

# Fletcher Residential Limited

## Request for Private Plan Change



## Remuera Precinct

**Plan Change Report**

**Section 32 Analysis**

**Assessment of Environmental Effects**

June 2024

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**Plan Change Documents**

Plan Change – Remuera Precinct Provisions

Plan Change - Appendix A– Remuera Precinct Landscape

**Annexures To This Remuera Precinct Planning Report and S32 Summary**

Annexure A: Urban Design Assessment, prepared by Brewer Davidson

Annexure B: Landscape and Visual Assessment, prepared by Boffa Miskell

Annexure C: Graphic Supplement (appendix to Landscape and Visual Assessment)

Annexure D: Economic Assessment, prepared by Market Economics

Annexure E: PPC Transport Assessment, prepared by Commute

Annexure E1: Fast-Track Resource Consent Application Integrated Transport Assessment, prepared by Commute

Annexure F: Infrastructure Assessment, prepared by Crang

Annexure G: Approved Stormwater Management Plan, prepared by Woods

Annexure H: Ecological Assessment, prepared by Ecological Solutions

Annexure I: Archaeological Assessment, prepared by Clough and Associates

Annexure J: Geotechnical Assessment, prepared by Initia

Annexure K: Contamination Cover Letter

Annexure K1: Preliminary and Detailed Site Investigation, prepared by PDP

Annexure L: Remedial Action Plan and Contaminated Site Management Plan, prepared by PDP

Annexure M: Arborist Assessment

Annexure N: Arborist Notable Tree Assessment

Annexure O: Consultation Documents



# 1 INTRODUCTION

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This report has been prepared in support of the Proposed Private Plan Change request (PPC) under Clause 21 of Schedule 1 of the Resource Management Act 1991, by Fletcher Residential Limited (FRL) to rezone 6.2197 hectares of land within the Special Purpose - Major Recreation Facility Zone and Ellerslie Racecourse Precinct of the Auckland Unitary Plan to a mixture of Residential – Mixed Housing Urban (MHU) and Residential – Terrace Housing and Apartment Building (THAB) zones and apply the Remuera Precinct (Precinct) provisions. The plan change will enable the comprehensive and integrated development of the site and will result in a well-functioning urban environment. The PPC request is made in writing to the Auckland Council and explains the purpose of, and the reasons for, the proposed changes to the Auckland Unitary Plan and contains an evaluation report in accordance with Section 32 for the PPC.

The PPC proposes to utilise the existing operative AUP THAB and MHU zone provisions and also incorporates amendments to these zones to incorporate the Medium Density Residential Standards as required by the RMA Amendment Act. The PPC also includes specific Precinct provisions that more closely reflect the built form, site layout, connections and landscaped areas that have been consented through the recently approved fast-track resource consent.

In terms of background, Auckland Thoroughbred Racing (ATR) has divested approximately 6.2 hectares of land from the eastern corner of the Ellerslie Racecourse Precinct. FRL has purchased this area of land and has obtained resource consent (through the fast-track process) to construct approximately 357 residential dwellings (the Project). The proposed 357 dwellings comprise a mix of detached, duplex and terrace houses, market apartments, and an apartment building for active retirement use. Building heights range from 1 to 7 storeys (above any basement levels). The Precinct is located at the western end of the racecourse site and is bound by Ladies Mile and Derby Downs Place. The PPC recognises the consented residential development of the land. The precinct is to be referenced as the Remuera Precinct.

The specific area that is the subject of this request is referenced as the '**Remuera Precinct**'. The Remuera Precinct enables housing choice including both medium to high density living opportunities with development up to 25m in height provided within the THAB zones. Development of the Precinct is defined by identified publicly accessible open spaces, areas of private open space, existing mature Pohutukawa trees (combined with a 6m setback in their vicinity) and garden streets.

Movement through the precinct is provided two new public roads, one of which connects to Ladies Mile while the other connects to Derby Downs Place. Entry markers are proposed at these locations. A series of interconnected commonly owned access lots in combination with identified pedestrian routes provide

internal linkages within and through the Precinct. An existing tunnel also connects Derby Downs Place with the infield of the racecourse. A number of transport upgrades and enhancements are required on the local road network to facilitate the proposed change in use. These upgrades are requirements of the PPC and are aligned with the fast-track consent outcomes.

Stormwater from the precinct is managed in accordance with the approved Stormwater Management Plan for the precinct. Other infrastructure is readily available and has sufficient capacity (with some local upgrades) to accommodate the infrastructure demands of future development enabled by the PPC.

In summary, the PPC will give effect to the National Policy Statement on Urban Development and enable the urbanisation of this site which is in an appropriate location and in walking distance of the Ellerslie Train Station. The PPC will enable medium to high density residential development of the site to provide for Auckland's growing population.

The preceding fast track resource consent was developed in close consultation with Mana Whenua and the PPC reflects this consent and its key design and landscape principles.



Figure 1 – Oblique Aerial View of Site Including the Consented Development

The full details of the PPC and the process that has been undertaken to determine the plan change provisions are set out below in this report and in the supporting technical assessments that form part of the plan change request and assessment of environmental effects. These documents should be assessed in detail in the consideration of the Remuera Precinct PPC.



## 1.1 Background

ATR is the landowner of Ellerslie Racecourse and identified FRL as its preferred development partner to deliver a high-quality residential development at The Hill (the land subject to this PPC). Development of The Hill will provide valuable funding for ATR to redevelop the racetrack surface to enable racing to be consolidated at Ellerslie in line with the government commissioned national review of the racing industry.

The 2018 Review of the New Zealand Racing Industry (Messara Report) identified a number of matters for reform in the racing industry. Following the Messara Report and legislative changes to revitalise the racing industry, the former Auckland Racing Club and Counties Racing Club have recently merged to form ATR. This has enabled the consolidation of assets between the two clubs and has provided the opportunity to look more strategically at ATR's operations.

Following the commission of a strategic land analysis of ATR's landholdings, The Hill was identified as the most significant surplus land opportunity. The Hill was historically used for steeplechase races. However, these are no longer held, which means that The Hill is no longer an integral part of racing events. Therefore, retention of this part of the Ellerslie Racecourse by ATR and its continuous maintenance requirements do not make economic sense. Further, given Auckland's housing shortage, development of The Hill also presents a valuable opportunity to provide 357 dwellings in a central location which is accessible to two rail stations and bus routes. Development of The Hill is also consistent with the historic pattern of Ellerslie Racecourse developing land on its periphery for non-racing uses.

ATR has a successful record of divesting non-core surplus assets in order to secure the ongoing financial viability of the Ellerslie Racecourse. This has included the initial subdivision and development of Derby Downs Place, the Ascot Hospital, the Novotel Hotel, and the Usana commercial building and Ascot Office Park adjacent to the southern motorway. Since then, further district plan changes and the Auckland Unitary Plan process have resulted in the rezoning of areas of land on the periphery of the racecourse for both residential and commercial redevelopment purposes. FRL will continue with the established historical pattern of rezoning land of the periphery of the racecourse that is no longer required for racecourse or major recreation zone purposes.

## 1.2 Purpose of the Report

The purpose of this report is to provide a detailed summary of the PPC and to undertake a comprehensive section 32 analysis associated with the costs and benefits of the PPC provisions in order to confirm whether they are the most appropriate. A detailed analysis of environmental effects is also undertaken to determine the overall extent of environmental effects that could result from the PPC as proposed.

The report is arranged under the following section headings:

- Section 1 Introduction
- Section 2 A summary of the relevant statutory considerations.
- Section 3 Applicant & Property Details.
- Section 4 Site and Locality Description
- Section 5 Description of the Plan Change Request.
- Section 6 A summary of the approved Fast-Track resource consent
- Section 7 Strategic Planning Framework
- Section 8 Assessment of Environmental Effects.
- Section 9 Section 32 Analysis
- Section 10 A summary of the consultation undertaken to date
- Section 11 Notification
- Section 12 Conclusion

### 1.3 Supporting Technical Reports

In addition to this report, a number of technical reports have been prepared to assist in the preparation of the plan change. The reports are attached in full to this report and are listed in detail below the table of contents of this report.

## 2 STATUTORY CONSIDERATIONS

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This section identifies the relevant statutory considerations that need to be addressed for this PPC.

### 2.1 Schedule 1 Clause 22

This plan change request has been prepared in accordance with the requirements of Clause 22 of Schedule 1 of the Resource Management Act 1991 (RMA) which states:

#### *Clause 22 Form or request*

- (1) *A request made under clause 21 shall be made to the appropriate local authority and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed plan or change. (emphasis added)*
  
- (2) *Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*

### 2.2 Section 32

Section 32 of the RMA sets out the requirements for an evaluation report as follows.

#### ***Section 32 Requirements for preparing and publishing evaluation reports***

- (1) *An evaluation report required under this Act must-*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by-*
    - i. *identifying other reasonably practicable options for achieving the objectives; and*
    - ii. *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - iii. *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*

The PPC also satisfies the Clause 25 requirements of Schedule 1 (RMA) including the requirement to be in accordance with sound resource management practice (sub-part 4(c)) and incorporates the MDRS (sub-part 4A) as relevant (refer Section 2.4 below).

The section 32 evaluation must also include the following (s32 (2)):

- (2) *An assessment under subsection (1)(b)(ii) must-*
- (a) *identify and assess the benefits and costs of the environmental, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for-*
    - i. *economic growth that are anticipated to be provided or reduced; and*
    - ii. *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantifying the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

The assessment undertaken in this report and the supporting technical reports addresses these matters and has informed the Remuera Precinct Private Plan Change Request, which is subject to this application.

### 2.3 Relevant Case law

A summary of the requirements for assessing district plans or plan changes, was comprehensively dealt with in the Environment Court's interim decision in *Long Bay-Okura Great Park Society Incorporated & Ors v North Shore City Council*<sup>1</sup>. This was a reworking and expansion of the earlier *Eldamos* test<sup>2</sup>.

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<sup>1</sup> *Long Bay-Okura Great Park Society Inc & Ors v North Shore City Council* (Decision No. A 78/2008).

<sup>2</sup> *Eldamos Investments Ltd v Gisborne District Council* W047/05, 22 May 2005.

Provided below is a summary the *Long Bay* approach (amended to reflect amendments made to the RMA in 2015):

### *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<sup>3</sup>*
- (2) *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement<sup>4</sup>.*
- (3) *When preparing its district plan (change) the territorial authority shall:*
  - (d) *have regard to any proposed regional policy statement;*
  - (e) *give effect to ~~not be inconsistent with 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 for any matter specified in section 30(1) [or a water conservation order]; and*
  - (b) *Must have regard to any proposed regional plan on any matter of regional significance etc;*
- (5) *When preparing its district plan (change) the territorial authority must also:*
  - (a) *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the ~~Historic Places Register~~ New Zealand Heritage List and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities<sup>5</sup>;*
  - (b) *take into account any relevant planning document recognised by an Iwi authority; and*
  - (c) *not have regard to trade competition<sup>6</sup>;*
- (6) *The district plan (change) must be prepared in accordance with any regulation<sup>7</sup>;*
- (7) *The formal requirement that a district plan (change) must<sup>8</sup> also state its objectives, policies and the rules (if any) and may state other matters<sup>9</sup>*

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<sup>3</sup> Sections 72 and 74(1).

<sup>4</sup> Sections 75(3)(a) and (b).

<sup>5</sup> Section 74(2)(b).

<sup>6</sup> Section 74(3).

<sup>7</sup> Section 74(1)(f).

<sup>8</sup> Section 75(1).

<sup>9</sup> Section 75(2).

**B Objectives**

(8) ~~Each proposed~~ The objectives in a district plan (change) ~~is~~ are to be evaluated by the extent to which ~~it is~~ they are the most appropriate way to achieve the purpose of the RMA.

**C. ~~Policies and methods (including rules)~~ Provisions**

(9) ~~The policies are to implement the objectives, and the rules (if any) are to implement the policies.~~

(10) ~~The~~ Each proposed policy or method (including each rule) provisions ~~is~~ are to be examined, ~~having regard to its efficiency and effectiveness, as to whether it is~~ they are the most appropriate method for achieving the objectives of the district plan ~~taking into account,~~ by:

(a) identifying other reasonably practicable options for achieving the objectives; and

(b) assessing the efficiency and effectiveness of the provisions in achieving the objectives including: \_\_\_\_\_

(i) identifying and assessing the benefits and costs of the ~~proposed policies and methods (including rules)~~ environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment that are anticipated to be provided or reduced; and

(ii) quantifying these benefits and costs where practicable; and

(iii) assessing 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~~ provisions.

**D Rules**

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

**E. Other statutes**

(12) ~~Finally territorial authorities may be required to comply with other statutes.~~

## 2.4 Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (“Amendment Act”) is designed to improve housing supply in New Zealand’s five largest cities by speeding up implementation of the National Policy Statement on Urban Development (NPS-UD) and enabling more medium density homes.

Under this Amendment Act, Tier 1 councils are required to use a new planning process to accelerate housing supply. The new Intensification Streamlined Planning Process (ISPP) will enable the tier 1 councils – covering the greater Auckland, Hamilton, Tauranga, Wellington, and Christchurch urban areas – to implement the intensification required by the NPS-UD at least a year earlier than under standard RMA timeframes.

Auckland Council, being a Tier 1 council, is required to adopt Medium Density Residential Standards (MDRS). The MDRS will set seven building requirements to enable development and must be incorporated into RMA plans for current and future residential zones in Tier 1 urban areas. The requirements will enable the development of up to three houses of up to three storeys on sites as a permitted activity. This includes alterations to existing buildings.

Auckland Council notified Plan Change 78 on 18 August 2022. The MDRS aspects of PC78 have legal effect from the time of notification, unless:

- a qualifying matter applies
- the council has proposed more permissive height standards
- greenfield land is being rezoned to residential land.

Under the Amendment Act a private plan change must either adopt the existing AUP residential zone provisions (unamended) or be in accordance with the MDRS. Adopting the AUP provisions into the PPC (as is proposed here) addresses cl 5 (4A) of Schedule 1. In relation to this PPC, it adopts the AUP operative residential zone provisions and proposes amendments to those zones to incorporate MDRS as set out in Appendix B to the PPC. As a result, the proposed incorporation of the MDRS within this PPC will mean the MDRS provisions will apply as appropriate to this Precinct. The Precinct provisions make it clear that the MDRS provisions will apply until PC78 is operative at which time the MDRS Precinct provisions will cease to apply. The Qualifying Matters set out in PC78 will also apply as relevant to this plan change. The PPC provisions also make this clear.

Any matters that reduce the intensification provisions on the MDRS must be justified as a Qualifying Matter. The qualifying matters proposed within this plan change relate to the setback of apartment buildings along the Ladies Mile frontage, the retention of existing trees, the proposed Notable Tree and the maximum cap of 357 residential dwellings. The reasoning for these controls are set out in the report below. It is considered that in this instance that high density development as directed by Policy 3 in the NPS UD is inappropriate due to the need to retain the mature Pohutukawa trees, the proposed notable tree along this frontage which will act as a visual buffer to the apartment buildings behind and to ensure the efficiency of the surrounding road network is maintained. Further, the apartment setback is also more appropriate than high density development as it applies in tandem with the tree retention provision

and is offset by the proposed 25m high development zone adjoining this part of the PPC. The 357 dwelling cap limit is considered to be the most appropriate as it provides certainty regarding the social, cultural, environmental and economic outcomes for the plan change. It is considered that it is therefore appropriate to impose a qualifying matter to control the maximum number of dwellings as it is more appropriate to manage these effects as opposed to maximise intensity in this location.



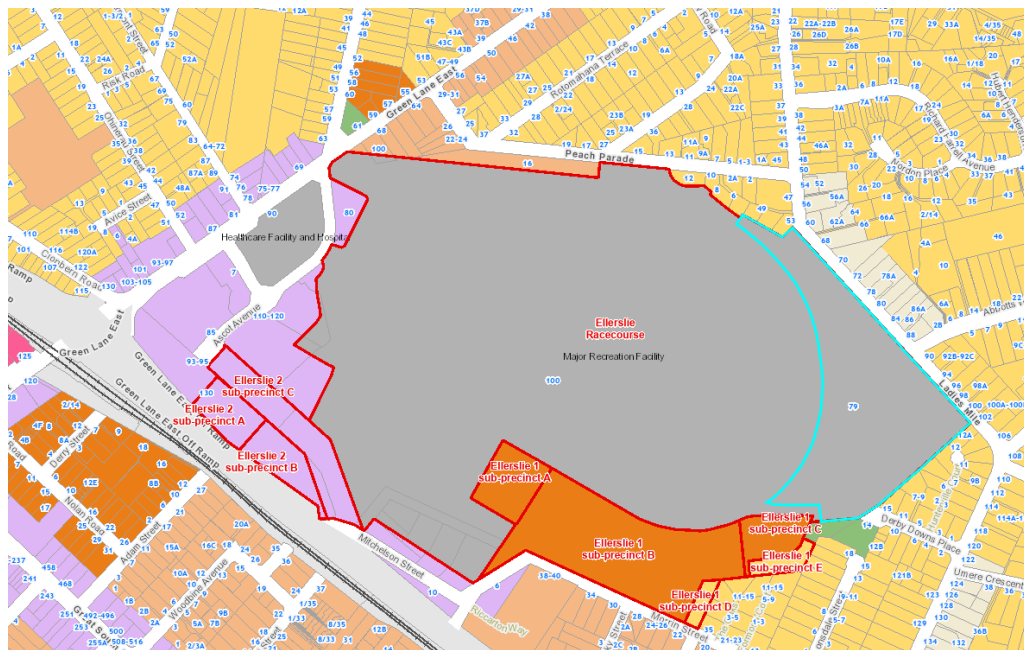
### 3 APPLICANT AND PROPERTY DETAILS

#### APPLICANT AND PROPERTY DETAILS

<b>Applicant</b>	Fletcher Residential Limited
<b>Address</b>	79 Ladies Mile, Remuera
<b>Legal</b>	Lot 1 Deposited Plan 585358 (6.2197 hectares) contained in Record of Title 1136511
<b>Descriptions</b>	

#### Auckland Unitary Plan: Operative in Part

<b>Zone</b>	Special Purpose Major Recreation Facility Zone
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<b>Designations</b>	N/A
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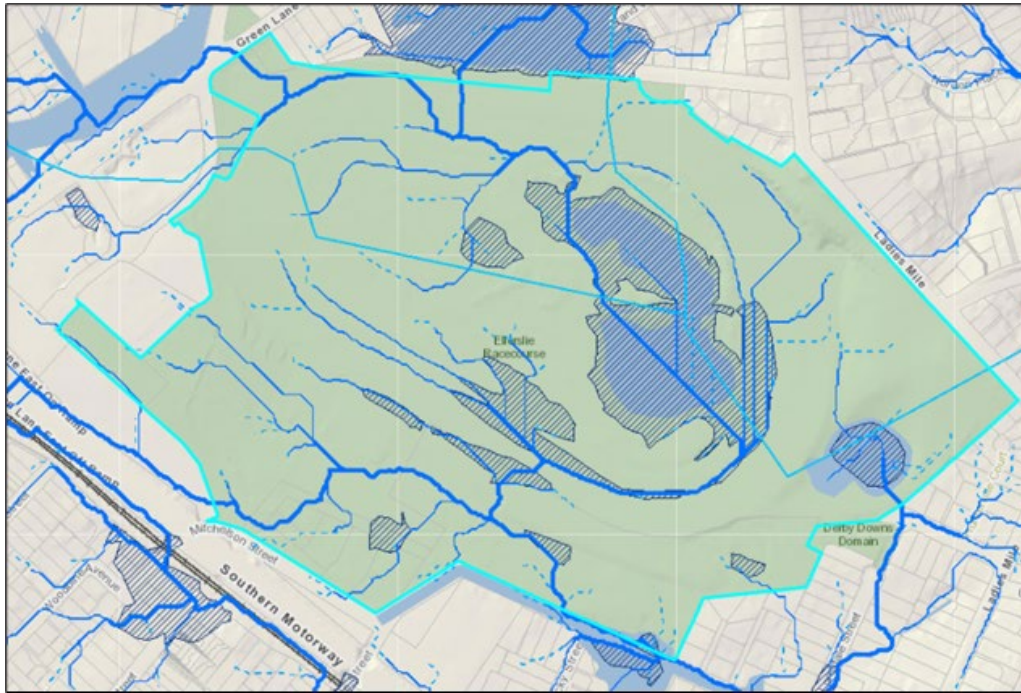
<b>Precinct</b>	Elerslie Racecourse Precinct
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<b>Overlays</b>	<ul style="list-style-type: none"> <li>▪ Natural resources: High-use Aquifer Management Areas Overlay [rp] – Onehunga Volcanic Aquifer</li> <li>▪ Natural resources: Quality-sensitive Aquifer Management Areas Overlay [rp] – Onehunga Volcanic Aquifer</li> <li>▪ Natural heritage: Notable Trees Overlay – 340, Phoenix Palm (Avenue of 64), Phoenix Palm (7), Phoenix Palm / Pohutukawa, Norfolk Island Pine (2)</li> <li>▪ Natural heritage: Notable Trees Overlay – 689, Common Oak</li> <li>▪ Natural heritage: Regional Significant Volcanic Viewshafts and Height Sensitive Areas Overlay [rcp/dp] – O1, One Tree Hill, Viewshafts – NA to The Hills</li> <li>▪ Natural heritage: Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay [rcp/dp], O2, One Tree Hill, Viewshafts – NA to The Hills</li> <li>▪ Natural heritage: Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay [rcp/dp], W26, Mount Wellington, Viewshafts – NA to The Hills</li> <li>▪ Natural heritage: Locally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay [rcp/dp], O10, One Tree Hill – This viewshaft is relevant for The Hills area. Refer survey plans and architectural plans.</li> </ul>
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<b>Controls</b>	<ul style="list-style-type: none"> <li>▪ Controls: Macroinvertebrate Community Index - Urban</li> </ul>
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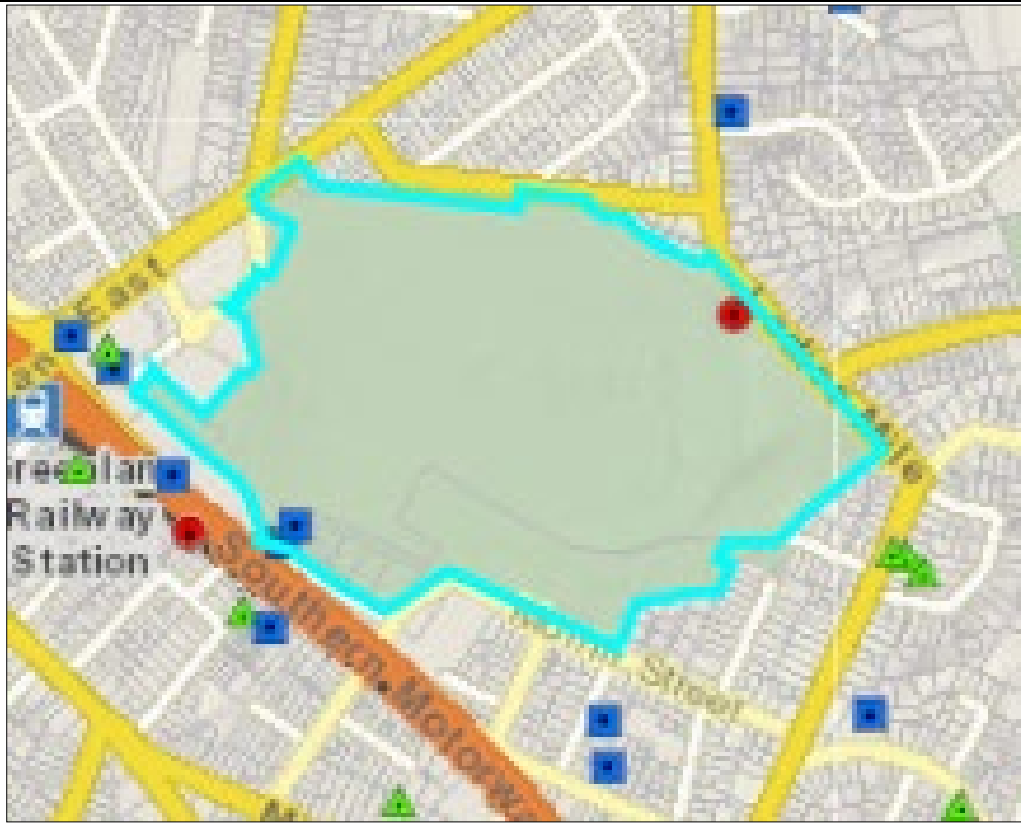
### Council GeoMaps Layers

- Catchment and Hydrology**
- Overland flow paths
  - Flood prone areas
  - Flood plains



**Cultural Heritage Inventory**

- The full site area is recorded as having been subject to Archaeological Survey and a recorded item is shown on the plan below (red dot). Refer Archaeological Assessment attached to this PPC request regarding red dot. Assessment confirms there is no archaeological item at this location.
- Identified historic structures (blue dots).



The 2-lot subdivision outlined below was approved as part of the Fast-Track consent and title for the Remuera Precinct land has now been issued (refer Figure 3A below).

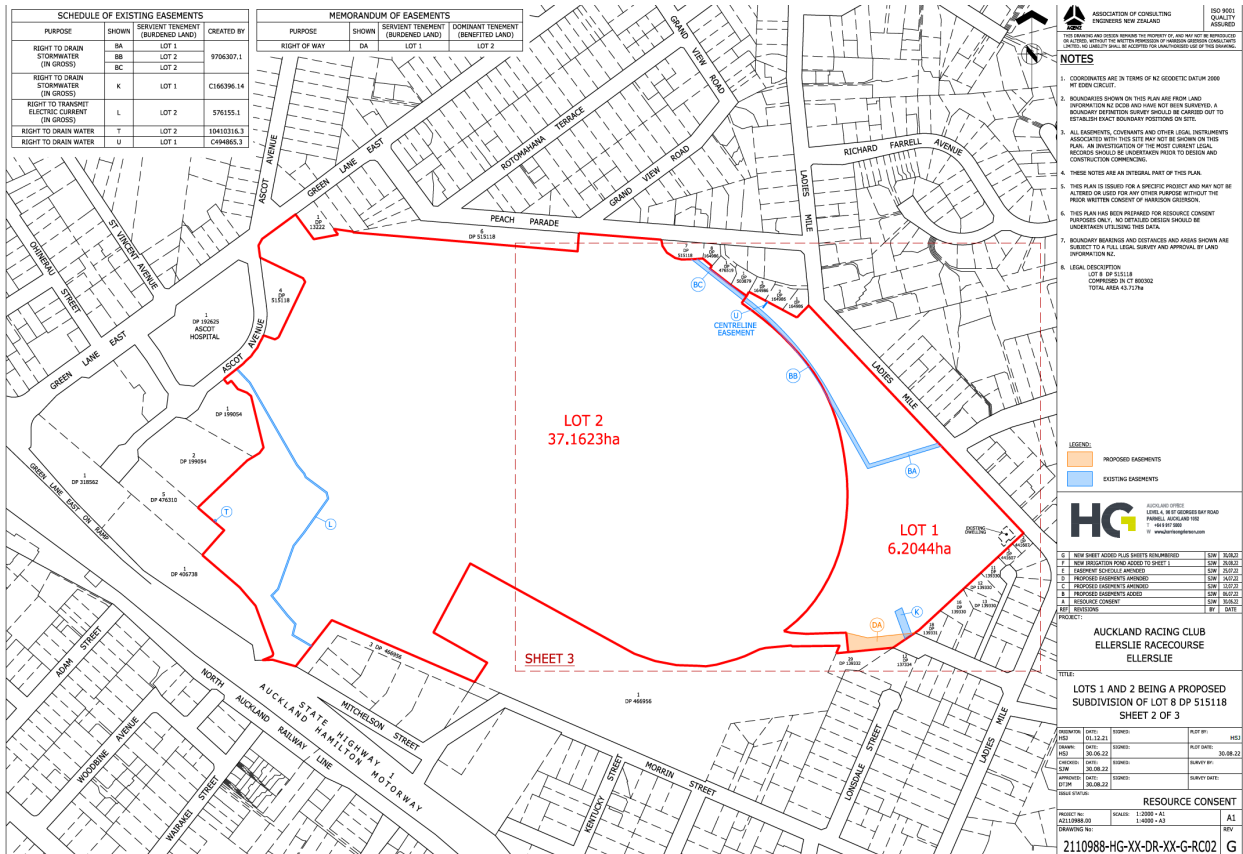


Figure 2 – Plan of completed subdivision of the Site from the remaining land retained by ATR

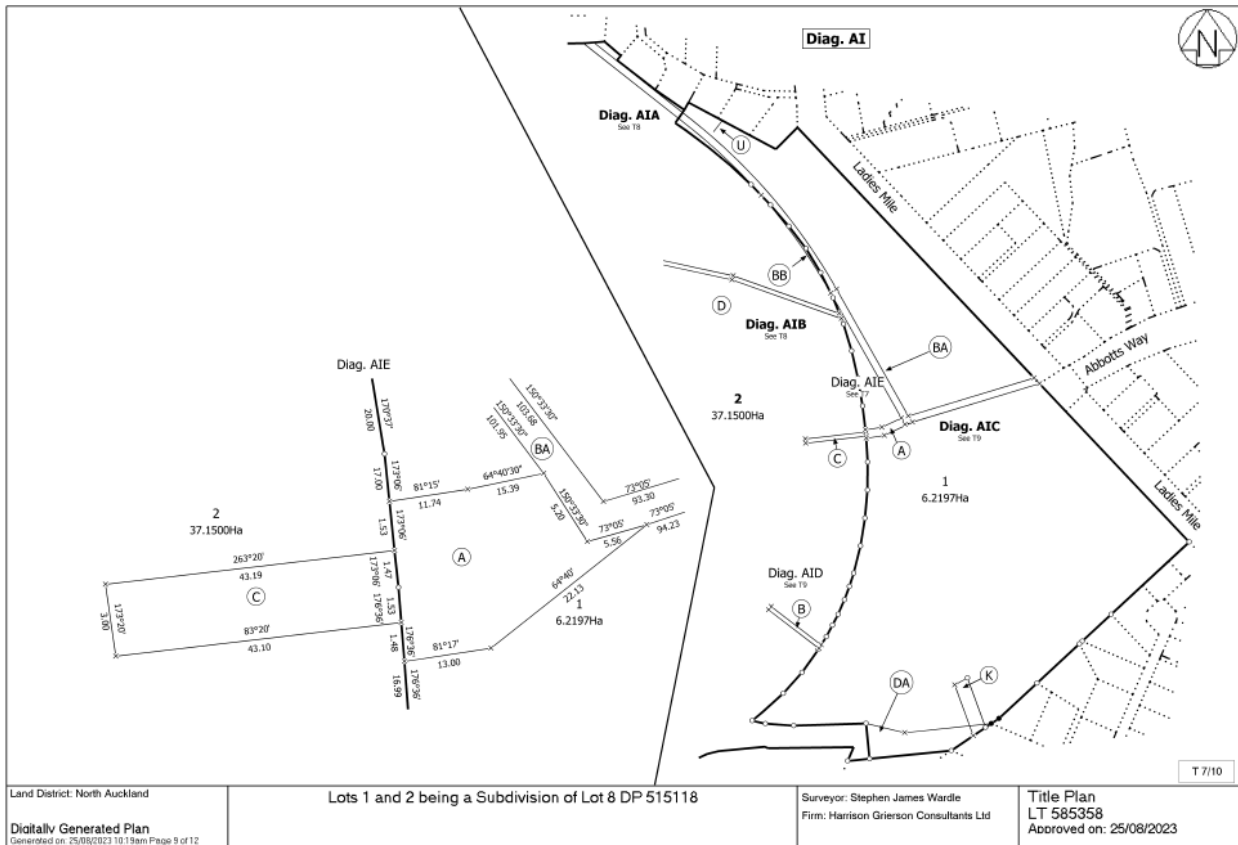
## 4 SITE AND LOCALITY DESCRIPTION

### 4.1 Locality and Site Description

The Ellerslie Racecourse is located at 100 Ascot Avenue, Remuera, being a 43.3717-hectare landholding owned by the Auckland Racing Club, less the 6.2197 hectares of the Remuera Precinct purchased by FRL. A new title has been issued for FRL's land and is identified as 1136511 and has a legal description of Lot 1, DP 583358. The plan below (**Figure 3**) indicatively identifies the racecourse, the land subject to this PPC and the neighbourhood within its local context. The site boundary is taken from Auckland Council's GIS system (blue outline) but this is broader than the title plan for ATR's and FRL's relevant records of title (red outline). Figure 3A identifies the Remuera Precinct land.



Figure 3 – Context of Site, Racecourse and Neighbourhood



**Figure 3A – Remuera Precinct Site and Title**

In terms of a broader background to the locality and previous activities that have led to the current situation, the first race comprising seven horses took place on the Ellerslie racecourse site in 1857. The permanent racing venue at the racecourse was secured in 1872 by the then named Auckland Jockey Club.

The current shape of the Ellerslie Racecourse has resulted from historic urbanisation around the edge of the racecourse property. Originally the racecourse included all the land bound by Greenlane, Peach Parade, Ladies Mile, Morrin Street, Mitchelson Street and the Southern Motorway. Overtime new developments including the Ascot Hospital, medical services, the Novotel Hotel, the Usana Commercial development and residential developments along Peach Parade, Ladies Mile, Derby Downs Place, Lonsdale Street and Morrin Street have all reduced the size of the racecourse and introduced non-racing type activities around the periphery (refer **Figure 4** below).



**Figure 4: Ellerslie Racecourse Historic Site Plan 1940**

Development to the west of the racecourse comprises primarily multi-level (up to six levels) commercial buildings, while development to the east of the racecourse comprises 1-3 level residential dwellings.

