

I hereby give notice that a hearing by commissioners will be held on:

**Date:** Thursday, 5 March 2020  
(Friday, 6 March 2020 if required)  
**Time:** 9:30am  
**Meeting Room:** Whau Local Board Boardroom  
**Venue:** 31 Totara Avenue, New Lynn  
Auckland

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## **HEARING REPORT**

### **PRIVATE PLAN MODIFICATION 32**

### **AVONDALE JOCKEY CLUB**

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#### **COMMISSIONERS**

<b>Chairperson</b>	<b>Kim Hardy</b>
<b>Commissioner</b>	<b>Trevor Mackie</b>

**Sam Otter**  
**SENIOR HEARINGS ADVISOR**

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## **WHAT HAPPENS AT A HEARING**

At the start of the hearing, the Chairperson will introduce the commissioners and council staff and will briefly outline the procedure. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Any party intending to give written or spoken evidence in Māori or speak in sign language should advise the hearings advisor at least five working days before the hearing so that a qualified interpreter can be provided.

Catering is not provided at the hearing. Please note that the hearing may be audio recorded.

### **Scheduling submitters to be heard**

A timetable will be prepared approximately one week before the hearing for all submitters who have returned their hearing appearance form. Please note that during the course of the hearing changing circumstances may mean the proposed timetable is delayed or brought forward. Submitters wishing to be heard are requested to ensure they are available to attend the hearing and present their evidence when required. The hearings advisor will advise submitters of any changes to the timetable at the earliest possible opportunity.

### **The Hearing Procedure**

The usual hearing procedure (as specified in the Resource Management Act) is:

- The applicant will be called upon to present his/her case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented his/her case, members of the hearing panel may ask questions to clarify the information presented.
- Submitters (for and against the application) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker. The council officer's report will identify any submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
- Should you wish to present written information (evidence) in support of your application or your submission please ensure you provide the number of copies indicated in the notification letter.
- Only members of the hearing panel can ask questions about submissions or evidence. Attendees may suggest questions for the panel to ask but it does not have to ask them. No cross-examination - either by the applicant or by those who have lodged submissions – is permitted at the hearing.
- After the applicant and submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification.
- When those who have lodged submissions and wish to be heard have completed their presentations, the applicant or his/her representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage.
- The chairperson then generally closes the hearing and the applicant, submitters and their representatives leave the room. The hearing panel will then deliberate "in committee" and make its decision by way of formal resolution. You will be informed in writing of the decision and the reasons for it.

**A LIMITED NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND COUNCIL UNITARY PLAN BY AVONDALE JOCKEY CLUB**

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**Reporting officer, Katie Maxwell**

Reporting on proposed private Plan Modification 32 to rezone 1,870m<sup>2</sup> of land on the south-western corner of the Avondale Racecourse from Special Purpose – Major Recreation Facility to Terrace Housing and Apartment Building Zone and re-align the Avondale Racecourse precinct boundary and interface control area buffer.

**APPLICANT:** AVONDALE JOCKEY CLUB

<b>SUBMITTERS:</b>	
Page 155	Ray Strawbridge
Page 157	Y Liu
Page 159	Ying Feng
Page 161	Hamish and Courtney Henderson
Page 163	Hari Ram Prasad
Page 165	Reuben Pollock
Page 167	Wingate Club, care of: Ken Lomax
Page 172	Rosalind Faiga Iefata
Page 174	Aeaiz Rehman Kutty
Page 175	Auckland Transport care of Kelly Seekup

<b>FURTHER SUBMISSION</b>	
Page 180	Hamish and Courtney Henderson



## Hearing Report for Proposed Plan Change 32 (Private) Avondale Jockey Club to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

<b>Report to:</b>	Hearing Commissioners
<b>Hearing Dates:</b>	5 March 2020
<b>File No:</b>	Hearing Report – Plan Change 32 (PPC32)
<b>File Reference</b>	U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC032 - Avondale Jockey Club (Private)
<b>Report Author</b>	Katie Maxwell, Planner, North-West and Islands Planning, Plans and Places
<b>Report Approvers</b>	Anne Bradbury, Acting Team Leader North-West and Islands Planning, Plans and Places Warren Maclellan, Manager North-West and Islands Planning, Plans and Places
<b>Report produced</b>	February 2020

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**Summary of Proposed Plan Change 32 (Private) Avondale Jockey Club:** Rezone 1870m<sup>2</sup> of land at Lot 1 DP470450, Wingate Street from Special Purpose – Major Recreation Facility to Residential – Terrace Housing and Apartment Building zone.

<b>Plan subject to change</b>	Auckland Unitary Plan (Operative in Part)
<b>Number and name of change</b>	Proposed Plan Change 32 (Private) Avondale Jockey Club to the Auckland Unitary Plan (Operative in Part)
<b>Status of Plan</b>	Operative in part
<b>Type of change</b>	Proposed private plan change

<b>Committee date of approval (or adoption) for notification</b>	6 August 2019
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>	AUP Maps & I307 Avondale Racecourse Precinct – Precinct Plan
<b>Date draft proposed plan change was sent to iwi for feedback</b>	May/June 2019
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b>	29 August 2019 Limited Notification
<b>Plan development process used – collaborative, streamlined or normal</b>	Normal
<b>Submissions received (excluding withdrawals)</b>	10
<b>Date summary of submissions notified</b>	24 October 2019
<b>Number of further submissions received</b>	1
<b>Legal Effect at Notification</b>	No
<b>Date of site visit</b>	12 July 2019
<b>Main issues or topics emerging from all submissions</b>	<ul style="list-style-type: none"> <li>• Transport and traffic issues resulting from increased traffic movements, congestion, and additional parked vehicles on nearby streets</li> <li>• Loss of privacy and sunlight access for surrounding properties</li> <li>• Loss of the Interface Control Area along the border with Wingate Street properties</li> </ul>

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## Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PPC32	Proposed Plan Change 32
RMA	Resource Management Act 1991
AUP(OP)	Auckland Unitary Plan (Operative in Part)
PAUP	Proposed Auckland Unitary Plan
SP-MRF	Special Purpose – Major Recreation Facility Zone
THAB	Residential – Terrace Housing and Apartment Buildings Zone
The Application	Private plan change request by Avondale Jockey Club report (including s32 and Assessment of Environmental effects). Prepared by Campbell Brown Planning Ltd
AEE	Assessment of Environmental Effects
ITA	Integrated Transport Assessment
ICA	Interface Control Area

<b>Attachments</b>	
<b>Appendix 1</b>	<b>The Applicants Report - Proposed Plan Change 32 (Private) Avondale Jockey Club</b> <ul style="list-style-type: none"> <li>• Appendix A: Certificate of Title</li> <li>• Appendix B: Amended AUP Zone Map</li> <li>• Appendix C: Amended Avondale Racecourse Precinct Plan</li> <li>• Appendix D: Section 32 Evaluation Table</li> <li>• Appendix E: AUP RPS Assessment Table</li> <li>• Appendix F: AUP Assessment Table</li> <li>• Appendix G: Consultation Summary</li> <li>• Appendix H: Infrastructure Report</li> <li>• Appendix I: Geotechnical Report</li> <li>• Appendix J: Subdivision Decision</li> <li>• Appendix K: Subdivision Approved Plan</li> </ul>
<b>Appendix 2</b>	<b>Summary of Submissions and Copies of Submissions</b>
<b>Appendix 3</b>	<b>Local Board Correspondence</b>
<b>Appendix 4</b>	<b>Clause 23 Request Letter</b>
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<b>Appendix 10</b>	<b>Watercare Comments</b>
<b>Appendix 11</b>	<b>Council Decision to accept PPC32 under Clause 25 to First Schedule RMA</b>
<b>Appendix 12</b>	<b>Proposed Zone Map</b>



## 1. EXECUTIVE SUMMARY

1. Proposed Plan Change 32 (Private) Avondale Jockey Club ('**PPC32**' or '**Plan Change**') to the Auckland Unitary Plan (Operative in Part) ('**AUP(OP)**') seeks to rezone 1,870m<sup>2</sup> of land at Lot 1 DP470450 Avondale Racecourse from Special Purpose – Major Recreation Facility ('**SP-MRF**') to Terrace Housing and Apartment Building Zone ('**THAB**'). The request also proposes to remove Lot 1 from the Avondale Racecourse Precinct ('**precinct**') and realign the Interface Control Area ('**ICA**') with the precinct boundary.
2. PPC32 relates to the planning maps contained in the Auckland Council GIS viewer, and the location of the Interface Control Area shown on the Avondale Racecourse Precinct Plan at AUP (OP) Figure I307.10.1.
3. The private plan change request was made under Clause 21 of Schedule 1 to the Resource Management Act 1991 ('**RMA**') and was accepted by Auckland Council ('**Council**'), under clause 25(2)(b) of Schedule 1 to the RMA on 6 August 2019.
4. Further information was sought from the applicant by the council in accordance with Clause 23 of Schedule 1 to the RMA on 12 July 2019. The applicant provided further information related to transport effects. I considered that the request was satisfied following the information provided to council on 19 July 2019.
5. PPC32 was publicly notified by the council on 29 August 2019 and the closing date for submissions was 26 September 2019. The council received 10 submissions on PPC32. The council's Summary of Decisions Requested was publicly notified on 24 October 2019 with the period for making further submissions closing on 8 November 2019. One further submission was received.
6. This hearing report has been prepared in accordance with section 42A of the RMA.
7. This report addresses the merits of PPC32, with reference to an assessment of effects on the environment and the issues raised in submissions. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, and those persons or organisations that lodged submissions on PPC32.
8. The topics covered by submissions include traffic, parking, loss of land perceived to be open space, the movement of the interface control area buffer zone, lack of wider strategic thought in relation to developing racecourse land, stormwater runoff, loss of sunlight and privacy on surrounding properties. The main concerns held by submitters focused on congestion, lack of street parking and the loss of undeveloped land which may function as extended open space for some residents.
9. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
10. A report in accordance with section 32 of the RMA was prepared by the applicant as part of the private plan change request as required by clause 22(1) of Schedule 1 of the RMA. In accordance with an evaluation under section 32, I consider that the provisions are the most appropriate to achieve the objectives of the AUP(OP) and the purpose of the RMA.
11. It is recommended that PPC32 be approved with no amendments.

## 2. BACKGROUND

### 2.1 Request

12. The applicant for PPC32 is Avondale Jockey Club Limited (**'the applicant'**). The private plan change was lodged with the council on 17 June 2019. PPC32 seeks to rezone 1,870m<sup>2</sup> of land in Lot 1 DP470450 Avondale Racecourse (**'the site'**) from Special Purpose – Major Recreation Facility Zone (**'SF-MRF'**) to Terrace Housing and Apartment Building Zone (**'THAB'**) in the Auckland Unitary Plan (Operative in Part) (**'AUP(OP)'**). The site is 4,570m<sup>2</sup> and the remainder of the site is already zoned THAB. PPC32 also proposes to remove the site from the Avondale Racecourse Precinct and proposes to move the Interface Control Area boundary (**'ICA'**) to fit within the new precinct boundary. The ICA is in the Avondale Racecourse Precinct.
13. Lot 1 DP 508281 was subdivided from the racecourse boundary in 2018. The subdivision consent is outlined in paragraph 14.

#### Subdivision consent

14. The applicant applied for subdivision consent in mid-2018 to remove 4,570m<sup>2</sup> from the Avondale Racecourse and create a separate parcel of land which is now known as Lot 1. Lot 1 is the plan change site. The site was no longer required by the Avondale Jockey Club for racing purposes. Part of this land is already zoned THAB so the site currently has two zones, THAB and SF-MRF. The subdivision consent was granted by an independent commissioner on 12 October 2018.
15. There are number of conditions attached to the subdivision consent. The conditions relate to the development of the site in the future and they ensure the existing services on the site are not undermined by any future development. There are a number of consent notices with the subdivision which are required to be registered against the title of the site. The first consent notice is for stormwater, wastewater and infrastructure connections. The second consent notice manages the National Grid corridor crossing the site. The subdivision consent is included in Appendix 1.

### 2.2 Context

#### Existing environment

16. The applicant has provided a description of the site and surrounds. I visited the site on 12 July 2019 and I concur with the applicant's assessment set out in Section 4 of the application. The site has approximately 45m of road frontage and rises up from Wingate Street and the adjacent properties relatively steeply until it reaches the racetrack. The land in the surrounding vicinity is residential aside from the racecourse land. Wingate Street is a no exit street and is identified in the AUP(OP) as a minor urban local road. The site is outlined in red in Figure 1.

**Figure 1: PPC32 Locality Plan (PPC32 highlighted in red)**



### **2.3 Lodgement documents**

17. The applicant provided the following reports and documents to support their application for PPC32:

- Appendix A: Certificate of Title
- Appendix B: Amended AUP Zone Map
- Appendix C: Amended Avondale Racecourse Precinct Plan
- Appendix D: Section 32 Evaluation Table
- Appendix E: AUP RPS Assessment Table
- Appendix F: AUP Appendix 1 Assessment Table
- Appendix G: Consultation Summary
- Appendix H: Infrastructure Report

- Appendix I: Geotechnical Report
- Appendix J: Subdivision Decision
- Appendix K: Subdivision Approved Plan

These documents are in Appendix 1.

## **2.4 Clause 23 Requests for Further information**

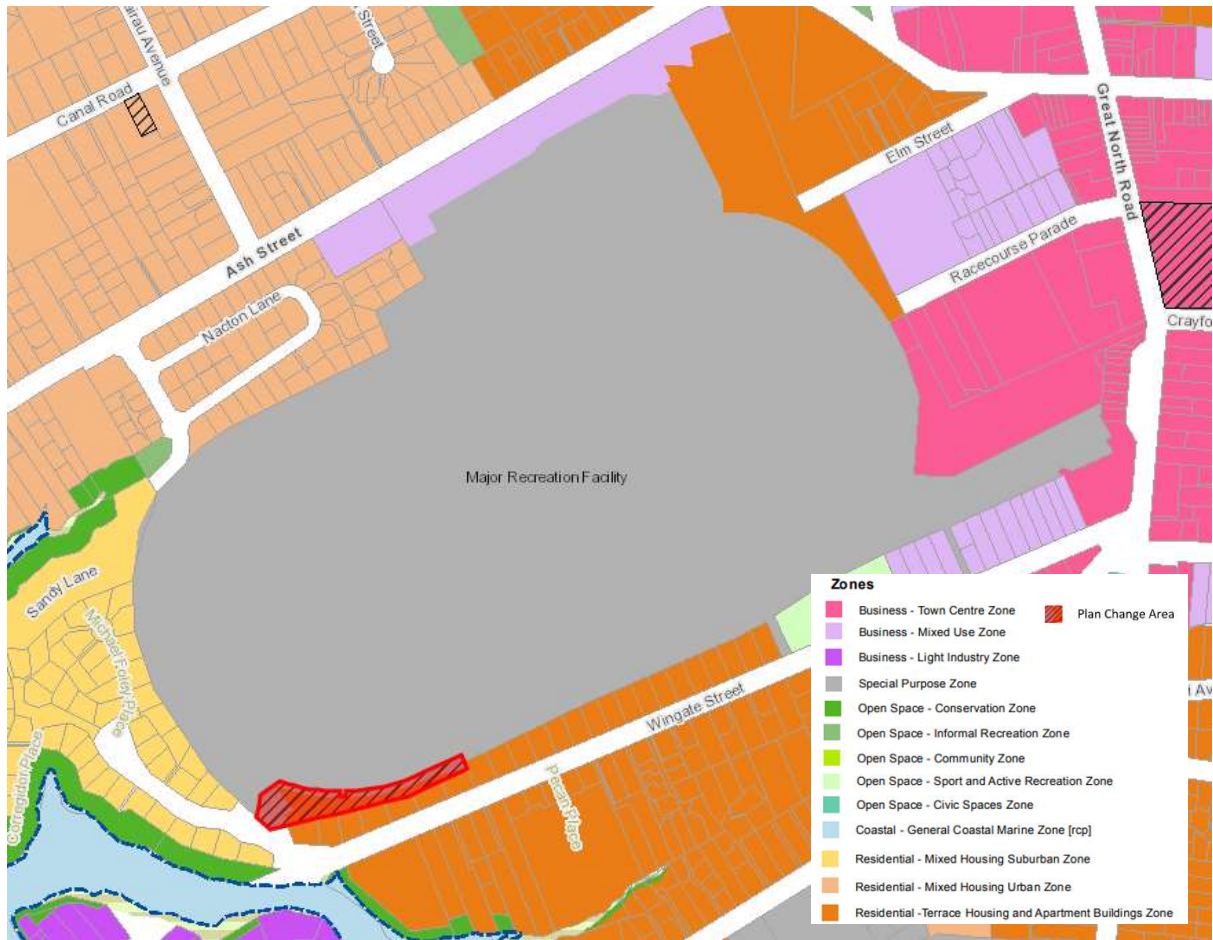
18. On 12 July 2019, prior to accepting PPC32, I requested that the applicant provide further information in accordance with Clause 23 of Schedule 1 to the RMA. This request is attached as Appendix 4 to this report. The purpose of the further information request was to enable council to better understand the effects of PPC32 on the environment and the ways in which any adverse effects may be mitigated. The clause 23 request requested an updated section 32 assessment identifying the potential transport and traffic effects on the surrounding street environment.
19. The applicant responded to the Clause 23 request on 19 July 2019, by providing an updated section 32 report. The most up-to-date version is contained within Appendix 1 to this report.
20. Having reviewed the applicant's Clause 23 response, I consider that the further information requests have been satisfied. In making this determination, I have relied on the advice of technical experts listed in Section 5 of this report.

## **3. EXISTING PLAN PROVISIONS**

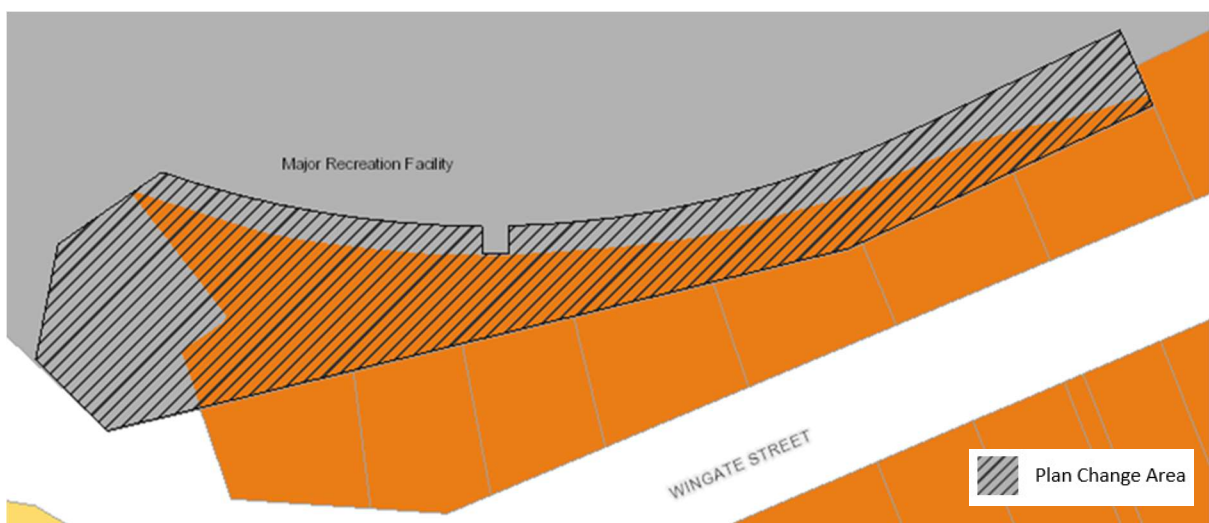
### **3.1 Current plan provisions for the site and surrounds**

21. The PPC32 area is currently zoned SP-MRF and THAB in the AUP(OP), and is subject to the following annotations:
  - Overlays: Infrastructure: National Grid Corridor Overlay – National Grid Yard Compromised; Infrastructure: National Grid Corridor Overlay – National Grid Yard Uncompromised; Infrastructure: National Grid Corridor Overlay – National Grid Subdivision Corridor
  - Controls: Macroinvertebrate Community Index - Urban
  - Precinct: Avondale Racecourse Precinct.
22. The surrounding area features a mixture of residential, business and special purpose zones. The properties to the west are zoned Residential – Mixed Housing Suburban Zone. Immediately north of the site lies the Avondale Racecourse, which is zoned SP-MRF, and beyond that are properties zoned Residential – Mixed Housing Urban Zone. Properties along the Wingate Street are predominantly zoned THAB, except those at the eastern end of the street which are zoned Business – Mixed Use Zone and Business – Town Centre Zone.
23. The current zoning of the site and surrounds is depicted in Figure 2 below.

**Figure 2: Existing AUP(OP) zoning of the site and surrounds**



**Figure 3: Plan Change Area**





27. Further information about this zone can be found in *H26 Special Purpose – Major Recreation Facility Zone* of the AUP(OP).

### **3.3 Residential – Terrace Housing and Apartment Building zone**

28. The rest of the site is currently zoned THAB. The purpose of this zone is to make efficient use of land and infrastructure and increase the capacity of housing. The THAB zone enables higher-intensity developments in the form of terrace housing and apartments, predominantly in areas that are located around metropolitan, town and local centres and the public transport network. The zone provides for the greatest density, height and scale of development of all the residential zones.
29. The objectives and policies of this zone seek to enable higher-intensity development on land adjacent to centres and near the public transport network and ensure that such developments provide quality on-site residential amenity for residents and the street. In addition, the zone seeks to provide for a range of non-residential activities that are compatible with the scale and intensity of the development anticipated by the zone.
30. Further information about this zone can be found in *H6 Residential – Terrace Housing and Apartment Building Zone* of the AUP(OP).

### **3.4 Avondale Racecourse Precinct**

31. The purpose of the Avondale Racecourse Precinct is to provide planning provisions for the use of the Avondale Racecourse as a horse racing facility.
32. The objectives and policies of this precinct seek to protect the Avondale Racecourse as a regionally and nationally important venue for horse racing and enable a range of compatible or ancillary activities to be established within the precinct. The objectives and policies also seek to avoid, remedy or mitigate adverse effects associated with the operation of the racecourse as far as practicable.
33. In order to manage effects of the operation of the Avondale Racecourse, the precinct includes a standard which requires a 20-metre buffer zone between the residential properties surrounding the racecourse and any buildings associated with the venue and its activities. This is the Interface Control Area ('ICA').
34. Further information about this zone can be found in *I307 Avondale Racecourse Precinct* of the AUP(OP).

### **3.5 Overlays and controls**

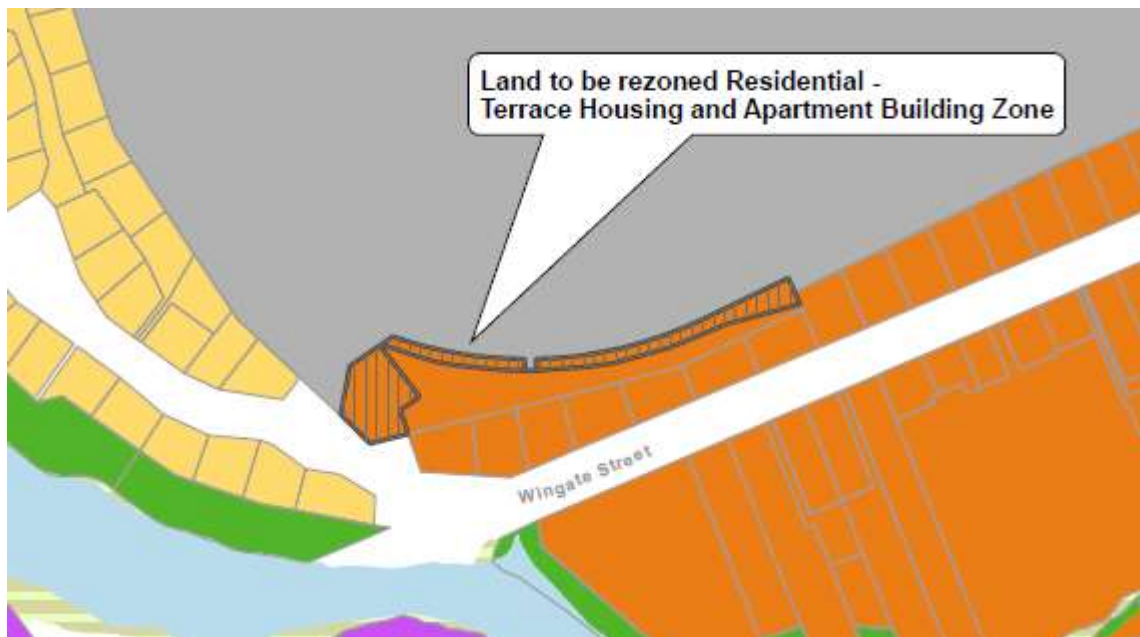
35. The relevant overlays and controls that cover the site are not proposed to be amended through PPC32. These overlays and controls are outlined below.
36. The National Grid Yard Corridor manages sensitive activities and potentially incompatible development within close proximity to the National Grid. This is in order to:
- avoid risks to people and property;
  - protect the National Grid;
  - preserve line access for inspection and maintenance;
  - preserve a corridor for the operation, maintenance, upgrade and development of National Grid infrastructure; and
  - manage potential reverse sensitivity effects.

37. The Macroinvertebrate Community Index is an index that measures the water quality of freshwater streams and is divided into four land use categories – native, exotic, rural and urban. These indexes provide a guideline on the health of streams based on the presence or lack of macroinvertebrates.

**4. PROPOSED PLAN CHANGE PROVISIONS**

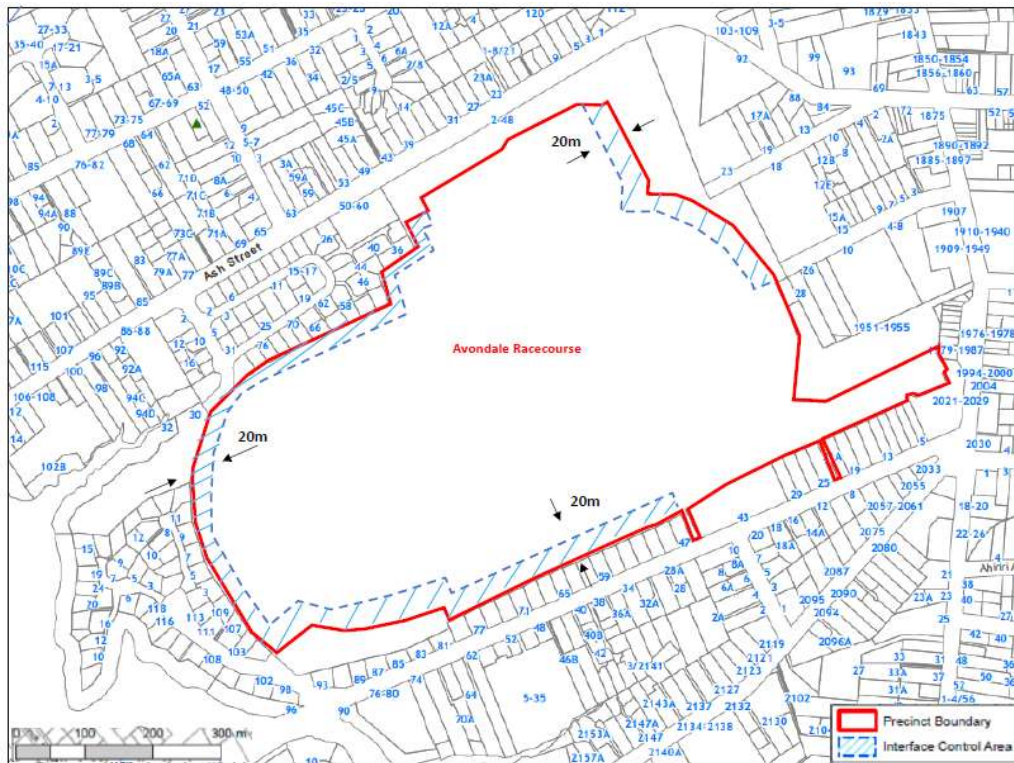
38. PPC32 seeks to apply the THAB zone to the site and re-align the Avondale Racecourse precinct boundary with the site. PPC32 also seeks to move the ICA to fit within the newly aligned precinct boundary. No further precincts, overlays or controls are sought. The plan change site and existing zoning are shown in Figure 2 & 3. The grey area inside the site is SP – MRF and is proposed to be changed to THAB. The re-aligned precinct boundary is shown in Figure 6.

