastern side of the race track, or possibly by a new route to the west, through Precinct C (while avoiding the dune lake).
69. As for the additional access from Precinct B shown heading westwards as indicated on the Precinct Plan, this is desirable from an urban design and local movement point of view. A road connection provides a structuring element to the future environment; it offers the opportunity for a visual axis to be established across the site allowing for views through the site towards the dune and coast beyond. It also provides for a route to the beach for future residents of the land to the west not involving the DoC reserve, and provides for some local traffic management benefits

(although these are limited, as traffic using the link will merge with that using Peter Snell Road). The route is not needed to mitigate any adverse traffic effect. It could be described as a 'useful to have', but not an essential/fundamental prerequisite for housing development in Precinct B.

70. The route cannot be secured across the adjacent land by the racing club, as this is outside of its control. I agree that, as currently written, the relevant policy (REE 3.7.9) is somewhat confusing, as pointed out in the section 42a report. The policy could be re-written to clarify that a westward through link would be desirable, and that the layout of Precinct B should not preclude this link being achieved in the future, depending upon the layout of the adjacent subdivision.

71. The introductory text could be amended to read:

*Residential development should not preclude a physical connection being established to the developing residential area west of the Precinct*

72. Policy REE 3.7.9 could be re written as follows:

*Appropriate vehicle, pedestrian and cycle circulation is to be provided within this Precinct, as well as connections with the Eastern and Western Precincts. The main circulation route should be aligned so that it captures a vista towards the Hen Islands, while providing for the opportunity for the route to be extended westwards to link in with future roading in the adjacent land, allowing for a through route to be provided for vehicles and pedestrians. If a through route can be obtained, then it is preferable that this route becomes a public road.*

### **Access to Beach / Coast**

73. Improving access to the beach is one of the potential positive benefits of enabling redevelopment. New car parking arrangements are also possible.

74. Currently the race course has one formalised access point to the beach, used for horse training. To the north is the informal surfers' gap, which is not on race club land (although vehicle access to this area is).

75. The closure of surfers' gap would be a positive outcome, but this is outside the control of the race club. What is required upon development within the race course is for a new pedestrian access to the beach to be provided, in consultation with DoC. This will help enable surfers gap to be closed, provided the council and DoC can find alternative arrangements for vehicle access. As part of this new pedestrian access point from the racecourse land, the policy also refers to the provision of publicly accessible car parking. In conjunction with sensitive redevelopment of the grandstand, there is the opportunity to develop a new amenity for the community involving small convenience activities (e.g. cafe), parking and formed walking access point to the beach.
76. With regards to horse access, I agree that the current access track should be retained, rather than moved southwards, as originally proposed.

### **Infrastructure**

77. The main issue identified relates to stormwater management. It is accepted that water and wastewater services will need to be extended to the site, and that this may not be a cheap operation given the distances involved.
78. Stormwater issues have been further investigated by Mr Seyb of Pattle Delamore Partners. This work has confirmed early preliminary assessments that discharge to ground soakage is appropriate. Appropriately designed ground soakage devices will ensure that contaminants from new hard surfaces are collected before entering ground water and that recharge will assist in maintaining dune lake levels.
79. I agree that the Pattle Delamore report can be referenced as relevant material in the preparation of management plans.

### **Scale, form and intensity of development**

80. The issues associated with the coastal landscape as experienced from the beach are discussed above, along with possible impacts on ecological



resources. Here the main issue relates to the amenity on nearby residential areas. Particular concern has been expressed by a few submitters as to impacts on views of the coast and sea that they enjoy from their properties to the east.

81. There are two possible effects:
  - (a) Buildings over two storeys in height in (Southern) Precinct B
  - (b) Taller development on the grandstand hill in the (Eastern) Precinct D.
82. No specific visual simulations of development have been prepared of buildings over two storeys, or of taller development on the grandstand hill. This is because there are no specific proposals currently in place upon which simulations might reasonably be based. Policies REE 3.6.4 (Southern Precinct) and REE 5.6.3 (Eastern Precinct) trigger the need for visual assessments of development that would exceed 2 storeys in height or exceed the profile of the current grandstand, as part of management plan requirements.
83. In relation to development on the grandstand hill, my own observation is that the grandstand already masks the view of the sea when viewed from the properties along Marsden Point Road. Taller development will not therefore see the loss of more sea view, but it will mean a larger building on the "horizon". Taller development on the existing footprint is likely to have less of an effect than more horizontally-aligned development. Much depends upon the architectural quality of the any new development - a matter which can be and is addressed by way of the required management plan. The main regulatory of height on the grandstand is the requirement for most development not to be visible from the beach area.
84. With regard to taller (more than 2 storey development) in Precinct B, policies limit over two story development to no more than 10% of the precinct's area. The plan does not specify where taller buildings may be located - this is a matter to be addressed by the management plan. The 10% limit on over 2 storey development was set by reference to the master

plan and is intended to place a "boundary" around the extent of such development. It may be that more than 2 storey development is best arranged in an east-west alignment, that minimises the extent of building face that is seen from properties to the west. This type of issue can be addressed by way of the management plan process.