The racecourse itself features a variety of activities and structures. Primary activities include horse racing, events, conferences, concerts and organised sport and recreation. This includes the nine-hole golf course and the driving range in the infield. Structures range from single level ticket booths, sheds and stables to five level grandstand and function building. As a result, there are a wide range of building types and heights within and around the Ellerslie Racecourse.

The **Remuera Precinct** (referred to as 'The Hill' in the fast-track application and consent and comprises an area recently occupied by the steeplechase portion of the track, being an area of 6.2197-hectares (refer **Figure 5** below). Whereas the bulk of the remaining racecourse land is relatively flat or gently sloped, the topography of the Site comprises a steep incline from the racetrack up to Ladies Mile (approximately 14m gain) before rounding the corner and continuing to rise more gently another 5m (refer **Figure 6** Contour Plan below). The contour plan identifies a shallow plateau at the Ladies Mile frontage of the Site before sloping down to a lower plateau in the vicinity of Derby Downs Place. This existing contour has contributed to the resulting built form proposed as part of the Project.



Figure 5: Remuera Precinct Site Boundary



Figure 6: Existing Contour Plan

An existing dwelling is located in the eastern corner of The Hill. This dwelling was previously occupied by the track manager but has recently been granted resource consent to convert it into a display suite for sales of the residential units consented through the fast-track approval. The dwelling has vehicle access to Ladies Mile and is fully serviced by reticulated water, wastewater, stormwater as well as electricity and telecommunications. Resource consent has been granted to convert to dwelling into a sale suite along with sales related advertising.



A construction hoarding has also been erected along the Ladies Mile frontage of the Remuera Precinct and is subject to a current resource consent application for branding to be established on the hoarding. The branding will prevent graffiti which could occur if the hoarding was left in a timber finish. The branding material is such that it cannot be spray painted and is protected with some form of graffiti guard coating.

## 4.2 Transport & Access

The Ellerslie Racecourse site and the Remuera Precinct has a large number and wide variety of vehicle access points (ranging from signalised intersections to single vehicle crossings), with site frontage to seven adjoining roads. The primary access points to the facility are on Ascot Avenue via Green Lane East, and the south / southwest with a number of gates to Mitchelson Street, Derby Downs Place and Morrin Street. Ascot Ave provides vehicle access to the Ascot Hospital, medical buildings, the Novotel Hotel, and the Usana commercial building. It also leads to the Avenue of Palms access to the racecourse and provides access to the vacant Ellerslie 2 precinct (a mixed use zoned portion of land currently occupied by parking and a grassed area). Additional access to the racecourse is available from Mitchelson Street and this leads to the ATR administration building, the stables, grandstand and function centre building. Pedestrian access is also available from these roads into the racecourse. ATR do allow (at their discretion) public access to the racecourse for casual exercise purposes. A pedestrian underpass below the racecourse track is also currently located to the east of the function centre building.

The Remuera Precinct has considerable frontage to Ladies Mile and also has legal road access to Derby Downs Place. There is a vehicle crossing and access from Ladies Mile to the former track manager's house (currently being refurbished as a display suite), which is located at the eastern end of the Remuera Precinct.

Frontages of the Site to Ladies Mile and Derby Downs Place provide access locations for the Remuera Precinct. The Site sits at the eastern extent of the racecourse and includes road frontage to the top of Ladies Mile (in the vicinity of its intersection with Abbotts Way), and the existing cul-de-sac of Derby Downs Place mentioned above. From Derby Downs Place, ATR has vehicle access to the racecourse, infield and the Golf Warehouse activities via an accessway abutting the northern frontage of Derby Downs Place and the newly constructed vehicle tunnel under the racetrack. This accessway also provides access to the Remuera Precinct. The underpass passes under the racetrack and provides access to the infield shed as well as the infield driving range, nine-hole golf course and infield carparking area.

In terms of parking, Ellerslie Racecourse is a heavily used venue. Events can attract 20,000 visitors (or more) on race days. There are also many visitors to the large number of events/functions within the function centre. To facilitate the activities undertaken within the precinct, there are several parking locations within the racecourse site that provide sufficient carparking capacity.

### 4.3 Infrastructure

The racecourse and the Site are well serviced by infrastructure including wastewater, potable water, stormwater, power and telecommunications. Below is a summary of existing and proposed (consented) infrastructure provision for both the wider racecourse and the Site.

#### Remuera Precinct

##### *Stormwater*

- The existing dwelling on the Site is connected to an existing 150mm public stormwater line off Hunterville Court.
- There is an existing irrigation pond located on the Site with an existing 1200mm public stormwater line off Derby downs which drains into this irrigation pond. This irrigation pond has a 375mm outlet which discharges to the public stormwater line on Derby Downs Domain.
- There is also an existing 1950mm public stormwater line passing through the Site and a right to drain to this line is provided. Refer Figure 7 below.



Figure 7: Remuera Precinct – Existing Stormwater Lines

*Wastewater*

- The existing dwelling is connected to the existing 150mm public wastewater line off Hunterville Court.

*Water Supply*

- The existing dwelling is connected to the existing public watermain on Ladies Mile.
- There is also a 100mm connection which is currently used for irrigation purposes on the Site which is also connected off Ladies Mile.

*Power*

- The existing dwelling has an overhead power connection from Ladies Mile.
- There are also two Vector power transformers located within the Site.

#### *Telecommunications*

- The Site has a telecommunications connection along Ladies Mile that serves the existing dwelling.

#### The wider racecourse

#### *Stormwater*

- The existing stands, event centre buildings, carpark and various other buildings discharge stormwater predominately via rock bore ground soakage system. The stormwater runoff from golf course buildings, a small of portion of the racetrack and infield track sheds currently discharges to the existing irrigation pond located on the Site via private stormwater lines. The new, larger irrigation pond constructed on the racecourse replaces the use of the existing irrigation pond (which is to be removed as part of development of the Site).

#### *Wastewater*

- The existing stands, event centre buildings, carpark and various other buildings on the Racecourse are connected to the existing 375mm public wastewater line that crosses the racecourse from south to north along with the secondary 450mm public wastewater transmission line which runs parallel to the 375mm line.

#### *Water Supply*

- The existing stands, event centre buildings, carpark and various other buildings on the racecourse obtain potable water supply off Ascot Avenue. The existing water connection is a 200mm that services a private network that provides all supplies to buildings within the racecourse.

#### *Telecommunications*

- The racecourse has a telecommunication connection from Ascot Avenue that serves the all the existing buildings within the racecourse.

## 4.4 Vegetation/Landscaping

The Site is predominantly covered in grass apart from some trees around the irrigation pond and along the Ladies Mile frontage and Derby Downs Reserve frontage. The Ecological Assessment provided as part of the PPC request provides a detailed assessment of existing vegetation on the Site. A summary of this assessment and the existing vegetation is outlined below.

#### *Ladies Mile*

- There are 11 Pōhutukawa trees of various sizes along the northern site boundary that fronts Ladies Mile. These trees vary in height between 7m – 12m.

#### *Derby Downs Domain*

- Four trees are located within the domain just off the boundary fence within a strip of vegetation.
- The trees include three Black Poplars, a Sydney Blue Gum tree varying between 14m – 23m in height.

## 4.5 Neighbouring sites

The existing land uses adjoining the racecourse comprise a combination of busy public roads, suburban residential development, and at the Ascot Avenue frontage a suite of private medical facilities, office buildings and hotels.

The neighbouring sites to proposed Remuera Precinct, on Ladies Mile, Hunterville Court and Derby Downs Place, are all occupied by predominantly single dwellings ranging in size from 1-3 levels. The dwellings generally all feature individual site-based garaging and are generously proportioned with outdoor areas and landscaping.

While the PPC only proposes zoning changes within the Site (located within the eastern corner of the racecourse), the wider racecourse site adjoins a number of residential sites. These include the vacant Ellerslie 1 THAB zoned precinct to the south-west. This precinct is yet to be developed but is subject to the Ellerslie 1 Precinct provisions which provide for buildings between 14m – 26m in height. Further to the south of Morrin Street the land is zoned Mixed Housing Urban and THAB and therefore provides for residential intensification. To the west of the Ellerslie Racecourse precinct the Mixed Use Zone (MUZ) (including the Ellerslie 2 Precinct) provides for both residential and commercial development opportunities. The same MUZ applies on the opposite side of Green Lane East and also enables both residential and commercial development opportunities. To the north of the racecourse, the land is zoned Mixed Housing Urban and provides for higher intensity residential development up to three levels in height.

The assessment below focuses on sites adjoining the proposed Remuera Precinct. The land along Ladies Mile (northwest) is zoned either Mixed Housing Suburban or Single House Zone. The land along Ladies Mile (southeast) is zoned Mixed Housing Suburban. Additionally, the residentially zoned land within the racecourse to the south (which also fronts Morrin Street) is zoned Terrace House and Apartment Building (refer Zoning Plan within Section 3 of this report above).

#### *49 – 53 Ladies Mile, 6 Peach Parade*

Three dwellings are located down this driveway off Ladies Mile and one dwelling from a driveway off Peach Parade. The dwellings are up to three levels in height. The existing dwellings are well established and feature

mature landscaping. The dwellings also have outlook towards and over the racecourse. Parts of the racecourse land are used informally as yard areas for the Ladies Mile dwellings.



Figure 8: Dwellings at 49-53 Ladies Mile



Figure 9 – 49 Ladies Mile

*9-12A Hunterville Court and 1-15 Derby Downs Place*

The Hunterville Court dwellings fronting the racecourse are generally 1-2 levels in height and are on single sites. The sites are well landscaped and feature garaging. The dwellings also have outlook towards and over the racecourse.

The Derby Downs Place dwellings are similar to the Hunterville Court dwellings in that they are large 1-2 level dwellings with garaging and mature vegetation. Several of the sites on the southern side of Derby Downs Place feature multiple dwellings and appear to be of more recent construction.



Figure 10: Dwellings at Hunterville Court, Derby Downs Place and Derby Downs Domain



Figure 11: Dwellings At 9-12A Hunterville Court



Figure 12: Dwellings At 1-15 Derby Downs Place

*Derby Downs Domain*



This reserve is a pleasant public open space located at the end of the cul-de-sac and connects Derby Downs Place with Lonsdale Street. The reserve is generally flat and features a striking row of Palm trees as shown in Figure 13 below.



Figure 13: Derby Downs Domain

Overall, the Site, racecourse and adjoining locality feature a variety of activities and built form outcomes which have resulted from the progressive rationalisation and development of land on the periphery of the racecourse. Proximity to public transport networks including rail stations and bus stops support the development of land in and around the racecourse for Ellerslie Racecourse primary, compatible, accessory, residential and commercial development purposes.

## 5 PLAN CHANGE REQUEST

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The Remuera PPC has been developed following a comprehensive analysis of the site and locality, meaningful engagement with Mana Whenua and careful analysis of the transport and infrastructure limitations and opportunities for the Site, as part of the fast-track application process. Additional engagement and consultation has been undertaken with neighbours and parties that expressed an interest in the fast-track consent process. This also includes the Community Liaison Group that resulted from the fast-track process.

The proposed zoning plan gives effect to the Medium Density Residential Standards and includes provisions in accordance with those standards. However, given the newly elected National government's stated commitment that it will withdraw the Medium Density Residential Standards within its first 100 days of taking office we consider it would be appropriate to impose a lower zoning over part of the Remuera Precinct to better reflect the scale of development that has been consented. The key difference would be the inclusion of the Mixed Housing Suburban zone adjacent the adjoining dwellings to the south on Hunterville Court and on the Ladies Mile fronting residential sites in the northern corner of the site. It is considered that imposing a lower zoning would be within scope of the PPC.

### 5.1 Purpose and Detail of the Plan Change Request

The purpose or overarching objective of the PPC is to amend the zoning of the Site (79 Ladies Mile) from the existing AUP Special Purpose – Major Recreation Facility zone to a combination of the Residential – Terrace Housing and Apartment Building zone and the Residential – Mixed Housing Urban zone in order to reflect the fast-track consent that has been granted to develop approximately 357 residential dwellings on the site. The consent will deliver a comprehensively planned and integrated community for the Site, and the proposed rezoning will result in a well-functioning urban environment in an appropriate location with good access to community facilities and a rapid transit network.

The PPC will result in an integrated and connected network of varying types of open spaces combined pedestrian and vehicle linkages and opportunities for other active modes of movement within and through the Site.

The Site is zoned Special Purpose – Major Recreation Facility and is within the Ellerslie Racecourse Precinct. The PPC seeks to rezone the Site to the following zones and also proposes to establish the Remuera Precinct over the site:

- Residential - Mixed Housing Urban zone
- Residential - Terrace Housing and Apartment Building zone

The proposed zoning requested through the PPC is shown below in Figure 14. This includes a Qualifying Matter on the Ladies Mile frontage for protection of trees and building setback as well as for the maximum dwelling cap.

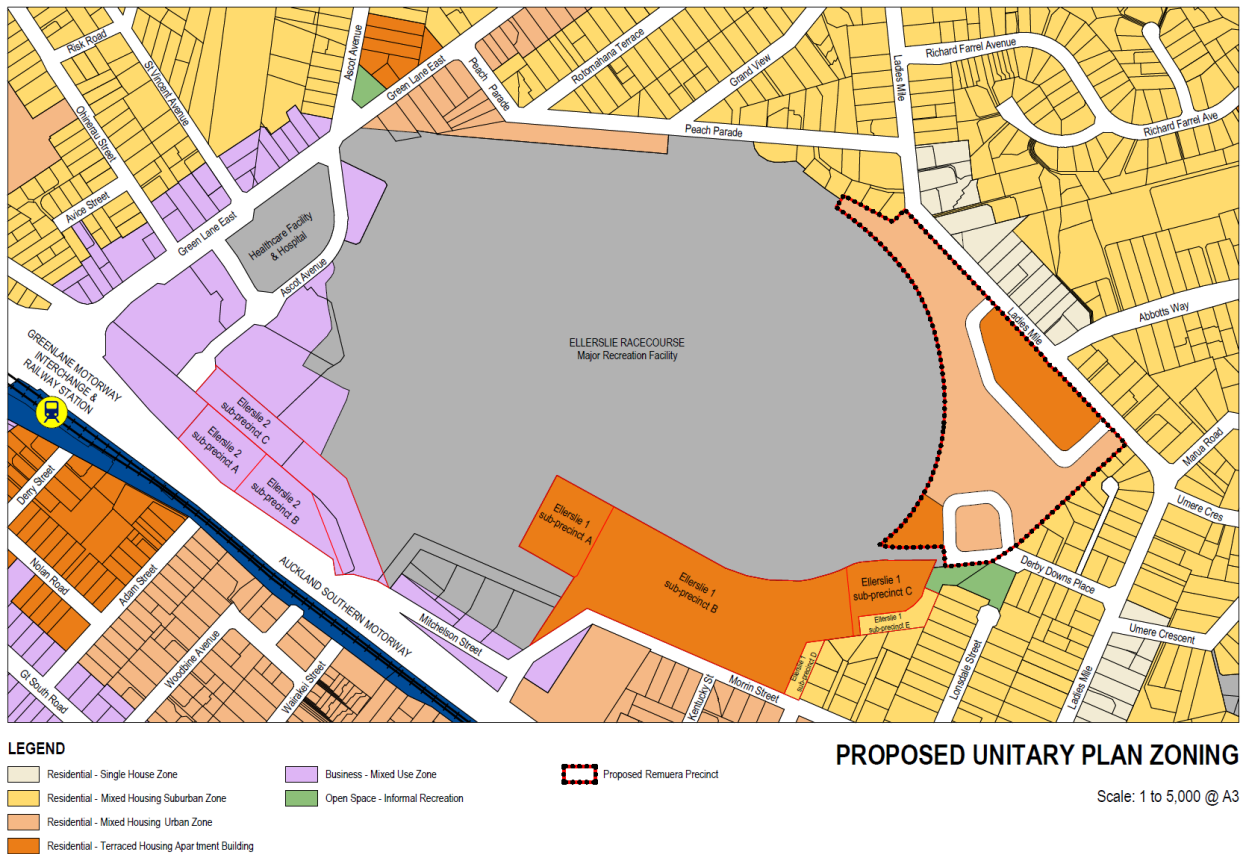


Figure 14 Zoning Requested Through the Plan Change

The PPC seeks the following outcomes:

- A mixture of residential zones which will result in a variety of residential dwelling types and a diverse choice of typologies for future occupants.
- Precinct specific provisions that ensure the fast-track consent outcomes are achieved, including delivery of the integrated open space and transport connections throughout the site. The achievement of these elements will ensure the resulting built form outcomes are not visually dominant and the buildings are dispersed over the Site.
- The delivery of the key outcomes and detailed landscape concepts set out in Appendix A to the plan change including the key trackside walkway and the Belvedere Gardens. These elements enable recognition of Mana Whenua values including passage through the site and places to pause a spiritually connect with the surrounding maunga.

- Differing scales of development ranging from 2 to 3 level stand-alone dwellings to 25m high apartment buildings that are complementary to the existing character and scale of the neighbourhood.
- A connected neighbourhood, which will include a pedestrian trackside walkway, garden streets and public roads.
- High quality hard and soft landscaped outcomes including retention of existing mature Pohutukawa trees along the Ladies Mile frontage of the Remuera Precinct.
- Improvements to the transport network and other infrastructure within the Site and the neighbourhood including, stormwater and wastewater.
- Ensuring stormwater is managed in accordance with the approved Stormwater Management Plan.
- A maximum cap of 357 dwellings within the Precinct.

The following summary outlines how the above outcomes are provided for (or required) within the PPC provisions.

## 5.2 Precinct Description

The precinct description for the PPC summarises the above key outcomes envisaged within the site and how all elements of the Remuera Precinct provisions combine to achieve a well-functioning urban environment.

*“The Remuera Precinct (Precinct) comprises approximately 6.2 hectares of sloping land which was formerly part of the Ellerslie Racecourse Precinct. The Precinct is located at the eastern end of the racecourse site and is bound by Ladies Mile and Derby Downs Place.*

*The Precinct enables housing choice including both medium to high density living opportunities with development up to 25m in height provided within the Terrace House and Apartment Building zones. Development of the Precinct is defined by identified publicly accessible open spaces, areas of private open space, existing mature Pohutukawa trees on Ladies Mile (combined with a 6m setback in their vicinity) and garden streets.*

*Movement through the Precinct is provided by two new public roads, one of which connects to Ladies Mile while the other connects to Derby Downs Place. Entry markers are proposed at these locations. A series of interconnected commonly owned access lots in combination with identified pedestrian routes provide internal linkages within and through the Precinct. An existing tunnel also connects Derby Downs Place with the infield of the racecourse.*

*Stormwater from the precinct is managed by the approved Stormwater Management Plan for the precinct.*

*The zoning of the land within the Precinct is Residential - Terrace Housing and Apartment Buildings and Residential – Mixed Housing Urban. All relevant overlay, Auckland-wide and zone provisions apply in this Precinct unless otherwise specified below.”*

The Precinct Description also summarises its urbanisation goals through the provision of a mixture of the zonings outlined above. Urbanisation of the land will provide for housing diversity and choice based around a neighbourhood centre and main transport connections.

### 5.3 Objectives and Policies

The PPC confirms that the objectives and policies of the relevant zones, overlays and Auckland-wide chapters of the AUP apply to the Remuera Precinct, unless otherwise specified by the Precinct objectives and policies. This is the standard approach used within the AUP.

The proposed Remuera Precinct objectives and policies are set out below and they identify the outcomes sought and the measures proposed to achieve these outcomes. These provisions focus on three key areas which are a well-functioning urban environment, open spaces and transport/connections. In combination, they will ensure the precinct description is met.

#### Objectives

- (1) The Precinct is a well-functioning urban environment that is serviced with adequate infrastructure and which recognises the importance of intensification of this locality in proximity to the Ellerslie Rail Station.
- (2) Development is based around an integrated and connected series of public streets, publicly accessible open spaces, garden streets and publicly accessible pedestrian routes.
- (3) An accessible, safe and well-connected transport network is established for all modes within the Precinct and to the surrounding transport network which enables travel choice including public transport services, pedestrian, cycle, vehicle access and egress.
- (4) Development is coordinated with the supply of sufficient three waters, energy and communications infrastructure.
- (5) Adverse effects on the safe and efficient operation of the road network are avoided.

## Policies

- (1) Require a high-quality open space and landscape outcome as set out on Precinct Plan 2 that achieves all of the following:
  - a. Publicly accessible open spaces
  - b. A sloping 10m wide visual corridor along the alignment of Abbots Way through to the racetrack as identified on Precinct Plan 2
  - c. Private open spaces within the northern 25m building height area shown on Precinct Plan 1
  - d. Retention of identified mature Pohutukawa trees along the Ladies Mile frontage
  - e. Two public roads
  - f. Garden streets
- (2) Require development to consider and positively respond to the natural and physical features of the area (including viewshafts and boundary setbacks), while concurrently providing for the planned built outcomes of the Precinct.
- (3) Provide for varying building heights through the application of a 25m building height area as shown on Precinct Plan 1.
- (4) Provide a variety of residential dwelling types that will enable housing choices that meet community needs.
- (5) Ensure stormwater is managed in accordance with the approved Stormwater Management Plan.
- (6) Implement the transport network connections and elements as shown on Precinct Plan 3 including the following:
  - a. The upgrade of the Derby Downs Place/Ladies Mile intersection to a signalised intersection.
  - b. A new pedestrian footpath along the western side of Ladies Mile adjacent the Precinct boundary
  - c. New pedestrian crossings at the Ladies Mile/Abbots Way intersection
  - d. New bus stops on Ladies Mile
  - e. Two public roads
- (7) Restrict vehicle intersections to Ladies Mile and avoid vehicle access from individual lots to Ladies Mile to support the effective, efficient and safe operation of the arterial road network.
- (8) Avoid any activity, development and/or subdivision that would result in adverse effects on the safe and efficient operation of the road network from more than 357 dwellings within the Precinct.

## 5.4 Activity rules

In support of the Precinct Description and Objectives and Policies a number of activity rules (in addition to the zone activity rules) are proposed to give effect to additional matters that the zone, overlay and Auckland-wide provisions do not address. The proposed Remuera Precinct activity rules are specific to the Site and reflect the more detailed elements of the fast-track consent which are considered appropriate to include in the PPC. The rules ensure the approved Stormwater Management Plan is given effect to (or suitable alternatives can be granted resource consent). The separate structures required to give effect to the SMP will require consent as part of a separate resource consent process. The standards and rules will also ensure the arterial road access restrictions and transport upgrade requirements are achieved.

The activity rules proposed are set out below.

Activity		Activity status
(A1)	Any activity, development and/or subdivision that does not comply with Standards IXXX.6.1 – IXXX.6.11	RD
(A2)	Any activity, development and/or subdivision that does not comply with Standard IXXX.6.12 Arterial Road Access	D
(A3)	Any activity, development and/or subdivision that does not comply with Standard IXXX.6.13 Development Staging & Transport Network Infrastructure Requirements and Table IX.6.13.1	D
[QM] (A4)	Any activity, development and/or subdivision that would result in more than 357 dwellings within the Precinct	NC

## 5.5 Standards, matters for discretion and assessment criteria

The PPC includes additional standards, matters of discretion and assessment criteria in order to ensure the key design, layout and structuring elements of the fast-track consent are included in the Remuera Precinct provisions in order to ensure the outcome. The standards relate to building scale/location, visual, open space, landscape, pedestrian/vehicle connections and transport/infrastructure development.

The proposed standards support and require the outcomes specified in the Precinct objectives and policies are achieved and are set out in the attached PPC.

## 5.6 Summary

Overall, the PPC provides an integrated suite of planning controls to be delivered through the Remuera Precinct provisions and the ongoing application of the existing relevant AUP zone, overlay and Auckland-wide provisions.



## 6 APPROVED FAST TRACK RESOURCE CONSENT

The approved resource consent was granted by the Expert Consenting Panel on 17 April 2023. The consent enables a masterplanned residential development on the Site. The development will deliver housing that will accommodate some of the population growth expected to occur in Auckland over the long-term.

The Project has been carefully masterplanned and comprises 357 dwellings including a mix of detached, duplex and terrace houses, market apartments, and an apartment building for the active retired. Building heights range from 1 to 7 storeys (above any basement levels). The make-up of the 357 dwellings includes 207 apartments, 93 dwellings and 57 Vivid Living (semi-retirement) apartments. “Vivid Living” is a Fletcher Living ownership model for the active retired (sometimes referred to as “Retirement Lite”). This will enable different types of living arrangements for a wider breadth of Auckland's population.



Figure 15 Fast Track Consented Masterplan

Of the 93 dwellings, 24 different typologies are proposed, ranging from 3 to 5 bedrooms. The location of each of the typologies is set out in Figure 18 below.



Figure 16 Fast Track Consented Housing Typology Plan

In addition to housing development and all associated and ancillary activities including basements, carparking, storage, cycle parking, the Project also includes:

- Earthworks, retaining walls and contamination management.
- Temporary activities including temporary construction buildings and a sales suite.
- Staged development and subdivision including:
  - Parent title fee simple subdivision of The Hill from the racecourse (which has already occurred)
  - Subdivision creating superlots
  - Subdivision creating:
    - Individual dwelling lots
    - Unit titles for the apartments (including retirement)
  - All associated and required easements including for access, services and party walls.
- Incorporation of Mana Whenua values which are reflected in the design elements of the Project.
- The construction of open space areas, hard and soft landscaping.
- The establishment of an Incorporated Society (with all owners as members) for the commonly owned areas including all access lots used to access private lots referred to in this report as commonly owned access lots (COALS). (The masterplan and some of the architectural drawing refer to these as JOALs.)
- The construction of roads, COALS, vehicle crossings and accessways.

- Pedestrian and cycle connections (including providing connections to public transport, cycle parks and a footpath adjoining part of the Ellerslie Racecourse – the latter of which is expected to be controlled on race days).
- The construction of all infrastructure including wastewater, water supply, stormwater, power and telecommunications.
- Ancillary retail unit of approximately 150m<sup>2</sup> (such as a café).
- Works within the protected root zone of trees within Derby Downs Domain and the removal of street trees on Ladies Mile.

The masterplan (outlined in **Figure 15** above) has been prepared by FRL (with its design consultants) with support from ATR. The design is based on the topography of the site, its aspect, road frontages and adjoining property frontages. The Ladies Mile frontage is the highest in topography and incorporates the apartment precinct and the Block 2 dwellings. These dwellings face the road frontage, while the apartments buildings (B, C1 and C2) although facing Ladies Mile are set back from the frontage to enable the Pohutukawa trees along this frontage to be retained. From here, the central ‘heart’ of The Hill development comprises the stand alone and terrace houses. These dwellings ‘step’ their way down the landform to the lower plateau of the site. The development is connected through the combination of two public roads (the Upper Loop Road and Lower Loop Road), six COALs and a series of connected walkways/landscaped areas and angled north-south Belvedere Gardens connection. The southern corner of the site is ‘anchored’ by the Vivid Living apartment building, while the south-eastern boundary of the site is proposed to be occupied by a row of 2 level terrace houses that adjoin the Hunterville Court residential sites.

The design of the masterplan is based on an interconnected layout which acknowledges the existing public and private interfaces between The Hill and adjoining land. Taller buildings have been located on flatter parts of The Hill and away from sensitive receiving environments. The lower scale dwellings and terrace houses are interspersed between the taller apartment building and are of a compatible scale to adjoining private properties while enabling outlook through the Site.

## 6.1 Apartment Precinct

The apartment precinct comprises three apartment buildings (designed by Warren Mahoney) separated by the landscaped open space of the Belvedere Gardens. The precinct comprises three apartment buildings – B, C1 and C2 (refer Figure 17 below).



Figure 17: Apartment Precinct Layout

The buildings are set back between 5.5m to 11m from Ladies Mile in order to enable the retention of the existing Pohutukawa trees along Ladies Mile and to facilitate the construction of a footpath along this frontage. Each of the apartment buildings have an irregular shape. Buildings B and C1 are in the form of an irregular concave hexagon shape, while building C2 is an L-shaped building. Overall, the shape of the buildings, combined with their design, finishing, setback and retention of the existing Ladies Mile frontage Pohutukawa trees define the character of the apartment precinct. Details of each apartment building are outlined below.

#### Building B

- The building (see Figure 18) comprises 2 basement levels of carparking, storage and service areas, vehicle access and manoeuvring areas. Parking for 85 vehicles is provided.
- The basement levels also include refuse storage areas and cycle parking for 54 cycles.
- Six residential apartment levels above the basement levels comprising 1, 2 and 3 bedroom apartments. Building B comprises a total of 54 apartments ranging in size from 65m<sup>2</sup> to 128m<sup>2</sup> in size.



Figure 18: Apartment Building B

#### Building C1

- The building (see Figure 19) comprises 2 basement levels of carparking, storage and service areas, vehicle access and manoeuvring areas. Parking for 219 vehicles is provided (combined with Building C2).
- The basement levels also include refuse storage areas and cycle parking.
- Six residential apartment levels above the basement levels comprising 1, 2 and 3 bedroom apartments. Building C1 comprises a total of 77 apartments ranging in size from 60m<sup>2</sup> to 126m<sup>2</sup> in size.
- An ancillary retail unit of approximately 150m<sup>2</sup> fronting the Upper Loop Road (such as a café).



Figure 19: Apartment Building C1

#### Building C2

- The building (see **Figure 20**) comprises 2 basement levels of carparking, storage and service areas, vehicle access and manoeuvring areas. Parking for 219 vehicles is provided (combined with Building C1).
- The basement levels also include refuse storage areas and cycle parking for 76 cycles.
- Six residential apartment levels above the basement levels comprising 1, 2 and 3 bedroom apartments. Building C1 comprises a total of 76 apartments ranging in size from 65m<sup>2</sup> to 127m<sup>2</sup> in size.



Figure 20: Apartment Building C2

The overall height of the buildings is in the order of 25m above ground level or less excluding the rooftop plant which is exempt from building height calculation. In terms of the O10 Volcanic Cone Viewshaft Plane the apartment buildings are at least 1m or more below the applicable viewshaft height of RL 80m to 81m as it applies over the apartment precinct. The maximum RL of the apartment buildings varies between approximately 74m to 79.1m and is therefore below the O10 volcanic viewshaft plan maximum height at all points.

The exterior facades of the apartment buildings are comprised of a variety of glazing, solid elements and balconies. A variety of materials are proposed including powder coated metal (in a variety of colours), glazing and textured finishes.

The apartment buildings have vehicle and pedestrian/cycle access to and from the upper loop road and the Belvedere Garden landscaped accessway. The small ancillary retail unit could provide a local food and beverage service for occupants of the development.

Refuse disposal will be provided via a private contractor who will collect refuse from the basement via the waste management methodology.

## 6.2 Stand-Alone Dwellings and Terrace Houses

The Project includes 93 of these types of dwellings (stand-alone and terrace) with 24 different typologies,

ranging from 3 to 5 bedrooms. The stand-alone dwellings and terrace houses have been designed by Brewer Davidson Architects. The proposed 24 typologies are distributed within nine blocks through The Hill site. Details of each dwelling and block were included within the consent. A high-level summary of the proposed stand-alone dwellings and terrace houses is provided below.

- Block 1 comprises 4 dwellings that are adjacent to existing dwellings on 49-53 Ladies Mile and 6 Peach Parade. The proposed dwellings comprise between 3-4 bedrooms and are two levels each. See **Figure 21** and **Figure 22** below.



Note: 3D views are included primarily to illustrate proposed houses.  
 To this end the views do not include all proposed public space with landscaping or final pavement treatments proposed in the public realm.  
 Refer to WM and PSD drawings for details and perspectives views featuring apartment buildings.



BREWER DAVIDSON <small>architecture + urban design</small>	CLIENT	PROJECT	DRAWING TITLE	DRAWING INFO	NORTH	JOB No.	DRAWING No.	REV.
	Fletcher Living <small>the new way to live</small>	The Hill	3D VIEWS View 01	Scale: N.T.S. Date: 26/07/2022		3124	3D 01	

Figure 21: Block 1 Oblique View - Source Brewer Davidson Architecture





Note: 3D views are included primarily to illustrate proposed houses.  
To the extent the views do not include all proposed public spaces with landscaping or final pavement treatments proposed in the public realm.  
Refer to WRM and P&A drawings for details and perspective views factoring apartment buildings.



	CLIENT	PROJECT	DRAWING TITLE	DRAWING INFO	NORTH	JOB No.	DRAWING No.	REV.
		The Hill	3D VIEWS View 02	Scale: N.T.S. Date: 26/07/2022		3124	3D 02	

Figure 22: Block 1 View From Racecourse - Source Brewer Davidson Architecture

- Block 2 fronts Ladies Mile to the north and COAL A to the south. This block comprises 10 dwellings which are three split bridged levels with vehicle access to carparking on the lower COAL access level or from the Upper Loop Road. The proposed dwellings comprise between 4-5 bedrooms each.
- Block 3 fronts COAL A and the Upper Loop Road. This block comprises 9 two level buildings including stand-alone dwellings and terrace houses. The proposed dwellings comprise between 3-4 bedrooms each.
- Block 4 fronts COAL B and C and the Upper Loop Road. This block comprises 15 dwellings varying between two to three levels. This block includes stand-alone dwellings and terrace houses. The three level dwellings face the racecourse. The proposed dwellings comprise between 4-5 bedrooms each. See **Figure 23** below.



Note: 3D views are included primarily to illustrate proposed houses.  
To this end the views do not include all proposed public space with landscaping or final pavement treatments proposed in the public realm.  
Refer to NRM and PSD drawings for details and perspective views featuring apartment buildings.