**Figure 5: Proposed AUP(OP) zoning of PPC32 site (full map attached in Appendix 12)**





**Figure 6: Proposed re-aligned Avondale Racecourse Precinct boundary**



**5. HEARINGS AND DECISION-MAKING CONSIDERATIONS**

- 39. Clause 8B (read together with Clause 29) of Schedule 1 of RMA requires a local authority to hold a hearing into submissions on a proposed private plan change.
- 40. On 6 August 2019 the council’s Governing Body delegated authority to the Hearings Commissioners authority to determine council’s decisions on submissions on PPC32 under section 34 of the RMA. Hearing Commissioners will not be recommending a decision to the council but will be making the decision directly on PPC32.
- 41. In this report I summarise and discuss submissions received on PPC32. I make recommendations on whether to accept or reject each submission. Any conclusions or recommendations in this report are not binding on the Hearing Commissioners.
- 42. The Hearing Commissioners will consider all the information in submissions together with evidence presented at the hearing.
- 43. This report relies on the assessments from the following experts on behalf of the council and specialist Auckland Council officers. The assessments are attached in Appendices 5-10 to this report.

**Table 1: Specialists and their relevant matters**

Matter	Reviewing specialist
Stormwater	Iresh Jayawardena, Healthy Waters Specialist

Transport	Mat Collins, Principal, Flow Transportation Specialists
Watercare	Ilze Gotelli, Major Developments Manager, Watercare Services Limited
Geotech/Land Stability	Charlie Brightman, Principal Geotechnical Specialist
Land contamination	James Corbett, Principal Contaminated Land Specialist
Urban Design	Sarah Lindsay, Principal Architect, Auckland Design Office

## 6. STATUTORY AND POLICY FRAMEWORK

44. Private plan change requests can be made to the council under Clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as council-initiated plan changes. The private plan change request must contain an evaluation report in accordance with section 32 of the RMA (clause 22(1), Schedule 1, RMA).
45. PPC32 is a private plan change request made to the council by the applicant in accordance with Clause 21 of Schedule 1 of the RMA.
46. Further information was sought in accordance with Clause 23 to Schedule 1 RMA, which is summarised in Section 2.4 of this report.
47. PPC32 was accepted by the council under clause 25(2)(b) of Schedule 1 of the RMA by Auckland Council's Planning Committee on 6 August 2019. A record of this decision is attached as Appendix 11 to this report.
48. PPC32 was publicly notified on 29 August 2019, with 10 submissions received by the council. The summary of submissions was publicly notified by the council on 24 October 2019 with one further submission received.

## 7. STATUTORY AND POLICY ASSESSMENT

### 7.1 Resource Management Act 1991

49. The key directions of the RMA with regard to consideration of private plan changes are set out in the below paragraphs.

**Table 2: Sections of the RMA relevant to private plan change decision making**

<b>RMA Section</b>	<b>Matters</b>
Part 2	Purpose and principles of the RMA.
Section 31	Outlines the functions of territorial authorities in giving effect to the Resource Management Act 1991
Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Section 67	Contents of regional plans – sets out the requirements for regional plan provisions, including what the regional plan must give effect to, and what it must not be inconsistent with
Section 72	Sets out that the purpose of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.
Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Section 75	Contents of district plans – sets out the requirements for district plan provisions, including what the district plan must give effect to, and what it must not be inconsistent with
Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities. It also sets out the process for private plan change applications.

## **7.2 National policy statements**

50. Pursuant to Sections 74(1)(ea) and 75 RMA, the relevant national policy statements ('NPS') must be given effect to in the preparation of the proposed plan change and in considering submissions. There are two NPS of relevance to PPC32; the National Policy Statement on Urban Development Capacity and the National Policy Statement on Electricity Generation.

### **7.2.1 National Policy Statement on Urban Development Capacity 2016 ('NPSUDC')**

51. The NPS Urban Development Capacity 2016 sets out the objectives and policies for providing development capacity under the RMA. The NPSUDC seeks to achieve:

*Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing. (OA1)*

*Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and provide choice to meet the needs of people and communities and future generations. (OA2)*

*Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations. (OA3)*

*Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other. (OC1)*

52. PPC32 provides for an efficient urban environment (OA1) by enabling a residential use of the site. Part of the site is already zoned THAB and the adjacent properties are zoned THAB. The THAB zone itself provides for a variety of higher-density housing options (OA2). PPC32 assists in the supply of new residential land, which supports the changing needs of the community (OA3) and the need for housing close to centres and transport connections.
53. The PPC32 land is well-integrated with infrastructure networks (OC1) given its proximity to public transport connections such as the Western Rail Line and Great North Road bus services. Avondale is a well-established suburb which has existing services and infrastructure networks.
54. The applicant has provided an assessment of PPC32 against the NPSUDC in section 8.3 of their application report which I agree with. Therefore, I am satisfied that following approval of PPC32, the AUP(OP) would continue to give effect to the NPSUDC in accordance with Section 74 and 75 RMA.

#### **7.2.2 National Policy Statement on Electricity Transmission 2008 (Amended 2017) ('NPS Electricity Transmission')**

55. The NPS Electricity Transmission provides guidance for local authorities to carry out their responsibilities under the Resource Management Act 1991 for recognising and managing the effects of the electricity transmission. This NPS seeks to achieve the following objectives and policies relevant to PPC32:

*Objective: To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network*

*Policy 2: In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.*

*Policy 5: When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmissions assets.*

*Policy 10: In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*

*Policy 11: Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify*

*these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).*

56. In relation to all policies outlined above, the underlying subdivision consent manages the national grid area and ensures that these policies are supported through conditions. The consent requires a 12m corridor clear of habitable buildings underneath the transmission line, and no buildings or structures within 12m of the outer edge of the support structure. The exact condition is outlined below:

*The consent holder shall register against the Certificate of Title (CFR) for proposed Lot 1 a Consent Notice pursuant to s221 of the Resource Management Act 1991, recording the following conditions which are to be complied with on a continuing basis:*

*All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the code.*

*No habitable buildings shall be located within 12m of the centreline of the HEN-OTA A National Grid Transmission Line.*

*No buildings or structures shall be located within 12m from any outer visible edge of the foundation of Tower 0067 National Grid Transmission support structure; except for non-conductive fencing, which can be located 5m from any outer visible edge of the support structure foundation.*

57. The applicant has provided an assessment of PPC32 against the NPS Electricity Transmission in paragraph 8.3 of their application report. The applicant outlines that the applicant is aware of the constraints on the site and indicates that any future development will remain clear of this sensitive corridor.
58. The AUP(OP) the *D26 National Grid Corridor Overlay* to ensure that the NPS is adhered to. This overlay applies to the site. This overlay and its objectives, policies and rules are in line with the requirements set out above.
59. I am satisfied that following acceptance of PPC32, the AUP(OP) would continue to give effect to the NPS Electricity Transmission in accordance with Sections 74 and 75 RMA.

### **7.3 Regional Policy Statement**

60. Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statement.
61. Regional Policy Statements of relevance to PPC32 include:
- B2. Urban Growth and Form
  - B3. Infrastructure, transport and energy
  - B10. Environmental Risk (Land - contaminated).

**Table 3:** Relevant provisions of the RPS in the AUP(OP)

<b>RPS section</b>	<b>Relevant sub-sections</b>
B2 Urban growth and form	B2.2 Urban growth and form B2.3 A quality built environment B2.4 Residential growth B2.7 Open space and recreational facilities
B3 Infrastructure, transport and energy	B3.3 Transport
B10 Environmental risk	B10.4 Land - contaminated

62. The applicant has provided an assessment against the objectives and policies of the AUP(OP) Regional Policy Statement ('RPS') in Section 8.8 of the application report. I have read the applicant's assessment against the relevant RPS objectives and policies and agree with the findings for the reasons set out below.
63. The key findings of the applicant's assessment are:
- PPC32 provides for rezoning of land within the Rural Urban Boundary that supports a quality compact urban form and allows for the efficient use of accessible land for intensive residential use (B2.2.1.(1) and B2.2.2(7)).
  - The rezoning will allow the site to achieve a greater development potential in a location already identified by council as meeting the attributes of a high intensity residential zone given its proximity to Avondale Town Centre, Avondale Train Station and the bus corridor of Great North Road (B2.2.2.(5) and B2.4.2.(2)).
  - The proposed re-zoning will allow for the alignment of the zoning to the physical site boundaries which will ensure that the full site area is able to achieve the high intensity residential use sought by the THAB zone. It enables the full width and length of the site to be utilised in a development scenario for residential purposes and enable greater design options to be achieved on site (B2.4.1.(1)).
  - The site is able to be adequately serviced. The recent subdivision granted by Auckland Council including conditions requiring the provision of infrastructure and in close proximity to public transport infrastructure (B2.4.2.(6)).
  - The needs of the local community with regard to the provision of the major recreation facility comprised in the Avondale Racecourse will remain unchanged by the proposed rezoning as the land is surplus to the applicant's needs. The recent subdivision of the site, alongside the proposed rezoning, will enable the applicant to raise capital to invest back into the racecourse (B2.7.1.(1)).
  - There are not considered to be reverse sensitivity effects from the proposal given AJC are the applicants and the AUP has always anticipated higher intensity uses alongside the racecourse boundary (B2.7.1.(3)).

- The proposed rezoning would not result in significant adverse effects on the existing Avondale Racecourse as the use of the site as a major recreation facility would remain unchanged by the proposed rezoning. The proposal would enable the applicant to achieve the development potential of this portion of the site which is surplus to the applicant's needs and thereby enable the land to be utilised efficiently (B2.7.2.(7)).

64. While the applicant did not address *B3 Infrastructure, transport and energy* or *B10, Environmental Risk* I find that PPC32 supports B3.3.2.(5) as it encourages land use development in close proximity to public transport options, potentially contributing to a reduced rate of growth in private vehicle trips. PPC32 supports B10.4.2.(3), as it will be necessary for the potential contamination to be investigated and managed accordingly once development is proposed.

#### 7.4 District Plan

65. The applicant has provided an assessment against the objectives and policies of the AUP(OP) district plan in terms of the proposed THAB provisions in Section 8.8 of the application report. The key findings of the applicant's assessment are that PPC32 will give effect to the following relevant objectives and policies of the THAB zone. The applicants states that:

- PPC32 will enable the full potential of the site to be developed intensively in accordance with its THAB zoning as it will align the zoning with the site shape and configuration.
- PPC32 will not undermine the function and role of the major recreation facility of the Avondale Racecourse given it is surplus to requirements.
- The zoning along the shared external boundary remains unchanged.

66. I am satisfied that PPC32 is consistent with the objectives of the AUP (OP). I agree with the applicant and think that PPC32 is consistent with the objectives and policies of *H6 Terrace Housing and Apartment Building Zone*. In particular, PPC32 demonstrates consistency with Objective 1, which notes that:

*land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport.*

The policies outlined in the zone refer to development specific management, but no development proposal is associated with PPC32. Therefore, these policies provide some certainty around the quality and issues associated with the change in use on site.

#### 7.5 Auckland Plan

67. Section 74(2)(b)(i) of the RMA requires that a territorial authority must have regard to plans and strategies prepared under other Acts when considering a plan change.

68. The Auckland Plan 2050, prepared under section 79 of the Local Government (Auckland Council) Act 2009, is a relevant strategy document that council should have regard to when considering PPC32.

69. The Auckland Plan contains the following directions and focus areas that are of particular relevance to PPC32:

- a) *Develop a quality compact urban form to accommodate Auckland's growth (Direction 1)*

- b) *Create urban spaces for the future, focusing investment in areas of highest population density and greatest need (Focus area 5)*
  - c) *Make better use of existing transport networks (Focus area 1)*
  - d) *Make walking, cycling and public transport preferred choices for many more Aucklanders (Focus area 4)*
  - e) *Better integrate land-use and transport decisions (Focus area 5).*
70. PPC32 is consistent with the directives of the Auckland Plan 2050. It supports a quality compact urban form through the provision for medium to high density housing. The site is close to rapid and frequent public transport routes. The site is close location to the Avondale Town Centre and is conducive to walking, cycling and accessing public transport, this is consistent with the transport and access outcome of the Auckland Plan 2050.

## **7.6 Any relevant management plans and strategies prepared under any other Act**

71. Other relevant plans and strategies to be considered under Section 74(2)(b)(i) and of relevance to PPC32 are summarised below.
- The Long-Term Plan 2018 – 2028 sets out Council's budget over the 2018 – 2028 period and identifies key projects to be delivered. These include planned transport improvements, including completion of the City Rail Link, and more generally bus priority measures and level rail crossing improvements. Avondale will benefit from the increase in services as a result of this plan. The rezoning of land in the Avondale Town Centre and surrounding areas is beneficial so that as many people can live within close proximity and take advantage of these transport improvements.
  - The Regional Public Transportation Plan 2015 is a requirement of the Land Transport Management Act, and identifies the public transport services to be delivered within Auckland in a 10 year time period. Key directions and projects of relevance include:
    - a) delivery of four main city-shaping projects, including the City Rail Link
    - b) increasing services on the rapid and frequent networks, with the aim to have services every 10 minutes during peak travel times
    - c) increasing and improving the walking and cycling and other choices for access to public transport services, focussing on improving safety.

72. PPC32 is considered to be consistent with these plans and strategies. Increasing the supply of residential land in close proximity to public transport will assist with enabling the key directions of the RPTP 2015 and the LTP 2018 – 2028.

## **7.7 Non-statutory plans and strategies**

### **7.7.1 Avondale Town Centre Regeneration – High Level Project Plan**

73. Panuku Development, a Council Controlled Organisation has created a high-level project plan which outlines proposed regeneration in Avondale. The plan notes that Avondale was chosen due to its proximity to the city centre and key employment areas. The town centre is strategically located and has good infrastructure, services, facilities and access to public transport. A train station serves the centre, providing convenient access to the city's rail network. The City Rail Link will bring Avondale 10 minutes closer to the Central



Business District (CBD). In addition, the New Bus Network provides frequent buses through Avondale including a double-decker service on Route 18. The plan identifies the need to upgrade community facilities in the area to accommodate future growth too.

74. PPC32 supports this regeneration plan by allowing further residential intensification to occur outside of the areas controlled by Panuku Development and enabling growth to support the changes in the centre.

### **7.7.2 Whau Local Board Plan 2017**

75. The Whau Local Board Plan was completed in 2017. It includes seven outcomes to guide council and the communities work to make Whau a better community for all. PPC32 and Avondale are contained within the Whau Local Board boundary. PPC32 assists in meeting some of the outcomes of this plan. Outcome 1 of the Whau Local Board Plan is 'well-planned towns, facilities and housing. PPC32 will support outcome 1 by providing an increase in residential land which once developed will accommodate more residents living in close proximity of the Avondale Town Centre, and the amenities it provides.

### **7.8 Section 32 evaluation**

76. Section 74 of the RMA requires that a plan change must have particular regard to an evaluation report prepared in accordance with Section 32 of the RMA.
77. Section 32 of the RMA requires an evaluation report examining the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. Section 32 requires the report to examine whether the provisions are the most appropriate way of achieving the objectives.
78. The applicant has prepared an assessment against Section 32 to demonstrate that the provisions are the most appropriate way to achieve the objectives of PPC32, the objectives and policies of the district plan and the purpose of the RMA. This is contained in the Application (Section 7) and in Appendix 1. Some of the key observations are:
  - Retaining the existing zoning would forego a potential opportunity to provide housing in an area already identified as having excellent public transport and roading connections and in a one-kilometre walking catchment of the Avondale Town Centre.
  - Retention of the existing zoning would not enable the establishment of residential use, in contradiction with the zoning of both the remainder of the site and the adjacent sites on Wingate Street.
  - Potential development of the site under the existing split zoning would be limited due to the irregular shape of the site.
  - The rezoning will provide a more useable site size, widening the area zoned THAB from 15m to 40m, a length of approximately 200m and a contiguous zoned area of 4,460m<sup>2</sup>. This will allow for an increase in development design and layout options.
  - The land has already been identified as surplus to requirement for the running of the racecourse, and is therefore more useful as a residential zone given the existing amenities noted above. The site is also located on the south-western side of the racecourse, far from the main racecourse activity in terms of the location of the stands, main entrances and Avondale Market.

79. I consider that the Section 32 evaluation report provided by the applicant, the further information provided pursuant to Clause 23 and the ongoing Section 32 evaluation provided in this report, sufficiently demonstrates that the proposed zoning is the most appropriate way of achieving the objectives of the AUP(OP) and the purpose of the RMA.

## **8. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

80. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by PPC32, taking into account Clauses 6 and 7 of Schedule 4 of the RMA.

81. An assessment of actual and potential effects on the environment (“**AEE**”) is included in the application report attached as Appendix 1. The applicant identifies and evaluates the following types of effects:

- a) urban design effects resulting from the loss of perceived open space behind existing residential properties
- b) shadowing, daylight to dwellings and privacy concerns
- c) increased traffic and parking on Wingate Street
- d) stormwater and wastewater service connection issues
- e) geotechnical issues relating to the stability of Lot 1
- f) potential contamination of Lot 1.

82. A review of the AEE, including its supporting documents, and the further information provided pursuant to Clause 23 to Schedule 1 RMA, is provided below.

### **8.1 Design, Layout, Accessibility and Zone Change Effects**

#### *Applicant's assessment*

83. The effects arising from the proposed THAB rezoning of the site are briefly addressed in Paragraph 9.1 of the application report.

84. The applicant's assessment finds that PPC32 is supportable from a design, layout and accessibility perspective for the following reasons:

- a) The underlying objectives, policies and standards of the THAB zone will continue to provide a regulatory framework for the scale, form and location of development on site. PPC32 is not proposing to change these objectives, policies and standards.
- b) A consent notice in relation to the National Grid Corridor applies on the lot. The proposed access is located within the corridor which ensures that building platforms will be well removed from the powerlines.
- c) The rezoning is supported by the applicable land use and transportation policies, given its location and proximity to services, which will enable a walkable neighbourhood for future residents.

#### *Peer review*

85. Ms Sarah Lindsay, Urban Design Specialist, made the following comments in relation to PPC32 and its design, layout, accessibility and zone change effects. Ms Lindsay's review is in Appendix 6. Ms Lindsay stated:

*I concur with the planner's discussion of, and support for the proposed rezoning of the subject strip of land from Major Recreation Facility to THAB zone. The THAB zone provisions have been written to manage built form effects on sites within this zone; given the greater scale of development anticipated, the controls give particular attention to managing effects on adjacent sites. These controls (standards and assessment criteria) relate to building height, height in relation to boundary and side and front yards and ensure that a reasonable standard of privacy and daylight and sunlight are maintained for sites adjacent to THAB zoned sites.*

*These provisions will apply to any resource consent application for sites within the THAB zone, including any land use applications that may arise as a result of the recently consented subdivision application that the subject site forms a part of.*

*I understand that should this plan change receive its approval, the Interface Control Area – effectively a 20m buffer strip applied solely due to the racecourse activities, would need to be shifted so as to align to the proposed new racecourse boundary. Where this would be replaced by a THAB zoning it is my opinion, as stated above, that the THAB controls would be sufficient to manage any adjacency amenity effects such as visual privacy, access to daylight and the like, that may occur should development take place in this area.*

#### Comments

86. I agree with the applicant's assessment. Below I specifically address each of the points in paragraph 84.

- a) This is correct. The THAB zone already anticipates effects on surrounding properties arising from the level of development it allows for. As discussed in paragraph 52, the THAB zone seeks to enable a greater intensity of development than previously provided for in the form of terrace housing and apartments.

The THAB zone provides for some activities such as visitor accommodation, boarding houses and care centres accommodating up to 10 people as permitted activities. Other specified activities such as dwellings, restaurants and cafes, require resource consent as restricted discretionary activities and will be assessed against the relevant assessment criteria. The rest of the activities are provided for as discretionary activities and activities not specified in H6.4.1 Activity Table are provided for as non-complying activities. Both these activity statuses will also require resource consent. Any new building will have the same activity status as the activity it is designed to accommodate.

In addition to the activity table, there are also a number of development standards that apply to permitted and restricted discretionary activities. These include H6.6.5 Building height, H6.6.6 Height in relation to boundary, H6.6.7 Alternative height in relation to boundary, H6.6.8 Height in relation to boundary adjoining lower density zones and yards, and H6.6.9 Yards. These standards reflect the extent of effects that the developments anticipated in the zone generate.

The combination of the development standards enables the design and layout of any new development to be managed, and assessed where a resource consent is required, to achieve the planned urban character of the zone. I acknowledge that there is often concern with redevelopment where the perceived character is single storey standalone houses, this is an effect which can be managed by the zone provisions and the resource consent process and will occur across the THAB zone in Auckland.

- b) The consent notice, discussed in paragraph 56, is a requirement of subdivision consent. This will be required to be complied with prior to the title being obtained. I believe this consent notice is sufficient to ensure no building platforms are located within the National Grid Yard Corridor. I am also satisfied that the existing provisions within *Chapter E26 National Grid Yard Corridor Overlay* will effectively manage this issue at the resource consent stage. I agree that PPC32 is acceptable in this regard.
- c) This observation is correct. The land has already been identified through the AUP(OP) process as suitable for THAB due to the proximity to multiple public transport options. *Policy B2.2.2(5) & (7)* of the Regional Policy Statement on Urban Growth and Form supports this. Policy 5 states that higher residential intensification should be enabled '*(c) close to public transport*'. Policy 7 states that the rezoning of land within the Rural Urban Boundary should be enabled to accommodate urban growth which '*(a) support a quality compact form*'. This is evident in the fact that all residential properties directly adjacent to the site are zoned THAB.
87. I consider that effects PPC32 associated with urban design, layout and accessibility will be sufficiently avoided, remedied or mitigated by the THAB provisions. I am satisfied that the provision of the AUP(OP), as proposed to be amended by PPC32, are the most appropriate way of achieving the objectives of the AUP(OP) and RMA.

## 8.2 Transport effects

### Applicant's assessment

88. The applicant's transport assessment from the application report finds that the PPC32 is supportable from a transport perspective for the following reasons:
- Adjacent parcels are already zoned THAB which supports the intention that the site is suitably located in terms of residential intensity and accessibility to both services and public transport.
  - The additional THAB zoning of 1,870 m<sup>2</sup> area is relatively small. The configuration of future residential yield across the Site is expected to be 20 to 30 dwellings, which is considered modest.
  - The additional traffic generation will not trigger the traffic generation requirements under the AUP (OP) and the traffic effects are expected to be inconsequential.
  - The site is within easy walking distance to public transport services and the Avondale Town Centre.

### Peer review

89. Traffic effects have been reviewed for council by Mr Mathew Collins, Principal, Flow Transportation Consultants Limited. Mr Collins review is attached in Appendix 5 of this report.
90. Mr Collins has considered the THAB zone as it applies to transport matters. Mr Collins made the following comment in regard to AUP Objective H6.2.(1):

*We consider that the Site is near public transport, as it is within 800m of Bus Route 18 New Lynn to City (frequent service) and 1,150m of the Avondale Train Station (rapid transit service). Additional local and connector bus services are also within 800m of the Site. Therefore, in our opinion, the Site is consistent with the objective of making efficient use of land near the public transport network.*

Mr Collins also made the following statement in relation to AUP Policy H6.3.(4)(b)

*Consideration of whether proximity to public transport supports greater building height is not relevant, as a height variation control does not apply to the site.*

91. The key points provided by Mr Collins are:
- a) The region-wide provisions of the AUP(OP) provide sufficient scope to assess and address any transport effects that may arise from future development of the site.
  - b) Subject to further assessment as part of future resource consent applications, there are no fundamental transport safety or efficiency constraints that would preclude future development of the site.

#### Comments

92. The RPS on Urban Growth and Form B2.2 encourages development in this location through policy B2.2.2.(5), as the site is near Avondale Town Centre, public transport, social facilities and employment opportunities. The RPS on Residential Growth (B2.4) also supports PPC32, through Objective B2.4.1(3), for the same reasons as B2.2.2.(5). The Avondale Train Station and the Great North Road bus connection will provide public transport connections to the site. The provisions of the THAB zone, as summarised by Mr Collins, will appropriately manage any future transport effects related to development as a result of the entirety of the site becoming THAB.
93. Further policy support is provided within *Chapter E27 Transport*. E27.3(1) requires subdivision, use and development which generates trips resulting in potentially more than minor adverse effects on the safe, efficient and effective operation of the transport network to (emphasis added):
- manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development or **undertaking improvements to the local transport network.***
94. I consider the AUP(OP) provisions to be the most appropriate mechanism to manage any transport effects associated with development in the THAB zone. Therefore, I am satisfied that the proposed PPC32 amendments are the most appropriate way of achieving the objectives of the AUP(OP) and RMA.

### **8.3 Effects on the Stormwater Network**

#### Applicant's assessment

95. Effects on the stormwater network are briefly addressed in Section 9.2 of the application report and in the Infrastructure Report dated 13 October 2017, provided as Appendix 1 to the application.
96. The applicant's assessment addresses the capacity of the existing stormwater network. The report identifies that an existing 225mm concrete stormwater pipe extends within the site. As the site is not within a Stormwater Management Flow Area (SMAF), the assessment concludes that:

*Due to the proximity of the site and the coastal environment, mitigation of the stormwater flows beyond provision of the connection to the public system is considered counterproductive, and is therefore not recommended for any future development of Lot 1.*

### Peer review

97. Stormwater discharge and diversion effects have been reviewed for council by Mr Iresh Jayawardena, Healthy Waters Specialist. Mr Jayawardena's review is attached in Appendix 9 to this report. Mr Jayawardena noted several concerns in his report. These primarily relate to issues with infrastructure capacity and stormwater quality.

98. Regarding existing infrastructure capacity, Mr Jayawardena noted;

*Healthy Waters is aware of the existing capacity issues in the downstream connection that this plan change proposal wishes to connect. The existing public stormwater network may not have additional capacity to accommodate future development, which may result in some surcharge from the manhole which has not been quantified or discussed in the plan change documentation.*

Mr Jayawardena also stated that further details on the existing public stormwater network downstream and the capacity it has for future development is required. Mr Jayawardena stated that the owners of 87 Wingate Streets need to consent to extend the network via their property prior to development.

99. Regarding stormwater quality, Mr Jayawardena noted;

*The proposed zoning change can be managed in accordance with the requirements of chapter E1 Water quality. The requirements for an integrated stormwater management approach to be taken apply to both the existing and proposed zoning.*

*In terms of stormwater quality, the Infrastructure report does not provide any assessment with regards to a level of stormwater quality treatment to be achieved either part of the plan changes development or approved subdivision.*

100. Mr Jayawardena noted that PPC32 can be supported if the stormwater network is designed at the time of development to provide adequate hydrology mitigation, capacity and quality.

### Comments

101. While I acknowledge Mr Jayawardena's concerns, I believe that these are best addressed through the resource consent process when there is a development proposal. The benefit of addressing the quantity and quality of stormwater runoff at the resource consent level is that specific methods and devices can be identified as appropriate to the scale of development and extent of impervious area being sought.

102. I consider that the operative provisions in *Chapter E8 Stormwater – Discharge and diversion* of the AUP (OP) will be sufficient to avoid, remedy or mitigate potential effects related to stormwater discharge and diversion associated with any development in the PPC32 site. PPC32 is a zone change proposal, and the existing AUP provisions can manage the new zone on the site. Therefore, I am satisfied that the operative provisions of the AUP(OP), as unaltered by PPC32, are the most appropriate way of achieving the objectives of the AUP(OP) and RMA.

## **8.4 Effects on the Wastewater Network**

### Applicant's assessment

103. The applicant's report acknowledges that there is currently no established connection for the site. The assessment notes that as part of any future subdivision, a new 150mm public wastewater pipe will be proposed. This will connect into the site boundary from the existing public wastewater manhole located in the Wingate Street road-reserve. This drain

will be designed and constructed under a separate Engineering Approval application. Indicative plans were included as part of the applicant's Infrastructure Report.

Peer review

104. Wastewater network effects have been reviewed for Council by Ilze Gotelli from Watercare, who confirmed via email attached as Appendix 10 that:

*In reviewing this, I can confirm that this is a minor change and... if there are network issues, these can be dealt with in the normal Engineering Plan Process.*

Comments

105. The appropriate time for this to be dealt with is once a development scenario is proposed through the resource consent process. The subdivision consent also includes a condition requiring a consent notice related to servicing of Lot 1 to be registered against the title. For these reasons, and considering Ms Gotelli's comment, I am satisfied that the operative provisions of the AUP(OP), as unaltered by PPC32, are the most appropriate way of managing any wastewater effects. I therefore support PPC32 from a wastewater effects perspective.