85. Effects of taller buildings on views enjoyed by nearby residents will need to be addressed. Policy REE 3.6.4 refers to "maintaining the visual amenity of surrounding residential areas" . It is acknowledged that these views will change with development and there could be more built development that interrupts sea views. In my opinion, the extent of these changes are not such that the amenity derived from current views will be significantly reduced to the point that Section 7 of the RMA could be said to be transgressed. The elevated nature of the properties and the distance between the houses and the race course mean that residents will still enjoy sweeping, panoramic views, albeit possibly with some more buildings within this view.
86. I note that redevelopment of the existing grandstand within the current building profile provides substantial opportunities for additional floorspace, as there are options to push out the floor plate towards the coast and develop a 3 or 4 storey building on the eastern face of the grandstand hill, while staying within the current roof profile. Equally, with regard to residential development, two storey terrace type development is possible. Given this potential, it may be asked whether it is necessary or appropriate to provide opportunities for additional height in the two precincts, by way of management plans. In both cases the resource management rationale is that the effects of additional height are not necessarily significantly negative, while a number of economic and social outcomes are enabled. It is acknowledged that submitters may perceive that they do not benefit from these improved outcomes, but the RMA does not require that all negative effects be compensated for. Rather, adverse effects need to be appropriately avoided or mitigated, and overall, sustainable management needs to result.

87. Finally, I note that in the track changes version of the plan change (Part 2 of the section 42a report) there is a recommended change to Policy REE 1.4.3 which alters the focus of the policy away from the amenity of the surrounding area to that of the racecourse land itself. In my view, the policy should cover both on-site and off-site amenity, and could read as follows:

*To respect the ~~surrounding~~ amenity values of the ~~environment~~ areas surrounding the Ruakaka Equine Environment and to promote amenity within the Environment through considerate building design and landscape treatment, including building massing, height, colour and materials.*

88. I have recommended the insertion of the words "landscape treatment" within the above policy as this is a tool that the plan change uses, along with managing building design.

### **Overall assessment under Part 2 of the RMA**

89. In terms of the overall broad judgement required by Part 2 of the RMA, the proposed plan change offers the following positive benefits / enablement of social and economic outcomes:
- (a) helps to maintain and improve race course facilities that are enjoyed by large numbers of people
  - (b) provides space for community activities (i.e. pony club, markets, open space, events, functions)
  - (c) offers opportunities for employment related activities (horse training, equine-related activities, conference/hotel)
  - (d) provides living environment arrangements not found in the surrounding area (e.g. apartment type living).
90. Redevelopment also provides some opportunities for environmental enhancement (i.e. an improvement to the current environment). This

includes linkages through the site, car parking for public use, publicly accessible plazas, low key, convenient type activities that help meet local needs, a new formed pedestrian access point to the beach, and enhancement planting and landscaping across the site.

91. In terms of adverse effects on the environment that may be generated by these outcomes, the main potential for adverse off-site effects relate to:
  - (a) coastal landscapes
  - (b) ecological resources
  - (c) cultural resources
  - (d) amenity of residential development to the west.
  
92. The RMA places a weight or importance on effects on the coastal environment, this being a section 6 matter. In the case of the REE, effects on coastal landscapes and the coastal experience enjoyed by people are not likely to be significant, given the context of the environment, values identified by RMA documents and existing and planned development. Specific visual effects on coastal landscape values of new, larger buildings on the grandstand hill are to be managed by way of management plans so they do not see a significant change to the environment.
  
93. Effects on ecological resources are also a section 6 matter (Section 6(c)). The analysis highlights that some adverse effects (such as overlooking, stormwater quality) are possible if no action is taken to manage them, while others are potential adverse effects (disturbance and degradation from human-related activity). A range of management techniques are proposed to avoid these likely and potential effects. The main issue is whether the management plan approach, coupled with a cap on dwelling numbers, provides sufficient certainty that adverse effects associated with human behaviour related effects will be avoided. The analysis by Wildlands Consultants is that a management plan approach can work, and potentially has a number of benefits over an avoidance-based approach.

This includes the ability to harness local community involvement in maintaining the wildlife areas present.