Figure 23: Block 4 Oblique View - Source Brewer Davidson Architecture

- Block 5 fronts COAL B and the Lower Loop Road. This block comprises 16 two level dwellings. This block includes stand-alone dwellings and terrace houses. The proposed dwellings comprise between 3-5 bedrooms each.
- Block 6 fronts COAL E and the Upper Loop Road. This block comprises 13 two level dwellings. This block includes stand-alone dwellings and terrace houses. The proposed dwellings comprise between 3-5 bedrooms each.
- Blocks 7 & 8 front COAL D and the Upper Loop Road. These dwellings also adjoin the eastern boundary of the Hunterville Court and Derby Downs Place residential dwellings. These blocks comprises 14 two level dwellings. These blocks comprise a row of stand-alone dwellings. The proposed dwellings comprise between 4-5 bedrooms each.
- Block 9 is located within the Lower Loop Road block and has vehicle access from COAL F. This block comprises 12 two level terrace houses. The proposed dwellings comprise between 4-5 bedrooms each.

The overall height of each of the dwellings is less than 11m. The dwellings are also proposed to be finished in a variety of materials including light and dark brick veneer, dark and mid-tone vertical cladding, dark standard metal roofing, dark tray style metal roofing, clear glass balustrades and dark metal balustrades.

The finishings are indicative and a condition of consent has been proposed that the final finishing materials and colours be subject to certification by the Auckland Council once the design progresses to a developed design stage.

The dwellings each have vehicle access to on lot carparking spaces as identified on the plans. Refuse disposal will be provided via public refuse collection service from various dedicated collection points within the development. Refuse bin locations are identified on the plans submitted with the application and are accessible from the proposed public road network.

### 6.3 Vivid Living Apartment Building

The Vivid Living building is a seven level L-shaped apartment building development above one basement level carpark. The building comprises 57 apartments ranging in size from 64m<sup>2</sup> to 113m<sup>2</sup> in area. The overall height of the building is in the order of 22m excluding the rooftop plan which is exempt from building height calculation.

The basement carpark is accessed from the Lower Loop Road and overall 64 carparks (plus visitor carparks) are provided and 27 bike parks are provided.

The finishing materials of the building are proposed to be a mixture of light stone/brick, vertical dark aluminium, light and medium shades of concrete and glazing (refer Figure 24 below).



Figure 24: Retirement Lite Apartment Building - Source Paul Brown and Associates

Refuse disposal will be provided via a private contractor who will collect refuse from the basement via the waste

management methodology included in the application.

## 6.4 Landscaping & Lighting

An integral part of Project is the comprehensive approach to landscaping. Boffa Miskell have prepared a detailed set of landscaping drawings that form part of the application. The landscape documents establish the overall landscape design philosophy for Project and the specific landscape finishing details for the public roads, COALs, the Belvedere Gardens and the trackside pathway.

The landscaping is integrated with the buildings and access layout to/from and within the site. The approach to landscaping has included the retention of some existing vegetation (Pohutukawa trees) along the Ladies Mile frontage and the Derby Downs Domain frontage.

The following is a summary of the landscaping proposed as part of the application.

There are nine proposed "Key Moves" that collectively define the Landscape Strategy for The Hill. Key Moves 1 to 3 address the site context considerations by:

- Acknowledging and celebrating the site as a special place to acknowledge the landscape of Tāmaki Makaurau.
- Establishing a relationship with the heritage and landscape character qualities of the Auckland Racing Club.
- Integrating the architectural and streetscape form into the distinctive and character-defining landform of The Hill.

Key Moves 4 to 7 focus on maximising the opportunities offered by the public realm to:

- Create opportunities offered by the elevated landform to enjoy the site's unique outlook;
- Provide legible and safe pedestrian connections within and through the site for use by residents and the wider community;
- Design the streetscape as a vibrant part of the public realm that prioritises use by people over vehicles where appropriate.
- Seeks to retain the existing Pohutukawa trees along the Ladies Mile frontage to form a character-defining garden edge to The Hill along the Ladies Mile frontage.

Key Move 8 focuses on the development of an integrated vegetation strategy that offers a contemporary interpretation of the formal traditional style of the racecourse and Remuera gardenesque style, whilst celebrating the use of native planting and providing opportunities for native biodiversity and habitat creation.

Key Move 9 relates to the delivery of a sustainable landscape.

The above principles are reflected in the overall landscape strategy diagram (**Figure 25**) below. The key elements of the landscape strategy are the Belvedere Gardens, the Terrace Gardens, the Garden Street, the Trackside Pathway and Residents Courtyards as explained in detail in Landscape document. However, in summary the proposed landscaping solution for the Project includes the following:

- A tiered landscaped element referenced as the Belvedere Garden which provides a physical and spiritual connection through the site from Ladies Mile to the racetrack edge. This linkage enables a metaphysical connection to the surrounding maunga (Maungakiekie, Maungawhau, Te Kopuke, Te Pane o Mataoho, Ōhinerau and Maungarei) as one passes through The Hill. The landscape design provides for resting locations where this relationship and appreciation of Mana Whenua values associated with this place can be appreciated.
- The Terrace Gardens, Resident Courtyards and other landscaped areas within The Hill include hard and soft landscaped areas including steps and ramps in order to navigate the topography of the Site. Vegetation is proposed to incorporate a majority of native planting but will also incorporate fruit trees and a minimal portion of exotic plants.
- The Trackside Pathway comprises a walkway and swale around the perimeter of the track and will provide pedestrian/cycle access as well as a stormwater function as the swale will provide a treatment and detention function for the development.

**LANDSCAPE STRATEGY DIAGRAM**

**LEGEND:**

- **BELVEDERE**  
An integrated and cohesive formal garden experience that is the defining landscape feature of 'The Hill'. Incorporates viewing belvederes to take full advantage of the outlook on offer, and features the use of feature walls and feature paving in combination with planting using hedging and textured foliage planting. Bassalt will be a featured material.  
The Belvedere Gardens incorporates an informal and welcoming flexible use level open space adjacent to the proposed cafe, and also directly accessible from the Upper Loop Road. This is a space in which locals can meet and socialise, enjoy outdoor dining, or simply pause to watch the world go by.
- **TERRACE GARDENS**  
A contemporary reinterpretation of a 'Remuera gardenesque' style to provide relaxing and tranquil spaces for the enjoyment of residents and visitors. Incorporate viewing belvederes to take full advantage of the outlook on offer and 'natural' play opportunities
- GARDEN STREETS**  
Outdoor courtyard thoroughfares in which vehicles are calmed and the pedestrian experience is prioritised. Where the residents and the public can come together, and planting, paving and hard landscaping define spaces for for residents and visitors to come together, play or simply sit and enjoy the views
- **Residents only**
- **Residents and public**
- **TRACKSIDE WALK**  
The trackside walk provides both residents and visitors with the opportunity to enjoy the unique experience of trackside proximity and expansive views across the racecourse, whilst also enjoying the adjacent continuous and varied garden edge and convenient access to surrounding areas.
- **RESIDENTS COURTYARDS**  
The Apartment Precinct and Vivid Living Apartment each feature two courtyard spaces for exclusive use by residents and their visitors. These courtyards provide flexible spaces to encourage a variety of intergenerational outdoor use and relaxation, and include the provision of shade through pergola structures, and seating positioned to maximise both shelter and the opportunity to experience the panoramic outlook on offer. The use of raised planters provides the opportunity for residents in both apartments to engage in the propagation of vegetables, salads and herbs in productive gardens.



Figure 25: Landscape Strategy Diagram - Source Boffa Miskell

Overall, a comprehensive landscape network is proposed for the development, which has been designed to integrate with the built form outcomes and access layout for the Project.

In terms of lighting, the application included a proposed lighting plan for the roads, COAL's and landscaped areas within the site. The design has been prepared by MHL Lighting Consultants. The proposed lighting includes a variety of luminaires dispersed throughout the site. Approximately 92 luminaires are proposed in three prominent styles – refer **Figure 26** below. The compliance schedule within the Lighting Plans confirms compliance with the applicable design standards and identifies the proposed lux levels.



**Figure 26: Luminaire Types - Source MHL**

Overall, the Decision grants consent for the Project on essentially the conditions proposed by ATR/FRL. The Decision is comprehensive, and robustly addresses the various issues before the Panel and assesses the Project against the relevant statutory framework.

The following provides a summary of the key findings in the Decision:

- (a) **Zoning:** The Panel accepted that using part of the land zoned Special Purpose – Major Recreation Facility for residential dwellings as proposed can satisfactorily accommodate the relevant zoning objective of 'protecting' the Racecourse itself as a regionally and nationally important venue.
- (b) **Cultural:** The Panel was satisfied that the Project was developed in a way that respects the status and knowledge of Mana Whenua. In response to Mana Whenua feedback, the Panel made some minor amendments to the proposed conditions to require ongoing discussions with Mana Whenua on stormwater.
- (c) **Transport:** While the Panel considered there will be a substantial change in the transport environment immediately adjacent to the site, the Panel did not accept that this was a reason to refuse consent or reduce the scope of the Project. The Panel was persuaded (particularly given Auckland Transport's support) that the Project will have acceptable and reasonable effects on the transport network. No additional transport infrastructure was identified as required.

(d) **Noise and vibration (and rock breaking):** The Panel accepted that the construction noise and vibration effects, including rock breaking (which was not part of the original application but which ATR/FRL subsequently sought to have provided for, and which the Panel agreed could be approved as part of the application), will be temporary and are able to be effectively managed to acceptable levels.

(e) **Landscape and visual:** The Panel considered the Project has been well designed and will contribute positively to housing diversity and choice in inner Auckland. The Panel did not agree with comments from neighbours that a 20m setback was required from the road frontage.

(f) **Stormwater:** Considering the flood modelling undertaken and further information provided by Woods (following flooding in Auckland in January 2023), the Panel found that the Project's effects on flood risk would be minimal and acceptable. No additional stormwater infrastructure was identified as required.

The consent is a positive endorsement of all elements of the application including the site layout, visual elements, built form scale, landscaping, open spaces, transport upgrades and infrastructure provision and is reflected in this PPC.

## 7 STRATEGIC PLANNING FRAMEWORK

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This section analyses the relevant strategic planning documents that apply to the PPC. It addresses the relevant national planning documents as well as the regional and district planning documents that apply to the Auckland Region. The Auckland Unitary plan provisions from the Auckland-wide section, the Overlays section and the various zone rules will continue to apply to the Remuera Precinct and are considered to be complementary to the PPC provisions.

### 7.1 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 (**NPSUD**) came into force on 20 August 2020. The NPSUD provides direction to decision-makers under the RMA on planning for urban environments. It is a guiding document that directs local authorities to update their plans and make decisions that support and provide for particular outcomes within urban environments.

The NPSUD has classified each of the local authorities in New Zealand into either Tier 1, 2 or 3, with Tier 1 referencing the largest local authorities, including Auckland Council, with specific direction provided to those organisations within each Tier as to the outcomes that need to be provided for.

Auckland Council has notified its required plan changes to the AUP to give effect to the NPS:UD (Proposed Plan Changes 78-80). The assessment below considers the performance of the Project against the objectives and policies of the NPSUD under the abovementioned themes. These plan changes are further addressed below in section 7.8 of this report.

The NPSUD sets out objectives and policies that apply to all decision-makers when making planning decisions that affect an urban environment. The general themes relating to the objectives and policies are as follows and the PPC is assessed under these themes below.

- The purpose of the RMA
- Housing affordability
- Regional Policy Statement
- Diversity and change needs of the New Zealand public
- Treaty of Waitangi
- Local authority decisions
- New Zealand's urban environments



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

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

**Policy 10:** *Tier 1, 2 and 3 local authorities:*

- 1. that share jurisdiction over urban environments work together when implementing this National Policy Statement; and*
- 2. Engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and*
- 3. Engage with the development sector to identify significant opportunities for urban development.*

### *Assessment*

The PPC contributes to a well-functioning urban environment, as it has been designed in a comprehensive and integrated manner in a location that is well connected to the rail, bus and road network. The PPC provisions and precinct plans have been designed to 'fit' within the local neighbourhood by locating lower scale development on more sensitive boundaries and larger scale development away from sensitive boundaries and properties.

The built form layout is also integrated with the comprehensively planned and designed landscaping for the project. The landscaping assist in providing pathways and amenity improvements through the development as it steps down the topography from Ladies Mile. The landscaping provides a screening element to the retaining structures within the development and is knitted together by the proposed Belvedere Gardens and the trackside pathway. A large variety of vegetation types are proposed, the majority of which are native.

The Project also provides infrastructure solutions for the three waters. Wastewater and water supply are connected to existing networks. A new stormwater management network is set out in the Stormwater Management Plan (SMP) that was prepared for The Hill resource consent. The SMP has been adopted by Healthy Waters and is included in Schedule 4 of the region-wide Network Discharge Consent. This avoids some of the stormwater from the project being discharged into the public stormwater network and the coastal marine area beyond.

The Project also integrates with the major recreation activity of the Ellerslie Racecourse and Function venue such that it will facilitate the ongoing development of racetrack and contribute positively to the viability of the racing industry in New Zealand.

As a result, I consider the PPC is consistent with objectives 1 and 4 and policy 10. Also, as assessed in this report in section 9.12 below, the Project is complementary to the Part 2 purposes and principles of the RMA.

## Housing affordability

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

**Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

*(a) have or enable a variety of homes that:*

- I. meet the needs, in terms of type, price, and location, of different households; and*
- II. enable Māori to express their cultural traditions and norms; and*

*(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*

*(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

*(d) support, and limit as much as possible, adverse impacts on the competitive operation of land and development markets*

*(e) support reductions in greenhouse gas emissions; and*

*(f) are resilient to the likely current and future effects of climate change.*

**Policy 11:** *In relation to car parking:*

*(a) the district plans of Tier 1, 2 and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*

*(b) Tier 1, 2 and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans*

## *Assessment*

The Project supports housing affordability through the provision of new dwellings that range in size from 2-bedroom apartments to five-bedroom dwellings and includes retirement housing. 357 dwellings are proposed and these including a mix of detached, duplex and terrace houses, market apartments, and an apartment building for the active retired. Building heights range from 1 to 7 storeys (above any basement levels). The make-up of the 357 dwellings includes 208 apartments, 93 dwellings and 57 Vivid Living (semi-retirement) apartments. Of the 93 dwellings, 24 different typologies are proposed, ranging from 3 to 5 bedrooms.

The variety of housing typologies and sizes will result in a variety of housing affordability options for future purchasers. The Project also has good access to schools, healthcare services and recreational locations. The proximity to quality public transport options, also supports reductions in greenhouse emissions and therefore less likely to contribute to climate change. Therefore, the Project is considered to be consistent with objective 2 and policy 1.

While there is no requirement to provide carparking, the Project includes some parking for the occupants of the dwellings (558 spaces), some on street visitor carparks (37 spaces) and a large number of bicycle carparks (245 bike parks). Overall, this is considered to be appropriate for the development and consistent with Policy 11.

### Regional Policy Statement

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

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

**Policy 3:** *In relation to Tier 1 urban environments, regional policy statements and district plans enable:*

...

*(c) building heights of at least 6 storeys within a walkable catchment of the following:*

- (i) existing and planned rapid transit stops*
- (ii) The edge of city centre zones*
- (i) the edge of metropolitan centre zones; and*
- (d) in all other locations in the Tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
  - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
  - (ii) relative demand for housing and business use in that location.*

**Policy 4:** *Regional policy statements and district plans applying in Tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.*

**Policy 7:** *Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.*

### *Assessment*

The Site is located within walking distance (15 minutes) of the Ellerslie town centre and Ellerslie and Greenlane rail stations, an existing bus network and is well-connected to Auckland motorway network, which opens up access to key employment areas such as Ellerslie/Penrose, Greenlane, Onehunga, Mt Wellington, nearby town centres of Ellerslie and Greenlane as well as Newmarket and the City Centre. Therefore, I consider the intensification proposed is appropriate for the site and Objective 3 is satisfied.

The Project enables development up to 7 storeys in proximity to an existing rapid transit stop (Ellerslie rail station). While the areas proposed to accommodate 7 storeys sit outside the walkable catchment defined by PC78m they are still considered to be accessible to the Ellerslie Rail Station. The density and heights proposed by PC78 for the THAB and MHU zones are above the 11m required by MDRS and the PPC is complementary to

both PC78 and the MDRS particularly in relation to the proposed 25m height limit area as it proposes increased intensity in a suitable location, therefore in support of the NPS: UD. Therefore, the urban form outcome proposed in the Remuera Precinct is considered to be commensurate with its location and the level of commercial activity in the vicinity and therefore is consistent with objective 3 and policy 3.

Policies 4 and 7 are to be addressed by the Council, however this Project considered to be consistent with the outcomes sought in those policies.

### Treaty of Waitangi

**Objective 5:** *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)*

**Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

(a) *have or enable a variety of homes that:*

*I. ...*

*II. enable Māori to express their cultural traditions and norms; and*

**Policy 9:** *Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*

(a) *involve hapū and Iwi in the preparation of RMA planning documents and any EDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*

(b) *when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and Iwi for urban development; and*

(c) *provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*

(d) *operate in a way that is consistent with Iwi participation legislation.*

### *Assessment*

FRL has ensured that Mana Whenua have a core role in the development and implementation of this Project. The Treaty of Waitangi is assessed in detail in section 7.7.5 of this report. The key outcomes include recognition of mana whenua values within the site through the opportunities enabled along the Belvedere Gardens and trackside walkway.

Principles of Te Tiriti o Waitangi are considered in this request. The key values of importance to this site are:

- Recognition that the historic lava caves within the wider Ellerslie Racecourse site were referred to as Waiatarua. This translates as “two songs”, the name refers to a waiata or song that emanated from

caves. It was believed that this singing was created by water and air blowing from a larger cave into a smaller passage, making it vibrate.

- Recognition and acknowledgement of the spiritual relationship with the maunga surrounding The Hill. This includes Maungakiekie, Maungawhau, Te Kopuke, Ōhinerau and Maungarei.
- Recognition that the racecourse site was one associated with passage across the land between the Manukau Harbour and the Orakei Basin and beyond.
- Recognition that the fertile lands of the racecourse and environs were historically used for growing crops and as a food source.

Overall, it is considered that the Project is consistent with objective 5 and policies 1 and 9.

### Local Authority Decisions

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

- (a) *integrated with infrastructure planning and funding decisions; and*
- (b) *strategic over the medium and long terms; and*
- (c) *responsive, particularly in relation to proposals that would supply significant development capacity*

**Policy 6:** *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
  - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
  - (ii) *are not, of themselves, an adverse effects*
- (c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) *the likely current and future effects of climate change.*

**Policy 8:** *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- (a) *unanticipated by RMA planning documents; or*
- (b) *out-of-sequence with planned land release.*

### *Assessment*

Given the location of the site in a greenfield development context (but surrounded by urban development), this Project is largely able to rely on existing transport and servicing infrastructure, with only local upgrades

necessitated. This means that the site is development ready and does not necessitate the significant upfront public and private expenditure on infrastructure provision that is commonly associated with greenfield development. The proposed upgrades to the stormwater and road network which directly result from this development are proposed to be provided and funded by the developers and form part of the proposed draft conditions of consent.

Overall, it is anticipated that the Project will comprise 357 dwellings and will be constructed over the next 4-6 years. The overall development is considered to make a significant contribution to Auckland Council's intensification goals for central Auckland, and in my view, maximising efficient use of land while preserving as much as possible for people. This balance of intensification and amenity in the right location will result in outstanding built form outcomes for the area and is consistent with the broader policy framework relevant to the locality.

Therefore, I consider the Project is complementary to objective 6 and policies 6 and 8.

#### New Zealand's urban environments

**Objective 8:** *New Zealand's urban environments:*

- (a) *support reductions in greenhouse gas emissions; and*
- (b) *are resilient to the current and future effects of climate change*

**Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) *have or enable a variety of homes that:*
  - (i) *meet the needs, in terms of type, price, and location, or different households; and*
  - (ii) *enable Māori to express their cultural traditions and norms; and*
- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way or public or active transport; and*
- (d) *support, and limit as much as possible, adverse impacts on the competitive operation of land and development markets; and*
- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change.*

#### *Assessment*

The location of the proposed development supports a reduction in greenhouse gas emissions through the opportunity for a transport mode shift in favour of active and public transport options. This is derived from a combination of the destinations (open space, health care facilities, community facilities, recreation) that are near to the site, and access to employment and education areas via public transport.

Overall, the Project contributes positively to reducing greenhouse gases, will result in a well-functioning urban environment, will result in a wide range of housing prices and will enhance Mana Whenua values. The PPC also contributes to the objectives by providing for cycle parking and the provision of pedestrian connections through the precinct. Therefore objective 8 and policy 1 are considered to be satisfied by the project.

#### Conclusion:

The NPS-UD came into effect on 20 August 2020. It sets out objectives and policies that apply to all decision-makers when making planning decisions that affect an urban environment. Auckland Council is a Tier 1 local authority under the NPS-UD.

The Site, while "greenfield" is served by infrastructure, and well-located proximate to employment, education, transport, open space and other recreation facilities – it is in a highly developed urban environment. The Project will enable a built form that provides a high-quality residential environment for an intensive residential population and is considered to be precisely the type of development the NPS-UD is seeking to enable. Importantly, the Project will also open up additional opportunities for public access and amenity in the future.

The NPSUD sets out objectives and policies that apply to all decision-makers when making planning decisions that affect an urban environment.

The Project contributes to a well-functioning urban environment. The intention behind the design is to develop the Site as three elements, defined by existing topography, being the upper plateau, the mid-slopes and the lower base. It is proposed to establish a mixture of apartments and detached houses on the upper plateau, terrace houses on the slopes and a combination of detached dwellings, terrace houses and an apartment building on the lower base. The 'three' development areas (ie the upper plateau, the mid-slopes and the lower base) are interconnected by an internal road and lane network, pedestrian, cycle and scooter connections, large areas of open space and significant on site hard and soft landscaping. The Site is also connected to the existing surrounding road network and proximate public transport services.

The Project also forms an amphitheatre of urban development around the eastern end of the racecourse site. While taller buildings are proposed within the development and 1 – 3 storey dwellings are proposed beside adjoining residential properties, the building setbacks and separation distance, combined with internal layout and external design elements will result in acceptable landscape, visual and character/amenity impacts. At the same time, the Project will provide significant support for employment, transport and amenity options within easy access of the Site.

The Site is within walking distance of the Ellerslie town centre and the Ellerslie Train Station, and well-connected to major arterial roads, which opens up access to key employment areas such as the city centre and Greenlane,

Remuera and Newmarket. The Site is also within walking distance of the Greenlane Train Station and the Upland Road shops.

Overall, it is considered that the Project will directly contribute to the successful delivery of the outcomes sought through the NPS-UD.

## 7.2 National Policy Statement- Freshwater Management 2020 (Amended February 2023)

The National Policy Statement for Freshwater Management 2020 (Amended February 2023) (NPS) contains requirements for the management of freshwater, including:

- *Managing freshwater in a way that 'gives effect to Te Mana o te wai through involving tangata whenua, and prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other uses.*
- *Improve degraded water bodies.*
- *An expanded national objectives framework.*
- *Avoid any further loss or degradation of wetlands and streams.*
- *Identify and work towards target outcomes for fish abundance, diversity and passage and address in-stream barriers to fish passage over time.*
- *Set an aquatic life objective for fish and address in stream barriers for fish over time.*
- *Monitor and report annually on freshwater.*

Areas identified for urban development through the PPC have been considered in detail as part of the ecological assessment undertaken for the Site and surrounding area. The ecological assessment confirms that there are no natural drainage watercourses or freshwater systems within the Site or that will be affected by development in the Precinct.

A freshwater ecological survey was carried out on 13 and 28 April 2021 and supplemented with database records. The freshwater ecology assessment was based on the following:

- Identified the presence of watercourses that met the definition of intermittent, permanent or ephemeral streams in accordance with the definitions in the AUP.
- Description of habitat provided by the racetrack irrigation pond.
- Fish survey in the irrigation pond using 10 baited fine mesh fyke nets.
- Assess potential wetlands within the site in accordance with the National Policy Statement for Freshwater (NPSFM) (MfE 2023).

Future land use activities will need to comply with the relevant regulations under the NES-FM 2020 and AUP



with respect to streams, wetlands and for discharges etc. and this, together with implementation of the proposed precinct provisions will ensure that the effects of activities on water quality and water quantity are appropriately managed. The development contributes positively to the freshwater management of the Waiata stormwater network but avoiding a large portion of the stormwater from entering this network. Instead, it will be treated and re-used on site. This approach will mitigate stormwater effects on the surrounding environment and therefore meet the objectives of the NPS: FM.

On this basis it is considered that the PPC will give effect to the NPS.

### 7.3 National Policy Statement for Highly Productive Land

The Site is currently zoned for major recreation facility purposes and is not used or available to be used for rural productive purposes. As a result this National Policy Statement is not considered to be relevant for this PPC.

### 7.4 National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity (NPS-IB) became effective in 2023.

The National Policy Statement for Indigenous Biodiversity (NPSIB) was released on 7 July 2023 and comes into effect on 4 August 2023. The objective of the NPSIB is to maintain indigenous biodiversity across New Zealand so that there is at least no overall loss in indigenous biodiversity.

Objectives and policies are outlined in Section 2.1 and 2.2 of the NPSIB, respectively. The NPSIB sets out criteria for identifying significant natural areas (SNA) (Appendix 1). An area qualifies as an SNA if it meets any one of the attributes of the following four criteria: representativeness, diversity and pattern, rarity and distinctiveness and ecological context. The NPSIB outlines provisions relating to the management of adverse effects on SNAs and the general management of indigenous biodiversity outside SNAs. An SNA assessment was carried out within the site following the criteria in Appendix 1 of the NPSIB.

Auckland Council have mapped Significant Ecological Areas (SEAs) within the Auckland Region using similar criteria and none were identified within the site.

The applicant's ecologist has reviewed the PPC in light of the NPSIB and concludes as follows:

*"The following assesses the presence of significant natural areas (SNA) by applying the criteria in Appendix 1 in the NPSIB. The NPSIB states that an area qualifies as an SNA if it meets any one of the attributes of the following four criteria: representativeness, diversity and pattern, rarity and distinctiveness and ecological context.*

*Vegetation, habitat and fauna are not representative or characteristic of indigenous biodiversity in the Tāmaki Ecological District. Vegetation is highly modified and managed (i.e., amenity and recreation purposes) so lacks diversity, natural ecotones or environmental gradients. Vegetation along Ladies Mile (Area A) has 11 pōhutukawa, which are ‘Threatened – Nationally Vulnerable’, but the presence of a single threatened flora species in an area would not qualify it as an SNA based on the qualifiers set out in Appendix 14. Pōhutukawa are not rare within the region or ecological district and the protection of this species within the site is not important for the persistence of the species as a whole. Therefore, the presence of pōhutukawa along in Area A along Ladies Mile does not mean that the site qualifies as an SNA.*

*Some areas of vegetation within the site have potential to support copper skink (At Risk – Declining) but the site is more likely to support plague skink given its location in a highly urbanised environment and the fragmented and disconnected nature of habitats. Copper skink were not observed during the site visit and the nearest DOC Bioweb Herpetofauna Database record on the eastern side of the Southern Motorway (where the site is located) is ~2.2 km away. If copper skink is present in potential habitat within the site, it would not qualify those habitats as SNAs based on criteria in the NPSIB5*

*Overall, vegetation and habitats within the site do not qualify as SNA as they do not meet any of the attributes of the criteria outlined in Appendix 1.”*

#### Summary

Overall, it is considered that the Plan Change Request is complementary to this National Policy Statement

## 7.5 New Zealand Coastal Policy Statement 2010 (NZCPS)

The New Zealand Coastal Policy Statement 2010 (**NZCPS**) identifies the character of the coast, and the issues the coastal environment is facing. The NZCPS identifies that the Hauraki Gulf Marine Park Act 2000 (**HGMPA**) must be treated as a National Policy Statement for the coastal environment of the Hauraki Gulf.

The Site is removed from the coastal environment but does have the Hauraki Gulf as the ultimate receiving environment. Stormwater runoff, and sedimentation and contaminants arising from earthworks and construction activities have the potential to enter the Hauraki Gulf. Those matters are able to be appropriately managed via conditions of consent and have a lesser level of importance for the PPC. With reference to Policies 22 and 23, I consider that the Proposal will not result in significant increases in the level of sedimentation or contaminants within the coastal receiving environment.

## 7.6 NES Potential for Contaminated Land

This National Environmental Standard ensures that land affected by contaminants is appropriately identified, assessed, and if necessary remediated before it is developed. As noted earlier in this report PDP Consultants have prepared a PSI, DSI, CSMP and RAP for the site.

The analysis concludes that a controlled activity resource consent is required under the National Environmental Standard due to uncertified filling, application of pesticides, and lead based paint impacts to ground. Testing has confirmed the presence of heavy metals, OCP's, PAH's and asbestos. Soil remediation is recommended to be undertaken around the track managers house in accordance with a RAP and associated site validation report (SVR). The contaminated soil will be removed to an approved landfill. It is considered this approach will adequately mitigate any adverse potential land contamination and subsequent discharge effects

As a result, I am of the view that the Project appropriately remediates the Site in a manner that protects human health, and to an extent sufficient to support the safe use of the site for high density residential land use.

## 7.7 Auckland Regional Policy Statement

The AUP includes the Auckland Regional Policy Statement (**RPS**) within Chapter B. RPS identifies the following nine issues of regional significance for resource management in Auckland:

Issue 1	Urban growth and form
Issue 2	Infrastructure, transport and energy
Issue 3	Built heritage and character
Issue 4	Natural heritage (landscapes, natural features, volcanic viewshafts and trees)
Issue 5	Issues of significance to Mana Whenua
Issue 6	Natural resources
Issue 7	The coastal environment
Issue 8	The rural environment
Issue 9	Environmental risk

The RPS objectives and policies address the above issues. A full assessment of the RPS is set out in the tables below.