**8.5 Effects on the National Grid**

Applicant's assessment

106. Effects associated with the National Grid Corridor are addressed in section 9.4 of the application report. This was previously discussed in paragraph 14 as part of the underlying subdivision consent and section 7.2.2 as part of the Statutory and Policy Assessment. During the subdivision process, the area over which the Chapter D26 National Grid Corridor Overlay covers was indicated to be used for vehicle access onto the site, and possibly for parking and appropriate landscaping. A consent notice will be registered on any new title outlining that all building platforms will be away from this area. Further to this, PPC32 does not propose to alter the overlay.

Comments

107. I agree with applicant's conclusion that the provisions of the AUP(OP) relating to development and subdivision within *Chapter D26 National Grid Corridor Overlay* will remain unaffected by this proposal. These provisions will continue to manage these effects in the future for the site. These provisions are in line with the NPS Electricity Transmission referred to in section 7.2.2 of this report. I am satisfied that the operative provisions of the AUP(OP) will manage any effects on the National Grid Corridor as a result of the proposed zone change, and PPC32 is supportable from this perspective.

**8.6 Land Stability Effects**

Applicant's assessment

108. A geotechnical report has been submitted by the applicant as a supporting document to the application report. This report was issued for the subdivision application in 2018.
109. The site investigation provided in the report revealed that unsuitable fill material was discovered up to a depth of 2.8m on Lot 1. The report recommends that all '*vegetation, topsoil's, fill and any soft or otherwise unsuitable material should be removed*' prior to development. The report states that the fill material is not considered suitable to support building loads. Other recommendations are made, but these relate to the design of any future development (materials, foundations etc), and are not relevant to PPC32 and the change of zone.

### Peer review

110. The report was reviewed by Mr Charlie Brightman, Principal Geotechnical Specialist. Mr Brightman's review is attached in Appendix 7. Mr Brightman noted that the geotechnical issues with the development on the site include:

*Slope instability due to a combination of the sloping nature of the site (up to 30 degrees), ground conditions of clay natural soils and poorly compacted 'non-engineered' fill.*

111. Mr Brightman indicated that due to the existing stability issues and potential for slope failure affecting properties outside the area, a detailed slope stability assessment and engineering design will be required once details of development are known.

### Comments

112. At the plan change stage, it is appropriate to comment on the suitability of the land for rezoning as THAB. The geotechnical report indicates that with remediation work and appropriate engineering design of earthworks, structures and stormwater, a building can be supported on the land. Therefore, it seems that the resource consent stage is the most appropriate time to address the specific stability issues on the site. A significant portion of land in Lot 1 is already zoned THAB, including some of the sloping land. The rezoning will simply enable residential structures to be permissible, subject to resource consent requirements being met and a stable building platform demonstrated.
113. Although Mr Brightman identifies potential issues with the stability of the land, he notes these can be dealt with through the resource consent process. I am satisfied that PPC32 can be supported from a land stability perspective and managed effectively by the existing provisions of the AUP (OP) and the RMA.

## **8.7 Contamination effects**

### Peer review

114. The applicant has not dealt with contamination in their application report, but as I felt that it was a legitimate issue I referred the PPC32 to Mr James Corbett, Principal Contaminated Land Specialist, for assessment (included in Appendix 8).

115. Mr Corbett's report noted:

*A search through SAP identified a Property Conditions note against 2-48 Ash Street Property Reference 11268551 for HAIL with the description "sport turf, storage and use of dangerous goods", which is HAIL category A10 "persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds". It is most likely that chemical storage and equipment sheds and locations where any sprays were mixed would have been to the north of the racecourse track, the site being at the bottom far end away from the main building complexes.*

116. Mr Corbett also uses the aerial imagery available on the council database to investigate what has occurred since the 1940's. This indicates some soil disturbance, and in 1963 a track appears to be at the base of the slope behind the Wingate Street properties adjoining the racecourse land. It is stated by Mr Corbett that the site has undergone recontouring to form the 'westernmost tongue of land that points south towards Wingate Street'. He also notes that the geotechnical report indicates that the site has been subject to some filling in the past, and it cannot be excluded that this may be municipal wastes or fill commonly associated with soil contaminants.



117. Mr Corbett concluded that a detailed site investigation is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Comments

118. While Mr Corbett has indicated that there is some unknown contaminated land potentially within Lot 1 of PPC32, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is triggered at the time soil is disturbed. I am satisfied the standards within the AUP (OP) and the relevant National Environmental Standard provisions to be appropriate to deal with any potential contamination and its remediation, at the time of development.

**9. CONSULTATION**

**9.1 Mana Whenua**

119. The applicant circulated PPC32 to 11 mana whenua groups recognised as having authority in this area in May 2019, to determine which iwi groups wished to engage with the project and take part in a site visit.
120. These mana whenua groups align with Auckland Council’s online facility for determining relevant iwi interests<sup>1</sup>.

Mana Whenua Group	Feedback
<b>Ngāti Whātua o Kaipara</b>	Email received 29 May 2019 advising <i>“Thank you for consulting with Nga Maunga Whakahii o Kaipara regarding the Avondale Jockey club private plan change. We defer to Te Kawerau a Maki cc’d for comments”.</i>
<b>Ngāti Te Ata</b>	Email received 29 May 2019 advising <i>“We will leave this engagement to Ngati Whātua o Kaipara and others thanks”.</i>
<b>Te Ahiwaru – Waiohua</b>	Email received 30 May 2019 advising <i>“As a preliminary response from Te Ahiwaru, I recognise the need for the residual lands to be utilised as a buffer between the racecourse and residents. To change and develop the lands as residential for terraced housing and minimise spacial comfort is to devalue the potential of the property. However, as this is not a primary area of interest to Te Ahiwaru Waiohua this a merely an opinion of a kaitiaki.</i>

<sup>1</sup> <https://www.aucklandcouncil.govt.nz/building-and-consents/understanding-building-consents-process/prepare-application/prepare-resource-consent-application/Pages/find-hapu-iwi-contacts-for-your-area.aspx>

	<i>We recommend that you engage with Te Kawerau a Maki on this matter and will support what recommendations they have”.</i>
<b>Te Kawerau Ā Maki</b>	Email received 2 July 2019 advising  <i>“Te Kawerau a Maki have no objections to the plan change”.</i>
<b>Te Rūnanga o Ngāti Whātua</b> <b>Te Ākitai Waiohua</b> <b>Ngāi Tai ki Tāmaki</b> <b>Ngāti Paoa</b> <b>Ngāti Whātua Ōrākei</b> <b>Ngāti Tamaterā</b> <b>Ngāti Maru</b> <b>Waikato Tainui</b>	No response to consultation request to date.

## 9.2 Local boards

121. PPC32 sits within the Whau Local Board area. I notified the local board on 28 June 2019.
122. In an email dated 2 July 2019, the Whau Local Board Chair Tracy Mullholland provided an informal comment that she considers *“the Plan Change is a positive move forward”*, and that she supports the request.

## 10. NOTIFICATION AND SUBMISSIONS

### 10.1 Notification details

123. Details of the notification timeframes and number of submissions received is outlined below:

Date of public notification for submissions	29 August 2019
Closing date for submissions	26 September 2019
Number of submissions received	10
Date of public notification for further Submissions	24 October 2019
Closing date for further submissions	8 November 2019
Number of further submissions received	1

124. Copies of the submissions are attached as Appendix 2 to this report.

## 10.2 Analysis of submissions and further submissions

125. In this section, I discuss the submissions received on PPC32. I discuss the relief sought in the submissions and I make recommendations to the Hearing Commissioners on the parts of PPC32 that should be approved.

126. Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic headings:

- submissions in support
- submissions in opposition – Traffic and transport
- submissions in opposition –Design, layout, accessibility and zone change matters
- submissions in opposition – Other matters.

### 10.2.1 Submissions in support

#### *Submissions and further submissions*

Sub. No	Submitter Name	Summary	Further submissions
10.1	Auckland Transport	Accept the plan change - provided there is a mechanism available in the Auckland Unitary Plan that provides for an appropriate level of transport assessment to assess and address any impact on the wider network and intersections.	0

#### *Submitter's discussion*

127. Submission 10 by Auckland Transport (AT) seeks that PPC32 be accepted, on the basis that the existing THAB provisions adequately address transport issues. AT provides the following comments:

- a) Transport effects: AT is supportive of PPC32 so long as there is a mechanism within the AUP(OP) to address transport effects on the wider network.
- b) Proposed zoning: deferring comment to Auckland Council on whether the location aligns with the policy context for the proposed THAB zone.
- c) Potential development yield: should more than 20 to 30 dwellings be proposed as part of future development of the site, a more detailed assessment of transport effects may be required.
- d) Site access: access can be challenging due to topographical constraints and sightline reasons, and may require retaining within the legal road. Traffic calming may be required in the vicinity of the proposed vehicle crossing.

## Peer Review

128. I engaged an independent transport specialist, Mr Mat Collins, to review the submission and address the key concerns held by AT. Mr Collins review is attached in Appendix 5. Each of the points in paragraph 127 are addressed below.

### a) Addressing transport effects on the wider network

Mr Collins' comment:

*In accordance with our comments below, we consider that the region-wide provisions of the AUP provide sufficient scope to assess and address any transport effects that may arise from future development of the Site.*

### b) Proposed zoning

Mr Collins' comment:

*Slope instability due to a combination of the sloping nature of the site (up to 30 degrees), ground conditions of clay natural soils and poorly compacted 'non-engineered' fill.*

*We have considered Chapter H6 Residential – Terrace Housing and Apartment Buildings Zone as it applies to transport matters.*

*Objective H6.2.(1). We consider that the Site is near public transport, as it is within 800 m of Bus Route 18 New Lynn to City (frequent service) and 1,150 m of the Avondale Train Station (rapid transit service). Additional local and connector bus services are also within 800 m of the Site.*

*Policy H6.3.(4)(b). A height variation control does not apply to the site.*

*As the Site is adjacent to existing THAB zoning and is well served by public transport, we consider that the location aligns with the objectives and policies of Chapter H6 regarding transport matters*

### c) Potential development yield

Mr Collins' comment:

*Per E27.6.1(2), the proposal will not trigger a restricted discretionary activity consent in regard to E27.6.1(1) Trip Generation. Permitted residential activities in THAB zone are generally low scale and are anticipated to have no more than 10 people per site. However, most Residential activities are restricted discretionary activities in accordance with Table H6.4.1. Matters of discretion for residential activities, relevant to transport include:*

- 2. the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from traffic*
- 3. location and design of parking and access*

*Assessment criteria for residential activities, relevant to transport include (Plan Change 16 Decision Report<sup>2</sup> text)*

- 4. the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network*

*We consider that the Chapter H6 Residential – Terrace Housing and Apartment Buildings Zone includes sufficient provisions to address transport effects that may be generated by future development, including effects on the Wingate Street/Great North Road intersection.*

d) Site access

Mr Collins' comment:

*The location of the vehicle crossing has not been confirmed as part of the PPC32 application with Appendix G: INFRASTRUCTURE REPORT, attached to the Request for Private Plan Change Report, noting that this will be determined at a later date. Addressing AT's comments about any future vehicle crossing:*

1. *should any retaining be required within the legal road, the applicant would require an encroachment licence from AT. This process sits outside of the Resource Management Act, and we consider that AT would be under no obligation to accept retaining within the legal road*
2. *we consider that there is sufficient scope within the assessment criteria for residential activities within Chapter H6 to assess sight lines from the vehicle crossing and mitigate any shortfall (if any)*
3. *we note that SUB60311714 required the following condition to be registered against the Certificate of Title for Lot 1, which we consider provides sufficient scope to address the concerns raised by AT. The condition is as follows:*

*"Lot 1 does not have stormwater, wastewater and water connections, or formed access to the road carriageway. At the time of submitting the first resource consent application required for any development or use of the site, a plan shall be provided for Council approval containing details of physical provision for stormwater, wastewater and water connections, and formed vehicular access to the site frontage from the road carriageway.*

*The plan shall include service connections and access provision that are appropriate for the form, nature, layout and intensity of development proposed. The approved plan shall be implemented, with all service connections installed at the time of future development and prior to the use or occupation of that development, at the consent holder's full cost, and to the satisfaction of Council.*

*Prior to the approval of any resource consent or building consent necessary for any development on the lot, the lot owner(s) will either; need to demonstrate to Council's satisfaction, that any necessary private or public reticulation with sufficient capacity necessary to service the proposed development for stormwater, wastewater, water and access is available, or submit a proposal to provide upgrades to the public reticulation in order to achieve the necessary services at the consent holder's cost.*

*Appropriate approvals from the Council and/or Auckland Transport will need to be obtained, and requirements may be imposed with respect to accessways / drives / ROWs and drainage at that time."*

Recommendations on Submissions

129. I recommend that submission 10 be accepted because transport is one of the primary concerns in rezoning land on Wingate Street. The RPS on Urban growth and form supports PPC32 through policy B2.2.2.(5). and objective B2.4.1(3). The close proximity to the Avondale Train Station and the Great North Road Bus Network will be better utilised through allowing increased residential development in its catchment. The THAB provisions in the AUP will address any potential issues arising in relation to transport when a development is proposed.
130. There are no amendments associated with this recommendation.

## 10.2.2 Submissions in opposition – Traffic and transport

### *Submissions and further submissions*

Sub. No	Submitter Name	Summary	Further submissions
2	Y Liu	Decline the plan modification. The street already suffers from overcrowding from parked vehicles.	0
3	Ying Feng	Decline the plan modification, as it will affect the traffic on Wingate Street.	0
6	Reuben Pollock	Decline the plan modification. By developing the site piece meal there is no commitment to improving difficult traffic flows in the area. The roundabout at the top of Wingate Street is blocked every morning, with traffic diverting along Larch Street to avoid congestion on Great North Road. Additional developments are making this worse.	1
8	Rosalind Faiga Iefata	Decline the plan modification. The proposal will result in more traffic on the street and worsen congestion.	0

### Discussion

131. These submissions are from local residents and they express a number of concerns relating to traffic and transport. The submitter's concerns are:

- a) increase in traffic associated with the development
- b) increase in the volume of parked cars on the street
- c) increase in traffic congestion, namely at the Great North Road / Wingate Street intersection.

### Peer Review

Mr Collins has considered Chapter H6 Residential – Terrace Housing and Apartment Buildings Zone as it applies to transport matters. Mr Collins states:

- a) *Objective H6.2.(1). I consider that the Site is near public transport, as it is within 800m of Bus Route 18 New Lynn to City (frequent service) and 1,150m of the Avondale Train Station (rapid transit service). Additional local and connector bus services are also within 800m of the Site.*
- b) *Policy H6.3.(4)(b). A height variation control does not apply to the site.*

As the site is adjacent to existing THAB zoning and is well served by public transport, Mr Collins considers that the location aligns with the objectives and policies of the THAB zone regarding transport matters.

Permitted residential activities in THAB zone are generally low scale and are anticipated to have no more than 10 people per site. However, most Residential activities are restricted discretionary activities in accordance with Table H6.4.1. Matters of discretion for residential activities, relevant to transport include:

- a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from traffic
- b) location and design of parking and access.

Assessment criteria for residential activities, relevant to transport include:

- a) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.

Mr Collins considers that Chapter H6 Residential – Terrace Housing and Apartment Buildings Zone includes sufficient provisions to address transport effects that may be generated by future development.

Mr Collins considers that the region-wide provisions of the AUP provide sufficient scope to assess and address any transport effects that may arise from future development of the Site. Mr Collins considers PPC32 is acceptable from transport planning and transport engineering perspective and, subject to further assessment of effects as part of future resource consent applications, there are no fundamental transport safety or efficiency constraints that would preclude future development of the site.

#### Comments

132. While it is acknowledged that the rezoning of land will result in a general increase of vehicles movements and parked vehicles on the street, there is no development yet proposed. As mentioned in paragraph 63, the RPS provides direction for where higher density land such as THAB should go. Policy B2.2.2(5) supports PC32 as it will enable higher residential intensification close to the Avondale Train Station and Great North Road bus corridor, both major public transport links. The Avondale Town Centre is within 1km and the train connects the site to the city centre and other areas with employment opportunities, also supporting Policy B2.2.2(5).
133. As mentioned in paragraph 86 the THAB zone has provisions which allow for the assessment of effects as part of the resource consent process. This seems the most appropriate time to assess and address the potential effects of a residential development on the site due to the lot size and the fact the majority of the site is already zoned THAB.
134. Based on the information provided by the applicant and the assessment by Mr Collins, I am satisfied that the network has capacity for the 1,870m<sup>2</sup> to be zoned THAB. Any traffic effects from a future development under the THAB zone will be adequately managed by the AUP(OP).

#### *Recommendations on submissions*

135. I recommend that **submissions 2,3,6, 8 be rejected** for the reasons outlined above.
136. There are no amendments associated with this recommendation.

### 10.2.3 Submissions in opposition – Urban design and amenity matters or Design, layout, accessibility and zone change matters

#### *Submissions and further submissions*

Sub. No	Submitter Name	Summary	Further submissions
4	Hamish and Courtney Henderson	Accept the plan modification with amendments. Accept the plan change if the Interface Control Area is retained along the western portion of their property at 79 Wingate Street.	0
7	Ken Lomax	Amend the plan modification if it is not declined. Are concerned about the development potential as a result of the rezoning. This may result in a loss of privacy and sunshine on their site at 76-80 Wingate Street, which contains a sensitive activity (men's bathhouse).	1

#### *Discussion*

137. The submitters in the table above express concerns in relation to the following urban design and amenity related matters:

- a) The loss of the Interface Control Area (ICA) along the border of 79 Wingate Street.
- b) Loss of privacy and sunshine on surrounding properties (76-80 Wingate Street).
- c) The loss of perceived open space behind 83 & 89 Wingate Street.

#### *Comments*

138. Submission 4 expresses concern with the movement of the ICA away from the western boundary of 79 Wingate Street. The purpose of the ICA is to provide a buffer between the Avondale Racecourse and its associated activities from the residential properties which surround it. The ICA also aims to avoid any reverse sensitivity effects arising from new development on the periphery. The ICA is an extraordinary control used to minimise the reverse sensitivity effects of a major recreational facility and its associated structures on surrounding residential properties. The ICA is not in the Avondale Racecourse Precinct to provide excellent outlook and sunlight. The movement of the ICA away from the western boundary of 79 Wingate Street, and the introduction of rezoned THAB land will not result in an adverse effect on the property.

139. Also, important to note is that 79 Wingate Street is already zoned THAB and therefore able to develop to the density it allows. The majority of Wingate Street is zoned THAB, and therefore higher density development is possible on either side of 79 Wingate Street currently. The THAB zone has a number of matters of discretion to avoid adverse effects on surrounding properties in relation to privacy, overshadowing, daylight and sunlight to dwellings.



140. In the Avondale Racecourse Precinct, it is a Restricted Discretionary Activity to develop new buildings, building alterations or additions to a building for a primary, compatible, or accessory activity not meeting *Standard I307.6.8 Interface control areas*. The standard for this activity is as follows:

**I307.6.8 Interface control areas**

*(1) New buildings, external building alterations or additions to a building must be located outside the Interface Control Area (ICA) as illustrated on the precinct plan. Temporary buildings are excluded from this standard.*

The following matters of discretion under I307.8.1.5 currently if the above standard is not complied with:

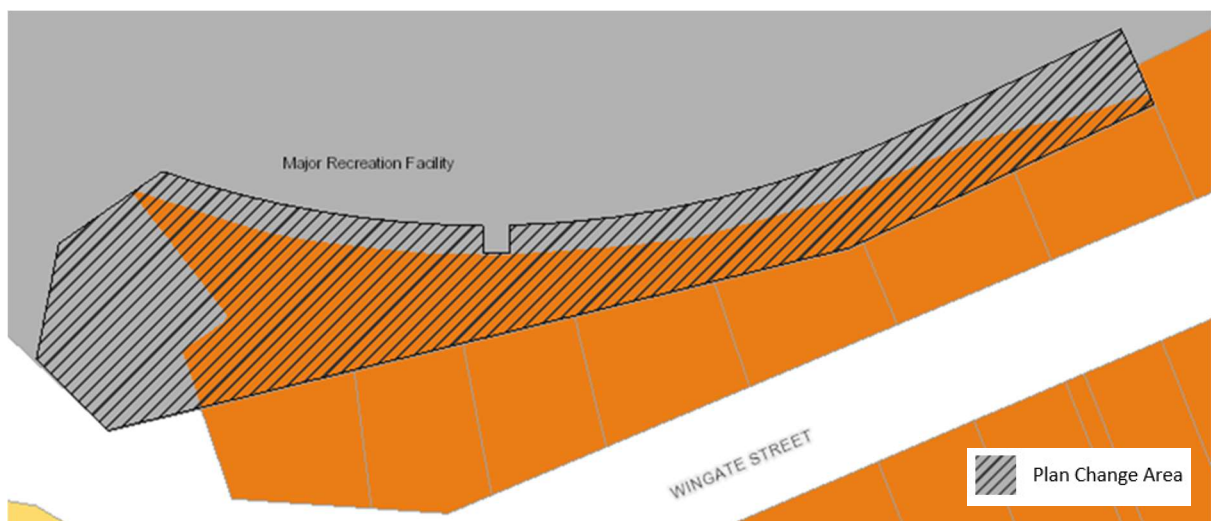
*(5) any new buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity not meeting Standard I307.6.8:*

*(a) the visual effects of the building design and external appearance on the amenity of private properties, streets and public open spaces.*

Comparing the ICA standards with those of the THAB zone, all new dwellings (apart from visitor accommodation) are a Restricted Discretionary Activity. Any building within the ICA currently, is a Restricted Discretionary Activity too, with matters of discretion limited to urban design effects of the structure. Development in the THAB zone is required to comply with bulk and location standards and matters of discretion. These matters include building intensity, scale, location, form and appearance.

**Shading and Privacy**

141. Submission 7 express concerns about the effects associated with high density development associated with the zone change, such as loss of privacy and sunshine on adjacent properties. In the THAB zone there are several standards which must be adhered with for any proposed development in order to avoid effects on surrounding residential properties. While there is a level of development anticipated with the THAB zone, there is also some development anticipated in the SP-MRF zone. The THAB zone is already in existence along the common boundaries of a number of Wingate Street properties, as illustrated in Figure 3 below. The concerns expressed in this submission do not justify rejecting the rezoning.



**Figure 3: Plan Change Area**

142. The Avondale area is also an area which is anticipated to undergo major change in the next decade and beyond. The majority of Wingate Street is zoned THAB due to its ideal location to public transport connections, the town centre and also roading connections like Great North Road. Panuku Development has signalled that major regeneration is also planned in the town centre. Most of the properties zoned THAB along Wingate Street currently contain single standalone houses and the reverse sensitivity effects for many properties adjoining THAB developments is anticipated. The change is considered acceptable given the need for housing in brownfield areas, it will align with the current NPS and RPS objectives for compact urban form and it will enable development in areas with existing infrastructure and good public transport provision. The THAB zone is the most appropriate zone to enable these objectives to be achieved.
143. Submission 7 expresses particular concern with the loss of privacy and sunlight for the activity occurring on the submitter's site at 76-80 Wingate Street. This is considered a sensitive activity as it is a men's bathhouse. This is defined as a commercial activity (commercial sexual services). This activity was established historically but it is not anticipated that an activity of such sensitive nature takes place in a residential zone. As it is not explicitly defined in the THAB zone activities table (H6.4.1), it falls under A1 Activities not otherwise provided for, which means it is technically a Non-Complying Activity.
144. While the site is elevated, the strip of residential land abutting properties 81, 83, 85, 87, 89, 91 & 93 Wingate Street is already zoned THAB (see figure 2). PPC32 is just widening the amount of land with this zoning, to match the extent of the granted subdivision consent. Therefore, the concern noted in this submission is already possible under the operative plan.
145. Given that existing sites in the surround area are already zoned THAB for both 76-80 and 79 Wingate Street, PPC32 will not cause any more disturbance to the submitter's site than the AUP already provides. I conclude that the movement of the ICA and the rezoning of the remainder of the site THAB is therefore appropriate.

#### *Recommendations on Submissions*

146. I recommend that **submissions 4 and 7 be rejected**. The purpose of the ICA is to manage reverse sensitivity effects with the activities and developments associated with a major recreation facility, not solely an amenity tool for sunlight and outlook for private residential properties. The associated rezoning of the site as THAB is consistent with the zoning of surrounding properties including 76-80 and 79 Wingate Street. All properties north of 93 Wingate Street have the same development potential under the existing AUP. The zoning is also an increase in the existing THAB area, not an entirely new zoning proposal.
147. There are no amendments associated with this recommendation.

## 10.2.4 Submissions in opposition – other matters

### *Submissions and further submissions*

Sub. No	Submitter Name	Summary	Further submissions
1	Ray Strawbridge	Decline the plan modification. There is already exiting dust and rain water run off from the racecourse. The dust and noise will be unbearable too.	1
3	Ying Feng	Decline the plan modification. They enjoy the open space and would like it retained for residents.	0
5	Hari Ram Prasad	Amend the plan modification if it is not declined. Would like the empty strip of land behind their back boundary at 83 Wingate Street retained.	1
6	Reuben Pollock	Decline the plan modification, there is a lack of wider strategic vision required. The Avondale Racecourse could be the centre of a thriving community if approached with vision.	0
9	Aeaiz Rehman Kutty	Decline the plan modification. Would like the section of land behind their property at 89 Wingate Street retained as vacant.	1

### *Discussion*

148. The submitters in the table above express concerns which fall outside of the other topics. The submitters express concerns in relation to the following matters:
- an increase in construction related effects (noise and dust) (submission 1)
  - an increase in stormwater runoff (submission 1)
  - a lack of strategic vision for the future of the Avondale Racecourse as a whole, piecemeal redevelopment of the Racecourse (submission 6)
  - the loss of perceived open space (submissions 3, 5 and 9).
149. Submission 1 indicates that there is concern related to an increase in construction related effects such as noise and dust. The submitter states this is of concern due to him working at night and sleeping during the day. No development proposal is associated with this plan change request, so currently it is no known if a development and its construction will occur. Construction related effects will be dealt with through any resource application to develop the site. As most people work during the day and sleep at night, construction related controls only allow daytime hours of operation. The existing operation of the

racecourse is also likely to have noise related effects during the day, which is allowed under the operative plan.

150. Submission 1 also notes that there is existing dust and rainwater run-off from the racecourse onto surrounding properties in Wingate Street. As noted above in paragraph 148, dust and rainwater run-off will be managed in the resource consent process, once a development proposal has been created and submitted for approval to council.
151. Submission 6 expresses concern with the context of the rezoning this small area of land and that there has been a lack of strategic vision in this request. While the land is currently used for a special purpose, this is a piece of land held in private ownership, granted licence from central government to operate a service which has provided benefits for the community through alternative use of the land. As the applicant has identified, the land as surplus to requirements and it is appropriate is considered for an alternative use. Given the surrounding land is residential and THAB zoned, proposing the land be changed to the same zone seems appropriate. The size and location of the plan change site is not one which undermines the rest of the Avondale Racecourse from operating the way it operates now.
152. Submission 3 expresses their enjoyment with the racecourse land as a perceived park, and want the space kept for the residents. The amount of land proposed for rezoning in PPC32 is only 1,870m<sup>2</sup>, the racecourse will be retained and the fields in the centre are unaffected by this proposal. It also needs to be reiterated that there is no development associated with this proposal. Therefore, the submitters concern is unjustified.
153. Submissions 5 and 9 express concern with the perceived loss of the 'open space' or vacant grassed land directly behind their sections. Submitters 5 and 9 reside at 83 Wingate Street and 89 Wingate Street respectively. The land directly behind these two properties is already zoned THAB. So, while they are concerned with the potential loss of this vacant land, it is already enabled for development under the AUP (OP) currently. As noted in paragraph 150 above, the majority of the vacant racecourse land will remain, as required for operation of the club.
154. The current use and development of the Avondale Racecourse has resulted in a large area of space which is grassed and free of structures, but this land is still held in private ownership. The location of the land is suitable for residential zoning given the good local amenity available and outweighs the potential urban design and amenity effects on neighbouring residential properties, which would usually be dealt with in the existing package of controls in the THAB zone. The RPS on Urban Growth and Form B2.2 encourages development in this location through policy B2.2.2.(5), as the site is near Avondale Town Centre, as well as public transport, social facilities and employment opportunities. The RPS on Residential Intensification also supports PPC32, through Objective B2.4.1(3), for the same reasons as B2.2.2.(5).