94. Effects on cultural resources and values are also important matters under section 6 and 7 of the RMA. Potential adverse effects are addressed by way of a number of tools, including further specific assessment as part of management plan approaches. Effects on coastal landscapes, water quality and ecological resources are managed by specific requirements and policies. Known archaeological resources have been recorded, and further investigations are required as part of on-going development.
95. Amenity effects are managed by controls on the bulk and height of development, as well as the plan change providing discretion over the design, bulk and location of development that may affect views from surrounding areas.
96. I agree with the majority of the changes recommended in the section 42a report. Appended below is a table that sets out the recommended changes and my response. The recommended changes further ensure that adverse effects are avoided or mitigated. I have further suggested additional policy relating to the two archaeological sites, and clarification-type amendments relating to vehicle access to the southern precinct and in relation to development on the grandstand hill.
97. Overall, my assessment is that, within the context of the area, the adverse effects that may be generated by the development enabled by the plan change can be appropriately avoided or mitigated through the provisions put in place. As such the plan change will result in enhanced sustainable management of the environment's resources compared to outcomes under the current zoning. That is, improved social and economic conditions will be enabled while adverse effects can be sufficiently avoided or mitigated.

**David Mead**

**25 October 2013**

Section 42a report	Comment
<b>Resource Management Act 1991 &amp; NZ Coastal Policy Statement (2010)</b>	
That the submissions and further submissions relating to the topic 'Resource Management Act 1991 & NZ Coastal Policy Statement (2010)' be accepted in whole or in part, and that all other submissions be rejected, to the extent that they are addressed in the following topics.	PC113 meets the requirements of the RMA 1991 and gives effect to the NZCPS 2010. Those parts of submissions opposing PC113 should be rejected.
<b>Coastal hazards, flooding, tsunami risk</b>	
Amend Management Plan Requirements (REE1.5.2) to include 'coastal hazard risk assessment' to ensure adequate recognition is paid to any changes to legislation or regulations (including NRC provisions) affecting potential coastal hazard risk in this location.	Specific coastal hazard risk assessments are not required, given current information. Assessments will be prompted when changes are made to hazard provisions affecting this location.
<b>Ecological Effects</b>	
Amend REE1.5.4 Management Plan Requirements to include 'other REE users' in the preparation and management of a Habitat Protection Plan.	Agreed
Retain proposed ban on pet cats, dogs and mustelids, to supplement related district-wide education initiatives.	Agreed
Recognise the Wildlands Consultants Ecological Review and recommendations dated November 2012 as a basis for further Management Plan ecological effects assessment in terms of REE1.5.2 Management Plan Requirements under a recommended additional information requirement ('Specialist reports submitted in conjunction with Plan change 113').	Agreed
Retain proposed 10m setbacks from the dune lake consistent with setbacks for adjacent residential development, and retain proposed 5m setback from the eastern boundary of the REE.	Agreed
Refer to recommendations relating to horses on the beach under 'access to beach/coast' topic.	Agreed
<b>Cultural Values &amp; Archaeological Issues</b>	
Amend the term 'iwi' in text to read 'tangata whenua'.	Noted
Amend reference 'Cultural Heritage Effects Assessment' in REE1.5.2 to read 'cultural effects assessment.'	Agreed
Include the term 'archaeological assessment' in the list of Management Plan Requirements in REE1.5.2.	Agreed
Recognise the Geometria Limited Report and recommendations dated ...as a basis for further archaeological assessment in terms of REE1.5.2 Management Plan Requirements under a recommended additional information requirement ('Specialist reports submitted in conjunction with Plan change 113').	Agreed
<b>Traffic and access issues</b>	
Amend REE.3.7.9 (as per 'track changes') to restrict intensive residential development within Precinct B unless	Not agreed