7.7.1 Issue 1 - Urban growth and form

AUCKLAND UNITARY PLAN - REGIONAL POLICY STATEMENT		
B2 URBAN GROWTH AND FORM		
Objectives	Policies	Assessment
<b>B2.2 Urban growth and form</b>		
<p>(1) A quality compact urban form that enables all of the following:</p> <ul style="list-style-type: none"> <li>i. A higher-quality urban environment</li> <li>ii. Greater productivity and economic growth</li> <li>iii. Better use of existing infrastructure and efficient provision of new infrastructure</li> <li>iv. Improved and more effective public transport</li> <li>v. Greater social and cultural vitality</li> <li>vi. Better maintenance of rural character and rural productivity; and</li> <li>vii. Reduced adverse environmental effects</li> </ul>	<p>(4) Promote urban growth and intensification within the urban area 2016, enable urban growth and intensification within the RUB, towns and rural and coastal towns and villages, and avoid urbanisation outside these areas</p> <p>(5) Enable higher residential intensification:</p> <ul style="list-style-type: none"> <li>(a) in and around centres</li> <li>(b) along identified corridors; and</li> <li>(c) close to public transport, social facilities (including open space) and employment opportunities</li> </ul> <p>(6) Identify a hierarchy of centres that supports a quality compact urban form:</p> <ul style="list-style-type: none"> <li>(a) at a regional level through the city centre, metropolitan and town centres which function as commercial, cultural and social focus points for the region or sub-regions</li> <li>(b) at a local level through the local and neighbourhood centres that provide for a range of activities to support and serve as focal points for their local communities</li> </ul>	<p>The PPC:</p> <ul style="list-style-type: none"> <li>▪ provides residential intensification within the Urban Area 2016;</li> <li>▪ provides for residential intensification in a location that benefits from being in proximity to the Ellerslie and Remuera town centres, the rapid transit rail network, the Ellerslie and Greenlane rail stations and the southern motorway.</li> <li>▪ is in proximity to employment (including Ellerslie, Penrose, Mt Wellington, Newmarket and the City Centre), education and healthcare facilities and nearby open space and recreational facilities (Koraha Reserve, Liston Park, Michaels Avenue Reserve, and Derby Downs Domain).</li> <li>▪ enables a mode split that reduces reliance on private vehicles and promotes active and public transport usage.</li> <li>▪ supports the 'hierarchy of centres' approach that the AUP is based on and will not result in a centre that is inconsistent with this regional growth strategy. Instead, the proposal will result in residential intensification in an appropriate location that supports the nearby centres of Ellerslie and Remuera.</li> </ul>

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<p>(2) <i>Urban growth is primarily accommodated within the urban area 2016</i></p>		<p>The proposal provides residential intensification within the Urban Area 2016</p>
<p>(3) <i>Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth</i></p>	<p>(1) <i>Include sufficient land within the RUB that is appropriately zoned to accommodate at any one time a minimum of seven years' projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, after allowing for any constraints on subdivision, use and development of land</i></p> <p>(2) <i>Ensure the location or any relocation of the RUB identifies land suitable for urbanisation in locations that:</i></p> <p>(a) <i>Promote the achievement of a quality compact urban form</i></p> <p>(b) <i>Enable the efficient supply of land for residential, commercial and industrial activities and social facilities</i></p> <p>(c) <i>Integrate land use and transport supporting a range of transport modes</i></p> <p>(d) <i>Support the efficient provision of infrastructure</i></p> <p>(e) <i>Provide choice that meet the needs of people and communities for a range of housing types and working environments; and</i></p> <p>(f) <i>Follow the structure plan guidelines as set out in Appendix 1; while</i></p> <p>(g) <i>Protecting natural and physical resources that have been scheduled in the Unitary Plan in relation</i></p>	<p>The PPC will result in residential development over part of the Ellerslie Racecourse. The land is currently zoned Special Purpose – Major Recreation Facility and is within the Ellerslie Racecourse Precinct. While residential activities are not provided for, ATR has stated that the 6.2197 hectares of land subject to the PPC is surplus to its needs, particularly given that it no longer intends to run the steeplechase race at Ellerslie. The Messara Report directs racing clubs to divest assets where possible in order to secure the long-term viability of the racing industry. The development of The Hill will provide funds to construct a new race track and increase stakes to races. This has flow on effects to the racing industry including trainers, jockeys and ancillary businesses. Therefore, the primary major recreation activities at Ellerslie, which include racing, concerts, conferences and events will not be compromised by The Hill development. Instead, these activities will be enhanced and their longer term viability strengthened.</p> <p>The PPC also:</p> <ul style="list-style-type: none"><li>▪ takes advantage of the significant size of the site located in a greenfields context, that is already supported by existing transport, servicing and open space infrastructure and does not necessitate the significant investment by the developer and the Council in new infrastructure.</li><li>▪ will result in an intensive residential development in an appropriate location with a range of housing choices including</li></ul>

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<p><i>to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character</i></p>	<p>apartments, stand-alone dwellings, terrace houses and retirement units.</p> <ul style="list-style-type: none"><li>▪ supports a quality compact urban form.</li><li>▪ integrates intensive residential development with existing transport infrastructure to support active and public transport modes and limit reliance on private vehicles.</li><li>▪ ensures that Mana Whenua values are recognised in the development.</li></ul>
<p><i>(h) Protecting the Wāitakere Ranges Heritage Area and its heritage features</i></p>	
<p><i>(i) Ensuring the significant adverse effects from urban development on receiving waters in relation to natural resources and Mana Whenua values are avoided, remedied or mitigated</i></p>	
<p><i>(j) Avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production</i></p>	<p>There are no significant natural hazard risks relevant to the site.</p>
<p><i>(k) Avoiding mineral resources that are commercial viable</i></p>	<p>The proposal will not compromise the Waitakere Ranges or any elite or prime soils that would otherwise be available for rural productive purposes as the site is already zoned for urban uses (Ellerslie Racecourse).</p>
<p><i>(l) Avoiding significant natural hazard risks and where practicable avoiding areas prone to natural hazards including coastal hazards and flooding; and</i></p>	
<p><i>(m) ...</i></p>	
<hr/> <p><i>(4) Urbanisation is contained within the RUB, towns and rural and coastal towns and villages</i></p>	<p>The PPC provides residential intensification within the RUB</p>
<hr/> <p><i>(5) The development of land within the RUB, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure</i></p>	<p>As noted above, the Site is already serviced by infrastructure and is in close proximity to public transport and open space infrastructure also. Localised upgrades to support the proposed development are proposed as part of the development to ensure appropriate levels of service in terms of roading, stormwater, wastewater and water supply and to minimise adverse effects on other properties.</p>

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### B2.3 A quality built environment

<p>(1) A quality built environment where subdivision, use and development do all of the following:</p> <p>(a) Respond to the intrinsic qualities and physical characteristics of the site and area, including its setting</p> <p>(b) Reinforce the hierarchy of centres and corridors</p> <p>(c) Contribute to a diverse mix of choice and opportunity for people and communities</p> <p>(d) Maximise resource and infrastructure efficiency</p> <p>(e) Are capable of adapting to change needs; and</p> <p>(f) Respond and adapt to the effects of climate change</p>	<p>(1) Manage the form and design of subdivision, use and development so that it does all of the following:</p> <p>(a) Supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage</p> <p>(b) Contributes to the safety of the site, street and neighbourhood</p> <p>(c) Develops street networks and block patterns that provide good access and enable a range of travel options</p> <p>(d) Achieves a high level of amenity and safety for pedestrians and cyclists</p> <p>(e) Meets the functional, and operational needs of the intended use; and</p> <p>(f) Allows for change and enables innovative design and adaptive re-use</p> <p>(2) Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following:</p> <p>(a) Providing access for people of all ages and abilities</p> <p>(b) Enabling walking, cycling and public transport and minimising vehicle movements; and</p> <p>(c) Minimising the adverse effects of discharges of contaminants from land use activities (including transport effects) and subdivision</p>	<p>The PPC:</p> <ul style="list-style-type: none"> <li>▪ Has been carefully master planned by a combination of design professionals including FRL’s Design Manager, Brewer Davidson masterplanners and architects, Boffa Miskell, Warren &amp; Mahoney architects and Paul Brown and Associates architects. Further design based supporting assessments of the PPC have been prepared by Brewer Davidson (Urban Design) and Boffa Miskell (Visual/Landscape).</li> <li>▪ Has been designed to sit within the context of the volcanic cones of Auckland, and in particular enables recognition of the nearby maunga including Maungakiekie, Ohinerau and Maungawhau, Te Kōpuke and Maungarei. The proposed design includes places of rest and repose within the site, whereby the relationship with the land and the maunga can be appreciated and reflected upon.</li> <li>▪ Has been designed with input from Mana Whenua through CIAs and a series of (ongoing) hui in order to understand the cultural values and important history relevant to the site and the wider area. Ongoing input from Mana Whenua is being provided through hui and cultural impact monitoring through the consenting and construction phases to ensure those values and concepts are integrated successfully into the development as a whole.</li> <li>▪ Has been designed on a comprehensive and integrated basis to ensure housing typologies and built form outcomes</li> </ul>
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	<p>(3) <i>Enable a range of built forms to support choice and meet the needs of Auckland's diverse population</i></p> <p>(4) <i>Balance the main functions of streets as places for people and as routes for the movement of vehicles</i></p>	<p>integrate with neighbouring sites and the proposed landscaping and roading design/layout of the development.</p> <ul style="list-style-type: none"><li>▪ Results in a development that can maximise its advantage of being located close to two rail stations and a bus service and enables connectivity to these services and to the road network through the provision of internal walking and cycling connections, including the trackside pathway and the Belvedere Gardens.</li><li>▪ Provides accessibility through the development for people of all abilities. While some parts of the Upper Loop Road may be steeper, they are necessary to deal with the topography of the site. In such locations alternative routes are available. The development also provides for retirement living in the southern apartment building.</li><li>▪ Minimises adverse effects from discharges from the site through a treatment train approach for stormwater including at-source treatment (rain gardens), the swale and the irrigation pond. In terms of the small areas of contaminated land, it is proposed to excavate these areas in accordance with an SMP, RAP and SVR. Any contaminated soil to be removed from the site and disposed of at an approved landfill.</li><li>▪ Prioritises ground level for movement of pedestrians and cycles, with vehicle parking and manoeuvring relegated to basements and internal carparks/garages as much as possible.</li></ul>
<p>(2) <i>Innovative design to address environmental effects is encouraged</i></p>	<p>(5) <i>Mitigate the adverse environmental effects of subdivision, use and development through appropriate</i></p>	<p>The PPC includes a detailed treatment train approach for stormwater including rain gardens, a swale, an irrigation pond for</p>

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*design including energy and water efficiency and waste minimisation*

the racetrack prior to discharge either to ground, the Lonsdale reticulated network or the 1950 pipe which discharges to the Waiatarua stormwater system. This is set out in the approved SMP which underpins the stormwater management approach for the Precinct.

At each of the above options, the stormwater will be treated prior to discharge.

The stormwater design approach is considered to be innovative in that treated stormwater will be utilised to irrigate the adjacent racetrack.

In terms of waste minimisation, the outcomes envisaged from implementation of the PPC would be a comprehensive waste management approach whereby waste will be separated into general waste, recycling and food waste. The applicants have submitted Waste Management Plans for the development, which also include a minimisation plan. The plans calculate the waste envisaged from the development based on activity types and numbers of bedrooms per unit.

FRL is well progressed on their regenerative construction and waste reduction journey:

- FRL completed a waste reduction trial on two homes in Te Uru, Hobsonville Point, Auckland which achieved a 60% waste diversion rate.
  - FRL has changed to Green Gorilla as its Auckland-based waste management provider who achieve 70% waste diversion from landfill rate.
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(3) *The health and safety of people and communities are provided*

The PPC has been designed with consideration of CPTED principles around the movement of people, function of spaces and buildings, and contribution to adjoining public spaces. In addition, a draft lighting plan was submitted with the fast track application which will also support improved safety outcomes within the development.

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#### **B2.4 Residential growth**

(1) *Residential intensification supports a quality compact urban form*

(3) *Provide for medium residential intensities in areas that are within moderate walking distance to centres, public transport, social facilities and open space*

(4) *Provide for lower residential intensity in areas:*

(a) *that are not close to centres and public transport*

(b) *that are subject to high environmental constraints*

(c) *where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character; and*

(d) *where there is a suburban area with an existing neighbourhood character*

(6) *Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification*

The PPC:

- Results in an intensive residential development that accommodates 357 residential dwellings over 6.2197 hectares of land. While the land is zoned Major Recreation Facility – Ellerslie Racecourse and this zone does not provide for residential development, the land is surplus to ATR's requirements and therefore it is better developed for much needed residential accommodation in Auckland. Further, the use of this land for residential purposes will not prevent the primary activities of horse racing, events, conferences and functions from being undertaken within the precinct.
  - Will not result in adverse reverse sensitivity effects as the racing activities that will be in proximity to The Hill residents will create negligible effects and the other activities (including events, concerts, functions and conferences) will take place on the opposite side of the track and be separated from The Hill by approximately 500m thereby avoiding, remedying or mitigating any adverse reverse sensitivity effects.
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		<ul style="list-style-type: none"><li>▪ Is located close to public transport options and the motorway network and is also in proximity to the existing town centres of Ellerslie and Remuera and is therefore well suited to intensive residential accommodation outcomes. There are no specific heritage, special character or Mana Whenua elements which would warrant lower intensification.</li><li>▪ The site is suitably serviced with infrastructure with only local improvements required to accommodate the development.</li></ul>
<p><i>(2) Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area</i></p>	<p><i>(8) Recognise and provide for existing and planned neighbourhood character through use of place-based planning tools</i></p> <p><i>(9) Manage built form, design and development to achieve an attractive, healthy and safe environment that is in keeping with the descriptions set out in place-based plan provisions</i></p> <p><i>(10) Require non-residential activities to be of a scale and form that are in keeping with the existing and planned built character of the area.</i></p>	<ul style="list-style-type: none"><li>▪ The existing zone and precinct provisions enable buildings associated with primary, accessory or compatible activities (e.g. grandstands, conference centres or function venues) up to 25m in height that comply with the standards as a permitted activity. The key standards include a 20m interface control (similar to a yard) around the perimeter of The Hill site and a 2.5m + 45 degree recession plane where the land adjoins a residentially zoned boundary. Effectively the planning controls would enable a 25m high grandstand around the edge of the racetrack in this vicinity. The built form outcome that will result from the PPC is considered to be acceptable within the context of existing (and planned) neighbourhood character for the following reasons:<ul style="list-style-type: none"><li>○ The PPC facilitates 2-3 level dwellings on its Hunterville Court and Ladies Mile boundaries as this scale of development is commensurate with existing adjoining development on the adjoining sites and is therefore</li></ul></li></ul>

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visually coherent with the existing built form landscape of the locality.

- o The central parts of the site are also proposed to be occupied by 2-3 level dwellings in order to maintain a lower scale of development and to enable views to and through the site to the maunga beyond.
- o The 5-7 level apartment buildings are located on parts of the site where they are separated from sensitive neighbours, setback from existing street frontages and/or are partially screened by existing mature vegetation.
- The built form and layout of the development has been carefully masterplanned and achieves an attractive, healthy and safe development. This is affirmed by the AUDP, who have provided support for the development.
- The only non-residential activity proposed as part of the fast-track consent application is a small 150m<sup>2</sup> ancillary retail unit (potentially a café).

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*(3) Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus of residential intensification*

*(2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space*

*(5) Avoid intensification in areas:*

*(a) where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural*

As stated above, the site is in proximity to nearby centres, public transport, social facilities (the racecourse), education facilities and open spaces. The development is located in an appropriate location, and avoids adverse impacts on Mana Whenua cultural values, any scheduled items and any significant natural hazard risks

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	<p><i>resources, coastal environment, historic heritage or special character; or</i></p> <p><i>(b) that are subject to significant natural hazard risk where such intensification is inconsistent with the protection of the scheduled natural or physical resources or with the avoidance or mitigation of the natural hazard risks</i></p>	
<p><i>(4) An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland’s diverse and growing population</i></p>	<p><i>(1) Provide a range of residential zones that enable different housing types and intensity that are appropriate to the residential character of the area</i></p> <p><i>(11) Enable a sufficient supply and diverse range of dwelling types and sizes that meet the housing needs of people and communities, including:</i></p> <p><i>(a) households on low to moderate incomes; and</i></p> <p><i>(b) people with special housing requirements</i></p>	<p>The development provides a wide range of housing choice and typologies including apartments, terrace houses, stand-alone villas and retirement units. The differing types of accommodation also range in size thereby providing a wide range of pricing options.</p>
<p><i>(5) Non-residential activities are provided in residential areas to support the needs of people and communities</i></p>	<p><i>(7) Manage adverse reverse sensitivity effects from urban intensification on land with existing incompatible activities</i></p>	<p>No non-residential zones are proposed as part of the PPC however limited non-residential activities are enabled in the MHU and THAB zones.</p>
<p><i>(6) Sufficient, feasible development capacity for housing is provided, in accordance with Objectives 1 to 4 above, to meet the targets in Table B2.4.1</i></p>		<p>Noted. This PPC is considered to support the outcomes of this objective.</p>
<p><b>B2.7 Open Space and Recreation Facilities</b></p>		
<p><i>The objectives and policies identify that the recreational needs of people and communities be met through the provision of a range of quality open spaces and the promotion of physical connections for people and wildlife.</i></p>		<p>The PPC is based on a high-quality network of open spaces and connections through the following:</p> <ul style="list-style-type: none"> <li>▪ Trackside walkway</li> <li>▪ Garden streets</li> <li>▪ The Belvedere Garden connection</li> </ul>

- Retained mature Pohutukawa Trees on Ladies Mile frontage
- The planted embankment
- Private open space areas

Overall, it is considered that these elements give effect to these RPS objectives and policies.

### 7.7.2 Issue 2 – Infrastructure, transport and energy

AUCKLAND UNITARY PLAN - REGIONAL POLICY STATEMENT		
B3 INFRASTRUCTURE, TRANSPORT AND ENERGY		
Objectives	Policies	Assessment
<b>B3.2 Infrastructure</b>		
(1) <i>Infrastructure is resilient, efficient and effective</i>	(1) <i>Enable the efficient development, operation, maintenance and upgrading of infrastructure.</i>	<ul style="list-style-type: none"> <li>▪ The PPC does not interfere with the ability of utility operators to develop, operate, maintain or upgrade infrastructure. Any additional demand on infrastructure has been assessed within the technical reports submitted with the application and it is confirmed that the proposal incorporates any required infrastructure improvements to accommodate the development.</li> </ul>
(2) <i>The benefits of infrastructure are recognised, including:</i>	(2) <i>Recognise the value of investment in infrastructure.</i>	<ul style="list-style-type: none"> <li>▪ The value of investment in infrastructure is acknowledged and the PPC includes upgrades and extensions to the roading, wastewater, water supply and stormwater networks to provide for the development.</li> <li>▪ The PPC provides localised upgrades and connections to existing public infrastructure sufficient to support the PPC.</li> </ul>
(a) <i>Providing essential services for the functioning of communities, businesses and industries within and beyond Auckland</i>	(3) <i>Provide for the locational requirements of infrastructure by recognising that it can have a functional and operational need to be located in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural</i>	
(b) <i>Enabling economic growth</i>		
(c) <i>Contributing to the economy of Auckland and New Zealand</i>		

<p>(d) <i>Providing for public health, safety and well-being of people and communities</i></p> <p>(e) <i>Protecting the quality of the natural environment; and</i></p> <p>(f) <i>Enabling interaction and communication, including natural and international links for trade and tourism</i></p>	<p><i>heritage, Mana Whenua, natural resource, coastal environment, historic heritage and special character.</i></p>	
<p>(3) <i>Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects on:</i></p> <p>(a) <i>The quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character</i></p> <p>(b) <i>The health and safety of communities and amenity values</i></p>	<p>(6) <i>Enable the development, operation, maintenance and upgrading of infrastructure in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character while ensuring that the adverse effects on the values of such areas are avoided where practicable or otherwise remedied or mitigated.</i></p> <p>(7) <i>Encourage the co-location of infrastructure and shared use of existing infrastructure corridors where this is safe and satisfies operational and technical requirements.</i></p> <p>(8) <i>Avoid, remedy or mitigate the adverse effects from the construction, operation, maintenance and repair of infrastructure.</i></p>	<ul style="list-style-type: none"> <li>▪ As above</li> <li>▪ No identified Sites of Significance to Mana Whenua or Historic Heritage items are located on the site.</li> </ul>
<p>(4) <i>The functional and operational needs of infrastructure are recognised</i></p>	<p>(9) <i>Ensure where there is a functional or operational need for infrastructure to locate in areas subject to natural hazards:</i></p>	<p>The PPC will be reliant on infrastructure located within flood plains. This is due to the basin topography of the racecourse. However, all infrastructure has been designed to mitigate to most practical extent possible any future impact from this natural hazard. The adopted SMP confirms this approach.</p>



	<p>(a) the buildings accommodating people are located and / or designed to minimise risk from natural hazards; and</p> <p>(b) that risk that cannot be avoided by location or design should be mitigated to the extent practicable.</p>	
(5) Infrastructure planning and land use planning are integrated to service growth efficiently		The location of the PPC is an existing urban area that is serviced by existing infrastructure. The PPC includes an integrated approach to land use development and infrastructure delivery.
(6) Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development	<p>(4) Avoid where practicable, or otherwise remedy or mitigate, adverse effects of subdivision, use and development on infrastructure</p> <p>(5) Ensure subdivision, use and development do not occur in a location or form that constrains the development, operation, maintenance and upgrading of existing and planned infrastructure.</p>	<ul style="list-style-type: none"> <li>▪ The PPC is able to be serviced by existing reticulated infrastructure, with localised upgrades and connections.</li> <li>▪ The PPC does not undermine the ability of utility operators to develop, operate, maintain or upgrade infrastructure. The development has been progressed in conjunction with utility providers including Watercare, Auckland Council (Healthy Waters) and Auckland Transport.</li> <li>▪ The location and nature of the PPC support existing investment in infrastructure.</li> </ul>
(7) The national significance of the National Grid is recognised and provided for and its effective development, operation, maintenance and upgrading are enabled		The PPC does not affect the National Grid.
(8) The adverse effects of infrastructure are avoided, remedied or mitigated.		<ul style="list-style-type: none"> <li>▪ The PPC gives rise to negligible adverse effects on infrastructure in that it will take up some capacity within the reticulated networks through the area but also increases stormwater capacity and roading capacity.</li> </ul>

**B3.3 Transport**

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<p>(1) <i>Effective, efficient and safe transport that:</i></p> <p>(a) <i>Supports the movement of people, goods and services</i></p> <p>(b) <i>Integrates with and supports quality compact urban form</i></p> <p>(c) <i>Enables growth</i></p> <p>(d) <i>Avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and</i></p> <p>(e) <i>Facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community.</i></p>	<p>(1) <i>Enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system.</i></p> <p>(2) <i>Enable the movement of people, goods and services and ensures accessibility to sites</i></p> <p>(3) <i>Identify and protect existing and future areas and routes for developing Auckland's transport infrastructure</i></p> <p>(4) <i>Ensure that transport infrastructure is designed, located and managed to:</i></p> <p>(a) <i>integrate with adjacent land uses, taking into account their current and planned use, intensity, scale, character and amenity; and</i></p> <p>(b) <i>provide effective pedestrian and cycle connections</i></p> <p>(5) <i>Improve the integration of land use and transport by:</i></p> <p>(a) <i>ensuring transport infrastructure is planned, funded and staged to integrate with urban growth</i></p> <p>(b) <i>encouraging land use development and patterns that reduce the rate of growth in demand for private vehicle trips, especially during peak periods</i></p> <p>(c) <i>locating high trip-generating activities so that they can be efficiently served by key public transport services and routes and complement surrounding activities by supporting accessibility to a range of transport modes</i></p> <p>(d) <i>requiring proposals for high trip-generating activities which are not located in centres or on</i></p>	<ul style="list-style-type: none"><li>▪ The PPC does not undermine the development, operation, maintenance and upgrade of all modes of the integrated transport system. The imposition of a 357 dwelling cap will ensure the an efficient and safe transport network will result.</li><li>▪ Improvements proposed to the transport network include the signalisation of the Derby Downs Place/Ladies Mile intersection, installation of a raised median in the vicinity of the Upper Loop Road south intersection and the painted median in the vicinity of the Upper Loop Road north intersection. It is also proposed to install a pedestrian crossing at the Ladies Mile/Abbotts Way intersection. Two public roads (the Upper and Lower Loop Roads) and 6 COALs are proposed to be developed as well. A series of footpaths, walkways and landscaped accessways for pedestrians also form part of the PPC.</li><li>▪ The above measures will ensure the proposed land use is integrated with its transport requirements. These are of a scale and character that integrate with the development itself and the surrounding neighbourhood.</li><li>▪ The development Site is in proximity to rail and bus networks and the Auckland Motorway system and therefore actively promotes more efficient transport modes as opposed to private motor vehicle use.</li><li>▪ The proposal includes limited car parking supply which also and promotes/supports active and public modes.</li><li>▪ Noting that the site is adjacent to the motorway network, the application includes the intersection upgrade of Derby Downs</li></ul>
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- corridors or at public transport nodes to avoid, remedy or mitigate adverse effects on the transport network*
- (e) enabling the supply of parking and associated activities to reflect the demand while taking into account any adverse effects on the transport system: and*
- (f) requiring activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure.*
- (6) Require activities sensitive to adverse effects from the operation of transport infrastructure to be located or designed to avoid, remedy or mitigate those potential adverse effects.*
- (7) Avoid, remedy or mitigate the adverse effects associated with the construction or operation of transport infrastructure on the environment and on community health and safety.*
- Place and Ladies Mile in order to (among other traffic reasons) ensure adverse effects on the motorway network are avoided, remedied or mitigated. AT is also proposing upgrades to the Ladies Mile/Morrin Street intersection but these plans are not available for public use at present and therefore the applicant cannot take these works into consideration and cannot therefore assess any potential impacts resulting from them.
- In terms of construction traffic, given this is a plan change it is not relevant to this PPC. Construction traffic would be managed by the resource consent process.

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***B3.4 Energy***

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| <p><i>(1) Existing and new renewable electricity generation is provided for</i></p> | <p><i>(1) Recognising the national, regional and local benefits to be derived from maintaining or increasing the level of electricity generated from renewable energy sources.</i></p> <p><i>(2) Provide for renewable electricity generation activities to occur at different scales and from different sources to reduce reliance on non-renewable energy sources.</i></p> | <p>Noted. The proposed development will be serviced by renewable energy for some of its energy demands through the use of hydro-generated power into the National Grid. Further, there is potential for new dwelling owners to install solar panels on their roofs. This is particularly relevant given the north-west orientation of the site.</p> |
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- (3) *Recognise the locational constraints in the development of large-scale renewable electricity generation activities.*
- (4) *Provide for the development, operation and maintenance of small-scale renewable electricity generation, provided that adverse effects on the environment are avoided, remedied or mitigated.*

(2) *Energy efficiency and conservation is promoted.*

Development under the Building Code of NZ incorporates sustainable requirements for residential development, including measures which require spending less money heating and cooling.

These include:

- (a) Double glazed windows.
- (b) Energy efficient heat pumps that comply with the Healthy Homes Act.
- (c) Kitchens and bathrooms with extractor fans.
- (d) Insulated hot water cylinders.
- (g) Energy and water efficient appliances.
- (h) LED lighting selections throughout.

### 7.7.3 Issue 3 – Historic heritage and character

#### AUCKLAND UNITARY PLAN - REGIONAL POLICY STATEMENT

#### B5 HISTORIC HERITAGE AND SPECIAL CHARACTER

Objectives

Policies

Assessment

B5.2 Historic heritage

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<p>(1) Significant historic heritage places are identified and protected from inappropriate subdivision, use and development</p>	<p>(1) Identify and evaluate a place with historic heritage value considering the following criteria:</p> <ul style="list-style-type: none"><li>(a) historical: the place reflects important or representative aspects of national, regional or local history, or is associated with an important event, person, group of people, or with an idea or early period of settlement within New Zealand, the region or locally.</li><li>(b) social: the place has a strong or special association with, or is held in high esteem by, a particular community or cultural group for its symbolic, spiritual, commemorative, traditional or other cultural value</li><li>(c) Mana Whenua: the place has a strong or special association with, or is held in high esteem by, Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value</li><li>(d) knowledge: the place has potential to provide knowledge through archaeological or other scientific or scholarly study, or to contribute to an understanding of the cultural or natural history of New Zealand, the region or locality</li><li>(e) technology: the place demonstrates technical accomplishment, innovation or achievement in its structure, construction, components or use of materials</li></ul>	<p>Noted. The application Site does not include any known sites or places of historic heritage or identified Site of Significance to Mana Whenua</p>
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- (f) physical attributes: the place is a notable or representative example of:*
- (i) a type, design or style*
  - (ii) a method of construction, craftsmanship or use of materials; or*
  - (iii) the work of a notable architect, engineer or builder*
- (g) aesthetic: the place is notable or distinctive for its aesthetic, visual or landmark qualities*
- (2) Define the location and physical context of a significant historic heritage place, having considered the criteria in Policy B5.2.2(1) to identify:*
- (a) the area that contains the historic heritage values of the place; and*
  - (b) where appropriate, any area that is relevant to an understanding of the function, meaning and relationships of the historic heritage values.*
- (3) Include a place with historic heritage value in Schedule 14.1 Schedule of Historic Heritage if:*
- (a) the place has considerable or outstanding value in relation to one or more of the evaluation criteria in Policy B5.2.2(1); and*
  - (b) the place has considerable or outstanding overall significance to the locality or greater geographic area.*
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- (4) *Classify significant historic heritage places in Schedule 14.1 Schedule of Historic Heritage in one of the following categories:*
- (a) *Category A: historic heritage places that are of outstanding significance well beyond their immediate environs*
  - (b) *Category A\*: historic heritage places identified in previous district plans which are yet to be evaluated and assessed for their significance*
  - (c) *Category B: historic heritage places that are of considerable significance to a locality or beyond*
  - (d) *Historic Heritage Areas: groupings of interrelated but not necessarily contiguous historic heritage places or features that collectively meet the criteria for inclusion in Schedule 14.1 Schedule of Historic Heritage in Category A or B and may include both contributing and non-contributing places or features, places individually scheduled as Category A or B, and notable trees.*
- (5) *Identify the known heritage values, the primary features or features of historic heritage value and the exclusions from protection of each historic heritage place in Schedule 14.1 Schedule of Historic Heritage*

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(2) *Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.*

(6) *Avoid significant adverse effects on the primary feature of significant historic heritage places which have outstanding significance well beyond their immediate environs including:*

As above, there are no sites of historic heritage significance or of Mana Whenua value located on the site.

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- (a) the total or substantial demolition or deconstruction of any of the primary features of such places*
  - (b) the relocation or removal of any of the primary features of such places away from their original site and context*
  - (7) Avoid where practicable significant adverse effects on significant historic heritage places. Where significant adverse effects cannot be avoided, they should be remedied or mitigated so that they no longer constitute a significant adverse effect*
  - (8) Encourage new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places*
  - (9) Provide for the occupation, use, seismic strengthening, development, restoration and adaptation of significant historic heritage places where this will support the retention of, and will not detract from, the historic heritage values of the place.*

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***B5.3 Special character***

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| <p><i>(1) [Deleted]</i></p> <p><i>(2) The character and amenity values of identified special character areas are maintained and enhanced.</i></p> | <p><i>(1) Identify special character areas to maintain and enhance the character and amenity values of places that reflect patterns or settlement, development, building style and / or streetscape quality over time.</i></p> <p><i>(2) Identify and evaluate special character areas considering the following factors:</i></p> | <p>The Site is not identified or within a special character area. While there is an area of Isthmus A character residential development on the opposite side of Ladies Mile to the development, their values will not be compromised as the PPC land is separated by the considerable width of Ladies Mile and it is proposed to locate MHU</p> |
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- (a) *physical and visual qualities: groups of buildings, or the area, collectively reflect important or representative aspects of architecture or design (building types or styles), and / or landscape or streetscape and urban patterns, or are distinctive for their aesthetic quality; and*
- (b) *legacy including historical: the area collectively reflects an important aspect, or is representative of a significant period and pattern of community development within the region or locally.*
- (3) *Include a view in Schedule 15 Special Character Schedule, Statements and Maps*
- (5) *Maintain and enhance the character and amenity values of identifies special character areas by all of the following:*
- (a) *requiring new buildings and additions and modifications to features that define, add to or support the special character of the area*
- (b) *restricting the demolition of buildings and destruction of features that define, add to or support the special character of the area*
- (c) *maintaining and enhancing the relationship between the built form, streetscape, vegetation, landscape and open space that define, add to or support the character of the area; and*
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- housing opposite and opposed to THAB. This will ensure the special character area is not compromised.

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*(d) avoiding, remedying or mitigating the cumulative effect of the loss or degradation of identified special character values.*

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7.7.4 Issue 4 – Natural heritage (landscapes, natural features, volcanic viewshafts and trees)

AUCKLAND UNITARY PLAN - REGIONAL POLICY STATEMENT		
B4 NATURAL HERITAGE		
Objectives	Policies	Assessment
<b>B4.2 Outstanding natural features and landscapes</b>		
<p>(3) <i>Outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.</i></p>	<p>(1) <i>Identify and evaluate a place as an outstanding natural landscape considering the following factors:</i></p> <ul style="list-style-type: none"> <li>(a) <i>natural science factors: geology, topography, hydrology, vegetation cover, ecology and natural processes</i></li> <li>(b) <i>expressiveness / legibility: including the degree to which the landscape reveals its formative processes</i></li> <li>(c) <i>aesthetic values and memorability: including landmarks and significant views</i></li> <li>(d) <i>perceptions of naturalness: related to human influences, the presence of buildings and structures or landform modification</i></li> <li>(e) <i>transient landscape values: including those related to natural processes, such as seasonal change and the presence of wildlife</i></li> <li>(f) <i>shared and recognised values: including the public profile and recognition of particular landscapes</i></li> <li>(g) <i>Mana Whenua: the value of the landscape to Mana Whenua</i></li> <li>(h) <i>historical: the landscape's known historical associations.</i></li> </ul>	<p>The PPC does not undermine any identified ONF or ONL.</p>

- (2) Include a place identified as an outstanding natural landscape in Schedule 7 Outstanding Natural Landscapes Overlay Schedule*
  - (3) Protect the physical and visual integrity of Auckland's outstanding natural landscapes from inappropriate subdivision, use and development.*
  - (4) Identify and evaluate a place as an outstanding natural feature considering the following factors:*
    - (a) the extent to which the landform, feature or geological site contributes to the understanding of the geology or evolution of the biota in the region, New Zealand or the earth, including type localities of rock formations, minerals and fossils*
    - (b) the rarity or unusual nature of the site or feature*
    - (c) the extent to which the feature is an outstanding representative example of the diversity of Auckland's natural landforms and geological features*
    - (d) the extent to which the landform, geological feature or site is part of a recognisable group of features*
    - (e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape*
    - (f) the extent of community association with, or public appreciation of, the values of the feature or site*
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- (g) the potential value of the feature or site for public education*
- (h) the potential value of the feature or site to provide additional understanding of the geological or biotic history*
- (i) the state of preservation of the natural feature or site*
- (j) the extent to which a feature or site is associated with an historically important natural event, geologically related industry, or individual involved in earth science research*
- (k) the importance of the feature or site to Mana Whenua.*
- (5) Include a place identified as an outstanding natural feature in Schedule 6 Outstanding Natural Feature Overlay Schedule*
- (6) Protect the physical landscape and visual integrity of Auckland's outstanding natural features from inappropriate subdivision, use and development*

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*(4) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for*

- As noted above, the Site is not within a known Site of Significance to Mana Whenua
  - FRL's engagement with Mana Whenua as part of the fast-track application has yielded a strong relationship and very good understanding of cultural associations with the area. With specific regard to landscape, the PPC includes a tiered landscaped element referenced as the Belvedere Garden.
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		This provides a physical and spiritual connection through the site from Ladies Mile to the racetrack edge. This linkage enables a metaphysical connection to the surrounding maunga (Maungakiekie, Maungawhau, Te Kopuke, Te Pane o Mataoho, Ōhinerau and Maungarei) as one passes through The Hill. The landscape design provides for resting locations where this relationship and appreciation of Mana Whenua values associated with this place can be appreciated.
(5) <i>The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and / or international significance are protected and, where practicable, enhanced.</i>	(7) <i>Protect the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds.</i>  (8) <i>Manage outstanding natural landscapes and outstanding natural features in an integrated manner to protect and, where practicable and appropriate, enhance their value.</i>	As noted above, the Site sits in close proximity to a number of dormant volcanoes which comprise Auckland's volcanic field. A regionally significant viewshaft from (O10) from College Road to Maungakiekie runs above The Hill site. The proposed development does not infringe this volcanic cone viewshaft. Therefore, the PPC does not undermine the integrity of provisions that control views to and from Auckland's volcanic field.
<b>B4.3 Viewshafts</b>		
(3) <i>Significant public views to and between Auckland's maunga are protected from inappropriate subdivision, use and development</i>	(1) <i>Identify and evaluate views to or between maunga for its regional or local significance considering the following factors:</i>  (a) <i>the viewpoint conveys the view to an audience from a public viewpoint that is regionally or locally significant</i>  (b) <i>the view conveys an intact view of the maunga within a wider context which is of high or good quality</i>  (c) <i>the view will contribute to or reinforce an overall appreciation of the region's maunga</i>	As stated above the O10 viewshaft runs over the top of the Site at approximately RL 80 - 81m above ground level. This is between 1m to 5m above the top of the tallest apartment buildings and therefore the proposal complies with the O10 volcanic cone viewshaft.  Therefore, the PPC does not intercept any viewshafts and the integrity of these shafts is maintained.  Engagement with Mana Whenua was undertaken regarding the viewshafts and the opportunity to appreciate and take in outlook

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- (d) *the view recognises the importance of the maunga to Mana Whenua* to the surrounding maunga from the 10m wide Belvedere Gardens view corridor.
- (e) *the extent to which there are other public views of and between the maunga; and*
- (f) *taking into account the extent to which the viewshaft will affect future development otherwise enabled by this Plan.*
- (2) *Include a view in Schedule 9 Volcanic Viewshafts Schedule if it is regionally or locally significant*
- (5) *Identify and evaluate a view from a public place to the coastal environment, ridgelines and other landscapes for its regional or local significance considering the following factors:*
- (a) *the viewpoint conveys the view to an audience from a public viewpoint that is regionally or locally significant*
- (b) *the view conveys an intact view within a wider context which is of high or good quality*
- (c) *the view will contribute to or reinforce an overall appreciation of the region's natural landscape*
- (d) *the view recognises the importance of the landscape to Mana Whenua*
- (e) *the extent to which there are other similar public views; and*
- (f) *taking into account the extent to which the viewshaft will affect future development otherwise enabled by this Plan.*
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*(6) Include the view in Schedule 11 Local Public View  
Schedule if it is locally significant*

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| <p><i>(4) Significant views from public places to the coastal environment, ridgelines and other landscapes are protected from inappropriate subdivision, use and development.</i></p> | <p><i>(3) Protect significant views to and between maunga by:</i></p> <ul style="list-style-type: none"><li><i>(a) avoiding subdivision, use and development that would:</i><ul style="list-style-type: none"><li><i>(i) result in significant modification or destruction of the view; or</i></li><li><i>(ii) significantly detract from the values of the view; and</i></li></ul></li><li><i>(b) avoiding where practicable, and otherwise remedying or mitigating, adverse effects of subdivision, use and development that would:</i><ul style="list-style-type: none"><li><i>(i) result in the modification of the view; or</i></li><li><i>(ii) significantly detract from the values of the view; and</i></li></ul></li></ul> <p><i>(4) Protect the visual character, identity and form of maunga by:</i></p> <ul style="list-style-type: none"><li><i>(a) identifying height sensitive areas are the base of maunga; and</i></li><li><i>(b) establishing height limits in such areas which control future development that could encroach into views and erode their significance</i></li></ul> | <p>The PPC does not result in any modification or destruction of significant views to and between the maunga in the vicinity of The Hill.</p> <p>Height sensitive areas are also not affected by the PPC and the visual character, identity and form of the maunga are not compromised.</p> |
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***B4.4 Waitākere Ranges Heritage Area***

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| <p><i>(1) The natural and historic resources, including the significant environmental values and heritage features of the Waitākere Ranges, are protected, restored and</i></p> | <p>The PPC is well removed from the Waitakere Ranges and will not affect them in any way.</p> |
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*enhanced for the benefit, use and enjoyment of the community.*

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*(2) Resources that are of significance to Mana Whenua are protected and maintained including:*

- (a) The spiritual dimension and the mauri of natural and physical resources of people*
- (b) The kaitiaki of these resources and significant sites and wāhi tapu; and*
- (c) Those institutions that are integral to the relationship of Mana Whenua with their environment in a way that promotes the expression and practice of kaitiakitanga.*

FRL and ATR's engagement with Mana Whenua has yielded a strong relationship and very good understanding of cultural associations with the area. With specific regard to landscape, the Proposal includes a tiered landscaped element referenced as the Belvedere Garden. This provides a physical and spiritual connection through the site from Ladies Mile to the racetrack edge. This linkage enables a metaphysical connection to the surrounding maunga (Maungakiekie, Maungawhau, Te Kopuke, Te Pane o Mataoho, Ōhinerau and Maungarei) as one passes through The Hill. The landscape design provides for resting locations where this relationship and appreciation of Mana Whenua values associated with this place can be appreciated.