#### *Recommendations on Submissions*

155. I recommend that **submissions 1, 3, 5, 6 and 9 be rejected**. The concern submitter 1 raises in relation to rainwater run-off, noise and dust is primarily due to their work and sleep schedule and can somewhat be managed through the AUP (OP) and the resource consent process once a development is proposed. Submitter 3 is unjustified in the concern for the loss of the space, as the proposed rezoning is only minor and largely on land which is unusable for the public due to its sloping nature and proximity to the racing track. Submitters 5 and 9 are also unjustified as the land directly adjacent to the rear of their properties at 83 and 89 Wingate Street is already zoned THAB, with PPC32 proposing to increase this area in-line with the granted subdivision consent. The remainder of the racecourse land will be retained. Submission 6 expresses a number of

concerns, some are dealt with in the transport issues section. The rezoning of this area of land will not undermine the ability in future for the remainder of racecourse to be developed comprehensively. PPC32 is only a small area of land.

156. There are no amendments associated with this recommendation.

## **11. CONCLUSION**

157. PPC32 seeks to rezone 1,870m<sup>2</sup> of land at Lot 1 DP470450 Avondale Racecourse (the site) from Special Purpose – Major Recreation Facility Zone to Terrace Housing and Apartment Building Zone. The request also proposes to remove the site from the Avondale Racecourse Precinct and realign the Interface Control Area with the precinct boundary.

158. I have undertaken an assessment of effects which has been supported by a peer review from relevant specialists. This assessment finds that the effects of PPC32 can be suitably addressed by the AUP(OP) provisions. While some specialists expressed concerns with PPC32, particularly in relation to stormwater and contamination, I believe that the appropriate time for these to be addressed is through detailed design once a development is proposed for the site. These issues, in my opinion, are not fundamental to rejecting the rezoning of 1,870m<sup>2</sup> of land at Lot 1 THAB, especially given the approved subdivision consent and that the remainder of the site (approximately 2,700m<sup>2</sup>) is already zoned THAB.

159. Submissions have been received in support of and in opposition to PPC32. The main points addressed in submissions are:

- a) Transport effects; concerns were raised by submitters in regard to increased traffic, parking issues and congestion at the major intersection at the end of Wingate Street. Auckland Transport also submitted in support, so long as the existing provisions of the AUP(OP) adequately manage transport related effects.
- b) Design, layout, accessibility and zone change effects; submitters raised concerns in regard to the loss of the Interface Control Area buffer against the property at 79 Wingate Street, and potential shadowing and privacy loss for 76-80 Wingate Street.
- c) Other effects (wider statutory consideration, construction effects); submitters raised concerns around noise associated with the development, as well as the loss of land which is currently empty of structures bordering 83 and 89 Wingate Street, and the loss of land perceived by the community as open space.

160. In terms of the statutory and policy context, PPC32:

- a) will assist the council in achieving the overall purpose of the Resource Management Act 1991
- b) will give effect to the relevant National Policy Statements and the AUP(OP) Regional Policy Statement; and
- c) is consistent with the Auckland Plan 2050.

161. Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, having had regard to all statutory obligations including those under sections 32 and 32AA of the Resource Management Act 1991, I recommend that Proposed Plan Change 32 (Private) Avondale Racecourse should be approved.

## **12. RECOMMENDATIONS**

162. I recommend that, the Hearing Commissioners accept or reject submissions as I have outlined in section 10 of this report.
163. I recommend that PPC32 to the Auckland Unitary Plan be approved without modifications.

### 13. SIGNATORIES

	<b>Name and title of signatories</b>
Author	Katie Maxwell, Planner, North, West and Planning
Reviewer	Anne Bradbury, Team Leader, North, West and Islands Planning





# **APPENDIX 1**

## **THE APPLICANTS REPORT – PROPOSED PLAN CHANGE 32**



# Request for Private Plan Change

Proposed Plan Change (Private): Rezoning of land at Avondale Racecourse, Wingate Street, Avondale

## Avondale Jockey Club

Lot 1 DP 470450, Wingate Street, Avondale

**Prepared by:**

Ila Daniels  
Principal Planner  
Campbell Brown Planning Ltd

**Report Reviewed by:**

Philip Brown  
Director, Campbell Brown Planning Ltd

**Date of Issue:**

19 July 2019

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<b>Appendix B:</b>	Proposed Plan Change Zone and Precinct Maps
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<b>Appendix D:</b>	AUP RPS Assessment Table
<b>Appendix E:</b>	AUP Appendix 1 Assessment Table
<b>Appendix F:</b>	Summary of Consultation
<b>Appendix G:</b>	Infrastructure Report
<b>Appendix H:</b>	Geotechnical Report
<b>Appendix I:</b>	Subdivision Decision and Approved Plans (SUB603211714)

## 1.0 Private Plan Change Applicant and Property Details

<b>Applicant:</b>	Avondale Jockey Club Incorporated
<b>Address for Service:</b>	C/- Campbell Brown Planning Limited P O Box 147001 Ponsonby AUCKLAND 1144 Attention: Ila Daniels and Philip Brown  Email: <a href="mailto:philip@campbellbrown.co.nz">philip@campbellbrown.co.nz</a> and <a href="mailto:ila@campbellbrown.co.nz">ila@campbellbrown.co.nz</a> <i>(all written correspondence via email please)</i>
<b>Site Location:</b>	Wingate Street, Avondale
<b>Legal Description:</b>	Existing Site = Lot 2 DP470450 Approved Subdivision = Lot 1 DP 470450
<b>Site Area:</b>	Existing Racecourse Site = 35.7751 Ha Approved Subdivision Total Lot 1 Site = 4,460m <sup>2</sup> 1,870m <sup>2</sup> (Major Recreation Facility) 2,590m <sup>2</sup> (THAB)
<b>Current Unitary Plan Zoning:</b>	Residential - Terrace Housing and Apartment Buildings zone (THAB), and Special Purpose - Major Recreation Facility zone (SP-MRF)
<b>Unitary Plan Overlays:</b>	Infrastructure: National Grid Corridor Overlay – National Grid Yard Uncompromised
<b>Unitary Plan Precinct:</b>	Avondale Racecourse Precinct (ARP)
<b>Unitary Plan Controls:</b>	Macroinvertebrate Community Index – Urban
<b>Unitary Plan Appeals:</b>	Appeal Resolved - Consent Order - ENV-2016- AKL-000218, National Grid Corridor Overlay
<b>Unitary Plan Road Classification:</b>	Wingate Street – Local Road (Minor Urban)

## 2.0 Site Location

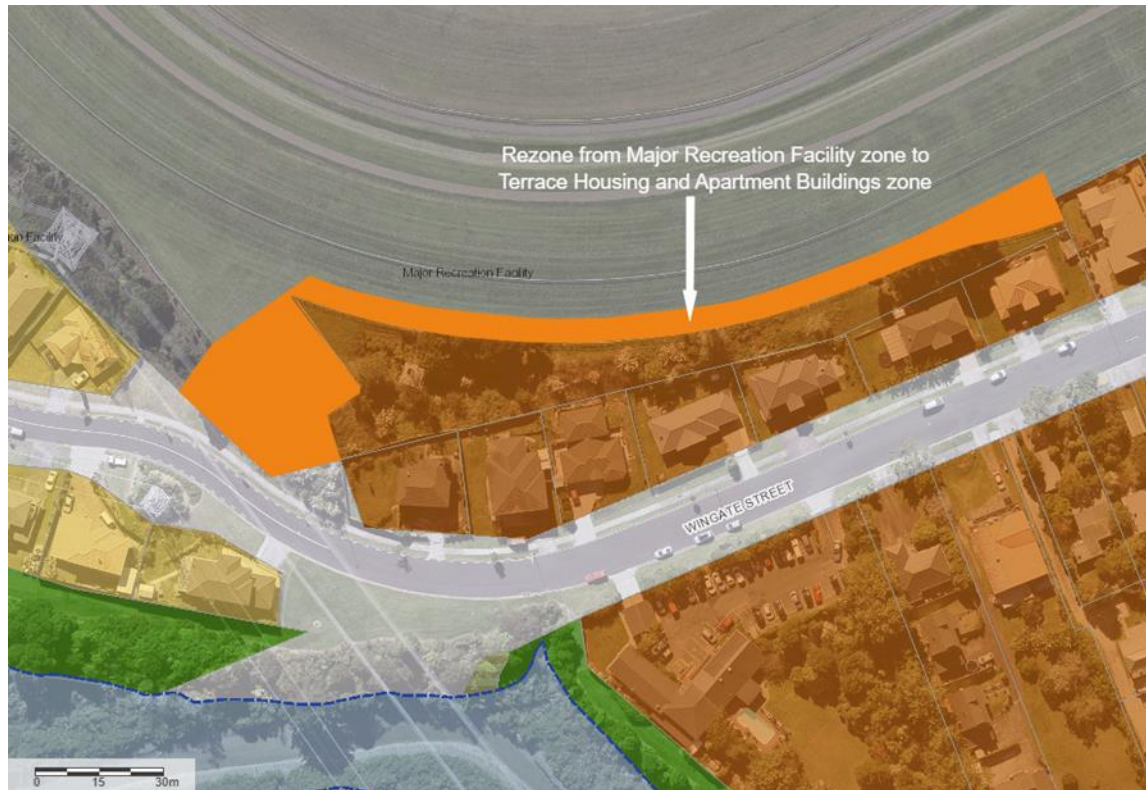


Figure 1: Wider Racecourse Site (blue) and Subject Site (Red)

## 3.0 Summary of Plan Change Request

It is proposed that the GIS mapping layer of the Auckland Unitary Plan Operative in Part ('AUP') be amended to rezone part of the site from Special Purpose - Major Recreation Facility zone (SP-MRF) to Terrace Housing and Apartment Buildings zone (THAB) (refer Figure 2 below).

The boundary of the Avondale Racecourse Precinct would need to be altered to remove this portion of the site from the precinct and the 'Interface Control Area' would need to be altered to correspond to the new precinct boundary.



*Figure 2: Site with area identified for rezoning from Major Recreation Facility zone to Terrace Housing and Apartment Buildings zone*

## 4.0 Description of the Site and Surrounding Environment

### 4.1 Subject Site

The Avondale Jockey Club Incorporated 'the Club' proposes to rezone a portion of a lot in the south-west corner of its site that is to be accessed via Wingate Street. The land has been identified by the Club as being surplus to its requirements for operating the racecourse and a subdivision was recently granted to separate out the site from the main land holdings.

The site consists of land zoned THAB as well as incorporating additional land zoned SP-MRF and forms part of the Avondale Racecourse Precinct.



The site has approximately 45m of road frontage west of 93 Wingate Street. The road reserve contains low level scrub, much of it weed species, and two street trees and two light poles. There is a footpath along the northern side of the road reserve on Wingate Road.

#### 4.2 Surrounding Environment

The site itself rises up from Wingate Street and the adjacent properties relatively steeply until it reaches the level race track, some of which will form part of the new lot. The bank is vegetated with a mix of native and exotic scrub.

Aside from the race track, the land in the vicinity of the site is residential in nature. Wingate Street is a no exit street, identified in the AUP as a minor urban local road.

#### 4.3 Zoning and Overlays

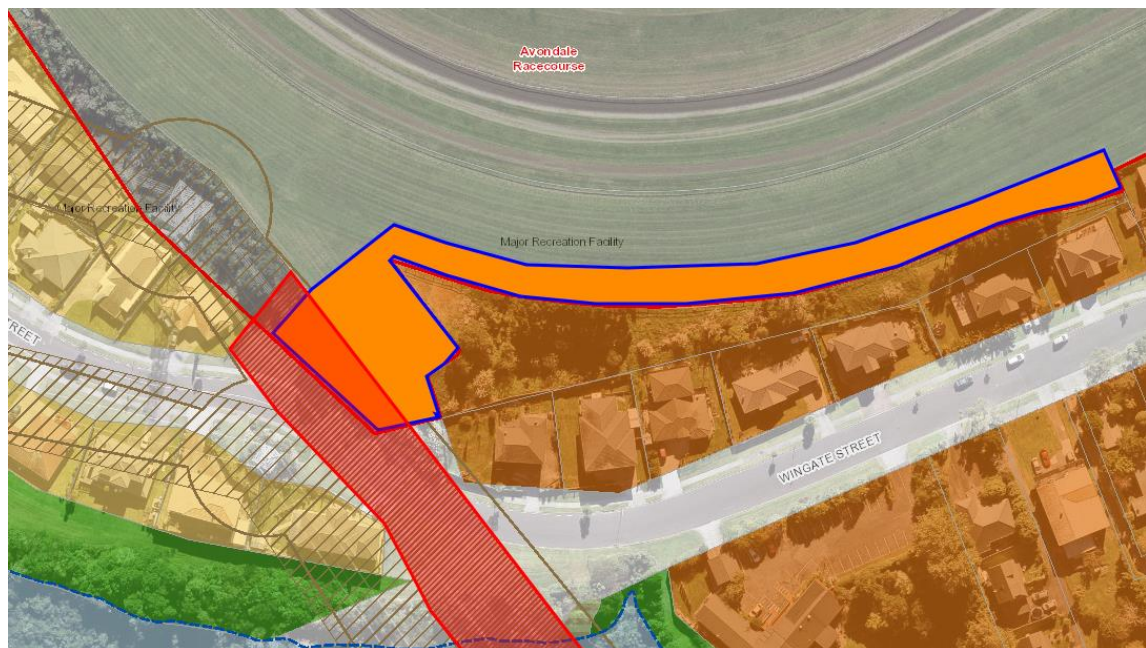
The area outside of the racecourse is zoned a mix of Residential (Mixed Housing Urban, Mixed Housing Suburban and Terrace Housing and Apartment Buildings zones), Open Space (Sport and Active Recreation) and Business (Mixed Use and Town Centre), see **Figure 3** below.



Figure 3: Zoning around the Subject Site (identified in red)

#### 4.4 National Grid Corridor Overlay Appeal

The National Grid Corridor Overlay (refer to **Figure 4** below) runs across the western edge of the new lot. Transpower lodged an appeal (ENV-2016-AKL-000218) to the AUP which was resolved by a Consent Order on 20 November 2017. The consent order amended some of the matters for discretion, the assessment criteria, and provided for a new National Grid Corridor Overlay – National Grid Subdivision Corridor.



*Figure 4: Location of the National Grid Corridor Overlay and the Subject Site*

## 5.0 Background

### 5.1 Subdivision Consent – SUB60311714

A subdivision consent to create the subject site was granted by Council on 12 October 2018 via a non-notified hearing process. The decision and approved plans are included in **Appendix I** and in **Figure 5** below.

It is noted that a number of conditions required consent notices to be imposed on the title at s224c stage. These cover matters in respect to infrastructure, access and the high voltage lines.

The matters in respect of infrastructure and access pertain to the fact that infrastructure connections and access are not formed as part of the subdivision.

A consent notice regarding the redevelopment limitations in proximity to the high voltage transmission lines was imposed by condition, to ensure that futures owners or occupiers of the site are aware of the obligations and limitations in proximity to these lines and structures.

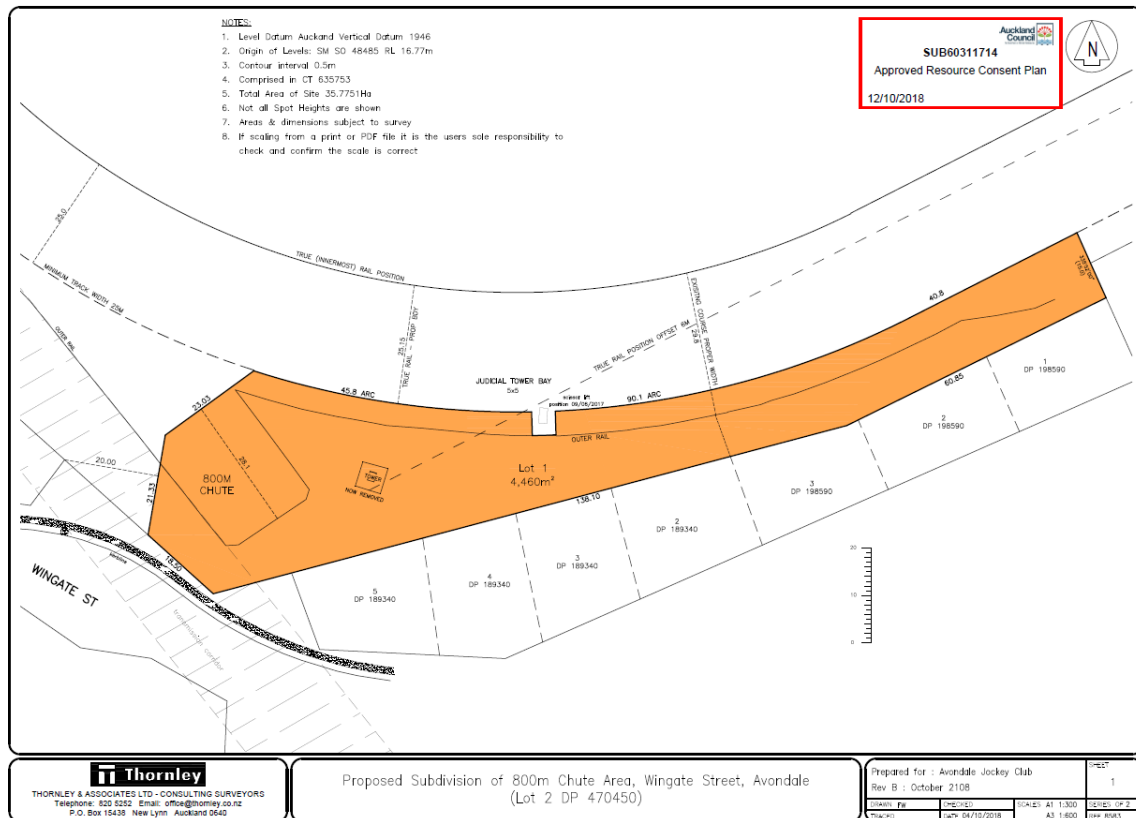


Figure 5: Approved Scheme Plan for SUB60311714

## 6.0 Private Plan Change Request

### 6.1 Introduction

Avondale Jockey Club Incorporated (the ‘**applicant**’) makes this request, seeking a private plan change to the Auckland Unitary Plan, Operative in Part.

The private plan change is referred to as ‘Proposed Plan Change (Private): Avondale Racecourse Wingate Street’ (‘**PPC ARWS**’).

## 6.2 Requirements of the Act

Part 2 of Schedule 1 to the RMA sets out the procedure to be followed when making a request to change a Plan. Key elements of the process, in the context of this proposal, are noted below:

- Any person may request a change to the AUP<sup>1</sup>;
- The request shall be in writing to the Council<sup>2</sup>;
- The request shall explain the purpose of the proposed plan change and the reasons for the change<sup>3</sup>;
- The request shall include an evaluation report prepared in accordance with s32 RMA<sup>4</sup>;
- The request shall include a description of the environmental effects anticipated from implementation of the plan change<sup>5</sup>;
- The Council can require the applicant to provide further information<sup>6</sup>;
- The Council shall either adopt the request, accept the request, deal with the request as if it were an application for resource consent, or reject the request<sup>7</sup>;
- Notification of the Plan Change will occur if the Council decides to adopt or accept the request, and any submissions will be considered by the Council at a hearing;
- The Council may decline the plan change, approve it, or approve it with modifications<sup>8</sup>.

An important part of the plan change process is the s32 RMA requirement to undertake an evaluation of the costs and benefits of alternatives. The most relevant parts of s32 in terms of process are set out in clauses (1) - (3), which state as follows:

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<sup>1</sup> Clause 21(1), Schedule 1, RMA

<sup>2</sup> Clause 22(1), Schedule 1, RMA

<sup>3</sup> Clause 22(1), Schedule 1, RMA

<sup>4</sup> Clause 22(1), Schedule 1, RMA

<sup>5</sup> Clause 22(2), Schedule 1, RMA

<sup>6</sup> Clause 23, Schedule 1, RMA

<sup>7</sup> Clause 25, Schedule 1, RMA

<sup>8</sup> Clause 29(4), Schedule 1, RMA

- 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.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
  - (b) *the objectives of the existing proposal to the extent that those objectives—*

- (i) *are relevant to the objectives of the amending proposal;*  
*and*
- (ii) *would remain if the amending proposal were to take effect.*

PPC ARWS is simple in its form, as it seeks only to change the zone of the land from one established AUP zone to another and to remove the Avondale Racecourse Precinct from this portion of the racecourse and to realign it to the new zone boundary (see **Appendix B**).

The changes relate only to two of the GIS map layers of the AUP and no changes are proposed to the objectives, policies, rules or other written provisions.

In this context the *'proposal'* means the nature of the change, being to re-identify the zoning of the land in question from SP-MRF zone to THAB zone. The *'objectives'* of the proposal refers to its purpose, which is to enable and facilitate the use of the land for an integrated residential development site that aligns with the site boundaries. The *'provisions'* is the re-identification of the land from SP-MRF zone to THAB zone and to realign the precinct boundary along with the buffer interface control which is related to this boundary.

Based on this explanation of the PPC ARCWS proposal and its objectives, s32 requires the following assessment:

- Whether the use of the land for a residential use is the most appropriate way to achieve the purpose of the RMA;
- Whether PPC ARCWS is the most appropriate means to provide for additional residential zoned land in this location, considering other possible options and questions of efficiency and effectiveness;
- Evaluation of the costs and benefits of the effects anticipated from the implementation of PPC ARCWS, including opportunities for economic growth and employment;
- Quantification of benefits and costs if practicable; and
- Assessment of the risks associated with proceeding or not proceeding with PPC ARCWS.

The s32 evaluation relating to PPC ARCWS is contained in section 7.0 of this report.

### 6.3 Nature and Purpose of PPC ARCWS

PPC ARCWS relates only to the planning maps contained in the Auckland Council’s GIS viewer and the location of the Interface Control Area shown on the Precinct Plan at AUP (OP) Figure I307.10.1. There are no changes proposed to the text of the AUP.

The proposed changes to the planning maps are as follows:

- Change the zoning of part of Lot 1 DP 470450 from Special Purpose - Major Recreation Facility zone to Residential – Terrace Housing and Apartment Buildings zone, as indicated in **Figure 2** and **Appendix B**; and
- Any consequential amendments to the planning maps to appropriately reconcile the zoning and precinct with the boundaries of the applicant’s land.

### 6.4 PPC ARCWS Conclusion

Based on the evaluation contained in section 7.0 of this report, it is considered that PPC ARCWS is the most appropriate means to achieve the purpose of the RMA. It would be the best available option to enable and facilitate the use of the land for residential use thereby allowing for the efficient and integrated use of the land by realigning it with the adjoining existing zoning.

## 7.0 Section 32 Evaluation

### 7.1 Scope and Purpose

This s32 evaluation report is prepared to fulfil the statutory requirements of s32 RMA in respect of PPC ARCWS.

PPC ARCWS seeks to amend the AUP planning maps contained within the Council’s GIS mapping layer, so that the site is re-identified from SP-MRF zone to THAB zone. PPC ARCWS seeks to enable the zoning to be aligned with the existing zoning applied to a portion of the site by removing the split zoning. Furthermore, a consistent zoning across the site will facilitate its development for intensive residential purposes.

Section 32 RMA requires that before adopting any objective, policy, rule or other method, regard shall be had to the extent to which each objective is the most appropriate way to achieve the purpose of the RMA, and whether the policies and rules

or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation.

In accordance with s32(6) RMA and for the purposes of this report:

- the ‘proposal’ means PPC ARCWS;
- the ‘objectives’ means the purpose of the proposal/ PPC ARCWS; and
- the ‘provisions’ means the change to the zone of the land that implements, or gives effect to the objectives of the proposal.

The AUP uses the technique of zoning for achieving the purpose of the RMA, and contains a number of established zones to apply to land. PPC ARCWS seeks to use one of these existing zones (THAB zone). This evaluation report on PPC ARCWS relates solely to the change of zone and precinct proposed for the land, and sits within the existing policy framework of the AUP which will remain unchanged.

This s32 evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information or changes that may arise, including through submissions and during the hearing. This approach of further evaluation is anticipated under the requirements of s32AA RMA.

## 7.2 Development of Options

In addition to consideration of the extent to which the objectives of PPC ARCWS are the most appropriate way to achieve the purpose of the RMA, s32 requires an examination of whether the provisions in PPC ARCWS are the most appropriate way to achieve the objectives of the proposed plan change by identifying other reasonably practical options for achieving the objective. In the preparation of PPC ARCWS, the following options have been identified:

- **Option 1** – do nothing/retain the status quo
- **Option 2** – re-identify as Residential - Terrace Housing and Apartment Buildings zone

## 7.3 Evaluation of Options

In accordance with s32(1)(b) and 32(2) of the RMA, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits and risks. The results of this evaluation are discussed in this section and summarised in table form in **Appendix**



C. There are no realistic non-regulatory methods that could deliver the outcome sought by PPC ARCWS.

***Option 1 – Adopt a ‘do nothing’ approach/retain the status quo***

The ‘do nothing’ option would mean that the zoning of the land would remain unchanged, such that a portion of the site would be retained as SP-MRF zone.

This will provide for the land to be used as part of the wider race course, however it has already been determined by the applicant that the land is surplus to on-going requirements. Furthermore, the retention of the zoning would not enable the establishment of residential use, in contradiction with the zoning of both the remainder of the site and the adjacent sites on Wingate Street. It is estimated that potential development of the site under the existing split zoning would be limited given the irregular shape of the site.

***Option 2 – re-identify as Terrace Housing and Apartment Buildings zone***

This option would change the remainder of the site from SP-MRF zone to THAB zone. This would allow for the full site to be used for residential purposes and would allow for a more useable site shape in terms of development, with site then having a zoned minimum width of 15m widening out to 40m, with a length of approximately 200m, giving a contiguous zoned area of 4,460m<sup>2</sup>.

**7.4 Risk of Acting or Not Acting**

Section 32(2)(c) 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 there is sufficient information about the proposed replacement zone to proceed with PPC ARCWS. The change from SP-MRF zone to THAB zone is neither unclear or uncertain. This s32 evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings.

**7.5 Reasons for the Preferred Option**

The objective of the proposal is to enable the zoning to align with the subject site boundaries and, given the land is surplus to the Avondale Jockey Club’s needs, to allow it to be rezoned to the adjacent zone of THAB. The zoning would also ensure that the full width and shape of the site can be utilised for high intensity residential purposes,

thereby allowing for additional layout and design options for the development of the site.

Retention of the existing SP-MRF zone would not achieve this outcome given the land is surplus to the needs of the racecourse, so in effect it would become redundant land and would therefore become an inefficient use of a land resource. This outcome would not align with the AUP's intention to work towards creation of a quality compact city.

The appropriateness of the site and location for high intensity residential use has already been established by the existing zoning on parts of the site and given the zoning approach along Wingate Street.

The evaluation of options undertaken in this report demonstrates that the preferred option for meeting the objectives of PPC ARCWS is a plan change to the AUP to rezone the remainder of the site to THAB zone. In accordance with section 32(1)(a), the objectives of the proposal are considered to be the most appropriate way to achieve the purpose of the RMA.

The THABs zone is the most efficient and effective means of achieving the objectives of the proposal.

## **8.0 Resource Management Framework**

### **8.1 Part 2 of the RMA**

The purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the Act. Part 2 matters relevant to PPC ARCWS include:

- enabling people and communities to provide for their social, economic, and cultural well-being (s5(2));
- avoiding, remedying, or mitigating any adverse effects of activities on the environment (s5(2)(c));
- the efficient use and development of natural and physical resources (s7(b)); and
- the maintenance and enhancement of amenity values (s7(c)).

PPC ARCWS is considered to be aligned with Part 2 of the RMA as it seeks to provide for the social and economic well-being of the community by providing additional land for

housing in a way that mitigates adverse effects, maintains amenity values, and uses land efficiently.

## 8.2 Other Relevant Sections of the RMA

Section 31(1)(a) of the RMA states that a function of the Council is “*the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district*”. It is considered that PPC ARCWS assists the Council to carry out its functions as set out in section 31.

Section 31(1)(aa) is of particular relevance to PPC ARCWS in that it states that a function of territorial authorities is also “*the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing ..... land to meet the expected demands of the district*”. PPC ARCWS assists in fulfilling this function as it provides for additional residential land to meet the demands of the surrounding community, the closest parts of which are growing rapidly as a result of the AUP’s rezoning for intensive residential development.

Section 75(3) of the RMA sets out the matters to be given effect to by a district plan:

- any national policy statement;
- any New Zealand coastal policy statement;
- a national planning standard; and
- any regional policy statement

It is also noted that a territorial authority must not have regard to trade competition or the effects of trade competition in preparing or changing its district plan (s74(3)).

It is proposed that PPC ARCWS would have legal effect only once a decision on submissions is made, as is the default position under section 86B(1).