<p>an additional road access is available (subject to clarification at the hearing of the term ‘intensive residential development’ referred to in REE.3.7 (4) and the feasibility of secondary access alternatives).</p>	<p>An additional road access is desirable, but it is not a necessity for traffic management. The policy should be amended.</p> <p><i>Appropriate vehicle, pedestrian and cycle circulation is to be provided within this Precinct, as well as connections with the Eastern and Western Precincts. The main circulation route should be aligned so that it captures a vista towards the Hen Islands, while providing for the opportunity for the route to be extended westwards to link in with future roading in the adjacent land, allowing for a through route to be provided for vehicles and pedestrians. If a through route can be obtained, then it is preferable that this route becomes a public road.</i></p>
<p><b>Access to beach/coast</b></p>	
<p>Amend general policy REE.5.7.8 to reflect the need for on-going consultation with DOC in relation to the provision of appropriate access to the beach.</p>	<p>Agreed, and following consultation it is now proposed that the existing horse access dune crossing will remain, and the horse access will only be re-aligned within the racecourse land, along the southern boundary</p>
<p>Include reference to relevant non statutory provisions relating to access, including Council Bylaws and Memoranda of Understanding that lie outside the boundaries of the REE.</p>	<p>Agreed</p>
<p>Amend REE1.5.2 Management Plan Requirements to include a heading covering relevant additional methods such as Council bylaws and Memoranda of Encumbrance.</p>	<p>Agreed</p>
<p><b>Infrastructure (including stormwater and wastewater provisions)</b></p>	
<p>Recognise the Pattle Delamore Partners Ltd (PDP) Report and recommendations on groundwater quality and dune lake re-charge dated 27 September 2013 as a basis for further ‘stormwater management effects assessment’ in terms of REE1.5.2 Management Plan Requirements, under a recommended additional information requirement (‘Specialist reports submitted in conjunction with Plan Change 113’).</p>	<p>Agreed</p>
<p><b>Scale, form and intensity of built development</b></p>	

Amend policy REE.1.4.1(i) to reflect the need to balance (a) the ongoing viability of the racecourse and associated equine-related activities with (b) the capacity of the adjoining environment to sustain the level of intensity proposed, with an intensity quota, if imposed, to be dependent on further evidence to be presented at the hearing.	Not agreed. It is considered that has already been done through PC113 provisions.
Amend requisite policy REE.5.6.1 and general policy REE.5.6.10 relating to view points by replacing term 'Mean High Water Springs' by 'Mean Low Water Springs'.	Agreed
Include Reyburn and Bryant Surveyors' plans ('Precinct Boundary & Height Restriction Plan' and 'Photo Location Plan' both referenced S13060 Rev A, dated September 2013) at end of REE document as Maps/Plans REE.2 and REE.3 respectively as confirmation of certified building heights and precinct areas.	Agreed
Amend REE.5.3.2 Discretionary activities to include 'exterior repainting' within the definition of 'redevelopment' in this context.	Agreed
Amend general policy 4.7.4 advocating (planting) management plans to control vegetation growth heights by replacing term 'any vegetation' by 'vegetation'.	Agreed
<b>Noise</b>	
No changes recommended in relation to proposed noise and event management provisions.	Agreed
<b>Community, recreation and economic benefits/viability</b>	
That the applicant be invited to present evidence to the hearing on the economic benefits of the proposal to the club and the area generally, including the experience gained from other organisations that have diversified their activities in a similar manner.	Evidence from Mr Logan, Vazey and Brandon addresses these matters
<b>Structure/format/contents of plan change (including Management Plan technique)</b>	
Replace discretionary language in requisite policies with mandatory language where applicable to reflect the importance of requisite policies in determining notification.	Agreed to the extent proposed in the s42A report
Retain the activity status as applied in the proposed plan change.	Agreed
Include cross reference in REE1.5 Management Plan Requirements to additional requirements of MPT.2.6.	Agreed
Delete REE.3.6.11 as duplication of requirement for a Habitat Protection Plan in REE1.5.4.	Agreed
Amend references to 'Management Plans' (upper case) and 'management plans' (lower case) where applicable (e.g. 'event management plans').	Agreed
Amend minor inconsistencies or ambiguities as per draft 'track change' version of REE.	Agreed
Re-sequence provisions within REE.6 Subdivision in the following order: Eligibility, Notification, Requisite Policies, General Policies. Note: In line with current practice it is proposed that the	Agreed



layout of the District Plan REE Chapter would be in the format adopted for the MPT and UTE Chapters, copies attached in Part 2 of agenda.	
Incorporate any additional consequential amendments necessary.	Agreed
Replace term 'site' with alternative wording where applicable (e.g. where conflict with District Plan definition could occur as in Subdivision section).	Agreed
Retain the term 'Ruakaka Equine Environment' and acronym 'REE'.	Agreed

## Attachments

Attachment Number	Attachment Title
1a	Location Plan
1b	2012 aerial photograph
2a	Precinct Plan
2b	Reyburn and Bryant Precinct Boundary and Height Plan
2c	Reyburn and Bryant Photo Location Plan
3a	Proposed Regional Policy Statement map of coastal environment
3b	District Plan map showing Notable Landscape Area
4a	Tonkin and Taylor map showing coastal erosion hazard zones
4b	WDC map showing projected sea level rise
4c	NRC map showing 10 and 100 year ARI flood plain
5	Gazetted survey plan of Wildlife Refuge
6	Map showing proposed residential subdivision