In terms of resources, this area was once used food and crop growth in order to feed and nourish the people. The land has since been urbanised however it still retains a spiritual connection to Mana Whenua. The proposed design, engagement and recognition of Mana Whenua values will enable this historic relationship to be recognised in some way.

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*(3) Development in settlements recognises and is sympathetic to the qualities, character and natural features of the Waitākere Ranges and the complex mixed landscapes of the foothills*

*(1) Design and locate structures and impermeable surfaces and undertake activities in a way that does not impede or adversely affect the potential for the regeneration of native vegetation or reduce the extent and range of areas of native vegetation and linkages between them*

The PPC is well removed from the Waitakere Ranges and will not affect them in any way.

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	(2) <i>Prevent activities from releasing pest species likely to harm native plants and animals in their habitats.</i>	
	(5) <i>Require the type and density of settlements to avoid degrading the character of natural landscape features</i>	
(4) <i>Cumulative effects of activities on the environment, including amenity values and heritage features, are recognised and avoided</i>	(4) <i>Manage activities to minimise their adverse effects on water quality, soil, native vegetation and fauna habitats, mauri of the waterway, taiapure and mahinga mataitai</i>	The PPC is well removed from the Waitakere Ranges and will not affect them in any way.
(5) <i>The character, scale and intensity of subdivision, use or development do not adversely affect the heritage features or contribute to urban growth outside the Rural Urban Boundary</i>	(6) <i>Avoid non-residential activities:</i> (a) <i>that are unrelated to the productive use of rural land</i> (b) <i>that require substantial earthworks or vegetation removal; or</i> (c) <i>that are industrial and unrelated to rural activities.</i>	The PPC is well removed from the Waitakere Ranges and will not affect them in any way.
(6) <i>The quality and diversity of landscapes are maintained by all of the following:</i> (a) <i>Protecting landscapes of local, regional or national significance</i> (b) <i>Restoring and enhancing degraded landscapes; and</i> (c) <i>Managing change within a landscape in an integrated way, including retaining rural character</i>		The PPC is well removed from the Waitakere Ranges and will not affect them in any way.
(7) <i>Enable social, economic, environmental and cultural well-being of people that live and work in the area</i>	(3) <i>Where clearing vegetation for infrastructure is necessary, it should be undertaken only where the vegetation is of lower value and there is no practicable alternative option</i>	The PPC is well removed from the Waitakere Ranges and will not affect them in any way.

(8) <i>The water supply catchments and their related supply functions are protected</i>		The PPC is well removed from the Waitakere Ranges and will not affect them in any way.
(9) <i>The natural and historic resources of the Waitākere Ranges Regional Park are protected in perpetuity for their intrinsic worth and for the benefit, use and enjoyment of the people and communities of Auckland and New Zealand</i>	(7) <i>Adopt a cautious approach when considering proposals that threaten serious or irreversible damage to a heritage feature.</i>	The PPC is well removed from the Waitakere Ranges and will not affect them in any way.

**B4.5 Notable trees**

(1) <i>Notable trees and groups of trees with significant historical, botanical or amenity values are protected and retained</i>	<p>(1) <i>Identify and evaluate a tree or group of trees as notable considering the following factors:</i></p> <p>(a) <i>heritage or historical association: the trees are associated with or commemorate a historic event, have a historic association with a well-known historic or notable figure, have a strong public association, or are strongly associated with a local historic feature and now form a significant part of that feature.</i></p> <p>(b) <i>scientific importance or rarity: the trees are the largest or only example of a species in Auckland, a significant example of a species rare in the Auckland region, a native species that is nationally or regionally threatened, or have outstanding value because of their scientific significance</i></p> <p>(c) <i>ecosystem service or environmental function: the trees provide a critical habitat for a threatened species population</i></p>	One identified notable is located within the group of Pohutukawa trees that are proposed to be retained. This individual Pohutukawa tree has been assessed by the arborist to meet the requirements for being scheduled as a notable tree. The tree is of high quality and is proposed to be scheduled as part of the PPC request.
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- (d) cultural association and accessibility: the trees demonstrate a custom, way of life or process once common but now rare or in danger of being lost of have been lost; have an important role in defining the community identity and distinctiveness of the community through have special symbolic, spiritual, commemorative, traditional or other cultural value; or represent important aspects of collective memory, identity or remembrance, the meanings of which should not be forgotten; and*
    - (e) intrinsic value: the trees are intrinsically notable because of a combination of factors including size, age, vigour and vitality, stature and form or visual contribution.*
  - (2) Evaluation of the factors in policy B4.5.2(1) above is to take into account the effects of the tree or group of trees on all of the following:*
    - (a) human health*
    - (b) public safety*
    - (c) property*
    - (d) amenity values; and*
    - (e) biosecurity.*
  - (3) Include a notable tree or group of trees in Schedule 10 Notable Trees Schedule*
  - (4) Avoid development that would destroy or significantly adversely affect the identified values of a notable tree*
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*or group of trees unless those effects are otherwise  
appropriately remedied or mitigated.*

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7.7.5 Issue 5 - Issues of significance to Mana Whenua

AUCKLAND UNITARY PLAN - REGIONAL POLICY STATEMENT		
B6 MANA WHENUA		
Objectives	Policies	Assessment
<b>B6.2 Recognition of Treaty of Waitangi / Te Tiriti o Waitangi partnerships and participation</b>		
(1) <i>The principles of Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wāhi tapu and other taonga</i>		<ul style="list-style-type: none"> <li>▪ The Unitary Plan includes references to Mana Whenua values that are relevant to this application</li> <li>▪ FRL has undertaken to engage fully with Mana Whenua, establishing a Mana Whenua Forum for the PPC. Several hui have already been undertaken and three CIAs have been prepared. These are addressed in detail in sections 16 and 18 of this report.</li> <li>▪ Principles of Te Tiriti o Waitangi are considered in this request. The key values of importance to Mana Whenua regarding this Site are: <ul style="list-style-type: none"> <li>▪ Recognition that the historic lava caves within the wider Ellerslie Racecourse site were referred to as Waiatarua. This translates as “two songs”, the name refers to a waiata or song that emanated from caves. It was believed that this singing was created by water and air blowing from a larger cave into a smaller passage, making it vibrate.</li> <li>▪ Recognition and acknowledgement of the spiritual relationship with the maunga surrounding The Hill. This includes Maungakiekie, Maungawhau, Te Kopuke, Ōhinerau and Maungarei.</li> </ul> </li> </ul>

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- Recognition that the racecourse site was one associated with passage across the land between the Manukau Harbour and the Orakei Basin and beyond.
  - Recognition that the fertile lands of the racecourse and environs were historically used for growing crops and as a food source.

These values are recognised and provided for in the provision for and design of the Belvedere Gardens view corridor, the trackside walkway and the Landscape Strategy..

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*(2) The principles of Te Tiriti o Waitangi are recognised through Mana Whenua participation in resource management processes*

*(1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:*

- (a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga*
- (b) builds and maintains partnerships and relationships with iwi authorities*
- (c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans*
- (d) recognises the role of kaumatua and pūkenga*

- Mana Whenua have had (and continue to have) input into the development of the site with hui being held in November 2023, February 2024 and April 2024. While this engagement commenced as part of the underlying fast-track resource consent process it has continued and has incorporated both the PPC and resource consent. The minutes of these meetings have been provided as part of this PPC request. Meetings will be ongoing during the development of the site and while the hui mainly relate to site development, they are considered relevant to the PPC and demonstrate the requestors commitment recognise the relationship between Mana Whenua and the site/locality and build and maintain partnerships and relationships with iwi authorities. While there were no specific outcomes from this hui, it was an opportunity to update Iwi on the upcoming plan change application process. Some key values are identified above and further described in the CIAs. Going forward Mana Whenua

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	<p>(e) <i>recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga</i></p> <p>(f) <i>acknowledges historical circumstances and impacts on resource needs</i></p> <p>(g) <i>recognises and provides for mātaunranga and tikanga; and</i></p> <p>(h) <i>recognises the role and rights of whanau and hapū to speak and act on matters that affect them.</i></p>	<p>will have involvement in the PPC as it progresses. This will ensure Mana Whenua values are reflected in the Remuera Precinct.</p>
<p>(3) <i>The relationship of Mana Whenua with Treaty Settlement Land is provided for, recognising all of the following:</i></p> <p>(a) <i>Treaty settlements provide redress for the grievances arising from the breaches of the principles of Te Tiriti o Waitangi by the Crown</i></p> <p>(b) <i>The historical circumstances associated with the loss of land by Mana Whenua and resulting inability to provide for Mana Whenua well-being</i></p> <p>(c) <i>The importance of cultural redress land and interests to Mana Whenua identity, integrity, and rangatiratanga; and</i></p> <p>(d) <i>The limited extent of commercial redress land available to provide for the economic well-being of Mana Whenua</i></p>	<p>(2) <i>Recognise and provide for all of the following matters in resource management processes, where a proposal affects land or resource subject to Treaty settlement legislation:</i></p> <p>(a) <i>the historical association of the claimant group with area, and any historical, cultural or spiritual values associated with the site or area</i></p> <p>(b) <i>any relevant memorandum of understanding between the Council and the claimant group</i></p> <p>(c) <i>any joint management and co-governance arrangement established under Treaty settlement legislation; and</i></p> <p>(d) <i>any other specific requirements of Treaty settlement legislation</i></p>	<p>▪ Noted. The Site does not form part of any cultural or commercial redress. This matter is addressed in section 16 of this report.</p>



<p>(4) <i>The development and use of Treaty Settlement Land is enabled in ways that give effect to the outcomes of Treaty settlements, recognising that:</i></p> <p>(a) <i>Cultural redress is intended to meet the cultural interests of Mana Whenua; and</i></p> <p>(b) <i>Commercial redress is intended to contribute to the social and economic development of Mana Whenua</i></p>	<p>(3) <i>Where Mana Whenua propose an activity on Treaty Settlement Land, the benefits for the wider community and environment provided by any property-specific protection mechanism, such as a covenant, shall be taken into account when considering the effects of the Proposal</i></p> <p>(4) <i>Enable the subdivision, use and development of land acquired as commercial redress for social and economic development</i></p> <p>(5) <i>Enable Mana Whenua to access, manage, use and develop cultural redress lands and interests for cultural activities and accessory activities</i></p>	<ul style="list-style-type: none"> <li>▪ Noted. The Site does not form part of any cultural or commercial redress. This matter is addressed in section 16 of this report.</li> </ul>
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#### B6.3 Recognising Mana Whenua values

<p>(1) <i>Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making</i></p>	<p>(2) <i>Integrate Mana Whenua values, mātauranga and tikanga:</i></p> <p>(a) <i>In the management of natural and physical resources within the ancestral rohe of Mana Whenua, including:</i></p> <p>(i) <i>ancestral lands, water, sites, wāhi tapu and other taonga</i></p> <p>(ii) <i>biodiversity; and</i></p> <p>(iii) <i>historic heritage places and areas</i></p> <p>(b) <i>In the management of freshwater and coastal resource, such as the use of rāhui to enhance ecosystem health</i></p> <p>(c) <i>In the development of innovative solutions to remedy the long-term adverse effects on historical,</i></p>	<ul style="list-style-type: none"> <li>▪ As set out above, FRL and Mana Whenua have established a strong relationship in terms of the planning of this site. Mana Whenua values will continue to be considered in the PPC.</li> <li>▪ The key values of importance to Mana Whenua regarding this Site are: <ul style="list-style-type: none"> <li>▪ Recognition that the historic lava caves within the wider Ellerslie Racecourse site were referred to as Waiatarua. This translates as “two songs”, the name refers to a waiata or song that emanated from caves. It was believed that this singing was created by water and air blowing from a larger cave into a smaller passage, making it vibrate.</li> <li>▪ Recognition and acknowledgement of the spiritual relationship with the maunga surrounding The Hill. This</li> </ul> </li> </ul>
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	<p><i>cultural and spiritual values from discharges to freshwater and coastal water; and</i></p> <p><i>(d) In resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources</i></p> <p><i>(3) Ensure that any AEE for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values</i></p> <p><i>(6) Require resource management decisions to have particular regard to potential impacts on all of the following:</i></p> <p><i>(a) The holistic nature of the Mana Whenua world view</i></p> <p><i>(b) The exercise of kaitiakitanga</i></p> <p><i>(c) Mauri, particularly in relation to freshwater and coastal resources</i></p> <p><i>(d) Customary activities, including mahinga kai</i></p> <p><i>(e) Sites and areas with significant spiritual or cultural heritage value to Mana Whenua; and</i></p> <p><i>Any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011</i></p>	<p>includes Maungakiekie, Maungawhau, Te Kopuke, Ōhinerau and Maungarei.</p> <ul style="list-style-type: none"> <li>▪ Recognition that the racecourse site was one associated with passage across the land between the Manukau Harbour and the Orakei Basin and beyond.</li> <li>▪ Recognition that the fertile lands of the racecourse and environs were historically used for growing crops and as a food source.</li> </ul> <p>These values are recognised and provided for in the provision for and design of the Belvedere Gardens view corridor, the trackside walkway and the Landscape Strategy.</p>
<p><i>(2) The mauri of, and the relationship of Mana Whenua with natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall</i></p>	<p><i>(1) Enable Mana Whenua to identify their values associated with all of the following:</i></p> <p><i>(a) Ancestral lanes, water, air, sites, wāhi tapu and other taonga</i></p> <p><i>(b) Freshwater including rivers, streams, aquifers, lakes, wetlands and associated values</i></p>	<ul style="list-style-type: none"> <li>▪ As per above, the CVA's received by three Iwi in the context of the fast-track application but also applicable to this PPC set out the values of each of the Iwi of relevance to this site.</li> <li>▪ Mana Whenua have also provided input into the stormwater management approach proposed for the development and support the use of treated stormwater from the site being</li> </ul>

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	<p>(c) <i>Biodiversity</i></p> <p>(d) <i>Historic heritage places and areas; and</i></p> <p>(e) <i>Air, geothermal and coastal resources</i></p> <p>(5) <i>Integrate Mana Whenua values, mātauranga and tikanga when giving effect to the NPSFW Management 2014 in establishing the following:</i></p> <p>(a) <i>Water quality limits for freshwater, including groundwater</i></p> <p>(b) <i>The allocation and use of freshwater resource, including groundwater; and</i></p> <p><i>Integrated management of the effects of the use and development of land and freshwater on coastal water and the coastal environment</i></p>	<p>used to irrigate the racetrack. This approach avoids stormwater from entering the reticulated network and discharging to the coastal marine area and is strongly supported by Mana Whenua.</p>
<p>(3) <i>The relationship of Mana Whenua and their customs and traditions with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources or historic heritage values is recognised and provided for</i></p>	<p>(4) <i>Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that do all of the following:</i></p> <p>(a) <i>Recognise the holistic nature of the Mana Whenua world view</i></p> <p>(b) <i>Recognise any protected customary right in accordance with the Marine and Coastal (Takutai Moana) Act 2011; and</i></p> <p>(c) <i>Restore or enhance the mauri of freshwater and coastal ecosystems</i></p>	<ul style="list-style-type: none"><li>▪ The key values of importance to Mana Whenua regarding this Site are:<ul style="list-style-type: none"><li>▪ Recognition that the historic lava caves within the wider Ellerslie Racecourse site were referred to as Waiatarua. This translates as “two songs”, the name refers to a waiata or song that emanated from caves. It was believed that this singing was created by water and air blowing from a larger cave into a smaller passage, making it vibrate.</li><li>▪ Recognition and acknowledgement of the spiritual relationship with the maunga surrounding The Hill. This includes Maungakiekie, Maungawhau, Te Kopuke, Ōhinerau and Maungarei.</li></ul></li></ul>

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- Recognition that the racecourse site was one associated with passage across the land between the Manukau Harbour and the Orakei Basin and beyond.
- Recognition that the fertile lands of the racecourse and environs were historically used for growing crops and as a food source.

These values are recognised and provided for in the provision for and design of the Belvedere Gardens view corridor, the trackside walkway and the Landscape Strategy.

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7.7.6 Issue 6 – Natural resources

AUCKLAND UNITARY PLAN - REGIONAL POLICY STATEMENT		
B7 NATURAL RESOURCES		
Objectives	Policies	Assessment
<b>B7.2 Indigenous biodiversity</b>		
(1) Areas of significant indigenous biodiversity value in terrestrial, freshwater and coastal marine areas are protected from the adverse effects of subdivision, use and development	<p>(1) Identify and evaluate areas of indigenous vegetation and the habitats of indigenous fauna in terrestrial and freshwater environments considering the following factors in terms of the descriptions contained in Schedule 3 Significant Ecological Areas – Terrestrial Schedule.</p> <p>(2) Include an area of indigenous vegetation or a habitat of indigenous fauna in terrestrial or freshwater environments in Schedule 3 of Significant Ecological Areas – Terrestrial Schedule if the area or habitat is significant.</p> <p>(3) Identify and evaluate areas of significant indigenous vegetation, and the significant habitats of indigenous fauna in the coastal marine area considering the descriptions contained in Schedule 4 Significant Ecological Areas – Marine Schedule.</p> <p>(4) Include an area of indigenous vegetation or a habitat of indigenous fauna in the coastal marine area in the Schedule 4 Significant Ecological Areas – Marine Schedule.</p>	<p>The ecological assessment undertaken states that there are no areas of indigenous vegetation and freshwater habitats that are of suitable value on the development site.</p> <p>The assessment considers the site in four separate ecological areas and analyses the value of each area. None of the areas meet the quality or quantity thresholds to warrant particular consideration or protection.</p> <p>The assessment identifies existing eels within the irrigation pond. These were placed there by the trackside manager and will be relocated prior to the pond being disestablished.</p>

	(5) <i>Avoid adverse effects on areas listed in the Schedule 3 Significant Ecological Areas – Terrestrial Schedule and Schedule 4 Significant Ecological Areas – Marine Schedule.</i>	
(2) <i>Indigenous biodiversity is maintained through protection, restoration and enhancement in area where ecological values are degraded, or where development is occurring.</i>		This matter is addressed above and it is confirmed that there are no areas of indigenous biodiversity that warrants protection.
<b>B7.3 Freshwater systems</b>		
(1) <i>Degraded freshwater systems are enhanced.</i>	(2) <i>Identify degraded freshwater systems</i> (3) <i>Promote the enhancement of freshwater systems identified</i> (6) <i>Restore and enhance freshwater systems where practicable when development, change of land use, and subdivision occur.</i>	<ul style="list-style-type: none"> <li>▪ No streams, rivers, wetlands or lakes are located on or adjoining the Site.</li> <li>▪ The existing manmade irrigation pond is to be relocated within the infield and will be utilised to receive, treat and re-use stormwater from the development. In addition to rain gardens and the proposed swale, the approach to managing the freshwater systems on site are supported.</li> </ul>
(2) <i>Loss of freshwater systems is minimised</i>	(4) <i>Avoid permanent loss and significant modification or diversion of lakes, rivers, streams (excluding ephemeral streams), and wetlands and their margins, unless all of the following apply:</i> <i>(a) it is necessary to provide for:</i> <i>i. the health and safety of communities; or</i> <i>ii. the enhancement and restoration of freshwater systems and values; or</i> <i>iii. the sustainable use of land and resources to provide for growth and development; or</i>	<ul style="list-style-type: none"> <li>▪ As above, no loss of freshwater systems is proposed as none exist on the application Site</li> </ul>

- iv. infrastructure.*
- (b) no practicable alternative exists*
  - (c) mitigation measures are implemented to address the adverse effects arising from the loss in freshwater system functions and values; and*
  - (d) where adverse effects cannot be adequately mitigated, environmental benefits including on-site or off-site works are provided.*
- (5) Manage subdivision, use, development, including discharges and activities in the beds of lakes, rivers, streams, and in wetlands, to do all of the following:*
- (a) protect identified Natural Lake Management Areas, Natural Stream Management Areas, and Wetland Management Areas*
  - (b) minimise erosion and modification of beds and banks of lakes, rivers, streams and wetlands*
  - (c) limit the establishment of structures within the beds of lakes, rivers and streams and in wetlands to those that have a functional need or operational requirement to be located there; and*
  - (d) maintain or where appropriate enhance:*
    - i. freshwater systems not protected under Policy B7.3.2(5)(a)*
    - ii. navigation along rivers and public access to and along lakes, rivers and streams*
    - iii. existing riparian vegetation located on the margins of lakes, rivers, streams and wetlands; and*
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*iv. areas of significant indigenous biodiversity*

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<p>(3) <i>The adverse effects of changes in land use on freshwater are avoided, remedied or mitigated.</i></p>	<p>(1) <i>Integrate the management of subdivision, use and development and freshwater systems by undertaking all of the following:</i></p> <p style="padding-left: 20px;">(a) <i>ensuring water supply, stormwater and wastewater infrastructure is adequately provided for in areas of new growth or intensification</i></p> <p style="padding-left: 20px;">(b) <i>ensuring catchment management plans form part of the structure planning process</i></p> <p style="padding-left: 20px;">(c) <i>controlling the use of land and discharges to minimise the adverse effects of runoff on freshwater systems and progressively reduce existing adverse effects where those systems or water are degraded; and</i></p> <p style="padding-left: 20px;">(d) <i>avoiding development where it will significantly increase adverse effects on freshwater systems, unless these adverse effects can be adequately mitigated.</i></p>	<ul style="list-style-type: none"> <li>▪ Water supply, stormwater and wastewater infrastructure is adequately provided for within the local area, with localised upgrades and new connections proposed to support this PPC.</li> <li>▪ The sophisticated stormwater system proposed will ensure the majority of stormwater entering the public system is treated and minimised. Existing stormwater from the Derby Downs Place catchment is not currently treated.</li> <li>▪ Stormwater effects on downstream users are no greater than the existing scenario so there are no additional properties adversely affected by the development.</li> <li>▪ The Onehunga Volcanic Aquifer which partially underlies the PC site will not be affected by the PPC's subsequent development. No bore water is proposed to be taken and discharges will not contain contaminants.</li> </ul>
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***B7.4 Coastal water, freshwater and geothermal water***

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<p>(1) <i>Coastal water, freshwater and geothermal water are used within identified limits while safeguarding the life-supporting capacity and the neutral, social and cultural values of the waters.</i></p>	<p>(1) <i>Integrate the management of subdivision, use, development and coastal water and freshwater by:</i></p> <p style="padding-left: 20px;">(a) <i>ensuring water supply, stormwater and wastewater infrastructure is adequately provided for in areas of growth; and</i></p> <p style="padding-left: 20px;">(b) <i>requiring catchment management planning as part of structure planning</i></p>	<ul style="list-style-type: none"> <li>▪ The Site and locality is well-provisioned with three-waters service infrastructure. There is capacity within the reticulated public networks to service the proposed development, with only localised upgrades and new connections required.</li> <li>▪ Earthworks and contamination remediation works can be managed to minimise adverse effects of runoff on water quality within the downstream receiving environments.</li> </ul>
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	<p>(c) <i>controlling the use of land and discharges to minimise the adverse effects of runoff on water and progressively reduce existing adverse effects where those waters are degraded; and</i></p> <p>(d) <i>avoiding development where it will significantly increase adverse effects on water, unless these adverse effects can be adequately mitigated.</i></p> <p>(2) <i>Give effect to the National Policy Statement for Freshwater Management 2014 by establishing all of the following:</i></p> <p>(a) <i>freshwater objectives</i></p> <p>(b) <i>freshwater management units and, for each unit:</i></p> <p style="padding-left: 20px;"><i>i. values</i></p> <p style="padding-left: 20px;"><i>ii. water quality limits</i></p> <p style="padding-left: 20px;"><i>iii. environmental flows and / or levels; and</i></p> <p>(c) <i>targets and implementation methods where freshwater units do not meet freshwater objectives.</i></p>	<ul style="list-style-type: none"><li>▪ The NPS Freshwater Management is not relevant to this application as the development does not affect any wetlands or natural drainage systems that are subject to the NPS FW and there are no coastal interfaces that would be adversely affected by the PPC.</li></ul>
<p>(2) <i>The quality of freshwater and coastal water is maintained where it is excellent or good, and progressively improved over time where it is degraded.</i></p>	<p>(4) <i>Identify areas of coastal water and freshwater bodies that have been degraded by human activities.</i></p> <p>(6) <i>Progressively improve water quality in areas identified as having degraded water quality through managing subdivision, use, development and discharges.</i></p> <p>(7) <i>Manage the discharges of contaminants into water from subdivision, use and development to avoid where practicable, and otherwise minimise, all of the following:</i></p>	<ul style="list-style-type: none"><li>▪ As noted, the proposed earthworks and contamination remediation works can be undertaken in a manner that minimises adverse effects on downstream receiving environments. The measures to be implemented through the Erosion and Sediment Control Plan and the Contaminated Site Management Plan are designed to ensure the outcomes stated in these policies are achieved.</li><li>▪ The Onehunga Volcanic Aquifer which partially underlies the PC site will not be affected by the PPC's subsequent</li></ul>

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	<p>(a) significant bacterial contamination of freshwater and coastal water</p> <p>(b) adverse effects on the quality of freshwater and coastal water</p> <p>(c) adverse effects from contaminants, including nutrients generated on or applied to land, and the potential for these to enter freshwater and coastal water from both point and non-point sources.</p> <p>(d) adverse effect on Mana Whenua values associated with coastal water, freshwater and geothermal water, including wāhi tapu, wāhi taonga and mahinga kai; and</p> <p>(e) adverse effects on the water quality of catchments and aquifers that provide water for domestic and municipal supply.</p>	<p>development. No bore water is proposed to be taken and discharges will not contain contaminants.</p>
<p>(3) Freshwater and geothermal water is allocated efficiently to provide for social, economic and cultural purposes.</p>	<p>(11) Promote the efficient allocation of freshwater and geothermal water by all of the following:</p> <p>(a) establishing clear limits for water allocation</p> <p>(b) avoiding over-allocation of water, including phasing out of any existing over-allocation</p> <p>(c) safeguarding spring flows, surface waterbody base flows, ecosystem processes, life-supporting capacity, the recharge of adjacent aquifers and geothermal temperature and amenity.</p> <p>(d) providing for the reasonable requirements of domestic and municipal water supplies.</p>	<p>▪ Not applicable.</p>

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*(12) Promote the efficient use of freshwater and geothermal water.*

*(13) promote the taking of groundwater rather than the taking of water from rivers and streams in areas where ground is available for allocation.*

*(14) Enable the harvesting and storage of freshwater and rainwater to meet increasing demand for water and to manage water scarcity conditions, including those made worse by climate change.*

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*(4) The adverse effects of point and non-point discharges, in particular stormwater runoff and wastewater discharges, on coastal waters, freshwater and geothermal water are minimised and existing adverse effects are progressively reduced.*

- All stormwater exiting the development site is via on site connections to the irrigation pond, on site soakage, the Lonsdale Street reticulated network or the 1950 public stormwater pipe. The site includes rain gardens and a swale. These measures are used to treat stormwater prior to discharge to the above options.

- The above treatment train approach will ensure adverse effects relating to the quality of stormwater discharges are appropriately avoided, remedied or mitigated.

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*(5) The adverse effects from changes in or intensification of land use on coastal water and freshwater quality are avoided, remedied or mitigated.*

*(8) Minimise the loss of sediment from subdivision, use and development, and manage the discharge of sediment into freshwater and coastal water, by:*

*(a) promoting the use of soil conservation and management measures to retain soil and sediment on land; and*

*(b) requiring land disturbing activities to use industry best practice and standards appropriate to the*

- Sedimentation from the proposed development will be minimised through the implementation of best practice site management / erosion management and contamination management measures that will be controlled via the conditions of consent and relevant management plans.

- The proposed stormwater management approach is considered to at least maintain but also marginally improve

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- nature and scale of the land disturbing activity and the sensitivity of the receiving environment.*
- (9) *Manage stormwater by all of the following:*
- (a) *requiring subdivision, use and development to:*
    - i. *minimise the generation and discharge of contaminants; and*
    - ii. *minimise adverse effects on freshwater and coastal water and the capacity of the stormwater network*
  - (b) *adopting the best practicable option for every stormwater diversion and discharge; and*
  - (c) *controlling the diversion and discharge of stormwater outside of areas serviced by a public stormwater network.*
- (10) *Manage the adverse effects of wastewater discharges to freshwater and coastal water by all of the following:*
- (a) *ensuring that new development is supported by wastewater infrastructure with sufficient capacity to service the development*
  - (b) *progressively reducing existing network overflows and associated adverse effects by all of the following:*
    - i. *making receiving environments that are sensitive to the adverse effects of wastewater discharges a priority*
    - ii. *adopting the best practicable option for preventing or minimising the adverse effects of discharges*
- the quality of stormwater discharged to the downstream receiving environment.
- Wastewater is to be discharged to the reticulated public network.
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*from wastewater networks including works to reduce overflow frequencies and volumes*

*iii. ensuring plans are in place for the effective operation and maintenance of the wastewater network and to minimise dry weather overflow discharges.*

*iv. ensuring processes are in place to mitigate the adverse effects of overflows on public health and safety and the environment where the overflows can occur.*

*(c) Adopting the best practicable option for minimising the adverse effects of discharges from wastewater treatment plans; and*

*(d) ensuring on-site wastewater systems avoid significant adverse effects on freshwater and coastal water.*

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*(6) Mana Whenua values, matauranga and tikanga associated with coastal water, freshwater and geothermal water are recognised and provided for, including their traditional and cultural uses and values.*

*(3) Integrate Mana Whenua values, matauranga and tikanga when giving effect to the National Policy Statement for Freshwater Management 2014 in establishing all of the following:*

*(a) water quality limits for freshwater, including groundwater*

*(b) the allocation and use of freshwater resources, including groundwater*

*(c) measures to improve the integrated management of the effects of the use and development of land*

▪ Mana Whenua values are recognised within the development as outlined above in this report.