## 8.3 National Policy Statements

National policy statements (‘NPS’) are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are currently five national policy statements in place:

- National Policy Statement on Urban Development Capacity

- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- New Zealand Coastal Policy Statement

Two NPS of relevance to PPC ARCWS are the National Policy Statement on Urban Development Capacity of existing communities and future generations (**'NPS-UDC'**) and Electricity Transmission for electricity corridors (**'NPS-ET'**). The NPS-UDC seeks to provide sufficient development capacity for residential and business growth, and the NPS-ET which seeks to ensure decision makers and Regional and Local Planning documents recognise the national significance of the electricity transmission network and the need to safeguard the transmission corridors from reverse sensitivity effects.

PPC ARCWS accords with many of the objectives and policies of the NPS-UDC, as it seeks to provide further capacity for residential growth in a location that is well served by infrastructure, public transport and services. An emphasis of the NPS-UDC is on the need for councils to be responsive to changes that occur in urban environments as a result of growth. Particular objectives and policies that support, or are relevant to, PPC ARCWS are noted below:

- OA2:** *Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.*
- OA3:** *Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.*
- OC2:** *Local authorities adapt and respond to evidence about urban development, market activity and the social, economic, cultural and environmental wellbeing of people and communities and future generations, in a timely way.*
- OD1:** *Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.*
- PA3:** *When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide*

*for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:*

- a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
- c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.*

**PA4:** *When considering the effects of urban development, decision-makers shall take into account:*

- a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and*
- b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.*

In respect of the NPS-ET the AUP has been drafted to achieve the outcome of the NPS-ET in particular it has provided an appropriate framework via the use of the 'National Grid Corridor Overlay' to ensure the land uses planning aligns with the development limitations near corridors. The applicant is fully aware of the constraints imposed by the overlay and a consent notice has been included on the recent subdivision to ensure this is clear to future developers. The PPC ARCWS does not seek to alter this overlay in any way on this basis the proposal is considered to accord with the direction of the NPS-ET.

#### **8.4 National Environmental Standards**

National Environmental Standards ('NES') are regulations that prescribe standards for environmental matters. There are currently six NES in force as regulations, none of these are directly relevant to the proposal to change the zoning of the site. However, it is noted that there is a National Environmental Standard regarding Electricity Transmission Activities and a portion of the site has a high voltage electricity transmission corridor. The AUP overlay provisions in regard to this remain unchanged by the private plan change request and would continue to apply to any future

redevelopment of the site. On this basis it is therefore considered that no further regard needs to be given to the NES.

## 8.5 National Planning Standards

The purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the RMA. National Planning Standards must be given effect to by district plans, in accordance with s75(3) RMA.

The Standards, which were introduced as part of the 2017 amendments to the Act, are currently under development. The first set of draft Standards were publicly notified for submissions in June 2018, and are currently being reviewed and refined in response to the submissions received. These Standards were released on the 5 April 2019 and they address the structure and form of plans, set national definitions and require interactive or digital ‘ePlans’.

There is a significant period of time following confirmation before councils are required to modify district plans. Furthermore, there will clearly be many other zoning situations in the AUP that are substantially similar to that enabled by PPC ARCWS and those would also be subject to any amendments that may arise as a result of implementing the Standards. For these reasons, it is considered that the Standards will have no effect on the development of PPC ARCWS at the current time.

## 8.6 Other Legislation

There is no other legislation that is of direct relevance to PPC ARCWS. It is noted that the Hauraki Gulf Marine Park Act 2000 does apply to the site as it falls within the catchment for the Hauraki Gulf (as identified in Schedule 3 of that Act). However, the AUP already contains a suitable tool box of standards and activities to manage the effects of activities and this remains unchanged by PPC ARCWS.

## 8.7 The Auckland Plan

The Auckland Plan 2050 is a long-term spatial plan for Auckland for the next 30 years.

The development strategy contained in the Auckland Plan addresses to the means for achieving a quality compact approach to growth. Growth is to be managed by focusing future development in existing urban areas and that future development maximises efficient use of land and that most development is within areas that are easily accessible by public transport, walking and cycling. The site meets these requirements as a brownfield site within close proximity to all services, and given a portion of the site has already been zoned for the highest intensity residential zone this identifies that Council agrees that the site is accessible. The extension of the zoning to align with the site boundaries will enable the more efficient use of the site as it will allow the full site area to be utilised for residential development. This will assist in bringing the site forward and therefore allow it to contribute towards the expected 2,440 anticipated dwellings within Avondale<sup>9</sup>.

This is supported by the ‘Homes and Places’ Direction 1, which seeks to develop a quality compact urban form to accommodate Auckland’s growth, and Direction 2 as it will increase the likelihood of the site being brought forward for a housing redevelopment. Aligning the zoning with the site boundaries will allow for a larger site area for residential redevelopment.

## 8.8 The Auckland Unitary Plan – Regional Policy Statement

When preparing or changing a district plan, Council must give effect to any Regional Policy Statement (‘RPS’)<sup>10</sup>. The RPS seeks to achieve the purpose of the RMA by providing an overview of the resource management issues for the region, and establishing policies and methods to achieve integrated management of the region’s natural and physical resources.

The RPS contains a number of higher order objectives and policies that are relevant to the assignment of zoning to land. Those of most relevance in this respect are set out below:

### **B2.2. Urban growth and form**

#### ***B2.2.1. Objectives***

- (1) *A quality compact urban form that enables all of the following:*
  - (a) *a higher-quality urban environment;*

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<sup>9</sup> Table Auckland Plan 2050 – Anticipated timeframe of development in existing urban area Page 222, Auckland Plan 2050 June 2018

<sup>10</sup> s75(3)(c) RMA

- (b) *greater productivity and economic growth;*
- (c) *better use of existing infrastructure and efficient provision of new infrastructure;*
- (d) *improved and more effective public transport;*
- (e) *greater social and cultural vitality;*
- (f) *better maintenance of rural character and rural productivity; and*
- (g) *reduced adverse environmental effects.*

### **B2.2.2. Policies**

#### *Quality compact urban form*

- (4) *Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.*
- (5) *Enable higher residential intensification:*
  - (a) *in and around centres;*
  - (b) *along identified corridors; and*
  - (c) *close to public transport, social facilities (including open space) and employment opportunities.*
- (7) *Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:*
  - (a) *support a quality compact urban form;*
  - (b) *provide for a range of housing types and employment choices for the area;*
  - (c) *integrate with the provision of infrastructure; and*
  - (d) *follow the structure plan guidelines as set out in Appendix 1.*

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

#### **B2.4.1. Objectives**

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



- (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 for residential intensification.*
- (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.*

#### **B2.4.2. Policies**

##### *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 resources, coastal environment, historic heritage or special character; or*
  - (b) *that are subject to significant natural hazard risks; 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.*
- (6) *Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.*

## **B2.7. Open Space and Recreational Facilities**

### **B2.5.1. Objectives**

- (1) *Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.*
- (2) *Reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied or mitigated.*

### **B2.5.2. Policies**

- (7) *Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities*

It is considered that PPC ARCWS would give effect to the RPS in that it:

- Provides for rezoning of land within the Rural Urban Boundary that supports a quality compact urban form and allows for the efficient use of accessible land for intensive residential use (B2.2.1.(1) and B2.2.2(7));
- The rezoning will align the zoning across the full site and will allow the site to achieve a greater development potential in a location already identified by Council as meeting the attributes of a high intensity residential zone given its proximity to Avondale Town Centre, Avondale Train Station and the bus corridor of Great North Road (B2.2.2.(5) and B2.4.2.(2));
- The proposed re-zoning will allow for the alignment of the zoning to the physical site boundaries which will ensure that the full site area is able to achieve the high intensity residential use sought by the THAB zone. In particular, it will provide a more contiguous zoning across the site and allow the full width and length to be utilised in a development scenario for residential purposes and thereby enable greater design options to be achieved on site (B2.4.1.(1));
- The site is able to be adequately serviced, with the recent subdivision granted by Auckland Council including conditions requiring the provision of infrastructure and there would be no effects on the transport networks from the rezoning of the site (B2.4.2.(6));
- The needs of the local community with regard to the provision of the Major Recreation Facility comprised in the Avondale Racecourse will remain unchanged by the proposed rezoning as the land is surplus to the AJC needs. The recent

- subdivision of the site, alongside the proposed rezoning, will enable the AJC to raise capital to invest back into the racecourse (B2.7.1.(1));
- There are not considered to be reverse sensitivity effects from the proposal given AJC are the applicants and given the AUP has always anticipated higher intensity uses alongside the racecourse boundary (B2.7.1.(3)); and
  - It is not considered that the proposed rezoning would result in significant adverse effects on the existing Avondale Racecourse as the use of the site as a Major Recreation Facility would remain unchanged by the proposed rezoning. Rather the proposal would enable AJC to achieve the development potential of this portion of the site which is surplus to the AJC needs and thereby enable the land to be utilised efficiently (B2.7.2.(7)).

Further assessment of PPC ARCWS, in the context of the specific matters set out in Policy B2.5.2(4) of the RPS, is provided in **Appendix D**.

## 8.9 The Auckland Unitary Plan – Objectives and Policies

### *Terrace Housing and Apartment Buildings Zone*

PPC ARCWS seeks to rezone the remaining portions of the site to THAB zone. Relevant AUP objectives and policies for this zone are:

#### **H6.2 Objectives**

##### ***Terrace Housing and Apartment Buildings zone objectives***

- (1) *Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport.*
- (2) *Development is in keeping with the areas planned urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.*
- (3) *Development provides quality on-site residential amenity for residents and the street.*
- (4) *Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and*

*intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.*

### **H6.3 Policies**

#### **Terrace Housing and Apartment Buildings zone policies**

- (1) *Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages.*
- (2) *Require the height, bulk, form and appearance of development and the provision of setbacks and landscaped areas to achieve a high-density urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.*
- (3) *Encourage development to achieve attractive and safe streets and public open spaces including by:*
  - (a) *providing for passive surveillance*
  - (b) *optimising front yard landscaping*
  - (c) *minimising visual dominance of garage doors.*
- (5) *Manage the height and bulk of development to maintain daylight access and a reasonable standard of privacy, and to minimise visual dominance effects to adjoining sites and developments.*
- (6) *Require accommodation to be designed to meet the day to day needs of residents by:*
  - (a) *providing privacy and outlook; and*
  - (b) *providing access to daylight and sunlight, and providing the amenities necessary for those residents.*
- (10) *Recognise the functional and operational requirements of activities and development.*

The principal focus of the THAB zone is to enable a higher intensity zone for urban residential living. It acknowledged that this will be at a higher intensity than previously provided for by the legacy plans. However, the zone covers locations that are well

supported in respect to services and accessible to public transport to support the higher levels of intensification and promote walkable neighbourhoods and focus on centres.

The objectives and policies follow the direction of the RPS and reinforce the need to efficiently use land adjacent to centres and near to public transport to provide for high-density urban neighbourhoods that enable a variety of housing types.

PPC ARCWS will give effect to the relevant AUP objectives and policies as:

- It will enable the full potential of the site to be developed intensively in accordance with its Terrace Housing and Apartment Buildings zoning as it will align the zoning with the site shape and configuration;
- It will not undermine the function and role of the Major Recreation Facility of the Avondale Racecourse given it is surplus to requirements;
- It will not give rise to any adverse effects on the safe and efficient operation of the transport network; and
- The zoning along the shared external boundary remains unchanged.

## 9.0 Environmental Effects

A number of specialist reports have been obtained to understand the likely effects of the proposed zone change and, where relevant, to satisfy the requirements of AUP Appendix 1 – Structure Plan Guidelines. Those reports are as follows:

- Infrastructure Report, prepared by Land, Development & Civil (**Appendix G**); and
- Geotechnical Report, prepared by Geoconsult (**Appendix H**)

The AUP structure plan guidelines note that the level of analysis required needs to be appropriate to the type and scale of development, and these reports are provided in that context. Nonetheless, an assessment of PPC ARCWS in respect of each of the relevant matters set out in Appendix 1 of the AUP is attached at **Appendix E**.

It is noted that the above reports were commissioned for the underlying recently approved subdivision consent. It is not considered that these needed to be separately prepared or updated for the Private Plan Change Request.

Any potential effects from the proposed plan change are limited and would relate to the following matters:

## 9.1 Effects of the Design, Layout and Accessibility of the site

The proposed THAB rezoning will provide for a more contiguous zoning across the site and enable it to follow the site boundaries which provided for a more efficient site area and shape. The re-zoning is further supportive by the applicable land use and transportation policies, given its location and proximity to services which will enable a walkable neighbourhood for future residents.

The underlying objectives, policies and standards of the THAB zone will continue to provide a regulatory framework for the scale, form and location of development on site and these zone provisions are unchanged by the PPC ARCWS.

It is noted that consideration has been given to the existing national grid corridor which traverses the site and it is proposed to construct the access to the site in this location in the future, thus ensuring that building platforms are well removed from the power lines. It is noted that a consent notice to this effect is included on the proposed lot.

## 9.2 Effects on Services, Infrastructure and Geotechnical Matters

A subdivision consent has been recently granted to create the lot and an infrastructure report was provided by Land Development and Civil Limited as part of this process and is attached at **Appendix G**.

This report identified the ability for the site to be serviced, given no development plan has yet been prepared and it concludes that the provision of services and access to the site can be readily achieved.

The suitability of the site for redevelopment in terms of ground conditions has already been established by the underlying subdivision consent and as documented in the Geotechnical Report in **Appendix H**. Given a subdivision consent has been recently granted, it follows that Council was satisfied that the stability and consideration of hazards in respect of the site was acceptable in terms of the requirements of s106 of the RMA.

It is therefore considered that the proposed subdivision can be adequately serviced by the necessary infrastructure and access, and that the ground conditions are suitable for residential redevelopment, consequently any potential effects on the environment will not be significant.

### 9.3 Effects on Traffic

Portions of the site are already zoned THAB a decision which supports the intention that the site is suitably located in terms of residential intensity and accessibility to both services and public transport. This confirms that the Council has already taken a view on the appropriateness of the existing zoning generally across the site and along Wingate Street in respect to transport matters with all of Wingate Street actually identified as THAB or Business Mixed Use all which have very flexible transport provisions. Consequently, the existing transport provisions under Chapter E27 of the AUP are considered to provide a suitable framework and toolbox for the assessment of traffic matters as they relate to the site.

The additional THAB zoning sought on the site at 1,800m<sup>2</sup> is small and any additional traffic effects beyond what is already anticipated by the existing extent of THAB would be in consequential. Even more so once you consider this alongside the extent of residential intensity already anticipated by the AUP for the wider Wingate St area.

Furthermore, the location of the National Grid - Transmission Corridor Overlay on the site, the need to provide a suitable access into the site and the physical site size and configuration any future residential yield across the full site is expected to be modest and likely in the range of 20-30 dwellings. This level of intensity would not trigger any traffic generation requirements under the plan<sup>11</sup> and there is not actually a minimum parking requirement for new dwellings within the THAB zoned land<sup>12</sup>. The rationale for this lack of a parking requirement is that the THAB zoned land only occurs in areas which are close to centres and public transport services. This is directly reflected in the sites context which is within easy walking distance to both the bus corridor of Great North Road, Avondale Train Station and the Avondale Town Centre.

On the basis of the above it is considered that the potential traffic effects generated by the additional 1,800m<sup>2</sup> of THAB zoned land on the transport network would be inconsequential when considered alongside the existing zoning on the site and the wider Wingate Street area. The AUP already anticipates and indeed encourages residential intensification within the THAB zone and Chapter E27 of the AUP already provides a suitable toolbox on a range of transport standards which any further development proposal would be considered against.

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<sup>11</sup> Under E27.6.1.(1)(a) the Trip Generation thresholds for new development is 100 dwellings.

<sup>12</sup> Refer E27.6.2.(4)(e) and Table E27.6.2.3

#### 9.4 Effects on the National Grid

The site involves the rezoning of a portion of land within the National Grid overlay. This was discussed as part of the underlying subdivision consent with it identified that this area will be used for the vehicle access to the site, and possibly for parking and appropriate landscaping. This consent outlined that all building platforms will be away from this area and the applicant agreed to registering a consent notice to this effect on the new title.

Furthermore, the overlay is not being varied by the PPC ARCWS and the provisions of the AUP in respect to development and subdivision within the AUP remain unchanged and will therefore continue to apply a suitable regulatory framework to manage these effects in the future for the site. On this basis it is not considered that the proposed rezoning would have any effects on this overlay and asset.

#### 9.5 Effects on the Avondale Racecourse

The additional land proposed to be rezoned within the site is surplus to the needs of the Avondale Jockey Club and as such it will not impact on the operation of the racecourse as a major recreation facility.

#### 9.6 Effects on the Amenity of adjacent sites

Land beyond the shared external boundary is already zoned as Terrace Housing and Apartment Buildings zone so the redevelopment for intensive purposes has already been anticipated by the AUP and these adjacent sites given they share the same zoning. The PPC ARCWS does not seek to alter any of the AUP provisions as they relate to this shared external boundary and the operative provisions would continue to guide the future development process. Consequently, any potential amenity effects from the zone change would not be significant in the context of what the zone enables.

#### 9.7 Positive Effects

This proposal will have positive effects that should be recognised and considered given it would allow the site to be brought forward for development, thereby providing additional housing to the Auckland market in an area of known housing need.



On the basis of the technical information that has been provided alongside the assessment above, it is concluded that PPC ARCWS will not generate any significant adverse environmental effects.

## 10.0 Consultation

In preparing PPC ARCWS, the applicant has commenced consultation and engagement with a number of parties, including iwi and Transpower.

A summary of consultation undertaken to date is included within **Appendix F**. That appendix will be updated as additional responses are received.

At this stage, no concerns have been raised although consultation is ongoing and some parties have not yet had an opportunity to respond. Council will be advised of all responses received as the PPC ARCWS process moves forward.

## 11.0 Conclusion

It is considered that the proposed rezoning of the balance of the site to Terrace Housing and Apartment Buildings zone is the most appropriate means to achieve the purpose of the RMA. It would be the best available option to enable and facilitate the use of the site for intensive residential purposes as it will align the zoning with the site boundaries.

PPC ARCWS assessment undertaken by:



**Ila Daniels**  
**Principal Planner**  
**Campbell Brown Planning Limited**

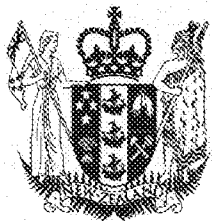
**(For and on behalf of Avondale Jockey Club)**



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**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
 R. W. Muir  
 Registrar-General  
 of Land

**Identifier** **635753**  
**Land Registration District** **North Auckland**  
**Date Issued** 24 January 2014

**Prior References**

NA125B/953

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**Estate** Fee Simple  
**Area** 35.7751 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 470450

**Registered Owners**

Avondale Jockey Club Incorporated

**Interests**

Subject to an electricity right (in gross) over part marked A and B on DP 470450 in favour of The Auckland Electric Power Board created by Transfer C131464.1 - 27.4.1990 at 9:00 am

Appurtenant hereto is a drainage right specified in Easement Certificate D302338.6 - 3.9.1998 at 9:00 am

Appurtenant hereto are drainage rights created by Transfer D452235.11 - produced 16.11.1999 at 11.24 am and entered 24.11.1999 at 9.00 am

The easements created by Transfer D452235.11 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are drainage rights created by Transfer D452235.12 - produced 16.11.1999 at 11.24 am and entered 24.11.1999 at 9.00 am

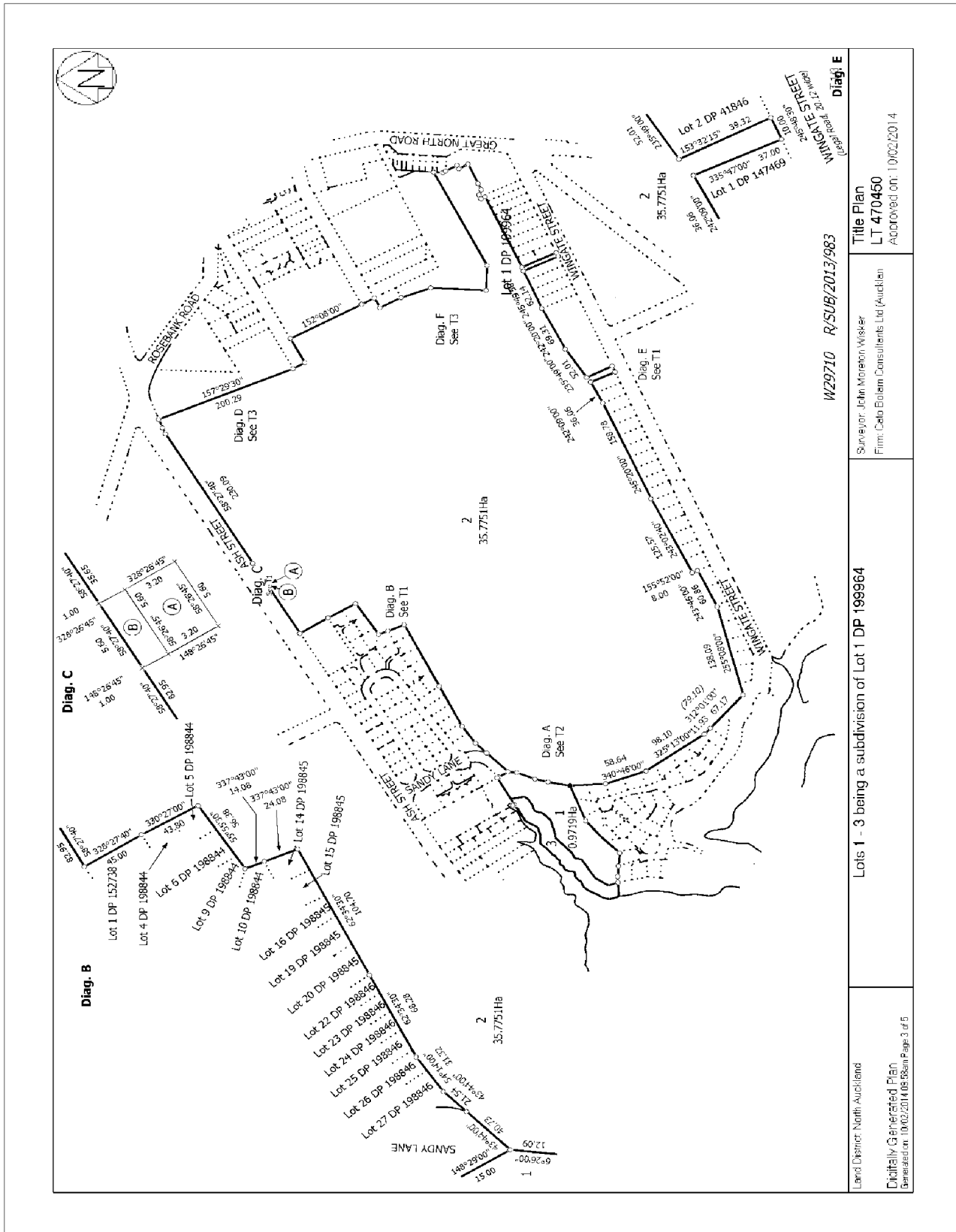
The easements created by Transfer D452235.12 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are drainage rights created by Transfer D452235.13 - produced 16.11.1999 at 11.24 am and entered 24.11.1999 at 9.00 am

The easements created by Transfer D452235.13 are subject to Section 243 (a) Resource Management Act 1991

9682086.2 Mortgage to ASB Bank Limited - 8.4.2014 at 10:11 am

Land Covenant in Easement Instrument 10018896.2 - 2.4.2015 at 2:23 pm



Land District: North Auckland	W29710 R/SUB/2013/983	Diag. E
Digitally Generated Plan Generation: 10/02/2014 05:08am Page 3 of 5	Surveyor: John Moreton-Wisker Firm: Geo Eולם Consultants Ltd (Auckland)	Title Plan LT 470450 Approved on: 10/02/2014

# AUP Proposed Precinct Zoning Map

# Appendix B







## SECTION 32 OPTION EVALUATION TABLE

	Option 1 – Do Nothing/ Status Quo	Option 2 – Terrace Housing and Apartment Buildings zone
<b>Zone description and purpose</b>	<p>This option would retain the Special Purpose - Major Recreation Facility (SP- MRF) zone on the surplus land and would retain the small extent of THAB zoning.</p> <p>All of the SP-MRF zones have an individual precinct tailored to the needs of the facility. The subject site falls within the I307 Avondale Racecourse Precinct and dwellings are not provided for within the precinct. The precinct provides specific planning provisions for the use of the land that forms part of the Avondale Racecourse as a horse racing facility.</p>	<p>Under option 2 the portion of the site zoned SP-MRF zone (1,800m<sup>2</sup>) would be rezoned to align with the existing Terrace Housing and Apartment Buildings (THAB) zone of the balance of the site.</p> <p>The principal focus of the Terrace Housing and Apartment Buildings Zone is to enable a higher intensity zone for urban residential living. The zone acknowledges that this will be at a higher intensity than previously provided for by the legacy plans. However, the zone covers locations that are well supported in respect to services and accessible to public transport to support the higher levels of intensification and promote walkable neighbourhoods.</p>
<b>Appropriateness</b> <i>(whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a))</i>	<p>Option 1 would enable some residential development on the portion of the site zoned THAB, however, this would be constrained given the odd shape of the zoning and would blight the use of the remainder of the site zoned SP-MRF zone as the zone does not provide for housing. Consequently, development of the site under Option 1 would not provide as much housing, which is not an appropriate outcome in the constrained Auckland housing market nor given the direction in the Auckland Plan 2050. It would forego a potential opportunity to provide additional land for housing which is surplus to the needs of the Avondale Jockey Club.</p> <p>In respect of the redundant nature of the land it is clear when viewing the wider racecourse landholding that the site is well removed from the main activity of the Avondale Racecourse in terms of the location of the stands, main entrances and Avondale Market.</p>	<p>Option 2 would be appropriate in that it provides for zoning to contiguously follow the boundary lines of the site and therefore allowing for the full width and shape of the site to be utilised for high intensity residential purposes and thereby allowing for additional layout and design options for the development of the site.</p> <p>The appropriateness of the site and location for high intensity residential use has already been established by the existing zoning on parts of the site and given the zoning approach along Wingate Street.</p> <p>For these reasons, it is considered that Option 2 is the most appropriate option to achieve the purpose of the RMA.</p>
<b>Efficiency and effectiveness</b> <i>(whether the provisions are the most efficient and effective means of achieving the objectives of the proposal (s32(1)(b))</i>	<p>This option would not enable the use of the site in an efficient manner for residential purposes, given the irregular shape and width of the zoning on site.</p> <p>In this regard, Option 1 would not be effective in achieving the objectives of the proposal. It is considered that the THAB zoning needs to align with the site boundaries to achieve an integrated and efficient use of the land for residential purposes, otherwise the quantum and design of any redevelopment would be limited and the land would not achieve a sustainable land use pattern.</p>	<p>Option 2 will directly align with the objectives of the proposal being to allow for the full development potential of the land to allow for additional housing supply in an area of known housing need and in an accessible location.</p> <p>This Option seeks to align the existing THAB zoning across the full site width and is the most effective, efficient and indeed simplest way to approach the objectives of the proposal. In particular, the AUP process had already identified that the site had the necessary attributes to be zoned THAB and this PPC request just seeks to continue this approach to the final site boundaries which were not clear during the PAUP process that defined the existing THAB area on the site.</p>
<b>Benefits</b> <i>Assessment of benefits of the anticipated environmental, economic, social, and cultural effects of</i>	<p>Option 1 would ensure that the land within the site would be available for the use of the Avondale Racecourse, however, the Avondale Jockey Club has already determined that the proposed land is surplus to the club's needs and it is redundant in terms of the operation of the Major Recreation Facility that covers the Avondale Racecourse.</p>	<p>Option 2 would have positive benefits given that it would allow for the new zoning framework to give greater certainty and an increased chance that the site is brought forward for development, thereby increasing the likelihood that additional housing will be brought to the Auckland market in an area of known housing need.</p>