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*and freshwater on coastal water and the coastal environment.*

- (5) *Engage with Mana Whenua to:*
- (a) *identify areas of degraded coastal water where they have a particular interest: and*
  - (b) *remedy or, where remediation is not practicable, mitigate adverse effects on these degraded areas and values.*

**B7.5 Air**

<p>(1) <i>The discharge of contaminants to air from use and development is managed to improve region-wide air quality, enhance amenity value in urban areas and to maintain air quality at appropriate levels in rural and coastal areas</i></p>	<p>(2) <i>Implement Policies B7.5.2(1)(a)-(f) by a combination of regulatory and non-regulatory methods that include:</i></p> <ul style="list-style-type: none"> <li>(a) <i>managing industrial discharges to air</i></li> <li>(b) <i>reducing emissions from domestic fires; and</i></li> <li>(c) <i>reducing emissions from motor vehicles.</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ As noted above, this PPC will support the transition to public transport and active transport modes and by doing so support reductions in emissions from motor vehicles.</li> </ul>
<p>(2) <i>Industry and infrastructure are enabled by providing for reduced ambient air quality amenity in appropriate locations.</i></p>		<ul style="list-style-type: none"> <li>▪ Not applicable</li> </ul>
<p>(3) <i>Avoid, remedy or mitigate adverse effects from discharges of contaminants to air for the purpose of protecting human health, property and the environment.</i></p>	<p>(1) <i>Manage discharge of contaminants to air from use and development to:</i></p> <ul style="list-style-type: none"> <li>(a) <i>avoid significant adverse effects on human health and reduce exposure to adverse air discharges</i></li> <li>(b) <i>control activities that use or discharge noxious or dangerous substances</i></li> <li>(c) <i>minimise reverse sensitivity effects by avoiding or mitigating potential land use conflict between</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ Not applicable</li> </ul>

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*activities that discharge to air and activities that are sensitive to air discharges*

*(d) protect activities that are sensitive to the adverse effects of air discharges*

*(e) protect flora and fauna from the adverse effects of air discharges*

*(f) enable the operation and development of infrastructure, industrial activities and rural production activities that discharge contaminants into air, by providing for low air quality amenity in appropriate locations.*

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**B7.6 Minerals**

- (1) Auckland's mineral resources are effectively and efficiently utilised.*
- (1) Provide for mineral extraction activities within appropriate areas to ensure a secure supply of extractable minerals for Auckland's continuing development*
- (2) Encourage the use of recycled mineral material, construction waste and demolition waste to supplement mineral supply*
- (3) Identify extractable mineral deposits for future use and safeguard the areas containing regionally significant extractable deposits from inappropriate land use and development*
- (4) Require mineral extraction activities to be established and operated in ways which avoid, remedy or mitigate significant adverse effects on the environment.*
- Not applicable
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- (5) *Avoid locating sensitive activities adjacent to regionally significant mineral resources unless they can avoid compromising existing and future mineral extraction.*
- (6) *Enable industries that use the products of mineral extraction activities to locate on sites adjoining quarry zones.*
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### **7.7.7 Issue 7 – The coastal environment**

Chapter B8 (Toitū te taiwhenua – Coastal Environment) of the Unitary Plan sets out the regional level objectives and policies relative to issue B8.1, being:

*Auckland’s coastal environment is a fundamental part of the region’s identity. It has high natural, social and cultural values, and economic uses. It is one of the most desirable places in New Zealand for living and recreation.*

*Subdivision, use and development within the coastal environment need to be in an appropriate location and of an appropriate form.*

*Some forms of subdivision, use and development are dependent for their operation on the natural and physical resources of the coastal environment or on their location in the coastal environment, and provision needs to be made for these in appropriate locations.*

I have reviewed the objectives and policies of Chapter B8 in full, but on the basis that the Site is located outside the coastal environment I have not set out each and responded to them individually. This geographic separation means that the objectives and policies are generally not relevant to the application, as they focus on activities, subdivision, use and development within the coastal environment. Regarding the objectives and policies at B8.2 (Natural character), B8.3 (Subdivision, use and development) and B.4 (Public access and open space) and to the extent possible given the physical separation to the coastal environment, I consider that the Proposal is not inconsistent with those stated outcomes.



I note that the commentary provided at section 10.5.1 of this report relating to the Hauraki Gulf Marine Park Act 2000 is relevant to the objectives and policies at B8.5 (Managing the Hauraki Gulf / Te Moana o Toi / Tikapa Moana). That commentary relates to the management of construction processes on the Site to ensure that sedimentation and other contamination does not enter the Hauraki Gulf, being the ultimate receiving environment in this case. To the extent possible given the separation to the coastal environment I consider that the Proposal supports and contributes to the high-level outcomes of the objectives and policies at B8.1 and B8.2 respectively.

### *7.7.8 Issue 8 – The rural environment*

Chapter B9 (Toitū te tuawhenua – Rural Environment) of the Unitary Plan sets out the regional level objectives and policies relative to issue B9.1, being:

*The Auckland region is not just the location of New Zealand’s largest city. Most of the Auckland region’s land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries, forestry and rural recreation. The rural parts of Auckland also contain important natural resources including native bush, significant ecological areas and outstanding natural landscapes. The contributions made by rural areas and rural communities to the well-being of the region must be acknowledged and enabled.*

*The outward expansion of urban areas and people’s lifestyle choices and recreational activities place significant pressures on maintaining the amenity values and the quality of the environment in rural areas. Specific issues in the Auckland region are:*

- *Protecting the finite resources of elite quality soils from urban expansion*
- *Managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities*
- *Addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and*
- *Managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.*

I have reviewed the objectives and policies of Chapter B9 in full, but on the basis that the Site is not located within the rural environment I have not set out each and responded to them individually. Regarding the objectives and policies at B9.2 (Rural activities), B9.3 (Land with high productive potential) and B9.4 (Rural subdivision), I consider that the PPC is not inconsistent with the stated high-level outcomes. The application seeks intensive residential development with the Auckland Isthmus area and does not undermine the objectives and policies of the Unitary Plan related to the protection and management of the rural environment.

7.7.9 Issue 9 – Environmental risk

AUCKLAND UNITARY PLAN - REGIONAL POLICY STATEMENT		
B10 ENVIRONMENTAL RISK		
Objectives	Policies	Assessment
<b>B10.2 Natural hazards and climate change</b>		
<p>(1) <i>Communities are more resilient to natural hazards and the effects of climate change</i></p>	<p>(1) <i>Identify areas potentially affected by natural hazards, giving priority to those at high risk of being affected, particularly in the coastal environment.</i></p> <p>(2) <i>Undertaken natural hazard identification and risk assessments as part of structure planning</i></p> <p>(3) <i>Ensure the potential effects of climate change are taken into account when undertaking natural hazard risk assessments</i></p> <p>(4) <i>Assessment natural hazard risks:</i></p> <p>(a) <i>using the best available and up-to-date hazard information; and</i></p> <p>(b) <i>across a range of probabilities of occurrence appropriate to the hazard, including, at least a 100-year timeframe for evaluating flooding and coastal hazards</i></p> <p>(5) <i>Manage subdivision, use and development of land subject to natural hazards based on all of the following:</i></p> <p>(a) <i>the type and severity of potential events, including the occurrence natural hazard events in combination</i></p>	<ul style="list-style-type: none"> <li>▪ The Site is not subject to any coastal inundation overlay</li> <li>▪ The Site is subject to flooding as identified by the Council GIS system. The above analysis and the SMP confirm that no additional flooding will result from the proposed development. In addition, a significant quantum of stormwater will be reused on site to irrigate the new racetrack.</li> <li>▪ Climate change has been taken into account in terms of assessing future stormwater flows / capacities and the impacts of the Proposal.</li> <li>▪ The geotechnical assessment confirms that the Site is suitable for the proposed development subject to standard construction methodologies being implemented.</li> </ul>

*(b) the vulnerability of the activity to adverse effects, including the health and safety of people and communities, the resilience of property to damage and the effects on the environment; and*

*(c) the cumulative effects of locating activities on land subject to natural hazards and the effects on other activities and resources.*

*(6) Adopt a precautionary approach to natural hazard risk assessment and management in circumstances where:*

*(a) the effects of natural hazards and the extent to which climate change will exacerbate such effects are uncertain but may be significant, including the possibility of low-probability but high potential impact events; or*

*(b) the level of information on the probability and / or impacts of the hazard is limited.*

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*(2) The risks to people, property, infrastructure and the environment from natural hazards are not increased in existing development areas.*

*(7) Avoid or mitigate the effects of activities in areas subject to natural hazards, such as earthworks, changes to natural and built drainage systems, vegetation clearance and new or modified structures, so that the risks of natural hazards are not increased.*

*(8) Manage the location and scale of activities that are vulnerable to the adverse effects of natural hazards so that the risk of natural hazards to people and property are not increased.*

- As above
  - The application site itself is not subject to a known natural hazard risk however flood risk existing over the adjoining racecourse land and to the north-east (Abbotts Way) and the south (Lonsdale Street). In order to manage these effects, a Stormwater Management Plan has been approved by Auckland Council and the PPC includes provisions to ensure that development is in accordance with this SMP or that any alternative stormwater management measures do not result in any increased flood effects.
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*(9) Encourage activities that reduce, or do not increase, the risks posed by natural hazards, including any of the following:*

*(a) protecting and restoring natural landforms and vegetation*

*(b) manage retreat by relocation, removal or abandonment of structures*

*(c) replacing or modifying existing development to reduce risk without using hard protection structures*

*(d) designing for relocatable or recoverable structures;  
or*

*(e) providing for low-intensity activities that are less vulnerable to the effects of relevant hazards, including modifying their design and management.*

*(10) Encourage redevelopment on land subject to natural hazards to reduce existing risks and ensure no new risks are created by using a range of measures such as any of the following:*

*(a) the design and placement of buildings and structures*

*(b) managing activities to increase their resilience to hazard events; or*

*(c) change of use to a less vulnerable activity.*

*(12) Minimise the risks from natural hazards to new infrastructure which functions as a lifeline utility by:*

*(a) assessing the risks from a range of natural hazard events including low probability but high potential*

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	<p><i>impact events such as tsunamis, earthquake and volcanic eruptions.</i></p> <p><i>(b) utilising design, location and network diversification to minimise the adverse effects on infrastructure and to minimise the adverse effects on the community from the failure of that infrastructure.</i></p>	
<p><i>(3) New subdivision, use and development avoid the creation of new risks to people, property and infrastructure</i></p>		<p>The proposed development will not give rise to these risks.</p>
<p><i>(4) The effects of climate change on natural hazards, including effects on sea level rise and on the frequency and severity of storm events, is recognised and provided for</i></p>	<p><i>(13) Require areas potentially affected by coastal hazards over the next 100 years to do all of the following:</i></p> <p><i>(a) avoid changes in land use that would increase the risk of adverse effects from coastal hazards</i></p> <p><i>(b) do not increase the intensity of activities that are vulnerable to the effects of coastal hazards beyond that enabled by the Plan</i></p> <p><i>(c) in the event of redevelopment, minimise natural hazard risks through the location and design of development; and</i></p> <p><i>(d) where it is impracticable to locate infrastructure outside of coastal hazard areas, then ensure coastal hazard risks are mitigated.</i></p>	<ul style="list-style-type: none"><li>As noted above, climate change has been taken into account in terms of assessing future stormwater flows / capacities and the impacts of the PPC on these. The PPC will not give rise to these risks.</li></ul>
<p><i>(5) The functions of natural systems, including floodplains, are protected from inappropriate subdivision, use and development</i></p>	<p><i>(11) Strengthen natural systems such as flood plains, vegetation and riparian margins, beaches and sand dunes in preference to using hard protection structures.</i></p>	<ul style="list-style-type: none"><li>The PPC does not adversely impact the function of natural systems.</li></ul>

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(6) *The conveyance function of overland flow paths is maintained.*

Overland flow paths have been taken into consideration in the design of stormwater management for the development. While some overland flow paths are amended the overall stormwater and flooding effects are no different to the existing scenario.

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***B10.3 Land – Hazardous substances***

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(1) *The environment is protected from adverse effects associated with the storage, use, disposal and transport of hazardous substances*

(1) *Manage the use and development of land for hazardous facilities and industrial or trade activities to avoid adverse effects on human health and the environment and remedy or mitigate these effects where they cannot be avoided.*

▪ Not applicable

(2) *Manage the use and development of land for hazardous facilities:*

(a) *so that such facilities are resilient to the effects of natural hazards*

(b) *to avoid, remedy or mitigate adverse effects on people and property*

(c) *to avoid as far as practicable the contamination of air, land and water; and*

(d) *to minimise risks caused by natural hazards.*

(3) *Manage the effects associated with use and development of land for hazardous facilities by all of the following:*

(a) *restricting the establishment of sensitive activities near hazardous facilities or areas identified for hazardous facilities if the activities are likely to be adversely affected by a hazardous facilities or if*

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*they have the potential to limit the operation of the hazardous facilities*

*(b) ensuring new hazardous facilities are not located near sensitive activities unless significant adverse effects, including cumulative effects, are avoided and other adverse effects are mitigated; and*

*(c) providing areas for hazardous facilities away from sensitive activities so that the facilities may carry out their operations without unreasonable constraints.*

*(2) The storage, use, disposal and transport of hazardous substances are provided for and the social and economic benefits of these activities are recognised.*

▪ Not applicable

***B10.4 Land - Contaminated***

*(1) Human health and the quality of air, land and water resources are protected by the identification, management and remediation of land that is contaminated.*

*(1) Identify land that is or may be contaminated based on:*  
*(a) sites known to have supported contaminating land use activities in the past*  
*(b) sites with a significant potential risk to human health; or*  
*(c) sites having significant adverse effects on the environment.*

*(2) Land which may be contaminated due to having supported contaminating land use activities in the past but has not been investigated will be identified as being potentially contaminated.*

*(3) Manage or remediate land that is contaminated where:*

The NES Contaminated Soil ensures that land affected by contaminants is appropriately identified, assessed, and if necessary remediated before it is developed. As noted earlier in this report PDP Consultants have prepared a PSI, DSI, SMP and RAP for the site. The supporting documents are included with this PPC application.

The resulting analysis confirms there is no reason why the land should not be rezoned from Major Recreation to Residential.



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- (a) the level of contamination renders the land unsuitable for its existing or proposed use; or*
  - (b) the discharge of contaminants from the land is generating or is likely to generate significant adverse effects on the environment; or*
  - (c) development of subdivision of land is proposed.*

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***B10.5 Genetically modified organisms***

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|---|---|------------------|
| <i>(1) The natural and physical resources of Auckland are protected from adverse effects of the outdoor use of genetically modified organisms</i> | <i>(1) Adopt a cautious approach, including adaptive responses, to the outdoor use of genetically modified organisms.</i> | ▪ Not applicable |
|---|---|------------------|
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### 7.7.10 RPS conclusion

Overall, and on the basis of the preceding detailed assessment, I consider that this PPC directly supports the high-level policy matters set out in the Unitary Plan RPS chapters relating to 'Urban Growth and Form', 'Infrastructure, transport and energy', 'Natural heritage' and 'Issues of significance to Mana Whenua' and is not inconsistent with the other objectives and policies as set out in the RPS. The following key points are noted in summary:

#### Urban form and growth

- High amenity residential intensification in an appropriate, well-connected location that supports a 'quality compact urban form'.
- The PPC seeks intensification within an existing urban area rather than greenfield by virtue of it being part of the Ellerslie Racecourse.
- The PPC has been designed to sit within the context of the volcanic cones of Auckland with the development enabling appreciation of the five maunga in the vicinity.
- A variety of housing options are provided (in terms of apartment size and arrangement), with a clear desire to encourage a variety of future occupants and price points.

#### Infrastructure, transport and growth

- The PPC sits within an existing urban area and is able to be undertaken largely within the context of existing public investment in infrastructure, rather than the significant investment that generally accompanies proposals within greenfield areas.
- Through a combination of location, reliance on existing public investment in public and active transport infrastructure, FRL is targeting a trip mode share biased towards active and public transport options.

#### Natural heritage

- The PPC does not intercept or undermine any existing identified locally or regionally significant viewshafts, or interrupt views between maunga.
- The PPC has been designed to sit within the context of the volcanic cones of Auckland, and in particular the five maunga in the vicinity of the Site.
- The PPC recommends the scheduling of one Pohutukawa Tree as a Notable Tree along the Ladies Mile frontage. This is supported by an arborist's assessment. The tree is identified by a triangle on Precinct Plan 2 of the PPC.

### Issues of significance to Mana Whenua

- While there are no identified sites of significance to mana whenua on the application Site, FRL and ATR acknowledges the importance of this area to mana whenua and has been engaging with iwi to gain a full understanding of cultural values, history and outcomes sought for the area. Three CIAs have been prepared and received to inform this understanding. The values identified as relevant for the site have been incorporated into the PPC.

### Proposed RPS Plan Change Well-Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters

On 18 August 2022, Auckland Council publicly notified changes to the RPS to address the requirements of the NPS UD. The RPS plan change addresses well-functioning urban environments, resilience to the effects of climate change and qualifying matters. The Council decisions to PC80 have been released on 14 September 2023 and the appeal period closed on 27 October 2023. There has been an appeal lodged to PC80 and therefore the plan change is not yet operative.

This plan changes as well as Plan Changes 78 and 79 which relate to the Unitary Plan provisions are addressed in the following section of this report.

However, overall, it is considered that the PPC gives effect to the RPS including the amendments proposed through PC80.

## 7.8 Auckland Unitary Plan

The following section analyses the relevant chapters of the AUP.

### 7.8.1 Objectives and policies

The objectives and policies as set out in the following sections are considered relevant to the consideration of this application:

- Chapter H26: Special Purpose – Major Recreation Facility Zone
- Chapter I313: Ellerslie Racecourse Precinct
- Chapter E8: Stormwater Discharge & Diversion
- Chapter E11: Land Disturbance Regional
- Chapter E12: Land Disturbance (District)

- Chapter E27: Transport
- Chapter E36: Natural Hazards & Flooding
- Chapter D13: Notable Trees Overlay

An assessment against the above objectives and policies is undertaken in the tables that follow.

AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - OBJECTIVES AND POLICIES

CHAPTER H26 – Special Purpose – Major Recreation Facility Zone

H26.2 Objectives

H26.3 Policies

Assessment

Objectives for the Special Purpose – Major Recreation Facility Zone

<p>1. Major recreation facilities are protected and enabled to provide for the social and economic well-being of people and communities.</p>	<p>(1) Enable the safe and efficient operation of the primary activities within each precinct.</p>	<p>The purpose of the zone is to appropriately manage facilities within Auckland that are capable of hosting large scale events.</p>
<p>2. Adverse effects generated by the operation, development, redevelopment and intensification of major recreation facilities are avoided, remedied or mitigated as far as is practical.</p>	<p>(2) Provide for a range of appropriate accessory and compatible activities within the precincts.</p>	<p>Major recreation facilities are large multi-functional sites with an indoor visitor capacity exceeding 1,000 people or the overall ability to exceed 10,000 people. With regard to the PPC, although it does not propose either a primary or ancillary major recreation activity, it will ensure the facility is protected and enabled to provide for the social and economic well-being of people and communities. This is enabled through the sale and redevelopment of the Remuera Precinct.</p>
<p>3. Major recreation facilities are protected from the reverse sensitivity effects of adjacent activities</p>	<p>(3) Discourage activities that may give rise to adverse effects on:</p>	<p>Major recreation facilities are large multi-functional sites with an indoor visitor capacity exceeding 1,000 people or the overall ability to exceed 10,000 people. With regard to the PPC, although it does not propose either a primary or ancillary major recreation activity, it will ensure the facility is protected and enabled to provide for the social and economic well-being of people and communities. This is enabled through the sale and redevelopment of the Remuera Precinct.</p>
	<p>(a) the function, role, or amenity of any metropolitan town or local centre beyond those effects ordinarily associated with trade effects on trade competitors; and</p>	
	<p>(b) the safe and efficient operation of the transport network.</p>	<p>The rezoning of the PPC land will remove approximately 6.2 hectares from the Ellerslie Racecourse, however the racecourse land will still total approximately 48 hectares. This is sufficient space to continue to operate the Ellerslie Racecourse as well as the function centre. The function centre will continue to be able to accommodate 1,000 plus people indoors while the racecourse will continue to be able to accommodate 20,000 plus visitors.</p>
	<p>(4) Avoid, remedy or mitigate the adverse effects of major recreation facilities on adjacent development.</p>	
	<p>(5) Enable the appropriate development and redevelopment of buildings whilst managing the adverse effects at the precinct interface.</p>	
	<p>(6) Recognise the potential for major recreation facilities to give rise to reverse sensitivity effects and require new activities that are likely to be sensitive to these effects generated within the precinct to manage the risk of generating reverse sensitivity effects.</p>	
	<p>(7) Recognise the potential for major recreation facilities to give rise to reverse sensitivity effects and require new activities that are likely to be sensitive to these effects generated within the precinct to manage the risk of generating reverse sensitivity effects.</p>	<p>The proposed residential zoning on The Hill will not adversely affect the ongoing operation of the major recreation activity as the noise generating activities of the facility will be located</p>

approximately 500 metres or more from The Hill. Additionally, the residential accommodation activities will be constructed using modern construction methodologies in accordance with the Building Code. Compliance with the code provides thermal insulation and this can also provide acoustic mitigation of external noise effects. Lightning effects from the golf activities will also be mitigated through design of the development (living areas oriented away from the golf activities) and through the design of the external lights, which are directed away from The Hill.

As a result, the PPC is considered to be complementary to the Major Recreation Facility zone objectives and policies.

## AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - OBJECTIVES AND POLICIES

### CHAPTER I313 – Ellerslie Racecourse Precinct

I313.2 Objectives	I313.3 Policies	Assessment
<p>(1) <i>The Ellerslie Racecourse is protected as a regionally and nationally important venue for all of the following primary activities:</i></p> <ul style="list-style-type: none"> <li>a) <i>horse racing activities;</i></li> <li>b) <i>organised sport and recreation;</i></li> <li>c) <i>informal recreation;</i></li> <li>d) <i>concerts, events and festivals;</i></li> <li>e) <i>markets, fairs and trade fairs;</i></li> <li>f) <i>functions, conferences, gatherings and meetings;</i></li> </ul> <p><i>and</i></p>	<p>(1) <i>Enable the safe and efficient operation of the Ellerslie Racecourse for its primary activities.</i></p> <p>(2) <i>Protect the primary activity of the Ellerslie Racecourse from the reverse sensitivity effects of adjacent development.</i></p>	<p>The assessment above (for the Major Recreation Zone) also applies to this precinct and should be considered as part of the assessment of the precinct objectives and policies also.</p> <p>The primary activities relating to the Ellerslie Racecourse Precinct will be able to continue on the racecourse site. The creation of the Remuera Precinct will not compromise the racecourse activity from being able to continue to operate from the racecourse land.</p>

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<p><i>g) displays and exhibitions.</i></p>		<p>The conference and function venue will also be able to continue to operate even with the rezoning proposed..</p>
<p><i>(2) A range of activities compatible with, or accessory to, the primary activities are enabled.</i></p>	<p><i>(3) Enable a range of accessory and compatible activities where they achieve all of the following:</i> <i>(a) avoid, remedy or mitigate adverse effects; and</i> <i>(b) are of a character and scale which will not displace the primary activities</i></p>	<p>The accessory and compatible activities include support activities to the primary activities, filming activities, sport, recreation and community activities, care centres, education facilities, healthcare facilities, small scale food and beverage activities and offices, licensed premises and small scale retail activities. The resource consent includes a 150m<sup>2</sup> ancillary retail unit (potentially a café which is a permitted activity) under the current zoning and therefore the proposal can be considered to include an element of supported compatible activities. This will not compromise the zoning proposed in the PPC as the THAB zoning enables restaurants and cafes up to 100m<sup>2</sup> per site as a restricted discretionary activity. Given this, it is not considered necessary to include specific provision for food and beverage activities within the PPC.</p> <p>Overall, however it is considered the PPC will not compromise the potential for accessory and compatible activities to be established on racecourse site.</p>
<p><i>(4) The adverse effects of the operation of the Ellerslie Racecourse are avoided, remedied or mitigated as far as is practicable recognising that the primary activities will by virtue of their nature, character, scale and intensity, generate adverse effects on surrounding land uses which are not able to be fully internalised.</i></p>	<p><i>(4) Manage the adverse effects of the operation of the Ellerslie Racecourse, having regard to the amenity of surrounding properties.</i> <i>(5) Recognise that the Ellerslie Racecourse's primary activities may generate adverse effects that are not able to be fully internalised and may need to be further mitigated by</i></p>	<p>The assessment above (for the Major Recreation Zone) also applies to this precinct and should be considered as part of the assessment of the precinct objectives and policies also.</p> <p>The PPC involves the removal of the ICA standard as it applies to this Precinct. The ICA has been removed as it is a method</p>

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*limiting or controlling their scheduling, duration and frequency.*

used for application over the Major Recreation Facility zone to manage effects on adjoining or adjacent residential zones. Given that the Major Recreation Facility zone enables large and potentially monolithic structures such as grandstands or workshops as permitted activities the 20m ICA is considered appropriate. However, with the rezoning of the land to residential and the associated residential standards and matters of discretion/assessment criteria which will prevent large monolithic structures from being constructed (even in the 25m building height THAB zones), the ICA standard is no longer considered to be the most appropriate. Further, it does not need to be imposed over the boundary between the Precinct and the Ellerslie Racecourse Precinct as the interface is separated by the racetrack which is approximately 30m wide. This approach is similar to the way the interface between the Ellerslie 1 Precinct and the Ellerslie Racecourse Precinct is dealt with in the operative AUP provisions.

In summary, PPC is not considered to create reverse sensitivity effects on the primary activities of the racecourse even when considering that the primary activities cannot (and are not expected to) internalise any adverse effects.

Overall, it is considered the PPC is complementary to the precinct objectives and policies.

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AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - OBJECTIVES AND POLICIES

CHAPTER H5 – Residential THAB zone objectives and policies

CHAPTER H6 – Residential Mixed Housing Urban zone objectives and policies

These zones are proposed to be used for this PPC. It is considered the PPC is consistent with the purpose, objectives and policies of these zones and will enable developed envisaged within these zones. The additional height proposed within the THAB zone has been confirmed as acceptable by the fast track consent and is reflected in the proposed height for the THAB zoned sites.

AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - OBJECTIVES AND POLICIES

CHAPTER E8 – Stormwater Discharge & Diversion – Refer to E1 for Relevant Objectives and Policies

E1.2 Objectives	E1.3 Policies	Assessment
(1) <i>Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas</i>	(3) <i>Require freshwater systems to be enhanced unless existing intensive land use and development has irreversible modified them such that is practicably precludes enhancement</i>	As detailed above in this report and within the SMP, it is proposed to introduce a comprehensive stormwater management approach which includes raingardens, a swale, discharge to an irrigation pond for re-use within the site, discharge to the existing Lonsdale Street reticulated network and discharge to the existing 1950 public stormwater pipe within the site (then to the Waiatarua stormwater management wetland. Overall, this approach will enable enhancement of stormwater quality and stormwater sediment load and volume discharge from the site.
(2) <i>The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua</i>		The stormwater management approach outlined above will result in quality treatment of stormwater and reuse within the site. This supports the maintenance of the life force of freshwater for the following reasons:

- Restoring the mauri of water by passing runoff within an open water swale along the track edge and in the irrigation pond. Treating and reusing stormwater within the site maintains the life force of the catchment as opposed to discharging the stormwater outside the site (even though some stormwater will be discharged outside the site).
- Water conservation by reuse from the irrigation pond.
- Restoring the mauri of water by passing runoff through green infrastructure and application to land prior to discharge through devices such as raingardens, etc

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*(3) Stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality*

*(9) Minimise or mitigate new adverse effects of stormwater runoff, and where practicable progressively reduce existing adverse effects of stormwater runoff, on freshwater systems, freshwater and coastal waters during intensification and redevelopment of existing urban areas by all of the following:*

- (a) requiring measures to reduce contaminants, particularly from high contaminant-generating car parks and high-use roads*
- (b) requiring measures to reduce the discharge or gross stormwater pollutants*
- (c) requiring measures to be adopted to reduce the peak flow rate and the volume of stormwater flows:*
  - (i) within sites identified in the SMAF 1 and 2 control*

These objectives and policies are considered to be met by the proposed stormwater management approach designed for the development. The stormwater management approach is fully integrated and ensures no additional effects on downstream users or neighbours. No additional flooding will result for The Hill development.

With regard to wastewater, it will be discharged via the existing wastewater network that runs through the site. Recently an EPA was approved to extend this network into the Hill site. This extension will be utilised to accommodate wastewater discharges from the site.

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- (ii) where development exceeds the maximum impervious area for the relevant zone; or*
    - (i) From areas of impervious surface where discharges may give rise to flooding or adversely affect rivers and streams*
  - (d) taking an integrated stormwater management approach for large-scale and comprehensive development and intensification and encourage the restoration of freshwater systems where practicable*
  - (e) ensuring intensification is supported by appropriate stormwater infrastructure, including natural assets that are utilised for stormwater conveyance and overland flow paths*
- (10) In taking an integrated stormwater management approach have regard to all of the following:*
- (a) the nature and scale of the development and practical and cost considerations, recognising:*
    - (i) greenfield and comprehensive brownfield development generally offer greater opportunity than intensification and small-scale redevelopment of existing areas*
    - (ii) intensive land use such as high-intensity residential, business, industrial and roads generally have greater constraints; and*
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- (iii) site operational and use requirements may preclude the use of an integrated stormwater management approach*
  - (b) the location, design, capacity, intensity and integration of sites / development and infrastructure, including roads and reserves, to protect significant site features and hydrology and minimise adverse effects on receiving environments*
  - (c) the nature and sensitivity of receiving environments to the adverse effects of development, including fragmentation and loss of connectivity of rivers and streams, hydrological effects and contaminant discharges and how there can be minimised and mitigated, including opportunities to enhance degraded environments*
  - (d) reducing stormwater flows and contaminants at source prior to the consideration of mitigation measures and the optimisation of on-site and larger communal devices where these are required; and*
  - (e) the use and enhancement of natural hydrological features and green infrastructure for stormwater management where practicable.*
- (11) Avoid as far as practicable, or otherwise minimise or mitigate adverse effects of stormwater diversions and discharges, having particular regard to:*
- (a) the nature, quality, volume and peak flow of the stormwater runoff*
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- (b) *the sensitivity of freshwater systems and coastal waters, including the Hauraki Gulf Marine Park*
- (c) *the potential for the diversion and discharge to create or exacerbate flood risks*
- (d) *options to manage stormwater on-site or the use of communal stormwater management measures*
- (e) *practical limitations in respect of the measures that can be applied; and*
- (f) *the current state of receiving environments.*

**AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - OBJECTIVES AND POLICIES**

**CHAPTER E11 – Land Disturbance (Regional)**

<b>E11.2 Objectives</b>	<b>E11.3 Policies</b>	<b>Assessment</b>
<p>(1) <i>Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment.</i></p> <p>(2) <i>Sediment generation from land disturbance is minimised.</i></p> <p>(3) <i>Land disturbance is controlled to achieve soil conservation.</i></p>	<p>(1) <i>Avoid where practicable, and otherwise, mitigate, or where appropriate, remedy adverse effects of land disturbance on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.</i></p> <p>(2) <i>Manage land disturbance to:</i></p> <ul style="list-style-type: none"> <li>(a) <i>retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity</i></li> <li>(b) <i>manage the amount of land being disturbed at any one time, particularly where the soil type,</i></li> </ul>	<p>The PPC will require bulk earthworks over the full 6.2197 hectares of the Site. This was set out in the resource consent. Given the recontouring of the Site that is required, earthworks will need to be undertaken across the full Site.</p> <p>Erosion and sediment control measures are proposed during earthworks and these measures will include boundary silt fences, a clean water diversion, stabilised entrances, contour drains, dirty water diversion channels and a sediment retention pond. A sediment and erosion control plan included in the application in order to avoid, remedy or mitigate adverse effects from earthworks.</p>

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<i>topography and location is likely to result in increased sediment runoff or discharge</i>	All earthworks will be undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.
<i>(c) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and</i>	
<i>(d) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.</i>	In addition to the standard accidental discovery protocols, through engagement with Mana Whenua, it has been agreed that cultural observation of all earthworks shall be facilitated.
<i>(3) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:</i>	The applicant has offered a condition of consent in the fast-track consent application to provide certainty of this outcome.
<i>(a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;</i>	Overall, it is considered the PPC is complementary to these objectives and policies.
<i>(b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and</i>	
<i>(c) undertaking appropriate measures to avoid adverse effects. Where adverse effects cannot be avoided, effects are remedied or mitigated.</i>	
<i>(4) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.</i>	
<i>(5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.</i>	
<i>(6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.</i>	

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- (6A) Recognise and provide for the management and control of kauri dieback disease as a means of maintaining indigenous biodiversity.*
- (7) Require any land disturbance that will likely result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with:*
- (a) any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:*
    - (i) high recreational use;*
    - (ii) relevant initiatives by Mana Whenua, established under regulations relating to the conservation or management of fisheries, including taiāpure, rāhui or whakatupu areas;*
    - (iii) the collection of fish and shellfish for consumption;*
    - (iv) maintenance dredging; or*
    - (v) a downstream receiving environment that is sensitive to sediment accumulation;*
  - (b) adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and*
  - (c) the receiving environments ability to assimilate the discharged sediment being taken into account.*
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*(8) Monitor the quality of fresh and coastal water bodies across the region and the effects of land disturbance on water quality and receiving environments.*

**AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - OBJECTIVES AND POLICIES**

**CHAPTER E12 – Land Disturbance (District)**

**E12.2 Objectives**

**E12.3 Policies**

**Assessment**

*(1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment.*

*(1) Avoid where practicable, and otherwise, mitigate, or where appropriate, remedy adverse effects of land disturbance on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.*

*(2) Manage the amount of land being disturbed at any one time, to:*

*(e) avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;*

*(f) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and*

*(g) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.*

*(3) Enable land disturbance necessary for a range of activities*

The PPC will require bulk earthworks over the full 6.2197 hectares of the site. Given the recontouring of the site that is required, earthworks will need to be undertaken across the full site.

Erosion and sediment control measures are proposed during earthworks and these measures will include boundary silt fences, a clean water diversion, stabilised entrances, contour drains, dirty water diversion channels and a sediment retention pond. A sediment and erosion control plan included in the application in order to avoid, remedy or mitigate adverse effects from earthworks.

All earthworks will be undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.

In addition to the standard accidental discovery protocols, through engagement with Mana Whenua, it has been agreed



<p><i>undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.</i></p>	<p>that cultural observation of all earthworks shall be facilitated. The applicant has offered a condition of consent to provide certainty of this outcome.</p>
<p>(4) <i>Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:</i></p> <p>(a) <i>requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;</i></p> <p>(b) <i>undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and</i></p> <p>(c) <i>undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.</i></p>	<p>Overall, it is considered the PPC is complementary to these objectives and policies.</p>
<p>(5) <i>Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.</i></p>	
<p>(6) <i>Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.</i></p>	

**AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - OBJECTIVES AND POLICIES**

**CHAPTER E27 - Transport**

E272 Objectives	E27.3 Policies	Assessment
<p>(1) <i>Land use and all modes of transport are integrated in a manner that enables:</i></p> <p>(a) <i>the benefits of an integrated transport network to be</i></p>	<p>(21) <i>Restrict or manage vehicle access to and from sites adjacent to intersections, motorway interchanges and on arterial roads, so that:</i></p>	<p>Access to the site is limited to the Upper Loop Road which has two intersection access points to Ladies Mile and the Lower Loop Road which has one access point to Derby Downs Place.</p>

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<i>realised; and</i>	<i>(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and good on the road network; and</i>	Precinct Plan 3 and the Remuera Precinct provisions require that these roads are to become public roads and will be connected to an internal network of six COALs as well as an internal pedestrian network.
<i>(b) the adverse effects of traffic generation on the transport network to be managed.</i>	<i>(b) any adverse effect on the effective, efficient and safe operation of the motorway interchange and adjacent arterial roads arising from vehicle access adjacent to a motorway interchange is avoided, remedied or mitigated</i>	The proposed intersection layout and location for the development has been carefully planned to minimise effects on the surrounding arterial network and consequently on the nearby motorway network. Alternative designs were considered including alignment with the Abbots Way intersection however that design resulted in greater effects on Ladies Mile and was therefore discarded.

The proposed layout includes a number of roading improvements including the following:

- Signalisation of the Ladies Mile/Derby Downs Reserve intersection.
- A solid median at the Upper Loop Road south intersection.
- A painted median and turning bay at the Upper Loop Road north intersection.
- A pedestrian crossing at the Ladies Mile/Abbots Way intersection.
- Proposed bus stops.

These improvements are considered appropriate to manage the effects on the road network created by The Hill

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development and will ensure the safe and efficient operation of the road network whilst taking into account existing operational performance.

Further, the safety and efficiency of the road network will be reinforced by the proposed maximum dwelling cap of 357 dwellings. Any more than 357 dwellings will require a non-complying activity resource consent and will be considered against the relevant Precinct objective and policy that requires any adverse effects on the safety and efficiency of the roading network be avoided.

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*(2) An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.*

*(14) Support increased cycling and walking by:*

- (a) requiring larger developments to provide bicycle parking;*
- (b) requiring end-of-trip facilities, such as showers and changing facilities, to be included in office, educational and hospital developments with high employee or student numbers; and*
- (c) providing for off-road pedestrian and bicycle facilities to complement facilities located within the road network*

As noted above, the Precinct affords significant opportunities for public transport and active transport options. This is supported by limiting car parks.

The masterplan includes an integrated approach to the provision of vehicle, walking and cycling networks. The site layout supports and promotes public transport usage given the proximate connections to the Ellerslie and Greenlane rail stations and the surrounding bus networks. The site is also near the Ellerslie and Remuera town centres and a short train ride to the Newmarket metropolitan centre.

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*(3) Parking and loading supports urban growth and the quality compact urban form.*

*(3) Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:*

The PPC seeks to deliver a compact urban form, which is supported by the provision of car parking and the anticipated mode split with greater weight on public and active modes.

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<p>(a) <i>the safe, efficient and effective operation of the transport network;</i></p>	<p>The proposed residential zones provide for a small level of commercial activities. The approved resource consent does not provide for retail or commercial services activities are proposed as part of this application, only a small 150m<sup>2</sup> ancillary retail unit (potentially a café).</p>
<p>(b) <i>the use of more sustainable transport options including public transport, cycling and walking;</i></p>	
<p>(c) <i>the functional and operational requirements of activities;</i></p>	
<p>(d) <i>the efficient use of land;</i></p>	
<p>(e) <i>the recognition of different activities having different trip characteristics; and</i></p>	<p>No changes to any of the AUP parking provisions are proposed. The car parking proposed as part of the underlying fast track resource consent can be accommodated within basement levels, garages or on-street visitor spaces. Overall,</p>
<p>(f) <i>the efficient use of on-street parking</i></p>	<p>while there is no requirement to provide carparking, the underlying fast track resource consent includes parking for the occupants of the dwellings (558 spaces), on street visitor carparks (37 spaces) and a large number of bicycle carparks (245 bike parks).</p>
<p>(6) <i>Enable the reduction of on-site parking for retail and commercial services activities in the Business-Metropolitan Centre Zone, Business-Town Centre Zone, Business-Local Centre Zone and Business-Mixed Use Zone where a suitable public off-site parking solution is available and providing for no or reduced on-site parking will better enable the built form outcomes anticipated in these zones.</i></p>	<p>Loading and refuse disposal will be addressed by existing AUP provisions and no further changes are proposed as part of thei</p>
<p>(17) <i>Require parking and loading areas to be designed and located to:</i></p>	<p>PPC.</p>
<p>(a) <i>avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;</i></p>	<p>Overall, it is considered that the intensive nature of this residential development combined with the design and proximity to public transport options support reduced trip rate ratios and favour the use of public transport, walking and</p>
<p>(b) <i>provide safe access and egress for vehicles, pedestrians and cyclists;</i></p>	<p>cycling use.</p>
<p>(c) <i>avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and</i></p>	

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	<i>(d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.</i>	
<i>(4) The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.</i>	<i>(5) Limit the supply of on-site parking for office development in all locations to: (a) minimise the growth of private vehicle trips by commuters travelling during peak periods; and (b) support larger-scale office developments in the City Centre zone, Centre Fringe Office Control area, Metropolitan Centre, Town Centre and Business Park zones.  (6) Provide for flexible on-site parking in the Metropolitan Centre, Town Centre, Local Centre and Mixed Use zones (with the exception of specified non-urban town and local centres and the Mixed Use zone adjacent to those specified centres) by: (a) not limiting parking for subdivision, use and development other than for office activities, education facilities and hospitals. (b) not requiring parking for subdivision, use and development other than for retail (excluding marine retail and motor vehicle sales) and commercial service activities.  (18) Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:</i>	<p>The development does not include office activities and is not located within a centre.</p> <p>All vehicles will be able to enter and exit the development in a forward direction.</p> <p>Parking will be in accordance with the standard AUP provisions and no changes are proposed in this PPC.</p>

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	<p>(a) <i>the effective, efficient and safe operation of roads, in particular arterial roads</i></p> <p>(b) <i>pedestrian safety and amenity, particularly within the centre zones and Mixed Use zone; and</i></p> <p>(c) <i>safe and functional access taking into consideration the number of parking spaces served by the access, the length of the driveway and whether the access is subject to a vehicle access restriction.</i></p>	
<p>(5) <i>Pedestrian safety and amenity along public footpaths is prioritised.</i></p>	<p>(20) <i>Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network</i></p>	<p>Refer to the above assessment which confirms the proposed approach to crossings and access to the site is considered to be safe and efficient and will not compromise the efficiency of the road network.</p>

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With regard to other potentially relevant AUP objectives and policies as listed below, the PPC is considered to be consistent with these objectives and policies for the following reasons.

A. E36 Natural Hazards and Flooding

- The objectives and policies relate to the subdivision use and development where natural hazards and flooding exist. These provisions require that development does not occur in these areas until analysis from these risks has been undertaken and significant adverse effects are avoided.
- The application site itself is not subject to a known natural hazard risk however there is a flood risk existing over the adjoining racecourse land and to the north-east (Abbotts Way) and the south (Lonsdale Street). In order to manage these effects, a Stormwater Management Plan has been approved by Auckland Council and the PPC includes provisions to ensure that development is in accordance with this SMP or that any alternative stormwater management measures do not result in any increased flood effects.

B. D13 Notable Trees

- The objectives and policies of this section states that notable trees and notable groups of trees are to be retained and protected from inappropriate subdivision, use and development.
- One identified notable is located within the group of Pohutukawa trees on the Ladies Mile frontage that are proposed to be retained. This individual Pohutukawa tree has been assessed by an arborist to meet the requirements for being scheduled as a notable tree. The tree is of high quality and is proposed to be scheduled as part of the PPC request.

## Objectives and policies conclusion

On the basis of the preceding detailed assessment of the relevant Unitary Plan objectives and policies, I am of the view that the PPC sits comfortably within that overarching policy framework. In particular, I consider that the PPC is complementary and promotes the objectives and policies of the Residential MHU and THAB zones and is no longer appropriate to be zoned Major Recreation Facility and is not appropriate to be included in the Ellerslie Racecourse Precinct. The proposed rezoning of the Remuera Precinct will not compromise the primary, accessory and compatible activities identified for the Ellerslie Racecourse Precinct.

The PPC is also considered to be complementary to all other relevant objectives and policies for the reasons outlined in the above assessment.

### 7.8.2 Proposed Auckland Unitary Plan – Proposed Plan Changes 78 - 83

Auckland Council has recently notified Plan Changes 78 to 83. In order to give effect to the NPS UD and the Enabling Housing Act. The Site and the land surrounding The Hill are subject to the Maunga Protection Overlay and therefore none of the proposed provisions have immediate legal effect however they are to be had regard to as proposed plan provisions under section 104(1)(b)(vi) of the RMA.

Below is a summary of the proposed plan changes.

**Plan Change 78 (PC78)** is the Intensification Plan Change required by the Amendment Act. PC78:

- will be progressed through the Intensification Streamlined Planning Process (ISPP), which will be similar to the process used following notification of the AUP in 2014. Auckland Council (Council) is required to notify the independent hearings panel's recommendations on PC78 by 31 March 2024. The Council will then either accept or decline those recommendations;
- incorporates the Medium Density Residential Standards (MDRS) into the AUP through amendments to the MHU and THAB zones;
- gives effect to the NPS-UD through amendments to the THAB Zone provisions to enable six storey buildings (21m) within the walkable catchment of rapid transit stations (for example, rail network), the city centre and metropolitan centres.

The above amendments are proposed to apply to the THAB zoning between the Site and the Ellerslie and Greenlane rail stations. Figure 27 demonstrates that a large portion of THAB zoned land within a walkable catchment to the rail stations are proposed to enable 6 level development. This, along with the proposed rezoning of current MHS land to MHU will increase the built form scale of the surrounding land and ensure that the proposed development is visually congruous with the scale of development envisaged within the immediate locality.



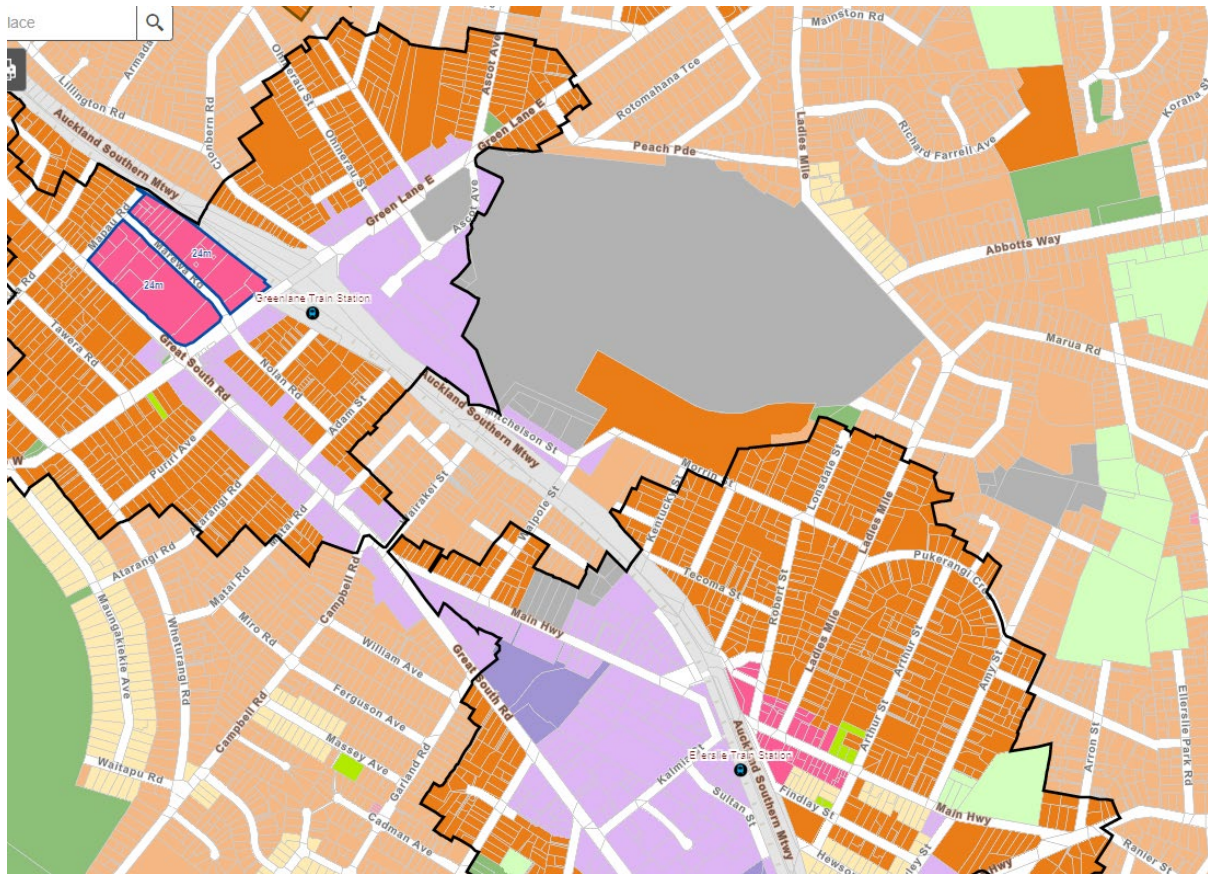


Figure 27– Plan Change 78 Proposed Zoning Changes – Source: Auckland Council

The MDRS require that three dwellings are permitted on a site (subject to any qualifying matters). However, where four or more dwellings are proposed on a site, PC78 proposes new standards that will apply in addition to the existing AUP standards, including new requirements for:

- landscaped areas: 20% of the net site area, and 50% of the front yard, must be landscaped;
- sites greater than 200m<sup>2</sup> must include a deep soil area that is 10% of the site area (and unless the site is larger than 1200m<sup>2</sup> must be a contiguous area);
- windows to street: 20% of the relevant facades facing a street, or private vehicle/pedestrian access way, must be glazed; and
- a 1m buffer between a dwelling and pedestrian/vehicle access ways.

The PPC is considered to be complementary to PC78 as it includes the THAB and MHU zone with increased height areas up to 25m in order to provide intensification at an appropriate location in proximity to rail stations. The qualifying matters proposed within this plan change relates to the setback of apartment buildings along the Ladies Mile frontage, the retention of existing mature trees the proposed scheduled notable tree and the maximum dwelling cap. The reasoning for these qualifying matters is set out in the report below and in the accompanying section 32 evaluation summary table attached to the PPC request.

It is considered that in this instance that high density development as directed by Policy 3 in the NPS UD is inappropriate due to the need to retain the mature Pohutukawa trees along this frontage which will act as a visual buffer to the apartment buildings behind. The setback and the retention of the existing mature trees is necessary to protect the amenity of existing neighbours across Ladies Mile. These properties have some outlook towards to the proposed 25m high building height zone and therefore it is more appropriate to protect this amenity via the proposed 6m setback and protection of the existing mature Pohutukawa trees than to allow development up to this height directly adjacent the road frontage.

Overall, the Project is considered complementary to PC78.

In addition to PC78, the Council has notified Plan Changes 79, 81-83. Those plan changes will be progressed through the usual Schedule 1 process. As mentioned above, PC80 decision was notified on 14 September 2023 and appeal period closed 27 October 2023.

**Plan Change 79 (PC79)** makes amendments to AUP unrelated to the NPS-UD, including new requirements regarding pedestrian access ways, accessible parking, secure cycle parking, electric car charge sockets, heavy vehicle access and changes to trip generation standards. PC79 also introduces the standard requiring a lighting plan for multi-unit developments and the requirement for a waste management methodology. A number of changes are premised on reducing the effects of climate change and contributing to a well-functioning urban environment. PC79 is in close proximity to public transport options including bus routes and rail stations and the PPC provisions will also enable a high degree of accessibility through the site for pedestrians and cyclists.

The PPC is therefore considered to be complementary to PC79.

**Plan Change 80 (PC80)** makes amendments to the Regional Policy Statement (RPS) of the AUP to give effect to the NPS-UD. Those amendments include:

- adding references to “well-functioning urban environments” and “resilient to the effects of climate change” to the existing AUP objectives and policies; and
- amending the policies that direct where greatest intensity should be provided (areas closest to centres, the public transport network etc) to make clear that such intensity should not be provided where qualifying matters reduce building height and/or density of urban form.

The PPC includes specific elements that will ensure the PPC gives effect to these RPS changes. In particular, the PPC provisions include intensive residential zones which are connected through proposed roads, open space connections, open space areas, laneways and protection of mature native trees. These elements combine to create a well-functioning urban environment.

Overall, the Project is considered complementary to PC80. It is noted that Council has released its decision approved PC80 however it has been appealed by Beachlands South Limited Partnership.

Plan Changes 81-83 amend the schedules of historic heritages and notable trees and do not have any implications for the PPC.

## 7.9 Auckland Plan

The Auckland Plan 2050 (**Auckland Plan**) is Auckland's long-term spatial plan designed to ensure Auckland grows in a manner that will meet the opportunities and challenges of the future. The Auckland Plan is required by legislation to contribute to the social, economic, environmental and cultural well-being of the city. It is a high level document that does not include a detailed set of actions. The development strategy is outlined through six outcomes, being Belonging and Participation, Māori Identity and Wellbeing, Homes and Places, Transport and Access, Environmental and Cultural Heritage, and Opportunity and Prosperity.

The Auckland Plan identifies existing Auckland urban areas such as the application site as suitable for growth and intensification. The application responds to the direction set in the Auckland Plan through the provision of additional housing in an area of identified need.

This PPC supports the long-term vision as set out in the Auckland Plan, specifically through the provision of more intensive housing in an appropriate location and within an existing urban area. As noted earlier in this report, I consider that the application Site presents a significant opportunity for large-scale, comprehensive redevelopment of a large greenfield site with excellent access to public transport (including the Ellerslie and Greenlane train stations and existing bus routes), employment and education areas, and recreation and community facilities. The applicant's vision for the site is based upon producing high-quality buildings integrated with quality landscaping and strong connections.

Overall, the PPC is considered to align strongly with the over-arching objectives of the Auckland Plan.

## 7.10 Summary

The key strategic planning documents recognise the need to provide for the growth of Auckland while ensuring environmental effects are appropriately managed. They also support the need for integrated landuse and transport planning as well as detailed consideration of Mana Whenua engagement and the national policy direction for important national issues. For this reason, there is a consistent policy approach to encourage intensification and the development of high-quality urban form based around existing urban centres and established transport corridors as well as areas identified for growth.

The plan change enables residential activity, public connections and open space. For these reasons, it is considered that the plan change is consistent with the strategic planning direction identified for the area and will deliver the urban outcomes sought.

## 8 ASSESSMENT OF ENVIRONMENTAL EFFECTS

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Schedule 4 of the RMA sets out the matters to be considered when preparing an Assessment of Effects on the environment. In this case it is considered that the relevant effects that require consideration as part of the plan change request are assessed below, with reference to the specialist technical reports that accompany the plan change request.

### 8.1 Positive effects

There are a number of effects associated with this PPC that are significantly beneficial because of the contribution that the development will make to addressing housing supply issues within Auckland, and the economic support this will provide to underpinning the Auckland economy, especially the construction sector.

The Site is an appropriate location for development of the nature enabled by the PPC given the opportunities afforded by the size of the landholding, interface with residential neighbours, the proximity to the Ellerslie and Greenlane rail stations and existing bus routes and associated access to employment, healthcare and education areas, as well as immediately adjoining the Ellerslie Racecourse.

The PPC will also result in upgrades to the local transport network including a signalised intersection at Derby Downs Place/Ladies Mile.

The high-quality open spaces will also provide respite within the site and key connections from Ladies Mile to the trackside. The resulting publicly visible elements of the future buildings will be attractively designed, ensure that identified locally and regionally significant viewshafts are unimpeded, and incorporate a number of cultural design elements. Views to and from the development are largely considered to be positive.

In summary, the following positive effects are considered to result from the PPC:

- Provision of much needed housing in Auckland.
- Significant economic and employment benefits to the Auckland and national economy of enabling construction to commence earlier than otherwise possible under the RMA consenting path.
- Takes advantage of the significant benefits of the location afforded by the existing infrastructure in the area (public transport, access to employment, healthcare and education, open space and community facilities).
- The strong focus on retaining the site for the people and support for transport mode changes in favour of the use of public and active transport modes ahead of private vehicle trips.

- Significant injection of housing within close proximity to the Ellerslie town centre is likely to result in increased investment and enhancements within the town centre that will be of benefit to businesses located there and the public generally

## 8.2 Economic effects

The significant economic effects associated with the development enabled by the PPC provisions and as approved in the underlying fast-track resource consent, are detailed in the Economic Impact Assessment (EIA) by Market Economics submitted with this PPC. Market Economics have described and quantified the economic impacts of the PPC. These are outlined below.

FRL are expecting a sum of \$300 million is required to development the site over 7 years , i.e. 4-6 years from when the underlying resource consent was issued. The cumulative direct value added is projected to be around \$65.6 million. The development will stimulate a total of \$257.2 million of direct plus indirect and induced value (GDP) (ie the additional flow on impacts to activity across New Zealand's economy that is stimulated by the development).

The Project is expected to sustain approximately 166 full time equivalent (FTE) jobs in the construction sector when construction begins and this is expected to peak at 420 FTE jobs in 2025. In total, the PPC could directly sustain a cumulative total of around 1,112 FTE (for a year) until completion in 2027 These direct jobs are assumed to be sustained in the Auckland region.

The PPC is projected to sustain the equivalent of 3,335 FTE workers over the life of the Project, once the indirect and induced effects are added. While all the direct impacts are assumed to occur in the Auckland region, the indirect impact of the proposed development will have effects reaching the rest of the North Island and the rest of New Zealand.

The scale of the PPC represents a significant contribution to the supply of housing in the Ellerslie area and will also add to the diversity of housing typologies in this area. The Project will help ensure that the Auckland isthmus has a range of residential options available for prospective household purchasers/occupants.

On the basis of the findings set out the Economic Impact Assessment, it is considered that any economic effects associated with the PPC are significantly positive and will result in substantial benefits to the immediate and wider community.

### 8.3 Cultural effects

Detailed engagement is progressing with the following Iwi, who have expressed an interest in the Precinct:

- Ngāi Tai ki Tāmaki
- Ngāti Whatua o Orakei
- Ngāti Paoa
- Ngāti Tamaoho
- Ngāti Te Ata
- Ngaati Whanaunga
- Ngāti Maru

Several additional Iwi (as listed in the consultation summary and the Mana Whenua consultation summary) have requested information relating to the development of the Precinct (which has been provided) but have elected not to be involved further and no further engagement has been undertaken with these Iwi. However, in regard to the IWI that have expressed an interest in the development of this Precinct, the PPC requestor has undertaken further engagement in November 2023, February 2024 and April 2024. While this engagement has focussed on the implementation of the underlying fast-track resource consent, the PPC request has also been an important backdrop to these discussions.

As a result of a detailed Mana Whenua Engagement process several Mana Whenua values associated with the land have been identified. These include the following:

- Recognition and acknowledgement of the spiritual relationship with the maunga surrounding The Hill. This includes Maungakiekie, Maungawhau, Te Kopuke, Ōhinerau and Maungarei.
- Recognition that the racecourse site was one associated with passage across the land between the Manukau Harbour and the Orakei Basin and beyond.
- Recognition that the fertile lands of the racecourse and environs were historically used for growing crops and as a food source.
- Recognition that the historic lava caves within the wider Ellerslie Racecourse site were referred to as Waiatarua. This translates as “two songs”, the name refers to a waiata or song that emanated from caves. It was believed that this singing was created by water and air blowing from a larger cave into a smaller passage, making it vibrate.

The above values are acknowledged and recognised. Several of the values identified are proposed to be reflected in the landscaped areas of the development through:

- a) A Welcome to the site/development at the top of the Belvedere Garden entrance as a potential art opportunity.
- b) A resting and appreciation location within the Belvedere Gardens where outlook to the surrounding maunga is available.
- c) Recognition of the historical passage through the site within or beside the trackside pathway.

The inclusion of these matters in the Remuera Precinct Landscape will ensure they are given effect to as part of any future development.

Overall, it is considered that the PPC will facilitate positive Mana Whenua outcomes.

#### 8.4 Archaeological Effects

Clough and Associates have undertaken an archaeological assessment of the Site and also applied for archaeological authorisation to undertake earthworks over the Site. Heritage NZ have granted this authorisation.

The assessment has included field investigations as well as desktop investigations and includes a comprehensive history of the Site. While one item is recorded in the Cultural Heritage Inventory (CHI) it is uncertain as to whether this relates to what are potentially the brick/plaster remains of a reservoir. In any case, the report recommends that if any historic items are located during earthworks they should be recorded and removed.

The assessment confirms that item R11/61 from the Cultural Heritage Inventory shown within the Site is not accurate and would have been located in the southern portion of the racecourse outside of The Hill land.

The report concludes there should be no major constraints on the proposed development on archaeological grounds, as only one potential pre-1900 archaeological site (concrete/brick foundations that could be the remains of a 19th century reservoir) will be affected, and the possibility that further archaeological remains may be present can be appropriately managed and mitigated through the provisions of the HNZPTA. The assessment recommends:

- The remains of the concrete/brick structure should be recorded prior to and during their removal, in accordance with the conditions of the Authority issued by Heritage NZ (Authority No. 2022/568).
- Any burial remains exposed by the development should be appropriately managed through consultation between Mana Whenua, Heritage NZ and Auckland Council.



- In the unlikely event that a lava cave is discovered the Accidental Discovery Rule (section E.12.6.1 of the AUP OP) must be followed. This requires that work cease within 20m of the discovery and that Auckland Council is notified.

It is not considered that specific PPC provisions are required for these matters as they are addressed by existing AUP provisions or the Heritage NZ Act. It is considered the archaeological effects resulting from the PPC are acceptable. It is noted that earthworks have commenced and that nothing of note has been uncovered as yet.

## 8.5 Character and Amenity

The character of the locality comprises a variety of elements. This includes the racecourse facility, its structures and grandstands, large open spaces, the golf activities in the infield and carparking. The Site is a vacant part of the Ellerslie Racecourse that is currently under construction and is being earthworked. As a result all landscaping, vegetation and trees have been removed except for the existing mature Pohutukawa trees on the Ladies Mile frontage of the Precinct, which are being retained. The irrigation pond that was previously located on the Precinct land has now been removed and a new irrigation pond has been constructed in the infield of the racecourse. The original racetrack underpass has also been replaced with a new tunnel adjacent the southern boundary of the Precinct. The landform slopes upwards from the racetrack edge to Ladies Mile. The neighbourhood character is outlined in more detail in section 4 of this report.

### 8.5.1 Development Provided for Within Ellerslie Racecourse Precinct

The AUP Ellerslie Racecourse Precinct provisions which apply to the Site enable certain buildings up to 25m as a permitted activity (if related to racing, conference, event etc. activities) as long as they are located outside the 20m interface control area which applies along the external boundary perimeter of The Hill Site and comply with 2.5m + 45 degree height in relation to boundary control that applies along adjoining residential zone boundaries. Compliance with the interface control will also achieve compliance with the height in relation to boundary standard.

The Ellerslie Racecourse precinct provisions also enable a wide variety of permitted activities including, racing activities, conference centres, function venues, concert and event venues, exhibition venues and a wide range of smaller activities including care centres, education facilities, healthcare facilities, entertainment facilities, licensed premises, offices, retail activities and food and beverage activities. All of these activities can be undertaken on The Hill as of right as a permitted activity (including associated buildings (as long as they are below 25m in height, outside the interface control area and comply with the height in relation to boundary standards where they apply).

### 8.5.2 Surrounding Context

To the south-west of the Site the land is vacant (apart from two large storage sheds and mature landscaping) but is zoned Terrace House and Apartment Building. This land is subject to the Ellerslie 1 Precinct provisions.

The planning provisions envisage residential development between 4 to 8 storeys as a restricted discretionary activity and also identify private road and pedestrian connections through this land to Morrin Street and Mitchelson Street.

Derby Downs Domain is a quality local reserve located at the end of Derby Downs Place and Lonsdale Street. The northern boundary of the reserve interfaces with the Site. Importantly, apart from the interface with Derby Downs Domain, the Site is securely fenced off, with no opportunity for public access currently. A significant benefit from the Project is the opening up of public access into the Site, including new pedestrian and bike paths, which will integrate the Site with the neighbouring streets.

Residential character of the locality around the Site is generally defined by the existing dwellings on Derby Downs Place, Hunterville Court, Ladies Mile and Peach Parade. These mainly comprise 1-2 storey detached or attached dwellings. Most of the dwellings are town houses. A number of sites have been developed with two dwellings. Several sites are occupied by blocks of flats including 110 (4 flats) and 118 (4 flats) Ladies Mile. Both these sites comprise single storey brick and tile or timber flat developments.

In terms of the wider locality, a 3-storey apartment building has recently been constructed at 20 Pukerangi Crescent in Ellerslie. While on the opposite side of the racecourse, multi-storey commercial buildings form the built edge to the western corner of the racecourse. These buildings range in height from three storeys up to seven storeys.

Overall, the character of the area comprises a mixture of elements, however the character of residential development adjoining The Hill is predominantly 1 – 2 storey detached residential dwellings. Several of the sites immediately adjoining the Hill also have their outlook and private outdoor living areas facing towards the racecourse and enjoy the amenity provided by the racecourse in that regard.

### *8.5.3 Design Approach and Outcomes*

In recognition of the existing character and amenity of the adjoining and nearby sites, the PPC enables lower scale residential dwellings, i.e. not THAB height dwellings (through the MHU zoning and Ladies Mile setback) where the Site immediately adjoins or faces a residential property.

The 25m high THAB zones are proposed along the Ladies Mile frontage have been typically set back by a minimum of 6 metres from the road frontage and will be behind the existing mature Pohutukawa trees. In addition to these trees further landscaping will occur within the open space areas and connections through the Site. While these PPC will enable a change to the character of the residential environment, they are considered acceptable for the following reasons (as identified in the Urban Design Assessment):

- The buildings are setback from the road boundary frontage by typically 6m.

- The PPC land is well separated from residential dwellings on the opposite side of Ladies Mile.
- Mature existing Pohutukawa trees will provide a transition between the road and buildings which will mitigate their built form character.
- The landscaping within the proposed open spaces will result in a staggered layout of future buildings which will open up views into and through the Site which are not currently available and will therefore result in some positive character and amenity outcomes.

The southern THAB zone is well separated from the nearest residential dwellings that align the southern boundary of Derby Downs Domain. While this proposed THAB will affect outlook towards and potentially over the racecourse, the existing dwellings will still retain a level of amenity by the outlook provided by the Derby Downs Domain.

In terms of pedestrian and cyclist amenity, the pedestrian/cycle connection around the edge of the racetrack will enable connections between Peach Parade, Ladies Mile, Derby Downs Place and to the Ellerslie 1 Precinct (if developed in the future). This connection will provide the potential for the future occupants of the development to connect to the Greenlane and Ellerslie Train Stations.

For the above reasons, the resulting built form scale enabled by the PPC is considered acceptable from a character and amenity perspective.

## 8.6 Landscape and visual impact effects

Boffa Miskell have prepared a landscape and visual effects assessment and photo simulations to assess the landscape and visual effects of the proposal. The assessment considers the location of the Site in relation to nearby maunga, its visual exposure and elevation. Figure 28 below demonstrates the connection to nearby

maunga. The other key landscape elements in and around the Site are the Ladies Mile ridgeline, the sloping nature of The Hill Site, the flat expanse of the racecourse and infield.).