<p><i>the provisions, including economic growth and employment (s32(2)(a) and (b)).</i></p>	<p>It is not considered that there are any benefits stemming from Option 1 as it will continue the status quo position of the site, not being available for development, and thereby no housing delivery will occur contrary to the direction of the Auckland Plan 2050.</p>	<p>This would directly deliver and support a quality compact urban form sought by the AUP RPS and would allow for the efficient use of accessible land for intensive residential use. In particular, this option will align the zoning across the full site and will allow the site to achieve a greater development potential in a location already identified by Council as meeting the attributes of a high intensity residential zone given its proximity to Avondale Town Centre and Great North Road.</p>
<p><b>Costs</b> <i>Assessment of costs of the anticipated environmental, economic, social, and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b))</i></p>	<p>There would be costs associated with the site not coming forward in terms of local housing supply and the effects on the operation of the Racecourse which would not realise the value of the land.</p>	<p>It is not anticipated that there are any environmental, economic, social and cultural costs from the proposed rezoning of the site under Option 2. Rather, it allows for the efficient use of land for housing supply in an area of known need thereby allowing for the sustainable use of otherwise redundant land.</p>
<p><b>Risk</b> <i>Assessment of the risk of acting or not acting if there is uncertain or insufficient information about the provisions (s32(2)(c))</i></p>	<p>There is no uncertain information or insufficiency of information about the subject matter of the provisions, and no identified risks arise as a consequence.</p>	<p>There is no uncertain information or insufficiency of information about the subject matter of the provisions, and no identified risks arise as a consequence.</p>
<p><b>Summary</b></p>	<p>The retention of the existing zoning will mean that the site is unlikely to be developed for housing purposes and would remain redundant land. This is not considered to be a sustainable use of a land resource in a location with good accessibility to services, Avondale Town centre and public transport.</p> <p>Option 1 is not the preferred option for these reasons.</p>	<p>Option 2 would provide all of the outcomes that are sought by the proposal, as it would enable the full use of the site for residential development, thereby allowing a greater width and length of THAB zoned land for development options.</p> <p>Option 2 is the preferred option for this reason.</p>

## AUP RPS Assessment Table

Objective or Policy	Assessment
<b>B2.2. Urban Growth and Form</b>	
<p><b>B2.2.1.(1)</b> A quality compact urban form that enables all of the following:</p> <ul style="list-style-type: none"> <li>(a) a higher-quality urban environment;</li> <li>(b) greater productivity and economic growth;</li> <li>(c) better use of existing infrastructure and efficient provision of new infrastructure;</li> <li>(d) improved and more effective public transport;</li> <li>(e) greater social and cultural vitality;</li> <li>(f) better maintenance of rural character and rural productivity; and</li> <li>(g) reduced adverse environmental effects.</li> </ul>	<p>The proposed re-zoning will allow for the alignment of the zoning to the physical site boundaries, which will ensure that the full site area is able to achieve the high intensity residential use sought by the Terrace Housing and Apartment Buildings zone. In particular it will provide a more contiguous zoning across the site and allow the full width and length to be utilised in a development scenario for residential purposes and thereby provide greater design scenarios to be achieved on site.</p>
<p><b>B2.2.2.(4)</b> Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.</p>	<p>The proposed re-zoning directly aligns with this objective allowing for surplus land to be used for urban intensification within an existing urban location. Furthermore, the alignment of the zoning to the site boundary will ensure that the future re-development of the site is able to meet its full potential and allow for efficient use of the entire site.</p>
<p><b>B2.2.2.(5)</b> Enable higher residential intensification: (a) in and around centres; (b) along identified corridors; and (c) close to public transport, social facilities (including open space) and employment opportunities.</p>	<p>A portion of the site has already been identified for high intensity housing and the proposed rezoning enables this intensity to be achieved across the whole site. The area had already been identified as being suitable for higher residential intensification given proximity to Great North Road and Avondale Town Centre. These attributes therefore continue to apply to the remainder of the site where the rezoning is sought.</p>
<p><b>B2.2.2.(7)</b> Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:</p> <ul style="list-style-type: none"> <li>(a) support a quality compact urban form;</li> <li>(b) provide for a range of housing types and employment choices for the area;</li> <li>(c) integrate with the provision of infrastructure; and</li> <li>(d) follow the structure plan guidelines as set out in Appendix 1.</li> </ul>	<p>The rezoning of the remainder of the site to Terrace Housing and Apartment Buildings zone would directly support a quality compact urban form, as it will enable the site to have contiguous zoning and will ensure that the full site area is enabled for higher intensity residential use.</p> <p>In terms of the provision of infrastructure, a recent subdivision proposal for the site has been granted by Auckland Council that considered the provision of infrastructure, with a report submitted by the applicant to support the subdivision which identified that suitable infrastructure was available. This report is included in the documentation to support the private plan change.</p>
<b>B2.4. Residential Growth</b>	
<p><b>B2.4.1.(1)</b> Residential intensification supports a quality compact urban form.</p>	<p>The proposed re-zoning will allow for the alignment of the zoning to the physical site boundaries which will ensure that the full site area is able to achieve the high intensity residential use sought by the Terrace Housing and Apartment Buildings zone. In particular it will provide a more contiguous zoning across the site and allow the full width and length to be utilised in a development scenario for residential purposes and thereby provide for greater design scenarios to be achieved on site.</p>

<p><b>B2.4.1.(3)</b> 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 for residential intensification.</p>	<p>A portion of the site has already been identified for high intensity housing, and the proposed rezoning enables this intensity to be achieved across the whole site. The area had already been identified as being suitable for higher residential intensification given proximity to Great North Road and Avondale Town Centre. These attributes therefore continue to apply to the remainder of the site where the rezoning is sought.</p>
<p><b>B2.4.1.(4)</b> 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.</p>	<p>The proposed rezoning would allow for increased capacity albeit small, at approximately 1,900m<sup>2</sup>. However, increasing the portion of Terrace Housing and Apartment Buildings zone will increase the likelihood of the site being developed as it will increase the width and length of the site zoned for this purpose and thereby provide for more design flexibility in bringing the site forward for development.</p>
<p><b>B2.4.2.(2)</b> 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.</p>	<p>A portion of the site has already been identified for high intensity housing, and the proposed rezoning enables this intensity to be achieved across the whole site. The area had already been identified as being suitable for higher residential intensification given proximity to Great North Road and Avondale Town Centre. These attributes therefore continue to apply to the remainder of the site where the rezoning is sought.</p>
<p><b>B2.4.2.(5)</b> 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 resources, coastal environment, historic heritage or special character; or (b) that are subject to significant natural hazard risks; 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.</p>	<p>The site does not involve any of the areas where development is sought to be avoided.</p>
<p><b>B2.4.2.(6)</b> Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.</p>	<p>The site will be adequately serviced. A recent subdivision has been granted by Auckland Council that carefully considered the provision of infrastructure, with a report submitted by the applicant to support the subdivision which identified that suitable infrastructure was available. This report is included to support the private plan change within Appendix K.</p>
<p><b>B2.7. Open Space and Recreational Facilities</b></p>	
<p><b>B2.7.1.(1)</b> Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.</p>	<p>The needs of the local community in respect to the provision of the Major Recreation Facility of the Avondale Racecourse will remain unchanged by the proposed rezoning as the land is surplus to the AJC needs and the recent subdivision of the site, alongside the proposed rezoning, will enable the AJC to raise capital to invest back into the racecourse.</p>
<p><b>B2.7.1.(3)</b> Reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied or mitigated.</p>	<p>There are not considered to be reverse sensitivity effects from the proposal given AJC are the applicants and given the AUP has always anticipated higher intensity uses alongside the racecourse boundary.</p>
<p><b>B2.7.2.(7)</b> Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities</p>	<p>It is not considered that the proposed rezoning would result in significant adverse effects on the existing Avondale Racecourse as the use of the site as a Major Recreation Facility would remain unchanged by the proposed rezoning. Rather the proposal would enable AJC to achieve the development potential of this portion of the site which is surplus to the AJC needs and thereby enable the land to be utilised efficiently.</p>

## AUP Appendix 1 Assessment Table

Appendix 1 Section 1.4 Matters to Identify, Investigate and Address	Comments
<b>1.4.1 Urban Growth</b>	
<p>(1) The future supply and projected demand for residential and business land in the structure plan areas to achieve an appropriate capacity to meet the sub-regional growth projections in the Auckland Plan adopted under the Local Government (Auckland Council) Act 2009.</p>	<p>The proposed re-zoning directly aligns with this requirement as it would allow for surplus land to be used for urban intensification within an existing urban location. Furthermore, the alignment of the zoning to the site boundary will ensure that the future re-development of the site is able to meet its full potential and allow for efficient use of the full site.</p>
<p>(2) The phases and timing for the staged release of greenfield land or the staged conversion of land within the existing urban area to a more intensive activity for urban development or for comprehensive redevelopment, in coordination with infrastructure.</p>	<p>Not applicable.</p>
<p>(3) The location, type and form of the urban edge, its appropriateness to the structure plan area and the surrounding area and how transitions between the area to be urbanised and other areas with different activities, building types and densities or levels of intensity are to be managed.</p>	<p>The site area to be rezoned is not at the urban edge, and relates to use of land that is already urbanised. Adjacent residential land is also identified as THAB zone in the AUP.</p>
<p>(4) Linkages and integration with existing urban-zoned and/or rural-zoned land adjoining the structure plan area through careful edge or boundary treatment.</p>	<p>The site effects only a discrete area of land and it does not seek nor necessitate any specific provision for linkages or integration. The connections to the site are already established by the existing 45m length of street frontage.</p>
<p>(5) Opportunities to improve access to landlocked parcels, including Māori land.</p>	<p>Not applicable - no landlocked parcels adjacent to site.</p>
<b>1.4.2 Natural Resources</b>	
<p>(1) The protection, maintenance and enhancement of natural resources, particularly those that have been scheduled in the</p>	<p>There are no scheduled resources in respect to mana whenua, natural resources or the coastal environment on the site. The proposed rezoning would not impact on any of these matters with the site</p>

<p>Unitary Plan in relation to Mana Whenua, natural resources, and the coastal environment.</p>	<p>already prepared for urban development by the underlying consent, in particular it would connect into the existing stormwater network.</p> <p>Notwithstanding the above it is noted that the applicant has engaged with local iwi as part of the consultation requirements.</p>
<p>(2) Demonstrate how proposed subdivision, use, and development will protect, maintain and enhance the values of the resources identified in 1.4.2(1) above.</p>	<p>The identification of the site for urban development has already been established by the existing zoning and underlying resource consent. The change in zoning to align with these new lot boundaries would not impact on any of these values.</p>
<p>(3) The integration of green networks (such as freshwater and coastal water systems, and ecological corridors) with open space and pedestrian and cycle networks, showing how they reflect the underlying natural character values and provide opportunities for environmental restoration and biodiversity.</p>	<p>The proposed change in zoning would not impact on the form, integration or natural character values of any of the open space areas across the Avondale Racecourse. In particular, the racecourse site remains unchanged by the proposed change in zoning given the subdivision already approved. The site has already been identified for urban intensification by the existing Terrace Housing and Apartment Buildings zoning, and the future development of the site would be managed by a separate resource consent which will suitably manage this process in any event.</p>
<p>(4) Measures to manage natural hazards and contamination.</p>	<p>Whilst there are flooding hazards on the wider Racecourse site they are not located in the area where the plan change request is sought. Consequently, no measures are needed to manage natural hazards.</p> <p>There are no other known hazards on the site and the site has been recently granted a subdivision consent to create the subject site meaning s106 of the RMA has been considered by Council and subdivision consent has been approved.</p> <p>In respect of contamination it is noted that there is no record of any HAIL uses or activities operating on this part of the site. On this basis, no further regard needs to be given to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health or matters of soil contamination under the AUP in respect of the site.</p>
<p>(5) The location of mineral resources and how access to regionally significant extractable deposits is to be managed.</p>	<p>Not applicable there are no mineral resources on the site.</p>
<p><b>1.4.3 Natural and Built Heritage</b></p>	
<p>(1) The existence of 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.</p>	<p>The existing site is largely vacant having been part of the racecourse with just some low-level vegetation. There are no matters of natural or built heritage relevant to the site.</p>

1.4.4 Use and Activity	
(1) Contribution to a compact urban form and the efficient use of land in conjunction with existing urban areas to give effect to the regional policy statement.	The RPS identifies that residential intensification should be in and around centres, close to public transport and employment opportunities. This has already informed the existing THAB zoning, and the small extension to this zoning would continue to align with the RPS.
(2) The adoption of standard Unitary Plan methods and provisions where possible to ensure a consistent approach across the region by all of the following: (a) seeking to avoid the introduction of additional zones; (b) recognising the values of natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character through identification of sites or places to be scheduled and the use of existing overlays in the Plan; and (c) recognising specific place-based provisions through the use of precincts.	Not applicable - only change sought to the existing AUP zoning, precinct boundaries and no additional specific place-based provisions sought or necessary.
(3) Establishment of new centres and the expansion of existing centres in ways that complement the hierarchy and network of existing centres. Centres should be located and designed to maximise access by walking, cycling and public transport.	Not applicable.
(4) A mix of residential intensities sufficient to support the vitality of centres and communities and to provide housing and transport choice.	The appropriate residential intensity in respect to zoning has already been established by the existing THAB zone on site.
(5) A mix and distribution of land uses within the structure plan area to provide opportunities for business activities and employment, community facilities and open space close to where people live.	Not applicable given size of private plan change area.
(6) The location and protection of infrastructure and management of reverse sensitivity effects on infrastructure from subdivision, use and development.	Refer <b>Appendix K</b> for the Infrastructure Report.
(7) The location and protection of use and development and management of reverse sensitivity effects on use and development.	Not applicable given the THAB zoning has already been found by the operative AUP to be an appropriate use next to the MRZ of the Racecourse.
1.4.5 Urban Development	

<p>(1) A desirable urban form at the neighbourhood scale including all of the following:</p> <ul style="list-style-type: none"> <li>(a) a layout providing pedestrian connectivity with a network of streets and block sizes which allow for a choice of routes, particularly near centres and public transport facilities;</li> <li>(b) provision of a diversity of site sizes within blocks to enhance housing choice, accommodate local small-scale community facilities and where appropriate enable a range of business activity and mixed use;</li> <li>(c) provision of open spaces which are highly visible from streets and of a scale and quality to meet identified community needs;</li> <li>(d) appropriate transitions within and at the edge of the structure plan area between different land use activities, intensities and densities; and</li> <li>(e) the application of an integrated stormwater management approach within developments to reduce impacts on the environment while enhancing urban amenity.</li> </ul>	<p>The realignment of the THAB zoning will ensure that the future development of the subject site can be undertaken in an efficient manner.</p> <p>Not applicable, given the size and nature of the site. The recent subdivision has already demonstrated that the size and form of the site is suitable for future redevelopment.</p> <p>Not applicable. The Avondale Racecourse remains the same in terms of operation and use, with the subject site surplus to requirements.</p> <p>Not applicable as the private plan changes just seeks to align the THAB zoning with the site boundaries. There is no structure planning required, as the principal zoning and activities has largely already been established by the AUP for the site.</p> <p>An infrastructure report has already been prepared as part of the recently granted subdivision consent. This covers the approach to stormwater. Ultimately the existing provisions of the AUP already provides a framework for the assessment of these matters for the future development of the site. It is not considered that there are any site-specific requirements needed for the private plan change process.</p>
<p><b>1.4.6 Transport Networks</b></p>	
<p>(1) Integration of land use and development with the local and strategic transport networks</p>	<p>Not applicable given the THAB zoning has already been found by the operative AUP to be an appropriate land use within the local and strategic transport networks. Furthermore, the recent grant of consent for a subdivision to create the site has also considered this in terms of Wingate Street.</p>
<p>(2) Layout of the transport network and facilities in a manner that is safe, attractive, efficient, and resilient to hazards, well connected to local facilities and integrated with land uses, the surrounding area and the wider transport network.</p>	<p>Not applicable given the size and nature of the site and given the recent grant of consent for a subdivision to create the site.</p>
<p>(3) Support for transport and accessibility that is multi-modal and interconnected with an appropriate number and location of access points.</p>	<p>Not applicable given the size and nature of the site and given the recent grant of consent for a subdivision to create the site.</p>
<p>(4) Transport effects on land uses and the management of these effects.</p>	<p>Not applicable given the size and nature of the site and given the recent grant of consent for a subdivision to create the site.</p>
<p><b>1.4.7 Infrastructure</b></p>	
<p>(1) The location and protection of existing and planned infrastructure, including network infrastructure corridors.</p>	<p>Refer <b>Appendix K</b> for the Infrastructure Report.</p>

<p>(2) The location, scale and capacity of existing and new infrastructure to serve the structure plan area.</p>	<p>Refer <b>Appendix K</b> for the Infrastructure Report.</p>
<p>(3) The location, scale and function of stormwater management facilities based on the principles of an integrated stormwater management approach, including the retention of natural water systems and the primary use of onsite flow and quality controls (and related impervious area limits) to manage stormwater runoff from proposed sites and roads.</p>	<p>Refer <b>Appendix K</b> for the Infrastructure Report.</p>
<p>(4) The location, scale, function and provision of community facilities, including educational, health, welfare and cultural facilities and open space to cater for the needs of communities in the structure plan area and neighbouring areas.</p>	<p>Given the nature and size of the private plan change, these elements of a structure plan are not relevant. The existing THAB zoning on site has already been found to be suitably located in terms of community facilities and the proposed rezoning would not alter this provision.</p>
<p><b>1.4.8 Feedback from Stakeholders</b></p>	
<p>(1) Feedback from landowners, infrastructure providers, council-controlled organisations and communities gained through consultation during the structure planning process.</p>	<p>Refer the attached Consultation Matrix dated April 2019 within <b>Appendix G</b>.</p>
<p><b>Appendix 1 - 1.5 Specialist Documents to support the structure plan and plan changes process</b></p>	
<p><b>1.5 (1) Land use</b></p>	
<p>(a) evaluation of the identified role of and principal objectives for the structure plan area in terms of land uses and amenity values;</p>	<p>The private plan change request seeks to solely rezone 1,8720m<sup>2</sup> area of land to THAB to align with a recent subdivision for the surplus land at Avondale Racecourse. The loss of a small portion of MRfZ would not be noticeable with the operation and use of the Racecourse unchanged by the proposed zoning.</p>
<p>(b) assessment against any relevant sub-regional spatial plan; and</p>	<p>The Auckland Plan 2050 is a long-term spatial plan for Auckland for the next 30 years.</p> <p>The development strategy contained in the Auckland Plan seeks to achieve a quality compact approach to growth. Growth is to be managed by focusing future development in existing urban areas and that future development maximises efficient use of land and that most development is within areas that are easily accessible by public transport, walking and cycling. The subject site meets these requirements as a brownfield site within close proximity to all services, and given a portion of the site has already been zoned for the highest intensity residential zone this identifies that Council agrees that the site is accessible. The extension of the zoning to align with the site boundaries will enable the more efficient use of the site as it</p>



	will allow the full site area to be utilised for residential development and therefore allow it to contribute towards the expected 2,440 anticipated dwellings within Avondale.  This is supported by the 'Homes and Places' Direction 1, which seeks to develop a quality compact urban form to accommodate Auckland's growth, and Direction 2 as it will increase the likelihood of the site being brought forward for a housing redevelopment as it will align the zoning with the site boundaries thereby allowing for a larger site area for residential redevelopment.
(c) analysis of anticipated land use supply and demand informing the spatial allocation of areas for different activities, intensities and densities	The proposal would create a small amount of residentially zoned land to align with the recent subdivision of the surplus land for the AJC, the intensity of use and activities has already been established by the existing THAB zoning on site.
<b>1.5(2) Infrastructure</b>	
(a) integrated catchment management plan - stormwater management plan, including network plans, updates to catchment or zone management plans and variations to existing or new network discharge consents, where relevant;	Refer <b>Appendix K</b> for the Infrastructure Report.
(b) integrated transport assessment;	Not applicable for private plan change, given the extend of additional THAB land being contemplated the size would not exceed the 100-dwelling threshold for trip generation requirements under E27.6.1 of the AUP.
(c) water and wastewater servicing plan; and	Refer <b>Appendix K</b> for the Infrastructure Report.
(d) other infrastructure plans.	As above.
<b>1.5(3) Impact on Natural and Cultural Values</b>	
(a) landscape assessment;	Not applicable for this private plan change request.
(b) assessment of effects on the cultural well-being of people and communities who have relationships with the area, including where appropriate mapping of local history and whakapapa;	Not applicable for this private plan change request.
(c) archaeological, historic heritage and special character assessment	Not applicable for this private plan change request.
(d) natural heritage assessment; and	Not applicable for this private plan change request.

(e) freshwater and ecological assessment.	Not applicable for this private plan change request.
<b>1.5(4) Environmental Risk</b>	
(a) geotechnical assessment;	Not applicable for this private plan change request.
(b) land contamination and remediation assessment; and	Not applicable for this private plan change request.
(c) health impact assessment.	Not applicable for this private plan change request.
<b>1.5 (5) Implementation</b>	
(a) staging plan;	Not applicable for this private plan change request.
(b) funding plan;	Not applicable for this private plan change request.
(c) affordability assessment;	Not applicable for this private plan change request.
(d) neighbourhood design statement; and	Not applicable for this private plan change request.
(e) other documents depending on the characteristics of the land and water resources of the area.	Not applicable for this private plan change request.

## Consultation Summary – Avondale Race Course Wingate Street (dated 14/06/19)

Persons/Organisation	Outcome	Contact Details	Response
<b>MANA WHENUA</b> Ngāti Whātua o Kaipara	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Ngā Maunga Whakahii o Kaipara Development Trust 09 420 8410 Ext.4503 <a href="http://www.kaiparamoana.com">www.kaiparamoana.com</a> <a href="mailto:tetaritai@kaiparamoana.com">tetaritai@kaiparamoana.com</a>	Email received 29/5 advising "Thank you for consulting with Nga Maunga Whakahii o Kaipara regarding the Avondale Jockey club private plan change. We defer to Te Kawerau a Maki cc'd for comments".
<b>Te Rūnanga o Ngāti Whātua</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Te Rūnanga o Ngāti Whātua Call Te Rūnanga o Ngāti Whātua on 0274 702 921 <a href="http://www.ngatiwhatua.iwi.nz">www.ngatiwhatua.iwi.nz</a> Tame Te Rangī <a href="mailto:tame.terangi@ngatiwhatua.iwi.nz">tame.terangi@ngatiwhatua.iwi.nz</a>	No response to consultation request to date.
<b>Te Ākitai Waiohūa</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	021 400 921 <a href="mailto:kaitiaki@teakitai.com">kaitiaki@teakitai.com</a> Nigel Denny	No response to consultation request to date.
<b>Ngāi Tai ki Tāmaki</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Ngāi Tai ki Tāmaki Tribal Trust 09 537 9485 <a href="mailto:kaitiaki@ngaitai-ki-tamaki.co.nz">kaitiaki@ngaitai-ki-tamaki.co.nz</a>	No response to consultation request to date.
<b>Te Ahiwaru – Waiohūa</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Makaurau Marae Māori Trust <a href="mailto:kowhaiolsen@makauramaeraemaoritrust.co.nz">kowhaiolsen@makauramaeraemaoritrust.co.nz</a>	Email received 30/5 advising "As a preliminary response from Te Ahiwaru, I recognise the need for the residual lands to be utilised as a buffer between the racecourse and residents.  To change and develop the lands as residential for terraced housing and minimise spacial comfort is to devalue the potential of the property.  However, as this is not a primary area of interest to Te Ahiwaru Waiohūa this a merely an opinion of a kaitiaki.  We recommend that you engage with Te Kawerau a Maki on this matter and will support what recommendations they have".
<b>Ngāti Paoa</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Mahu Rawiri <a href="mailto:kaitiaki@ngatipaoaiwi.co.nz">kaitiaki@ngatipaoaiwi.co.nz</a> <a href="https://www.ngatipaoaiwi.co.nz/">https://www.ngatipaoaiwi.co.nz/</a>	No response to consultation request to date.
<b>Te Kawerau Ā Maki</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Te Kawerau Iwi Settlement Trust <a href="http://www.tekawerau.iwi.nz">www.tekawerau.iwi.nz</a> Scott Lomas <a href="mailto:scott.lomas@tekawerau.iwi.nz">scott.lomas@tekawerau.iwi.nz</a> Robin Tāua-Gordon <a href="mailto:robin.taua-gordon@tekawerau.iwi.nz">robin.taua-gordon@tekawerau.iwi.nz</a>	No formal response to consultation request to date, though emails confirming documents have been received and we are expecting a further response imminently.

Persons/Organisation	Outcome	Contact Details	Response
<b>Ngāti Whātua Ōrākei</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Ngāti Whātua Ōrākei Trust Call Ngāti Whātua Ōrākei on 09 336 1670 <a href="http://www.ngatiwhatuorakei.com">www.ngatiwhatuorakei.com</a> Jessica Hiscox <a href="mailto:tokitaiiao@ngatiwhatuorakei.com">tokitaiiao@ngatiwhatuorakei.com</a>	No response to consultation request to date.
<b>Ngāti Tamatera</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Ngāti Tamatera Settlement Trust <a href="mailto:frank.waitai@tamatera.iwi.nz">frank.waitai@tamatera.iwi.nz</a> <a href="http://rma@tamatera.co.nz">rma@tamatera.co.nz</a>	No response to consultation request to date.
<b>Ngāti Te Ata</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohūa 021 208 5606 <a href="mailto:teararangatu15@gmail.com">teararangatu15@gmail.com</a> <a href="mailto:edit71@hotmail.com">edit71@hotmail.com</a>	Email received on the 29/5 advising "We will leave this engagement to Ngāti Whati o Kaipara and others thanks".
<b>Ngāti Maru</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Ngāti Maru Runanga Trust 07 867 9104 <a href="mailto:office@ngatimaru.iwi.nz">office@ngatimaru.iwi.nz</a>	No response to consultation request to date.
<b>Waikato Tainui</b>	Confirm relevant mana whenua who wish to engage with the project and organise a SV.	Te Whakakitenga o Waikato Incorporated <a href="mailto:lorraine.dixon@tainui.co.nz">lorraine.dixon@tainui.co.nz</a>	No response to consultation request to date.
<b>AUCKLAND COUNCIL</b>			
<b>Local Boards – Whāu</b>	Inform Local Board of the project and obtain any feedback or queries they may have on the proposals.		Not undertaken yet, awaiting lodgement.
<b>Plans and Places Team</b>	Confirm process, information requirements and gain initial feedback to the proposal.	Eryn Shields and Katrina David	Meeting held on the 26 October 2018.
<b>TRANSPOWER</b>			
<b>Transpower</b>	Inform Transpower of the proposal and see if they have any feedback or wish to meet	<a href="https://www.transpower.co.nz/contact">https://www.transpower.co.nz/contact</a>	Discussion with Transpower Representative over the phone, no further response to date.

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# **INFRASTRUCTURE REPORT**

**13/10/2017**

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## DOCUMENT CONTROL RECORD

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Author:	Name	Daniel Thomas
	Position	Director

Disclaimer: Land Development & Civil (LDC) has prepared this report for the use by Avondale Jockey Club in accordance with the usual care and thoroughness of the consulting profession. It is prepared in accordance with the scope of work and for the purpose outlined in the scope of works. This report was prepared from 1<sup>st</sup> Sep to 11<sup>th</sup> October 2017 and is based on the information obtained and conditions encountered at that time. LDC disclaims responsibility for any changes that may have occurred after this time. This report should be read in full. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties. This report does not purport to give legal advice. Legal advice can only be given by qualified legal practitioners.

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# INTRODUCTION

Land Development and Civil Ltd has been engaged by the Avondale Jockey Club to provide an infrastructure report for the proposed subdivision at the Avondale Jockey Club, along Wingate Street, Avondale.

It is proposed to subdivide a piece of land off the existing racetrack located in the south-western corner of this facility. The larger Lot (being proposed lot 2), will be retained for its original use as a racetrack course, and the smaller Lot, 4570m<sup>2</sup>, will be kept as vacant for future development. This infrastructure report is required to accompany a subdivision application to Auckland Council.

# SITE CONTEXT

The subject site is located at Wingate Street, Avondale. The legal description of the site is Lot 2 DP 470450 with a gross site area of 357,751m<sup>2</sup> more or less. The site is located along the north-western side of Wingate Street. According to Auckland Unitary Plan – Operative in Part maps the majority of the site is zoned in 'Special Purpose Zone'. A strip of land towards the south-western boundary is, however, zoned in 'Terraced Housing and Apartment Building Zone'.



Figure A – Avondale Racecourse

Most of the racetrack areas appear to be flat, and elevated above the surrounding properties. The racetrack facility is accessed from Ash Street, and has auxiliary buildings and car park areas which are already serviced by the existing public reticulation services, including wastewater, stormwater, water supply and utilities.



The portion of the racetrack in the south-western corner, zoned as 'Terraced Housing and Apartments Building Zone' adjoins residential properties in Wingate Street. This portion of the site falls fairly steeply towards the south-eastern boundary. A flatter portion is notable in the location with the former racing club tower, which has recently been removed. Council Geomaps indicates that there are public reticulation services in Wingate Street which may be further extended to service the vacant Lot.

The parent site contains a number of overland flowpaths. These, however, do not affect the area subject to subdivision, as the landforms there are even, with no obvious depressions where surface stormwater runoff may get concentrated.

The general site profile, layout, features and services are shown on aerial image in Figure A above.

## **PROPOSED DEVELOPMENT**

It is envisaged that the proposed vacant Lot could be adequately serviced by the public infrastructure including wastewater and stormwater disposal, water supply. Utility services could be provided to the site in consultation with the relevant network providers.

The layout of the most practicable options is discussed in detail in the sections below.

## **INFRASTRUCTURE**

### **STORMWATER**

Council GIS indicates an existing public stormwater network within Wingate Street. CCTV was conducted, which revealed an existing 225mm concrete stormwater pipe extending to within the proposed vacant Lot area via residential property at 87 Wingate Street. The condition of this pipe is evident in the CCTV footage and would be considered to be in good condition.

A retrospective Engineering Approval application will be submitted to Auckland Council to vest this drain as public. As part of this process this drain will be accurately located, surveyed and as-built.

Indicative plans for this existing are attached as Appendix A and show the location of the existing stormwater drain. Additionally, an "as-built" plan from the CCTV company has been attached as Appendix B.

According to Council zoning, the site is not in stormwater management area (SMAF). Due to the proximity of the site to the coastal environment, mitigation of the stormwater flows beyond provision of the connection to the public system is considered counterproductive, and is therefore not recommended for any future development of Lot 1.

### **WASTEWATER**

This property is within the defined Inner Drainage Area for the Watercare Services Limited's wastewater system.

There is currently no established connection for the proposed Lot 1. It is proposed to provide a new 150mm public wastewater pipe to within the Lot boundary from the existing public wastewater manhole located in the Wingate Street road reserve. This drain will be designed and constructed under a separate Engineering Approval application.

Indicative plans for this proposal are attached as Appendix A and give certainty that a public wastewater pipe can be brought up to within the body of the lot for the future development.

## WATER SUPPLY

There is an existing 100mm water supply main within the berm of Wingate Street. It is believed that any future development on Lot 1 will be able to connect to this main in consultation with Watercare Services Limited.

Appropriate applications will be made to Auckland Council and Watercare Services Limited to facilitate this. At this stage detailed investigations are not relevant as the nature of the future development is not defined and the location of any future connections will depend somewhat on the location of any proposed access into the lot.

There are multiple fire hydrants in close proximity to the site, with the nearest one located immediately west of 93 Wingate Street. The actual firefighting requirements will be determined and assessed once future development density and typology is established.

## POWER, GAS AND TELEPHONE

The existing supply of power, gas and telecom in Wingate Street is via underground cables and ducting.

It is envisaged that future development of Lot 1 will be able to gain additional connections directly off the existing services within Wingate Street as necessary, subject to asset owners designs and approvals.

## VEHICLE CROSSING

Proposed lot 1 has direct street frontage onto Wingate Street. This direct frontage is over a length of approximately 50m.

Considering this proposal is just an initial subdivision and a future integrated development will occur it seems ineffective to install a new crossing at this stage as this will potentially restrict future development options on the lot.

As such we are not proposing to install a vehicle crossing under this proposed subdivision application.

# RECOMMENDATIONS AND CONCLUSIONS

It is considered that the proposed subdivision at the Avondale Jockey Club, could be adequately serviced with infrastructure. The summary is provided below:

1. The site has an existing 225mm concrete stormwater connection from the public network within Wingate Street. The existing 225mm pipe serving the site is not recorded on Council's GIS system and it is proposed to vest this existing pipe as public to verify this connection. This will be completed through an Engineering Approval Process.
2. It is proposed to extend a new public 150mm wastewater pipe to within the body of the lot to provide for the future development of the site. This will be constructed under the Engineering Plan Approval process.
3. The site has direct road frontage to Wingate Street with access to an existing 100mm water main. Connections to this pipe will be determined based on the future density and layout of any proposed housing development.
4. There are multiple fire hydrants in close proximity to the site, with the nearest one located immediately west of 93 Wingate Street. The actual firefighting requirements will be determined and assessed once future development density and typology is established.
5. It is envisaged that future development of Lot 1 will be able to gain additional connections directly off the existing services within Wingate Street as necessary.
6. Proposed lot 1 has direct street frontage onto Wingate Street. Considering this proposal is just an initial subdivision and a future integrated development will occur it seems ineffective to install a new crossing at this stage.

Report Prepared by:



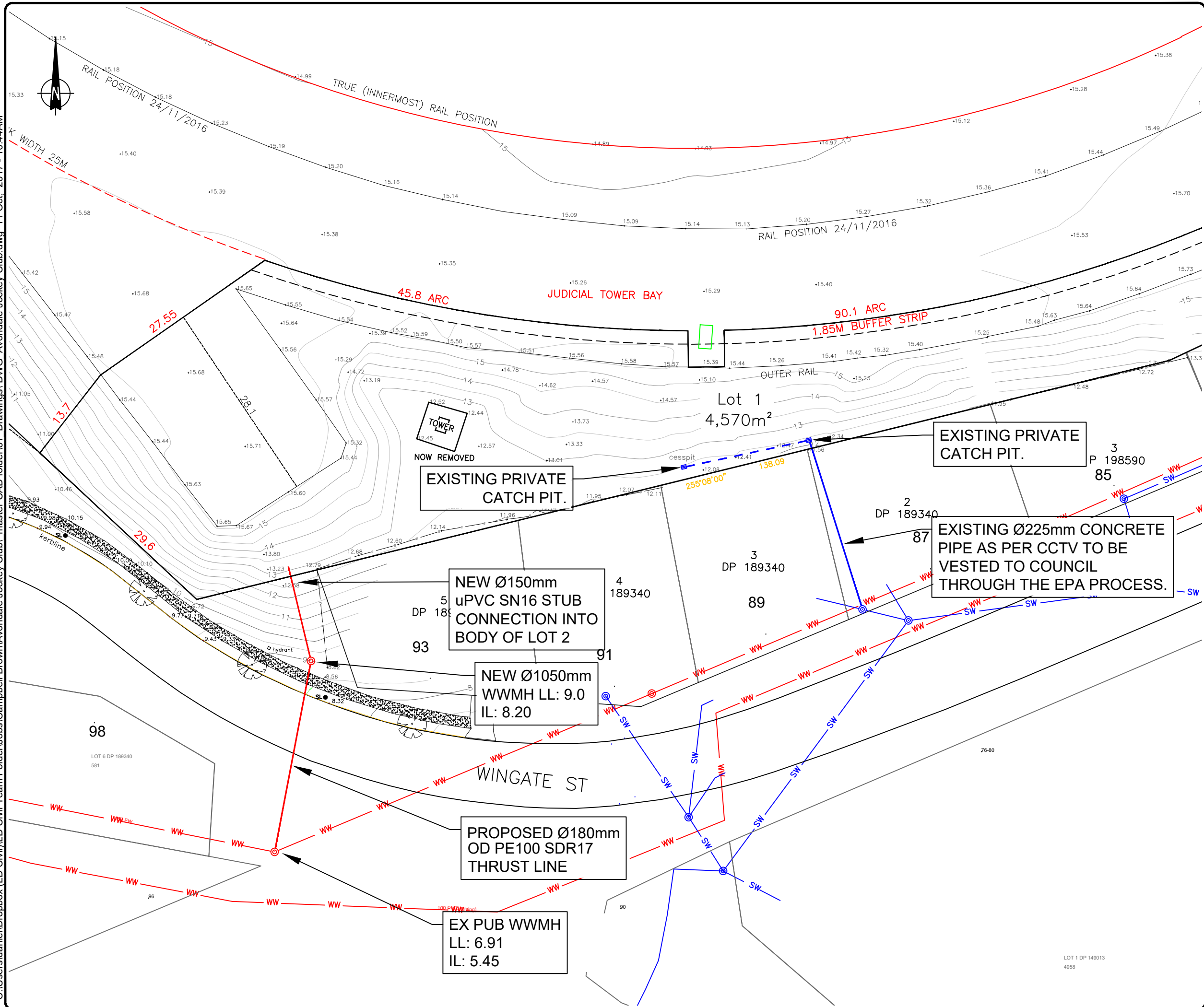
Date: 13/10/2017

Daniel Thomas  
Director  
Land Development and Civil Ltd.

# **APPENDICES**

APPENDIX A – PROPOSED INFRASTRUCTURE PLAN FOR AVONDALE  
JOCKEY CLUB.

C:\Users\daniel\Dropbox (LD Civil)\LD Civil Team Folder\Jobs\Campbell Brown\Avondale Jockey Club\master CAD folder\01 Drawings\DWG Avondale Jockey Club.dwg 11 Oct, 2017 - 10:44AM



SURVEYED		APPROVED	
DESIGNED	DT	10/10/17	DATE
DRAWN			
CAD	AS	10/10/17	
CHECKED			
REVISION	CHANGES	CHECKED	DATE

**NOTES**

**WASTEWATER:**  
ALL WORKS TO COMPLY WITH WATERCARES CODE OF PRACTICE

ALL PROPOSED PUBLIC WASTEWATER CONNECTIONS ARE 100mm UNLESS NOTED OTHERWISE.

**STORMWATER:**  
ALL WORKS TO COMPLY WITH AUCKLAND COUNCILS STORMWATER CODE OF PRACTICE.

**GENERAL:**  
CONTRACTOR TO LOCATED AND CHECK ALL EXISTING SERVICES PRIOR TO COMMENCING.

CONTRACTOR TO CHECK & CONFIRM ALL LEVELS ON SITE AND CONFIRM GRADES PRIOR TO COMMENCING.

ALL CONNECTION LEADS ARE 100MM UNLESS NOTED OTHERWISE.

ALL MANHOLE LIDS TO BE FINISHED AT THE GROUND SURFACE LEVEL.

ANY LENGTHS ON LONGSECTIONS ARE MANHOLE CENTRE TO MANHOLE CENTRE.

ANY WORKS ON EXISTING OR NEW PRIVATE DRAINAGE REQUIRES A BUILDING CONSENT.



SCALE: 1:1000 (A3)

DRAWING No: 17320

SHEET 1 of 1

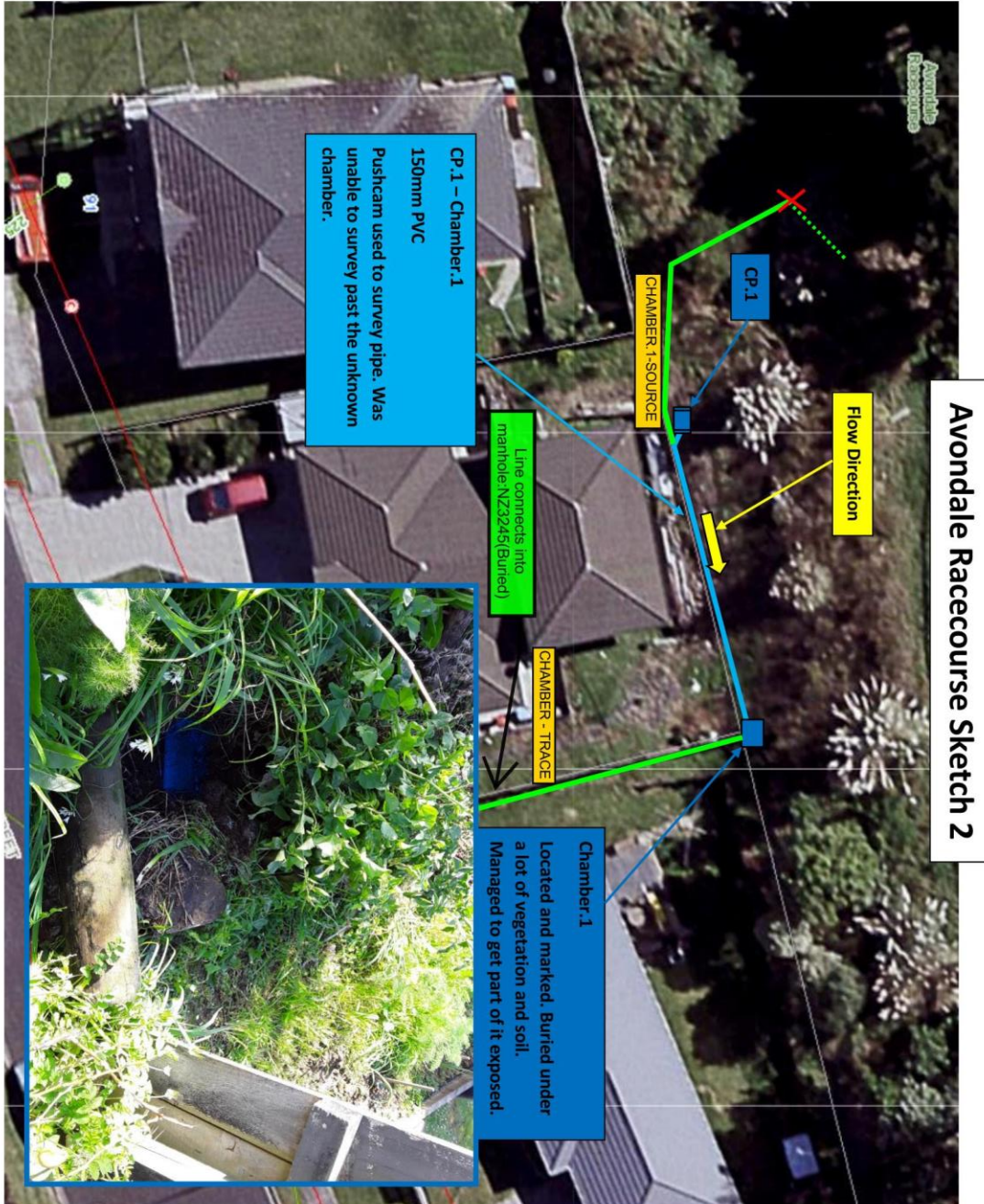
CLIENT: CAMPBELL BROWN

PROJECT: AVONDALE JOCKEY CLUB WINGATE STREET AVONDALE

TITLE: INFRASTRUCTURE PLAN



APPENDIX B – AS-BUILT CCTV SEWER INFORMATION.



## **GEOTECHNICAL INVESTIGATION OF LAND**

### **GEOTECHNICAL INVESTIGATION OF LAND**

**LOT 2, DP 470450, ADJACENT TO  
85-93 WINGATE STREET  
AVONDALE**

**AVONDALE JOCKEY CLUB**

**Reference: GJ604**

**Prepared: 30/05/2017**

**Issued to: mannyb@ajc.co.nz**

**Cc: dick@thornley.co.nz**

**Issued on: 2/06/2017**



# GEOTECHNICAL INVESTIGATION REPORT

LOT 2, DP 470450, ADJACENT TO 85-93 WINGATE STREET, AVONDALE

## CONTENTS

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**REPORT:** Pages 1 to 6

**ATTACHMENTS:**

Borehole Logs: HA1 to HA7

Drawing Numbers: GJ604/1 and GJ604/2

## 1. INTRODUCTION

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This report presents the findings of a geotechnical investigation carried out for a proposed subdivision of the existing Lot 2, DP 470450, adjacent to properties 85-93 Wingate Street, Avondale

The purpose of our investigation was to determine subsoil conditions, assess site stability, provide recommendations for building foundations and comment on the geotechnical suitability of the site for future development.

This report has been prepared for the Avondale Jockey Club in accordance with our proposal letter dated 27 April 2017 and may be used in support of an application to Council for resource consent and/or building consent approval in respect of any future proposed development.

## 2. SITE DESCRIPTION

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The subject site (legally described as Lot 2, DP 470450) is located in the southwestern corner of the existing lot (the Avondale Racecourse) adjacent to the northern boundaries of properties 85-93 Wingate Street, which in turn are located on the northern side of Wingate Street. The proposed subdivided Lot (Lot 1), which was the focus area of this investigation, comprises an irregular shaped Lot with an area of 4,445 m<sup>2</sup>.

The property slopes very gently to the south across the area of the Avondale Racecourse track, after which the slope becomes moderately to slightly steep. The site is currently grass covered and contains a number of medium to large trees.

No buildings currently occupy the property and we are not aware of any public sanitary sewer or stormwater pipes beneath the site.

A site plan is attached, drawing number GJ604/1.

## 3. GEOLOGY

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The Geological Map of Auckland<sup>1</sup> shows the subject site to be underlain by shows the subject site to be underlain by pumiceous deposits of the Puketoka Formation of the Tauranga Group materials. These deposits typically comprise light grey to orange brown pumiceous mud, sand and gravel with black muddy peat and lignite and are often relatively soft.

## 4. EXISTING GEOTECHNICAL INFORMATION

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We are not aware of any previously existing geotechnical information relating to this site.

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<sup>1</sup> Edbrooke S.W. (compiler) 2001. *Geology of the Auckland Area*. Institute of Geological and Nuclear Sciences 1:250 000 Geological Map 3. 1 Sheet + 74p. Lower Hutt, New Zealand: Institute of Geological and Nuclear Sciences limited



## 5. PROPOSED DEVELOPMENT

We have been supplied with a Thornley & Associates Limited topographical survey drawing numbered sheet 1, reference 8583, dated 14/02/2017. Based on this information we understand that the proposed development will comprise:

- Subdivision of the existing Lot 2 into two lots, Lot 1 and Lot 2 (a partial outline of the future Lot 1 is shown in attached the site plan).

We understand that future development of the site will take place, however, we are not aware of any details of the proposed development at this stage.

## 6. SITE PHOTOGRAPHS

	<p><b>Photograph 1:</b></p> <p>Looking east from the top of the westernmost slope. The location of HA1 can be seen in this photograph. Note the south-eastern corner of the Avondale Racetrack course bordering the fence in the background of this photograph.</p> <p><i>(photograph taken 25/05/2017)</i></p>
	<p><b>Photograph 2:</b></p> <p>Looking south-east along the ridgeline of the moderately steep slope. Photograph taken approximately midway along the location of 93 Wingate Street. Borehole HA5 is located at the base of the slope, also behind the boundary of 93 Wingate Street.</p> <p><i>(photograph taken 25/05/2017)</i></p>



**Photograph 3:**

Looking west along the boundary line of the properties on the northern side of Wingate Street. Geoconsult colleague can be seen in this photograph standing in the location of HA7.

*(photograph taken 25/05/2017)*

## 7. SITE INVESTIGATION

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Our site investigation work comprised the following:

- A walk over visual appraisal of the site.
- The drilling of 7 hand auger boreholes to depths of between 2.0 m and 5.0 m.
- The measurement of groundwater levels in the boreholes.
- The measurement of three cross sections by tape and clinometer.

The approximate locations of the boreholes are shown on our attached site plan drawing number GJ604/1. The borehole logs are also attached. The soil descriptions given on the logs are in general accordance with the New Zealand Geotechnical Society's "Field Description of Soil and Rock." The undrained shear strength values given on the logs are 'Shear Vane Strengths', factored in accordance with the New Zealand Geotechnical Society Guidelines, not direct readings from the shear vane dial. The groundwater levels were measured following drilling and are indicated on the borehole logs.

The cross sections are also attached as drawing number GJ604/2.

## 8. SUBSOIL CONDITIONS

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Detailed descriptions of the subsoils encountered in the boreholes are given on the attached borehole logs. The subsoils were generally found to comprise:

- **Fill to between 400 mm and 2.8 m depth**, consisting of firm to hard grey and orange silty clay and clayey silt with some gravel-rich layers, overlying:
- **Alluvial Deposits to between 1.8 m and 2.4 m depth in HA6 only**, consisting of very stiff dark grey speckled dark orange brown clayey silt with an undrained shear strength of 145 kPa, overlying:
- **Puketoka Formation Soils to the termination of all boreholes**, consisting of stiff to hard grey and orange brown silts and clays with undrained shear strengths greater than 85 kPa.

The groundwater levels measured in the boreholes following completion of drilling were found to be at depths of between 2.3 m and 3.2 m below ground level. These levels may not be representative of worst

case groundwater conditions on the site, water levels may be higher following times of heavy or prolonged rainfall and/or during wetter winter conditions.

Note that the groundwater level of 300 mm measured in borehole HA5 is due to a perched layer of water located in a gravel-rich fill layer, and is not indicative of a naturally occurring high water table level.

## **9. SITE STABILITY**

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The site shows no obvious visual signs indicating historical or presently active deep seated instability. The ground surface across the majority of the site is moderately sloping, however, was found to be underlain by competent subsoils. It is our opinion that the site is currently stable and suitable for future development. When plans for the proposed development become available, Geoconsult should be engaged to confirm that the proposed development will not adversely affect the existing stability of the site.

## **10. RECOMMENDATIONS**

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### **10.1 Earthworks**

#### **10.1.1 Topsoil, Fill and Unsuitable Soils**

All vegetation, topsoil, fill and any soft or otherwise unsuitable material should be removed from the building platform or earthworks area. Unsuitable fill materials were encountered to a maximum depth of 2.8 m in boreholes HA1 and HA2, drilled at the top of the slope in the western part of the proposed lot. Fill materials were also encountered to a depth of 1.8 m in borehole HA6, drilled at the base of the slope in the eastern end of the Lot. The fill may also need to be removed subject to our inspection during construction.

If any part of a proposed dwelling is to be constructed on a timber floor supported on timber piles existing topsoil and fill may remain in place to that area provided that all surface vegetation has been removed, the required sub floor clearance is provided and the piles are embedded to the required minimum depths as discussed in the foundations section below.

All excavated topsoil and unsuitable material should be removed from site or stockpiled away from the building platform and/or earthworks area and clear of the steeper site slopes.

#### **10.1.2 Cuts and Fills**

Due to the sloping nature of the site, it is anticipated that no significant cut or fill earthworks will be proposed at the property, other than to create a level building platform. If earthworks are required that involves cuts and/or fills greater than 300 mm depth the matter should be referred back to Geoconsult for specific recommendations.

### **10.2 Foundations**

#### **10.2.1 General**

The subsoils at this site were found to comprise stiff or very stiff natural soils beneath a surface layer of fill inferred to have been placed without engineering supervision or testing. The fill material is likely to be subject to ongoing settlement over time and/or under additional load and is not considered suitable to support building loads. The natural soils beneath the fill layer have an adequate bearing capacity, are of relatively low compressibility and are considered suitable foundation soils for the proposed development. Specific foundation recommendations are outlined below.

Due to the moderately steep nature of parts of the site and the presence of non-engineered fill material, we recommend that the foundations of any future building be piled.

### 10.2.2 Pile Foundations

Either bored and cast in situ reinforced concrete piles, bored and concrete encased timber piles or driven timber piles would be suitable. Driven piles should be installed to an appropriate driving set as determined by the Hiley Formula.

Piles should be embedded a minimum depth of at least 500 mm below any fill into stiff natural ground. This may entail piles on the existing flat area on the western side of the site being up to 3.5m deep and possibly up to 2.5m deep in other areas of the site. Greater pile depths may be required to satisfy structural design considerations.

The following soil parameters are considered appropriate for axial load design purposes:

	End Bearing	Side Adhesion*
Ultimate Capacity	720 kPa	45 kPa
Allowable Stress (F.O.S. = 3)	240 kPa	15 kPa
Dependable Capacity ( $\Phi = 0.5$ )	360 kPa	23 kPa

\* Side adhesion should be ignored over any portion of the pile shaft passing through fill.

### 10.2.3 Floor Slab

The floor slab should be designed in accordance with the requirements of NZS3604:2011 and be supported on piles suspended over the unsuitable fill materials. Alternatively, a waffle raft slab on grade could be used, with load bearing areas being piled as above.

### 10.3 Specific Structural Design

A suitably qualified structural engineer, familiar with the contents of this report, should be engaged to design the piles and floor slab for any proposed development. This should be preceded by a building site – specific geotechnical investigation.

### 10.4 Vegetation

Vegetation should be maintained as much as possible or preferably further planted over the steeper slopes after completion of the development works. Vegetation reduces surface water and groundwater effects and assists in maintaining slope stability through root binding action.

### 10.5 Stormwater Control

Stormwater from paved areas, roofs, tank overflows and all other sources should be collected in sealed pipes and discharged into the Council stormwater system. Concentrated stormwater flows should not be allowed to discharge onto or into the ground close to the buildings or on sloping ground as this would be detrimental to foundation conditions and site stability.

### 10.6 Plan Review

It is recommended that Geoconsult is engaged to review detailed development plans when they are available. This is to ensure that the information used as the basis of this report is consistent with final development proposals and that the recommendations outlined in this report have been interpreted correctly.

## 10.7 Site Inspections during Construction

It is recommended that Geoconsult is engaged to inspect all foundation excavations during construction. This is to confirm expected ground conditions and to ensure compliance with the recommendations contained in this report.

It is the Client's responsibility to ensure that we are notified of any required inspections and that we are given adequate notice to carry out the inspections (at least 24 hours).

We will issue a Producer Statement – Geotechnical Review (PS4) upon successful completion of the inspected works. The inspections and preparation of the Producer Statement will be at additional cost to that of preparing this report.

## 11. LIMITATIONS

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The recommendations and opinions contained in this report are based on the subsoils encountered at discrete test locations. We have made assumptions about the nature of the ground conditions across the site based on this limited subsoil information and actual ground conditions may vary from those assumed in this report. If any variations from the assumed ground conditions are found to exist during construction the matter should be referred back to Geoconsult.

This report has been prepared solely for the benefit of the Avondale Jockey Club as our client and their nominated agents for the purposes of the specific brief as stated in this report. Geoconsult accepts no liability in respect to any matters arising from the use of the information given in this report by any other person or organisation or for any other purpose except that it may be relied upon by Council in support of an application for resource consent and/or building consent approval for the proposed development as described herein.

## GEOCONSULT

**Author:** Kyle Meffan **Signed:**  
Graduate Engineering Geologist

**Reviewed:** Phil Williams **Signed:**  
Geotechnical Team Leader

Project:	Geotechnical Investigation of Land	Project No:	GJ604	Drilled:	KM
Location:	Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled:	25-05-2017	Logged:	KM
Client:	Avondale Jockey Club	Hole Type:	HA	Checked:	
Coords:	1750372.38 - 5914791.56	Level:	15.60 m AOD	Hole Diameter:	50mm
				Scale	1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPA)			Scala Penetrometer (blows per 50mm)				Depth (m)	
						Peak	Remould	Soil Sensitivity	5	10	15	20		
		TOPSOIL/FILLING.												
		Silty CLAY, light grey mixed light orange brown. Hard, moist, low plasticity. Trace rootlets. [Non-engineered Fill]	0.25		15.35									
		<i>At 0.8m becoming light brownish grey mixed light orange brown.</i>				210+								
1		<i>At 1.2m becoming wet.</i>				UTP								
		<i>At 1.3m becoming light grey mixed light orange brown and dark grey, stiff.</i>				94	48	2						
2		<i>At 2.3m becoming very stiff.</i>				66	24	3						
		<i>At 2.3m becoming very stiff.</i>				187	82	2						
3		Silty CLAY, light grey streaked light orange brown. Very stiff, wet, low plasticity. [Puketoka Formation]	2.80		12.80	163	88	2						
		<i>At 3m becoming grey, trace fine sand and decaying organic rootlets.</i>												
		Clayey SILT, minor fine sand, grey mottled light yellowish brown. Very stiff, wet, low plasticity. [Puketoka Formation]	3.50		12.10	157	39	4						
		<i>At 3.6m becoming saturated.</i>												
4		Silty CLAY, dark grey. Very stiff, saturated, high plasticity. [Puketoka Formation]	3.80		11.80	145	57	3						
		<i>At 4m becoming light grey mottled light orange brown with black speckles.</i>												
		<i>At 4.2m becoming light grey streaked light orange brown.</i>				142	88	2						

Continued on next sheet

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
Groundwater measured at 3.2m on completion of borehole  
End of borehole at target depth.





# BOREHOLE LOG

Borehole No

**HA1**

Sheet 2 of 2

Project: Geotechnical Investigation of Land	Project No: GJ604	Drilled: KM
Location: Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled: 25-05-2017	Logged: KM
Client: Avondale Jockey Club	Hole Type: HA	Checked:
Coords: 1750372.38 - 5914791.56	Level: 15.60 m AOD	Hole Diameter: 50mm
		Scale: 1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPA)			Scala Penetrometer (blows per 50mm)				Depth (m)
						Peak	Remould	Soil Sensitivity	0	5	10	15	
5		End of borehole at 5.00 m	5.00		10.60	139	79	2					5
6													6
7													7
8													8
9													9

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
 Groundwater measured at 3.2m on completion of borehole  
 End of borehole at target depth.