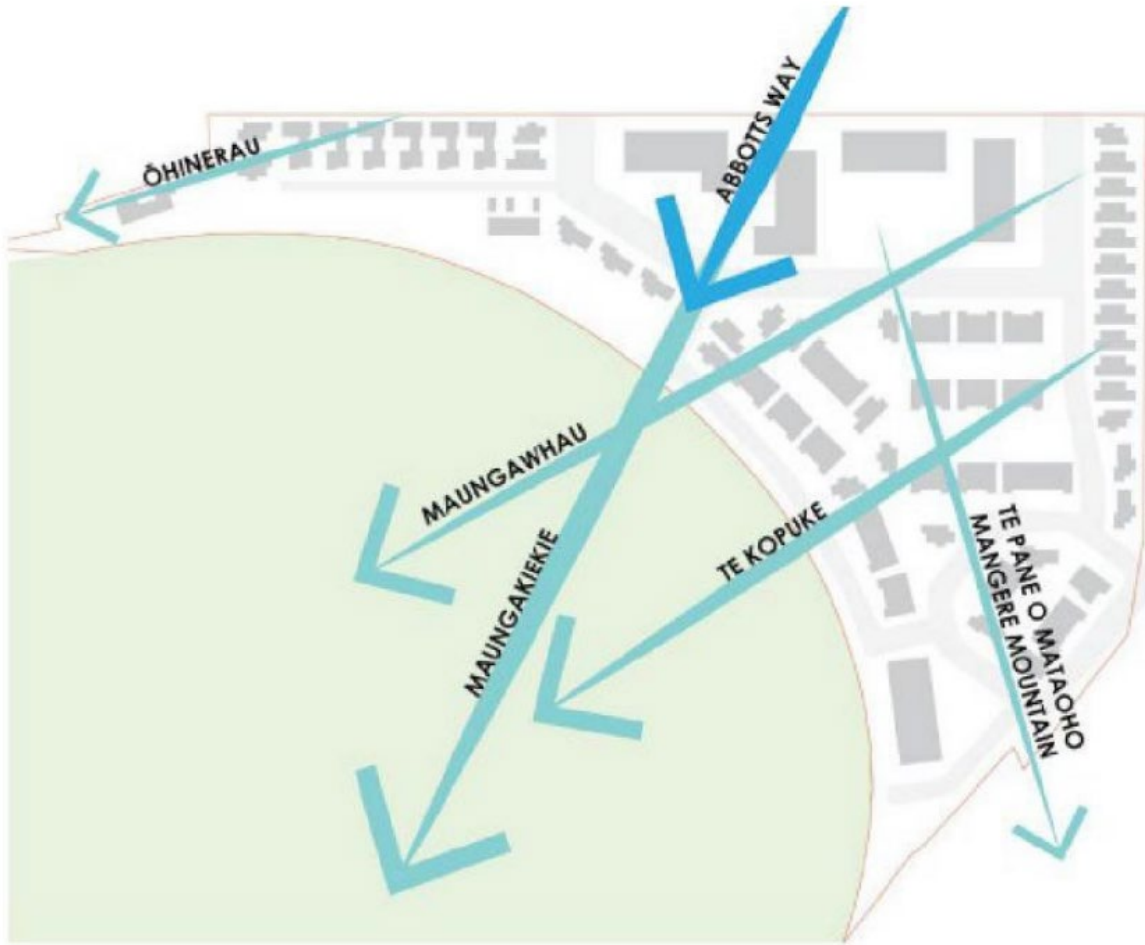


Figure 28 – Surrounding Maunga – Source: Boffa Miskell

The landscape assessment analyses the existing landscape environment within which the proposal sits, and the landscape and visual impacts of the proposal within the local and wider environment. The permitted and ‘anticipated development’ provided for through the AUP is an important element to that assessment.

Significantly, the proposed development does not infringe the volcanic cone viewshaft controls that apply over the wider racecourse site or the 25m permitted precinct building height standard. The assessment considers the effect of the development on the visual catchment and viewing audience of the proposed development. Having assessed the landscape and visual effects of the proposed development from several viewpoints including Ladies Mile, Abbotts Way and Umere Crescent and their surrounds, the landscape assessment concludes as follows:

*Potential adverse visual effects are considered to be very low, or negligible. The development will have a presence in the landscape but will not be overly dominant or incongruous to neighbours. Overall, whilst a very low level of visual effects will be generated in respect of some viewers overall the proposal is considered to*

*enhance the visual character and amenity of the locality and contribute positively to the anticipated residential intensification of this part of urban Auckland.*

*The proposed apartment buildings facing Ladies Mile are considered to be of a scale that can be accommodated within the streetscape capacity of this road and will signal the progressive residential intensification of this part of Auckland. With regard to Derby Downs Place, the proposed transitional scale of built form (1-3 level dwellings leading to the Retirement Lite building) and future landscaping will ensure an appropriate landscape and visual outcome from this direction.*

There are three key elements to the built form outcomes proposed. These are the Ladies Mile apartments buildings, the Vivid Living apartment building and the terrace houses/stand alone dwellings between them. In terms of the nearby and wider visual catchments, it is considered that the proposed Remuera Precinct provisions adequately mitigate any adverse landscape and visual effects by including the following elements:

- Setback of the apartment buildings from the Ladies Mile frontage;
- Retention of mature Pohutukawa trees along the Ladies Mile frontage;
- A mixture of two and three level developments through the PPC land along the south-eastern boundary of the site adjoining the Hunterville Court residences and the Ladies Mile frontage enabled by the proposed MHU zoning.
- Location of the Vivid Living apartment building within the site and well separated from the Derby Downs residences, Derby Downs Domain and the Ellerslie 1 precinct.

The Landscape and Visual Assessment has also considered the visual effects of the development from 4 separate viewpoints as well as the wider and immediate context. The assessment concludes that development provides for a diversity of building typologies, height and residential living options and that the development will provide an interesting, well-designed high-quality outcome that will create low – very low adverse visual, or dominance effects such that overall effects will be acceptable.

As a result, and after taking into account the Boffa Miskell assessment, it is considered any landscape and visual impact effects will be acceptable.

## 8.7 Recreational Effects

The PPC land will be adjacent to the racetrack and infield as well as Derby Downs Domain. The Project has been designed to result in a positive interface with these recreational elements. The ongoing viability of the racecourse is secured through the new StrathAyr track surface as well as the perimeter pathway, which will provide a secure edge between the racetrack and the future residential development.

In addition, access to the infield is provided through a re-aligned underpass along the southern edge of the Site. This underpass provides access to the infield carparks, the golf activities and any maintenance of the infield.

With regard to Derby Downs Domain, the proposed road along the southern boundary of The Hill development will ensure access to the reserve is improved and additional public surveillance is provided for park users. It will also mean that the amenity of the reserve will be maintained as any new residential buildings will be sufficiently separated from the existing reserve.

As a result, it is considered that any recreational effects are acceptable.

## 8.8 Dominance, shading and privacy effects

The Site immediately adjoins dwellings on Hunterville Court/Derby Downs Place and Ladies Mile / Peach Parade. It is also in proximity to dwellings on Lonsdale Street and Ladies Mile.

The PPC enables 3 storey dwellings in the MHU zone around the external perimeter of the Site. Compliance with the AUP provisions in relation to outlook space, design assessment criteria and the sloping nature of the site will ensure any future developments will be able to ensure potential dominance, shading and privacy effects on neighbours are appropriately managed.

With regard to the 25m THAB zones, where taller apartment building developments can be erected, the above character and amenity section sets out the reasons it is considered the adverse shading and dominance effects will be appropriately mitigated. Further, the Urban Design Assessment states that the dwellings on the opposite side of Ladies Mile have their outlook and private open space generally facing north over their rear yards. Therefore, their outlook is away from the busy Ladies Mile carriageway and as a result privacy and dominance effects are reduced.

Taking into account the built form outcomes of the PPC, any potential dominance effects on adjoining properties or public spaces are considered to be minor. Key mitigating factors include the size of the Site and the location of the tall building elements and physical separation to adjoining private and public land.

The photo simulations and the 3D simulations confirm that the development is acceptable from a dominance perspective as the buildings are well setback from surrounding properties and the lower height parts of the development create a visually congruous interface with adjoining residential properties.

Overall, the dominance, privacy or shading effects resulting from the PPC are considered to be acceptable.

## 8.9 Transport effects

The traffic and transportation effects have been carefully considered by Commute Transportation Consultants. The traffic engineering assessment supports the PPC and conclude that it will result in positive transport outcomes and that any adverse effects will be minor. This is reinforced by the proposed maximum dwelling cap of 357 dwellings. Any more than 357 dwellings will require a non-complying activity resource consent and will be considered against the relevant Precinct objective and policy that requires any adverse effects on the safety and efficiency of the roading network be avoided.

The traffic and transport environment around the Site comprises the key arterial network of Ladies Mile, Abbotts Way, Peach Parade and Morrin Street. Importantly, the Site is also well serviced by public transport including the Ellerslie Train Station (1,000 m), the Greenlane Train Station (1,200 – 1,400 m) and the 751 and 782 bus services that run along Ladies Mile. The traffic assessment indicates that public transport users are prepared to walk 15 minutes to high quality public transport facilities which equates to 1,200 to 1,400 m depending on walking ability and constraints. These distances are further for cyclists and scooter users. Accordingly, the Site is well serviced by public transport options.

The road network is close to capacity for private vehicles in the morning and afternoon peak periods. The traffic assessment undertaken concludes that from a traffic perspective it is appropriate to split the Site into the northern portion and the southern portion in order to manage private vehicle effects on the network. The northern portion can accommodate approximately 100 additional residential vehicle movements per hour with the proposed loop road. The southern portion can accommodate an additional 150 additional residential vehicle movements per hour with the proposed signalisation of the Derby Downs Place / Ladies Mile intersection (in addition to existing traffic for the racecourse and infield activities). It is also important to ensure rat-running within the Site is prevented, and the Project fulfils this function.

The PPC is within these parameters and it is therefore considered that the resulting traffic environment for private vehicle movements is acceptable.

More importantly, the internal movement network within the Site strongly supports pedestrian, cycle and scooter movements within the proposed public roads, joint owned access lots and the racetrack perimeter pedestrian / cycle connection. A direct connection to the Ellerslie Train Station is available through Derby Downs Domain, along Lonsdale Street and Robert Street. Alternatively access to the Greenlane Train Station is available through the racecourse infield and along Greenlane. Ladies Mile is also serviced with two existing bus services. Focusing on public transport solutions is also complementary to central government's decarbonisation goals.

The transport assessment has used industry accepted trip rates from the proposed dwellings and potential café (i.e. the ancillary retail unit) and modelled the effects on the surrounding traffic environment. The assessment

concludes that while the existing road network is busy, the Proposal can be accommodated without creating significant adverse traffic effects.

The assessment also states that the following measures are required to be implemented in order to ensure a safe and efficient traffic environment results.

- Derby Downs Place and Ladies Mile intersection upgraded to a signalised intersection.
- Ladies Mile midblock upgrade including provision of flush a median with right hand turn in bay, solid median and footpath along site frontage.
- Upper Loop Road (southern intersection) left turn in and out restrictions.
- Upper Loop Road (northern intersection) left turn out only restriction.
- Upgrade to Ladies Mile / Abbotts Way intersection with pedestrian crossings.
- Provision of a new northbound bus stops on Ladies Mile north of Abbotts Way.

The offsite transportation upgrades proposed are considered the full extent of what is required to service the Remuera Precinct from a transportation perspective. The overall assessment for the PPC concludes as follows:

- The proposed development is situated in an ideal position with mode choice for future residents. As such, it is expected the development will enable reduced reliance on single occupancy vehicles.
- Additional traffic associated with the development will have a minor effect on the operation of the surrounding road network.
- The proposed local roads are designed in accordance with the AT TDM standards and will provide an appropriate level of access and amenity for future residents.
- Access points to the external network are considered appropriate to maintain safe and efficient operation of the surrounding network.
- Proposed internal access lanes have been designed in an appropriate manner to reduce vehicle movements and speed while maintaining access and servicing to dwellings.
- Terraced housing and detached dwellings can be serviced by rubbish trucks without the need for reverse manoeuvres on street.
- Bicycle parking can be provided in line with AUP rules.
- A crash history study of the most recent five years of available data within the wider area of the site shows no significant road safety issues which will be exacerbated by the proposed development.
- Vehicle crossings have been designed in accordance with the AT TDM and meet the AUP rules with the exception of one vehicle crossing which exceeds the maximum width. Given the nature of the site and visibility available, this is not considered to result in adverse safety outcomes.



The relevant transport elements that are considered suitable for inclusion within the PPC have been incorporated. In summary, it is therefore considered that the traffic effects resulting from the PPC are acceptable.

## 8.10 Ecological and Vegetation Effects

### *Ecological effects*

The Site has been assessed from an ecological perspective by Freshwater Solutions Limited. They have undertaken detailed field assessments of the Site. The site has now been cleared in accordance with the fast-track consent. All ecological conditions of that consent have been met including relocation of eels and lizards. As a result, an updated ecological memo has been provided in support of the PPC and it confirms there are no issues of relevance in relation to the NPS: FW or the NPS: IB.

On this basis, there are no ecological matters for consideration in this PPC.

### *Arboricultural*

The Arboricultural Assessment undertaken by Arbor Connect has identified 22 trees in the vicinity of the Site. Refer Figure 30 below.

Overall, Trees 1 – 3, 5 – 15 and 18 will be retained as part of the plan change as identified Precinct Plan 2. Additionally, the assessment identifies that Tree #13, which is a high quality Pohutukawa tree satisfies the AUP criteria for inclusion on the schedule of Notable Trees. As a result, this PPC request seeks the protection of this tree by adding it to the AUP Notable Tree schedule.

### *Pohutukawa Trees (Trees 5 – 15)*

There are 11 large Pohutukawa trees along the upper Ladies Mile frontage of The Hill Site (Trees 5-15 in the Assessment, excluding Tree #13, which is addressed above). All these trees are within the Precinct and, while they are not protected by the AUP, the applicant considers they represent a strong positive landscape element along this frontage. Further, they provide a positive foreground for the proposed apartment buildings behind.

It is proposed to retain all, of the Pohutukawa trees and to set the buildings back from the road frontage of the Site in order to ensure the ongoing viability of the trees. This is therefore also part of the Qualifying Matter outlined above in section 7.8.2 of this report.



Figure 30 – Tree Plan – Source: Arbor Connect

*Trees 1–3 and 18-22*

Eight trees are located within Derby Downs Domain along the site's boundary and within the Derby Downs Place road berm. There are three black poplar trees (Trees 1, 3 and 18), one Sydney blue gum (Tree 2), one golden elm (Tree 19) and one melia (Tree 20) and two pūriri (Trees 21 and 22).

Resource consent is required for the works within the protected root zone of Trees 1 –3, 18 and 20 and the removal of Trees 21 and 22. The work within the root zone of Tree 19 is a permitted activity.

*Tree 4*

This tree is a Morton Bay Fig and is a significant tree but is not protected. This tree is listed as a pest plant and is proposed to be removed.

### *Trees 16 and 17*

Tree 16 is a 3.0 m high flowering cherry in poor condition. Tree 17 is tree privet, a pest plant located in a strip of vegetation that is mostly pest plant species. These two trees and the strip of vegetation will need to be removed to construct the footpath within the grass berm on Ladies Mile. As Tree 16 is in poor condition, Arbor Connect consider it is not practical to look at alternative designs for the footpath to allow it to be retained. Resource consent is required to remove Tree 16. Tree 17 can be removed as a permitted activity as it is a pest plant.

Overall, it is therefore considered that the proposal will result in positive arboricultural effects through the retention of the Pohutukawa trees identified above.

### **8.11 Contamination effects**

The NES Contaminated Soil ensures that land affected by contaminants is appropriately identified, assessed, and if necessary remediated before it is developed. As noted earlier in this report PDP Consultants have prepared a PSI, DSI, SMP and RAP for the PPC.

The analysis concludes that a controlled activity resource consent would be required under the NES:CS due to uncertified filling, application of pesticides, and lead based paint impacts to ground for any future resource consent application. Testing has confirmed the presence of heavy metals, OCP's, PAH's and asbestos. Soil remediation is recommended to be undertaken around the track managers house in accordance with a RAP and associated site validation report (SVR). The contaminated soil will be removed to an approved landfill. It is considered this approach will adequately mitigate any adverse potential land contamination and subsequent discharge effects

As a result, it is considered that the Site can accommodate the activities enabled by the PPC and appropriate measures can be utilised that will remediate the site in a manner that protects human health, and to an extent sufficient to support the safe use of the site for high density residential land use.

### **8.12 Infrastructure effects**

The PPC is required to be serviced with water supply, wastewater and stormwater, in addition to electricity and telecommunications, and gas to stand-alone homes were possible. The proposed solutions to service the site with the required infrastructure are outlined in the Crang Infrastructure report that supports the PPC.

The proposed approach for infrastructure provision includes a comprehensive approach to managing stormwater from the Site which involves avoiding a large portion of stormwater from running off the site. Much of the stormwater will be treated and discharged to the new infield irrigation pond and re-used to irrigate the

track. Based on a large portion of stormwater effects being avoided, the overall adverse stormwater effects will be minor flooding effects within existing stormwater reserves (Koraha Reserve and Waitarua Reserve) will result.

In addition, the modelling indicates that the Project will result in some very minor additional flooding at 61a Grand Drive. The owner of 61a Grand Drive has provided their consent to any effects of the Project on their house and property and confirmed that it has no opposition to the SMP adoption into the Regionwide Network Discharge consent.

As a result, it is considered that any stormwater effects are considered acceptable.

In terms of other infrastructure (wastewater, water supply, power and telecommunications), these can be adequately provided to service the PPC land.

### 8.13 Effects conclusion

Overall, it is considered that there are no significant effects associated with the PPC. All relevant effects are able to be addressed by the PPC provisions (or the default AUP provisions) and layout of the plan change land. The PPC will contribute positively to the locality, taking advantage of the opportunity afforded by the specifics of the Site and location. There will be significant positive effects associated with economic benefits and the provision of housing in an attractive location.

## 9 SECTION 32 EVALUATION

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The following section addresses the Section 32 RMA requirements for preparing and publishing an evaluation report that assesses the PPC. As noted above in Section 2, the report must:

- a) Examine the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA;
- b) Examine whether the provisions are the most appropriate way to achieve the objectives, by
  - i. Identifying other reasonably practicable options for achieving the objectives;
  - ii. Assessing the efficiency or effectiveness of the provisions in achieving the objectives; and
  - iii. Summarising the reasons for deciding on the provisions.
- c) Contain a level of details corresponding to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal;
- d) An assessment under (b)(ii) above must identify and assess the costs and benefits of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions including opportunities for economic growth and employment. The assessment should also include a quantification of costs/benefits (if appropriate) and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

The following assessment summarises the assessment of these requirements. The separate Section 32 evaluation addresses these matters in detail and should be referred to for an understanding of the full evaluation.

### 9.1 Appropriateness of proposal to achieve the purpose of the Resource Management Act 1991

Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives of the proposed plan change are the most appropriate way to achieve the purpose of the Act.

#### 9.1.1 Objectives of the PPC

The purpose or overarching objective of the PPC is to deliver a Precinct that enables housing choice including both medium to high density living opportunities with development up to 25m in height provided within the proposed THAB zones. The number of dwellings within the Precinct is limited to 357 in order to ensure the

surrounding road network will operate safely and efficiently and that roading infrastructure upgrades are coordinated with and delivered as development progresses within the Precinct. Development of the Precinct is defined by identified publicly accessible open spaces, areas of private open space, existing mature Pohutukawa trees (combined with a 6m setback in their vicinity) and garden streets. Movement through the precinct is provided by two new public roads, one of which connects to Ladies Mile while the other connects to Derby Downs Place. Entry markers are proposed at these locations as identified on the precinct plans. A series of interconnected commonly owned access lots in combination with identified publicly accessible pedestrian routes provide internal linkages within and through the Precinct are also identified on the precinct plans. The zoning of the land within the Remuera Precinct is Residential - Terrace Housing and Apartment Buildings and Residential – Mixed Housing Urban. All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

To that end the PPC request includes five objectives that support the above purpose.

The objectives of the PPC that achieve the above purpose are listed below:

- (1) *The Precinct is a well-functioning urban environment that is serviced with adequate infrastructure and which recognises the importance of intensification of this locality in proximity to the Ellerslie Rail Station.*
- (2) *Development is based around an integrated and connected series of public streets, publicly accessible open spaces, garden streets and publicly accessible pedestrian routes.*
- (3) *An accessible, safe and well-connected transport network is established for all modes within the Precinct and to the surrounding transport network which enables travel choice including public transport services, pedestrian, cycle, vehicle access and egress.*
- (4) *Development is coordinated with the supply of sufficient three waters, energy and communications infrastructure.*
- (5) *Adverse effects on the safe and efficient operation of the road network are avoided.*

### **9.1.2 Assessment of the Objectives Against Part 2**

Section 5 of the RMA identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in such a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations,

protecting the life-supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The objectives of the PPC are the most appropriate way to achieve Part 2 of the Act for the following reasons.

This PPC will make a positive contribution to the sustainable management of the natural and physical resources of Auckland. It involves the use and development of the natural and physical resources of land, and achieves the appropriate balance to achieve sustainable, environmental, economic, social and cultural outcomes. In particular:

- (a) Objective 1 provides for the needs of future generations by providing a variety of dwelling typologies in proximity to transport options within an existing urban area that is very well situated to support intensive residential development. The variety of dwelling options will result in a range of cost options for future buyers ranging from lower costs for two-bedroom apartments, medium costs for larger apartments and 3 bedroom dwellings and higher costs for the stand-alone 4-5 bedroom dwellings. This will enable people and communities to provide for social and economic well-being and for their health and safety.
- (b) Objective 2 provides for the health, safety and well-being of the community by ensuring appropriate open space is provided within the Precinct and connections to the adjoining and wider community are established. This will achieve positive social and cultural outcomes for the occupants of the Precinct and the wider neighbourhood.
- (c) Objective 3 contributes to the economic sustainability of Auckland by providing housing in a location that is nearby an existing town centre, within walking distance of the Ellerslie and Greenlane train stations as well as existing bus routes and has access to the various employment, education and healthcare services in the locality.
- (d) Objective 4 will ensure the social well-being of the community and their health will be provided for as there will be sufficient infrastructure for the future occupants of the Precinct.
- (e) Objective 5 will ensure the resulting development within the Precinct will not adversely affect the surrounding road network that the Precinct will have access to. This objective will ensure this physical resource will not be compromised for the neighbouring community.
- (f) The objectives will also result in the efficient use and development of natural resources (s7b) and the maintenance and enhancement of amenity values (s7c) and the quality of the environment (s7f).

Objective 3 also aims for sustainable transport options and also supports the reduction in the effects of climate change (s7j).

## 9.2 Appropriateness of the provisions to achieve the plan change objectives

Section 32(1)(b) of the RMA requires an evaluation to examine whether the provisions (policies and methods) in the plan change request are the most appropriate way to achieve its objectives by:

- Identifying other reasonably practicable options for achieving the objectives;
- Assessing the efficiency and effectiveness of the objectives; and
- Summarising the reasons for deciding on the provisions.

These matters are addressed below.

### 9.2.1 *Other reasonably practicable options*

In determining whether the proposed provisions (policies and methods) of the PPC are the most appropriate way to achieve the objectives of the plan change, consideration has been given to the following other reasonably practicable options when assessed against the PPC provisions themselves.

Option 1: Zone in accordance with the PPC , i.e. The THAB and MHU zones with the 25m additional height allowance over the THAB zones.

Option 2: Zone in accordance with the PPC , i.e. The THAB and MHU zones without the 25m additional height allowance over the THAB zones.

Option 3: Do nothing i.e. no zoning change (status quo) and implement the fast track consent only

Option 4: Await Council Led Public Plan Change or Variation to implement an appropriate zoning once the development is complete or as part of the next plan review

These options are addressed in the summary table attached as Annex P to this report where the options are assessed against existing AUP provisions and the PPC provisions.

### 9.2.2 *Costs, Benefits, Efficiency and Effectiveness of the Provisions*

The costs, benefits, efficiency and effectiveness of the PPC policies and methods are assessed below in addition to whether they are the most appropriate way to achieve the objectives of the plan change. The policies proposed as part of the Remuera Precinct PPC are set out in the attached precinct provisions. They are evaluated in detail in the attached s32 evaluation (refer Annex P).



It is concluded that the anticipated effects are acceptable and that the policies and other provisions are the most appropriate way of achieving the objectives.

### *9.2.3 Risks of Acting or Not Acting*

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is considered that sufficient information has been gathered to justify proceeding with the plan change request. There has been a significant level of analysis and assessment of the PPC land and the effects of the PPC. The analysis confirms that it is more appropriate to amend the AUP and include the provisions proposed in the Remuera Precinct PPC. This will result in appropriate planning provisions that clearly identify the outcomes anticipated for the Remuera Precinct. The alternatives of doing nothing (rely on the fast track resource consent) or awaiting a Council led plan change will not provide sufficient certainty in relation to ensuring an intensive residential developed precinct in close proximity to public transport routes. The do nothing approach will also mean the Major Recreation Facility zoning and the Ellerslie Racecourse Precinct provisions will continue to apply to a residential development. This would mean that the current objectives and policies would not be the most appropriate to reflect the development currently being undertaken on the Site. Therefore, these alternatives are not the preferred option.

### *9.2.4 Section 32 Analysis Conclusion*

Pursuant to section 32 of the Resource Management Act 1991, the evaluation contained in this report confirms that Remuera PPC provisions (Option 1) are considered to be the most appropriate way of achieving the purpose of the Act, being a comprehensive suite of planning provisions to enable appropriate urbanisation of the site. The proposed provisions are considered to be the most efficient and effective means of facilitating the use and development of the subject land into the foreseeable future.

## 10 CONSULTATION

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Section 6 of Schedule 4 of the RMA (which is included by cross reference from Section 22(2) of Schedule 1 of the RMA) states that, where consultation has been undertaken, details are to be provided. The summary below outlines the consultation that has been undertaken, primarily in relation to the fast-track application but also relevant to this PPC.

Comprehensive consultation has previously been undertaken in relation to the fast track application including letter drops to neighbours, public consultation open days on The Hill, letters to government ministers, Auckland Councillors, local business and residents associations and Local Boards and engagement with utility companies.

Further consultation has been undertaken more recently specifically in relation to this PPC. Parties consulted in regard to the PPC are listed as follows:

- The neighbours that form part of the Community Liaison Group required for the fast-track consent
- Kainga Ora – briefing and presentation to their planners
- Orakei Local Board – presentation to the board
- Mana Whenua that were engaged in the fast-track resource consent application process were subsequently further engaged with as part of a combined PPC/resource consent series of huis in November 2023, February 2024 and April 2024 as outlined above in this report.
- Watercare – Briefing presentation to Watercare officers in December 2023.

Below is a summary of the initial consultation undertaken and the further consultation undertaken in relation to the fast-track application. Both consultation processes are considered relevant as they relate to the proposed change of use from the existing major recreation facility activities to medium to high intensity residential development.

### *Landowners and occupiers of adjacent sites*

The occupiers of the following properties were contacted via a manual letter drop to the properties below. The letter provided high level details of the Project to the neighbours and an invitation to the public open day on the 6th of April 2022. A second open day was arranged for 30 April 2022. Information boards summarising the Project were on display.

### Ladies Mile

Numbers 128, 126, 124, 124a, 122, 120, 118 (1-4), 116, 116a, 114, 114a-b, 112, 110, 108, 106, 104, 102, 100, 100a-b, 98, 98a, 96-2, 96, 94, 92, 92a-d, 90, 90a, 88, 86a, 86, 84, 82, 80, 78a, 78, 76, 74, 72, 72a-f, 70, 68, 66, 66a, 64, 62, 56, 56a, 54, 54a, 52  
47, 49, 51, 53, 119, 121, 121a-c, 123

#### Peach Parade

Numbers 2, 2a, 6, 8, 10

#### Derby Downs Place

Numbers 2, 4, 6, 8, 10, 10a, 12a, 12b, 15, 11, 9, 7, 5, 3, 1, 1b

#### Huntermville Court

2a, 3a, 3b, 6, 8, 10, 10a, 12, 12a, 14, 15a, 15b, 11, 11a, 9a, 9b, 7, 7 (2), 5a, 5b, 3

#### Lonsdale Street

15 (1-3), 13 (1-3), 14 (1-3), 16 (1-3), 18, 18 (2)

Between 50-80 people attended the first open day and 80 plus people attended the second open day.

Neighbours were invited to provide feedback to ATR and FRL and all responses received are included in the application documentation. Detailed response was provided from the owners/occupiers at 12B Derby Downs Place. Key areas of interest/concern included the following:

- Transport effects (changes to Derby Downs Place and traffic flows).
- The proposed upper Loop Road (prefer an intersection at Abbotts Way).
- Locate under track underpass under the existing at grade crossing to the infield from Ascot Ave.
- The internal access lanes (COALs – Common Owned Access Lots) being used for short cuts (rat-running).
- Insufficient green space.
- Oppose Fast Track process.

These matters have been considered in the developed design of the Project. The applicant's traffic engineer and peer reviewer have reviewed the proposed traffic and roading approach for the Project and consider the design and roading improvements achieve a safe and efficient roading environment, without creating significant adverse effects on existing neighbours. While some roads will become busier, the traffic modelling undertaken confirms that the existing roading network, with the upgrades proposed, will operate at an acceptable level.

In regard to green space, the Project has generous areas of open space including in and around the upper apartment precinct, the Belvedere Gardens, the trackside pathway and swale, the planted embankment, significant outlook over the racecourse and private open space for each individual lot. The proposed approach is considered to be appropriate for the development.

Specific consultation was also undertaken with the owner/occupier of 49 Ladies Mile. This neighbour was concerned with loss of view from their dwelling. Whilst views are not protected, the applicant made amendments to the design and location of the proposed dwelling on proposed Lot 49 in order to provide good quality outlook from the existing neighbouring 3 level dwelling at 49 Ladies Mile.

As part of this consultation, the leasehold owners of the adjacent Ellerslie 1 Precinct (Ellerslie Stables Precinct Limited and Rockfield Group Limited) attended the open day. General Manager Josh Penny subsequently emails ATR on 11 April 2022 confirming Rockfield is happy to support Fletchers and The Club on the greater site.

#### *Central Government*

The following Members of Parliament were advised of the Project (Ministers as at the time of the fast-track consent and prior to the 2023 General Elections):

- Minister of Racing – Grant Robertson and Kieran McAnulty
- Minister for the Environment – David Parker
- Minister of Housing – Megan Woods
- Minister of Transport – Michael Wood
- Minister David Seymour
- Minister Priyanca Radhakrishnan

Former Minister Kieran McAnulty responded to ATR and acknowledged the exciting project and looked forward to receiving updates as the application progresses.

#### *Auckland Council and CCO's*

The following Auckland Council representatives have been advised of the Project:

- Mayor
- Deputy Mayor
- Councillors
- Orakei Local Board
- Council Planning Managers and Principal Planners

- Auckland Urban Design Panel
- Healthy Waters
- Auckland Transport
- Watercare

Detailed engagement was undertaken in relation to the fast-track consent with Auckland Council planners, Auckland Transport, Healthy Waters and Watercare.

Discussions with Auckland Council planners in relation to the plan change are ongoing, and they were provided with a draft copy of the PPC. A response to the draft PPC was received from Council and the PPC, this report and the s32 evaluation have been updated to address these responses as considered appropriate

#### *Other Consultation*

Letters were also sent to the Ellerslie Business Association, Ellerslie Residents Association, Remuera Heritage Association and Remuera Residents Association. Meetings were held with the chairs of these associations to brief them on the project. The outcomes of this engagement were generally positive and are detailed in the consultation summary table.

#### *Consultation Summary*

Overall consultation feedback has generally been positive, whilst local residents are concerned to ensure the resulting traffic environment is not compromised. The feedback regarding the overall built form outcomes proposed has been positive.

## 11 NOTIFICATION

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Given that the PPC reflects the objectives and policies of the AUP and there has been significant consultation already undertaken as part of the fast-track consent process, it is considered appropriate for the PPC to be progressed on a limited notified basis.

In this instance, given the limited and confined scale of the PPC land area and the previous feedback process undertaken during the fast-track application process, the applicant requests that the PPC be progressed on a limited notified basis to those properties/parties that were invited to provide feedback on the fast-track application as identified by the expert consenting panel or who were previously consulted by FRL as part of the fast-track consent process. These properties/parties are listed below:

### Ladies Mile

Numbers 128, 126, 124, 124a, 122, 120, 118 (1-4), 116, 116a, 114, 114a-b, 112, 110, 108, 106, 104, 102, 100, 100a-b, 98, 98a, 96-2, 96, 94, 92, 92a-d, 90, 90a, 88, 86a, 86, 84, 82, 80, 78a, 78, 76, 74, 72, 72a-f, 70, 68, 66, 66a, 64, 62, 56, 56a, 54, 54a, 52  
47, 49, 51, 53, 119, 121, 121a-c, 123

### Peach Parade

Numbers 2, 2a, 6, 8, 10

### Derby Downs Place

Numbers 2, 4, 6, 8, 10, 10a, 12a, 12b, 15, 11, 9, 7, 5, 3, 1, 1b

### Huntermville Court

2a, 3a, 3b, 6, 8, 10, 10a, 12, 12a, 14, 15a, 15b, 11, 11a, 9a, 9b, 7, 7 (2), 5a, 5b, 3

### Lonsdale Street

15 (1-3), 13 (1-3), 14 (1-3), 16 (1-3), 18, 18 (2)

However, following detailed discussions with Auckland Council, their recommendation is that the PPC be publicly notified.

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## 12 CONCLUSION

This report has been prepared in support of FRL's request for a private plan change to rezone a 6.2197 hectare portion of the Ellerslie Racecourse site to provide for residential development. The land is surplus to the racing club's requirements and has been purchased by FRL.

The request has been made in accordance with the provisions of Schedule 1 and 32 of the Resource Management Act 1991.

Specialists have been prepared in support the application covering a wide variety of disciplines including, open space, urban design, landscape and visual, transport, ecology, stormwater, economic, geotechnical and contamination (and others). Based on these reports, a comprehensive analysis of potential positive and adverse effects has been provided in this report where it was concluded that the proposed plan change provisions will result in the most appropriate suite of provisions for the Precinct and any adverse effects are considered to be acceptable.

An assessment against the provisions of Section 32 of the RMA is provided in Section 9 of the report and the separately attached Section 32 evaluation table. This includes an analysis with respect to the extent to which the objectives of the plan change are the most appropriate to achieve the purpose of the Act and an examination of whether the provisions of the plan change are the most appropriate way to achieve its objectives, including any alternatives.

For the above reasons, it is considered that the PPC accords with the sustainable management principles outlined in Part 2 of the Act and satisfies section 32 of the Act.

Vijay Lala

**Director/Planning Consultant**

**Tattico Limited**

June 2024