# BOREHOLE LOG

Borehole No

**HA2**

Sheet 1 of 1

Project:	Geotechnical Investigation of Land	Project No:	GJ604	Drilled:	JC
Location:	Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled:	25-05-2017	Logged:	JC
Client:	Avondale Jockey Club	Hole Type:	HA	Checked:	
Coords:	1750363.40 - 5914775.34	Level:	13.00 m AOD	Hole Diameter:	50mm
				Scale	1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPA)			Scala Penetrometer (blows per 50mm)				Depth (m)	
						Peak	Remould	Soil Sensitivity	0	5	10	15		20
		Clayey SILT, light orange brown with minor orange brown mottles. Very stiff, moist, low plasticity. [Non-engineered Fill]												
		Silty CLAY, light orange brown with minor greyish brown and orange brown mottles. Very stiff, moist, high plasticity. [Puketoka Formation]	0.60		12.40	165	47	4						
1		<i>At 0.8m becoming light orange brown.</i>				162	71	2						1
		<i>At 1.3m becoming orange brown and grey.</i>				147	47	3						
2		End of borehole at 2.00 m	2.00		11.00	138	59	2						2
3														3
4														4

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
 No groundwater encountered.  
 End of borehole due to overhead height restriction by power lines.



Project:	Geotechnical Investigation of Land	Project No:	GJ604	Drilled:	JC
Location:	Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled:	25-05-2017	Logged:	JC
Client:	Avondale Jockey Club	Hole Type:	HA	Checked:	
Coords:	1750361.74 - 5914771.04	Level:	10.90 m AOD	Hole Diameter:	50mm
				Scale	1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPA)			Scala Penetrometer (blows per 50mm)				Depth (m)
						Peak	Remould	Soil Sensitivity	5	10	15	20	
		TOPSOIL/FILLING.											
		Silty CLAY, grey mixed brown and orange brown. Stiff, moist, low plasticity. Some intermixed topsoil. [Non-engineered Fill]	0.10		10.80								
		Clayey SILT, light yellowish brown mottled light orange brown and light grey. Very stiff, moist, low plasticity. [Puketoka Formation]	0.40		10.50	115	41	3					
		Silty CLAY, grey streaked orange brown. Very stiff, moist, high plasticity. [Puketoka Formation]	0.60		10.30								
1		<i>At 1m becoming greyish brown streaked orange brown, wet.</i>				140	54	3				1	
		<i>At 1.4m becoming dark greyish brown (organic stained), trace black organic flecks.</i>				138	30	5					
		<i>At 1.6m becoming brown, trace decaying organics.</i>											
2						142	34	4				2	
		<i>At 2.5m becoming saturated.</i>				113	14	8					
		SILT, some fine sand, light grey. Hard, saturated, dilatant. [Puketoka Formation]	2.80		8.10								
3		End of borehole at 3.00 m	3.00		7.90	UTP						3	
4												4	

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
 Groundwater measured at 2.5m on completion of borehole  
 End of borehole at target depth.



# BOREHOLE LOG

Borehole No

**HA4**

Sheet 1 of 2

Project:	Geotechnical Investigation of Land	Project No:	GJ604	Drilled:	JC
Location:	Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled:	25-05-2017	Logged:	JC
Client:	Avondale Jockey Club	Hole Type:	HA	Checked:	
Coords:	1750381.19 - 5914779.44	Level:	15.10 m AOD	Hole Diameter:	50mm
				Scale	1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPA)			Scala Penetrometer (blows per 50mm)				Depth (m)
						Peak	Remould	Soil Sensitivity	5	10	15	20	
0		Silty CLAY, brown mixed light grey and orange brown. Stiff to very stiff, moist. Some intermixed topsoil. [Non-engineered Fill]											
1		At 1m becoming orange brown mixed light grey and greyish brown.				152	64	2					1
						78	7	11					
						199	98	2					
2		Fine to medium gravelly CLAY, dark greyish brown mixed orange brown. Stiff, wet. Hard to auger. [Non-engineered Fill]	1.90		13.20	UTP							2
		Silty CLAY, grey. Firm, wet, high plasticity. [Non-engineered Fill]	2.30	▼	12.80								
		At 2.4m becoming grey mixed dark greyish brown, some decaying organics.				44	7	6					
		At 2.7m 100mm gravel layer.											
3		Silty CLAY, dark grey. Very stiff, wet, high plasticity. Slight organic odour. [Puketoka Formation]	2.80		12.30								
						155	39	4					3
		At 3.3m becoming light greyish brown, saturated.											
						122	24	5					
4		CLAY, light grey. Very stiff, saturated, high plasticity. [Puketoka Formation]	3.70		11.40								
						138	41	3					4
		Silty CLAY, minor fine sand, light grey. Very stiff, saturated, high plasticity. [Puketoka Formation]	4.20		10.90								
						143	59	2					

Continued on next sheet

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
Groundwater measured at 2.3m on completion of borehole  
End of borehole at target depth.



# BOREHOLE LOG

Borehole No

**HA4**

Sheet 2 of 2

Project: Geotechnical Investigation of Land	Project No: GJ604	Drilled: JC
Location: Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled: 25-05-2017	Logged: JC
Client: Avondale Jockey Club	Hole Type: HA	Checked:
Coords: 1750381.19 - 5914779.44	Level: 15.10 m AOD	Hole Diameter: 50mm
		Scale: 1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPA)			Scala Penetrometer (blows per 50mm)				Depth (m)	
						Peak	Remould	Soil Sensitivity	0	5	10	15		20
5		End of borehole at 5.00 m	5.00		10.10	88	30	3						5
6														6
7														7
8														8
9														9

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
 Groundwater measured at 2.3m on completion of borehole  
 End of borehole at target depth.



Project:	Geotechnical Investigation of Land	Project No:	GJ604	Drilled:	KM
Location:	Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled:	25-05-2017	Logged:	KM
Client:	Avondale Jockey Club	Hole Type:	HA	Checked:	
Coords:	1750405.40 - 5914782.82	Level:	12.40 m AOD	Hole Diameter:	50mm
				Scale	1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPa)			Scala Penetrometer (blows per 50mm)				Depth (m)	
						Peak	Remould	Soil Sensitivity	0	5	10	15		20
		TOPSOIL/FILLING.												
		Silty CLAY, trace fine gravel, light brownish grey mixed light brown. Very stiff, wet, high plasticity. [Non-engineered Fill]	0.05	▼	12.35									
		<i>At 0.2m becoming light grey mixed dark grey and orange brown.</i>				157	18	9						
		<i>At 0.6m some fine to medium gravel, saturated.</i>												
1						130	72	2					1	
		Silty CLAY, light grey streaked light orange brown. Very stiff, saturated, high plasticity. [Puketoka Formation]	1.10		11.30									
						133	82	2						
2														
		Clayey SILT, trace fine sand, light grey streaked light orange brown. Very stiff, saturated, low plasticity. [Puketoka Formation]	1.80		10.60									
						112	39	3					2	
		Silty CLAY, light grey streaked light orange brown. Very stiff, saturated, high plasticity. [Puketoka Formation]	2.20		10.20									
		<i>At 2.6m becoming light purplish brown streaked light orange brown.</i>				130	94	1						
3														
		<i>At 3m becoming light grey streaked light orange brown, stiff.</i>				94	63	1					3	
		<i>At 3.3m becoming light purplish brown.</i>												
						88	42	2						
4														
		End of borehole at 4.00 m	4.00		8.40	109	51	2					4	

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
Groundwater measured at 0.3m on completion of borehole. This groundwater level is due to perched water in the fill layer.  
End of borehole at target depth.



Project:	Geotechnical Investigation of Land	Project No:	GJ604	Drilled:	KM
Location:	Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled:	25-05-2017	Logged:	KM
Client:	Avondale Jockey Club	Hole Type:	HA	Checked:	
Coords:	1750432.72 - 5914716.64	Level:	15.10 m AOD	Hole Diameter:	50mm
				Scale	1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPA)			Scala Penetrometer (blows per 50mm)				Depth (m)
						Peak	Remould	Soil Sensitivity	5	10	15	20	
		TOPSOIL/FILLING.											
		Clayey SILT, light orange brown mixed dark grey. Stiff, moist, low plasticity. [Non-engineered Fill]	0.20		14.90	97	23	4					
1		<i>At 1m some topsoil intermixed, wet.</i>				88	24	4					1
		<i>At 1.3m becoming orange brown mixed dark grey, hard, topsoil absent.</i>											
		<i>At 1.6m becoming light orange brown mottled dark grey.</i>											
					210+								
2		Clayey SILT, dark grey speckled dark orange brown. Very stiff, wet, low plasticity. [Alluvium]	1.80		13.30	145	39	4					2
		Clayey SILT, light brownish grey mottled light orange brown. Very stiff, wet, low plasticity. [Puketoka Formation]	2.40		12.70	142	82	2					
		<i>At 2.7m becoming light brownish grey streaked light orange brown.</i>											
3		Silty CLAY, trace fine sand, light grey streaked light orange brown. Very stiff, wet, high plasticity. [Puketoka Formation]	2.90		12.20	169	100	2					3
		<i>At 3.5m becoming grey streaked light orange brown.</i>				148	94	2					
4		Clayey SILT, light grey streaked light orange brown. Very stiff, wet, low plasticity. [Puketoka Formation]	3.80		11.30								
		End of borehole at 4.00 m	4.00		11.10	151	97	2					4

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
No groundwater encountered.  
End of borehole at target depth.



# BOREHOLE LOG

Borehole No

**HA7**

Sheet 1 of 1

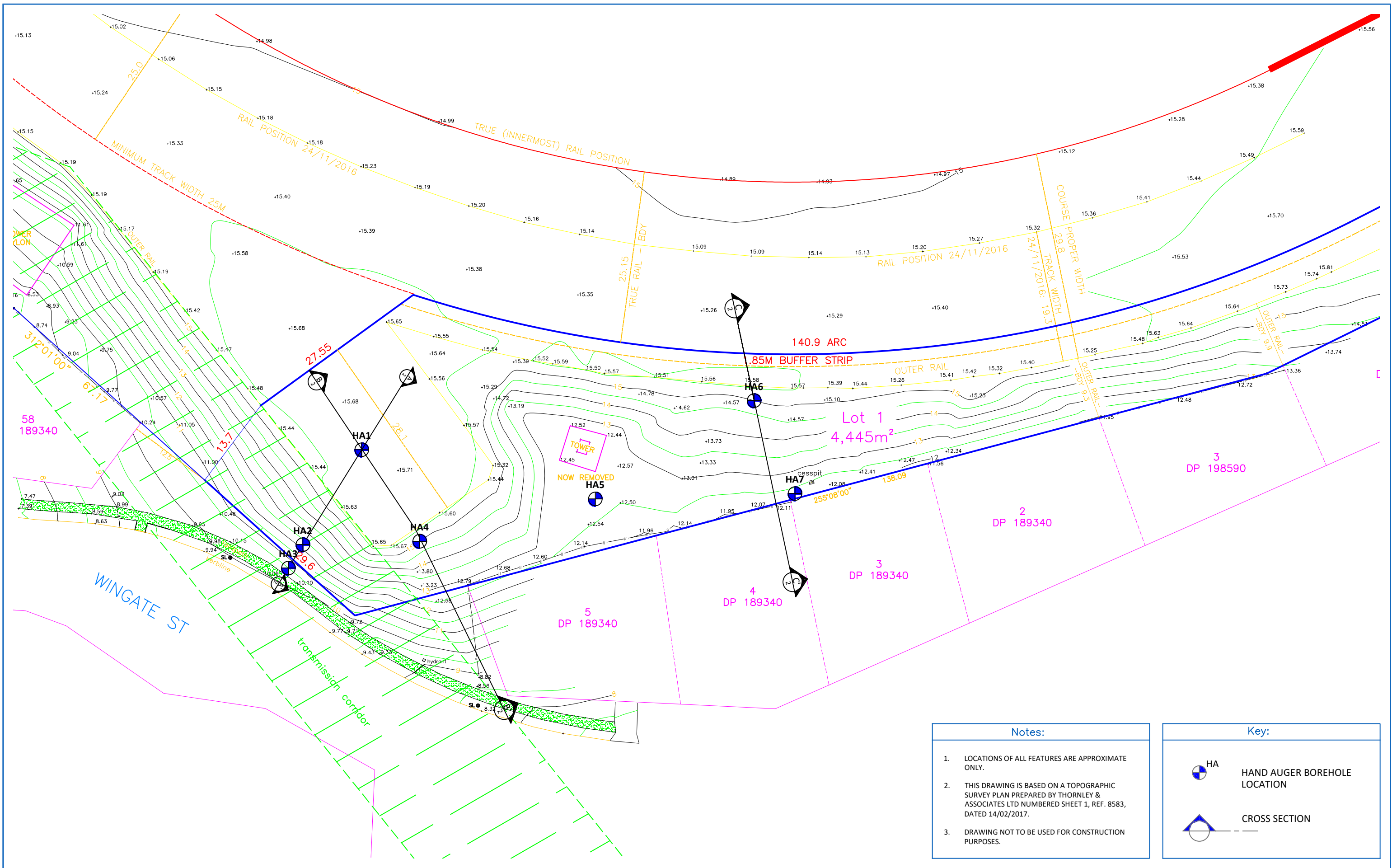
Project:	Geotechnical Investigation of Land	Project No:	GJ604	Drilled:	JC
Location:	Lot 2, DP 470450, Adjacent to 85-93 Wingate Street, Avondale	Date Drilled:	25-05-2017	Logged:	JC
Client:	Avondale Jockey Club	Hole Type:	HA	Checked:	
Coords:	1750433.67 - 5914782.56	Level:	11.90 m AOD	Hole Diameter:	50mm
				Scale	1:25

Depth (m)	Legend	Soil Description	Depth (m)	Groundwater	RL (m AOD)	Vane Shear Strength (kPA)			Scala Penetrometer (blows per 50mm)				Depth (m)	
						Peak	Remould	Soil Sensitivity	0	5	10	15		20
		Clayey SILT, some fine to medium gravel, dark greyish brown mixed grey. Firm to stiff, wet. [Non-engineered Fill]												
1		Fine to medium gravelly SILT, brown. Loosely packed, wet. [Non-engineered Fill]	0.90		11.00									1
2		Silty CLAY, light grey streaked orange brown. Very stiff, saturated, high plasticity. [Puketoka Formation]	1.40		10.50	123	14	9						2
3		CLAY, light grey streaked orange brown. Very stiff, saturated, high plasticity. [Puketoka Formation]	2.30		9.60	165	47	4						2
		At 3.1m becoming light brown mottled grey and orange brown, light organic staining.		▼		142	71	2						3
		End of borehole at 3.50 m	3.50		8.40	91	44	2						3
4														4

Remarks: Coordinates and levels are derived from Auckland Council GIS and are considered approximate only.  
 Groundwater measured at 3m on completion of borehole. Saturated soils above this level are due to inflow from perched water in the fill layer.  
 End of borehole at target depth.







- Notes:**
- LOCATIONS OF ALL FEATURES ARE APPROXIMATE ONLY.
  - THIS DRAWING IS BASED ON A TOPOGRAPHIC SURVEY PLAN PREPARED BY THORNLEY & ASSOCIATES LTD NUMBERED SHEET 1, REF. 8583, DATED 14/02/2017.
  - DRAWING NOT TO BE USED FOR CONSTRUCTION PURPOSES.

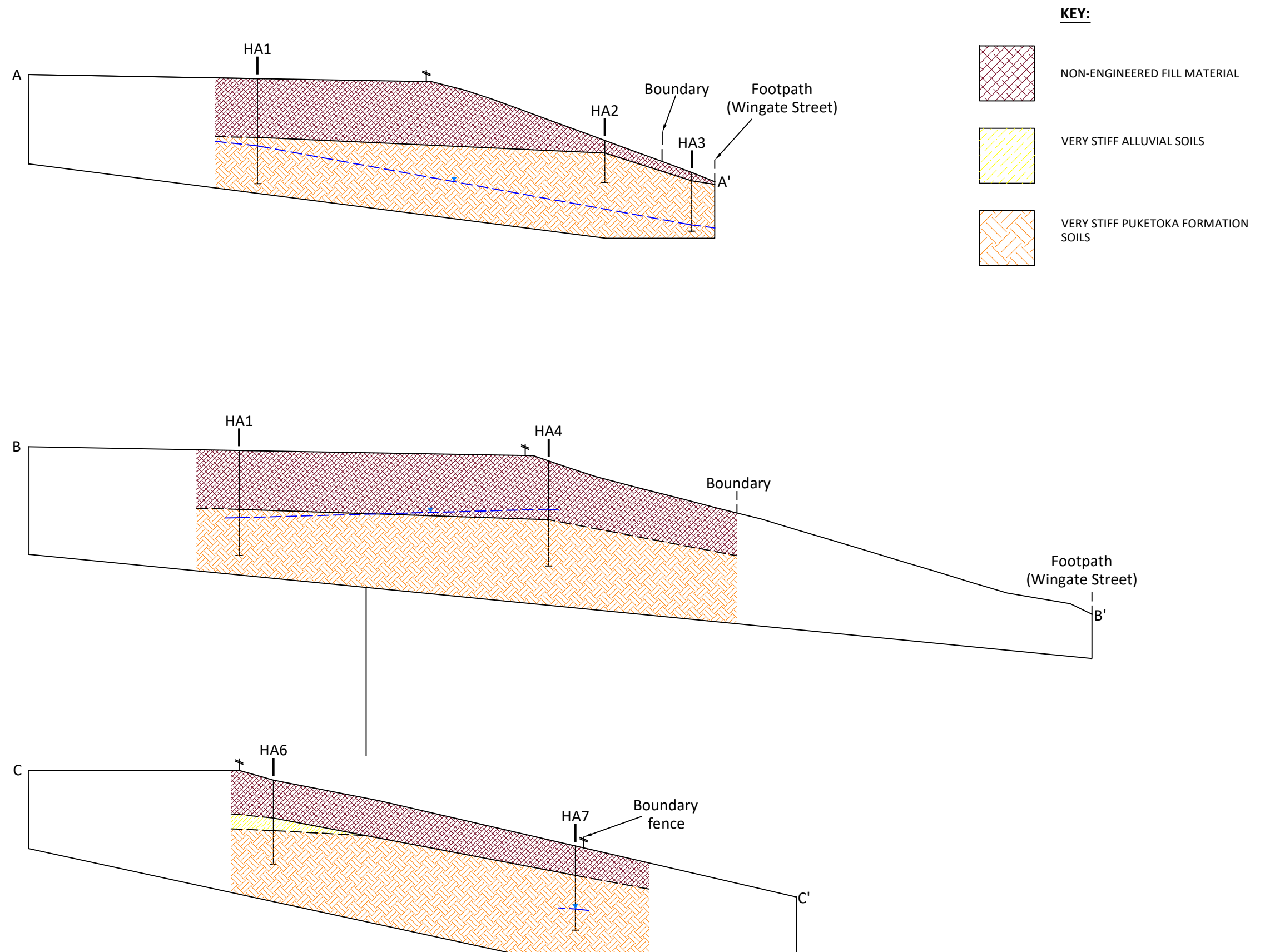
- Key:**
- HA HAND AUGER BOREHOLE LOCATION
  - CROSS SECTION



**GEOTECHNICAL INVESTIGATION OF LAND  
LOT 2, DP 470450, ADJACENT TO 85-93  
WINGATE STREET, AVONDALE  
AVONDALE JOCKEY CLUB**

**SITE PLAN**

Scale:	1 : 500 at A3	Drawing No: <b>GJ604/1</b>
Drawn:	KM May 2017	
Checked:	PW May 2017	Sheet 1 of 2
Revision:	-	



- Notes:**
- THIS DRAWING IS BASED ON A TAPE AND CLINOMETER SURVEY AND IS APPROXIMATE ONLY.
  - THE SUBSOIL PROFILE HAS BEEN INFERRED FROM THE BOREHOLE INFORMATION. ACTUAL CONDITIONS MAY VARY DUE TO THE INHERENT VARIABILITY OF SOIL DEPOSITS. DASHED LINES INDICATE AREAS OF UNCERTAINTY.
  - DRAWING NOT TO BE USED FOR CONSTRUCTION PURPOSES.

# Decision following the hearing of an application for resource consent under the Resource Management Act 1991



## Discretionary Activity

### Proposal

To create a new vacant lot, which will measure 4,570m<sup>2</sup> and result in a balance lot area of 353,181m<sup>2</sup>, within the site commonly referred to as the Avondale Race Course to enable future development.

The application was heard on Wednesday, 3 October 2018 in the Auckland Town Hall, Queen Street.

This resource consent is **GRANTED**. The reasons are set out below

<b>Application number:</b>	SUB60311714
<b>Site address:</b>	2-48 Ash Street (& 95 Wingate Street), Avondale
<b>Legal description:</b>	Lot 2 DP 508281
<b>Applicant:</b>	Avondale Jockey Club Inc (AJC)
<b>Zoning:</b>	Terrace Housing and Apartment Buildings (THAB) Special Purpose – Major Recreation Facility (SP-MRF) Avondale Racecourse Precinct (ARP)
<b>Hearing commenced:</b>	Wednesday 3 October 2018, 9.30am
<b>Hearing panel:</b>	David Hill (Chairperson)
<b>Appearances:</b>	<u>For the Applicant:</u> Daniel Sadlier, Counsel Richard Pridham, Commercial Manager, AJC Alan Boyle, President, AJC Philip Brown, Consultant Planner  <u>For Council:</u> Scott MacArthur, Team Leader Matthew Thode, Consultant Planner, Reporting Officer Sam Otter, Hearings Advisor Larissa Rew, Hearings Advisor
<b>Hearing adjourned</b>	3 October 2018
<b>Hearing Closed:</b>	12pm, Thursday 4 October 2018

## Introduction

1. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioner David Hill appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“**the RMA**”).
2. This decision contains the findings from my deliberations on the application for resource consent and has been prepared in accordance with section 113 of the RMA.
3. The application was lodged on 24 November 2017 and the non-notification decision made by me as duty commissioner on 5 July 2018. While I determined that this application should proceed on a non-notified basis, I recommended that the matter proceed to a non-notified hearing because the split-zone nature of the application raised the real prospect of a refusal of consent. The matter was eventually heard by me on Wednesday, 3 October 2018 in the Auckland Town Hall.
4. The hearing was adjourned on 3 October 2018 for the purpose of receiving an updated subdivision scheme plan and closed following receipt of that plan<sup>1</sup> on 4 October 2018.

## Summary of proposal and activity status

5. As lodged, the applicant proposed a new vacant lot subdivision on Wingate Street, Avondale, which will measure 4,570m<sup>2</sup> and result in a balance lot area of 353,181m<sup>2</sup> within the site commonly referred to as the Avondale Race Course (Lot 2 DP 508281), to enable future development. The AJC does not intend to develop the land itself<sup>2</sup> but to achieve revenue from the disposal of what it considers land surplus to its on-going requirement.
6. A modified, i.e. reduced, proposed Lot 1 was presented at the hearing in response to a concern raised by Council. This deleted a triangular segment along its western edge adjacent to Wingate Street in order to retain a minimum 20m frontage for a future roading access in the event that the racecourse is redeveloped in the future. AJC was, however, keen to stress<sup>3</sup> that no such redevelopment is intended and does not form part of its recently adopted strategic blueprint (the Turnberry Report).
7. The proposal requires resource consent for the following reasons:

### Subdivision consent (s11) – SUB60311714

#### Auckland Unitary Plan (Operative in Part) – AUP(OP)

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<sup>1</sup> Thornley: Proposed Subdivision of 800m Chute Area, Wingate Street, Avondale (Lot 2 DP 470450) – Sheet 1, Rev B: October 2018, dated 04/10/2018

<sup>2</sup> Pridham, Statement of evidence, para 13(c), and Sadlier, Legal submissions, para 5

<sup>3</sup> Sadlier, Legal submissions, para 32

- To subdivide a site with two or more zones or subdivide along an undefined zone boundary is a **restricted discretionary activity** under rule E38.4.1 (A7).
- To subdivide a site which does not follow the zone boundaries as near as possible under standard E38.7.3.1(1) is a **discretionary activity** under rule E38.4.1 (A13).
- To subdivide a site within the Special Purpose - Major Recreation Facility Zone is not provided for as an activity under Table E38.4.1. This is a **discretionary activity** under rule E38.4.5 (A45).
- To subdivide a vacant site in a residential zone involving a parent site of 1ha or greater complying with Standard E38.8.3.1 is a **discretionary activity** under rule E38.4.2 (A18).
- To subdivide a site within the National Grid Subdivision Corridor is a **restricted discretionary activity** under Table D26.4.3(A34).

8. Overall the proposal has been considered as a discretionary activity.

#### **Procedural matters**

9. No procedural matters were raised.

#### **Relevant statutory provisions considered**

10. In accordance with section 104 of the RMA, I have had regard to the relevant statutory provisions including, as relevant, Part 2 and sections 104B and 106 (and sections 108 and 220 and 221 with respect to conditions).

#### **Relevant standards, policy statements and plan provisions considered**

11. In accordance with section 104(1)(b)(i)-(vi) of the RMA, I have had regard to the relevant policy statement and plan provisions of the AUP(OP) – which are contained primarily in:

- Chapter E – Auckland Wide: section E38 - Subdivision Urban;
- Chapter H – Zones: section H26 – Special Purpose - Major Recreation Facility;
- Chapter I – Precincts: section I307 – Avondale Racecourse.

12. No other matters were considered to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.

## Local Board comments

13. No comments were sought from the local board.

## Summary of evidence heard

14. The Council reporting officer's earlier recommendation report was circulated prior to the hearing and taken as read. Mr Thode had recommended granting consent with conditions in that earlier report (dated 3 July 2018) and confirmed at the hearing that his recommendation remained unchanged, notwithstanding the in-house legal opinion that concluded that the infrastructure consent notice condition proposed was neither lawful nor appropriate (as discussed further below).

15. The evidence presented at the hearing responded to the issues identified in the Council reporting officer's recommendation report, the application itself and the in-house legal opinion provided and dated 19 September 2018.

16. The submissions made and evidence presented by the applicant at the hearing is summarised as follows:

- **Mr Daniel Sadlier**, Counsel, made legal submissions in support of granting the application focussed on two particular matters raised by Council:
  - (i) split zoning and the importance of recognising that this land is private not public land; and
  - (ii) the appropriateness of using consent notices for deferred infrastructure provision.
- **Mr Richard Pridham**, Commercial Manager AJC, provided strategic background information regarding the proposed disposal of this surplus land and attached a revised proposed Lot 1 boundary plan.
- **Mr Philip Brown**, Consultant Planner, gave evidence in support of granting the application, focussed on:
  - (i) the provision for future roading access;
  - (ii) split zoning and the rationale for this application ahead of any zone change application; and
  - (iii) the AUP(OP) provisions relating to deferment of services installation.

## Principal issues in contention

17. The proposed subdivision raises two principal issues for consideration:
- Whether the application should properly proceed first by way of plan change to resolve any issue created by the proposed lot's split zoning; and
  - Whether a consent notice deferring actual infrastructure provision is consistent with the provisions of the AUP(OP) and Council practice.

## Discussion and Main findings on the principal issues in contention

18. The main findings on the principal issues that were in contention follow.

### Resource consent v plan change

19. Proposed Lot 1 has both THAB and SP-MRF zoning as well as the ARP. Potentially that creates a problem for any subsequent development if subdivision consent is granted ahead of establishing an appropriate overall zone for the land – and which rezoning is not a matter that, ordinarily, can be taken for granted.
20. If there are no special circumstances, the typical “preferred” planning approach would be to pursue a plan change first.
21. The applicant advanced three reasons why that “preferred” approach is not appropriate in this instance:
- (i) The boundary delineation between SP-MRF and THAB in this location is not so much a considered planning response but, rather, simply reflects the private landholding, status and activity of the AJC;
  - (ii) The land concerned is private land – it is not “public open space”. The SP-MRF and ARP effectively applies only to and with the agreement of the AJC; neither apply beyond the landholding of the AJC. In the event that any of that land is disposed of for a different purpose, it is inevitable that a different zoning will follow. While there can be no certainty as to what that alternative zoning might be, as private land it follows that it must be some form of development zoning, and is highly likely to be THAB given the adjacent zoning.
  - (iii) Establishing a firm cadastral boundary by subdivision will provide a clear and certain boundary upon which to base any subsequent zone boundary change.
22. Furthermore, the mere fact of a lot having a split zone is not prevented under the AUP(OP). Mr Brown noted that urban subdivision rule E38.4.1(A7) specifically provides for “*Subdivision of a site with two or more zones or subdivision along an undefined zone boundary*” as a restricted discretionary activity – albeit the boundary of any lots therein “*must follow, as near as possible to, the zone boundaries*” (or, we might add, seek a plan change) under rule E38.7.3.1(1).

23. I sought an answer to questions about the purpose of the 20m interface control buffer area that applies to much of the boundary (shown on I307.10.1 Avondale Racecourse: Precinct Plan 1), and that lies within proposed Lot 1. Mr Brown responded that was an internal buffer ensuring that any new AJC buildings were appropriately separated from the adjoining residential land. He anticipated that any plan change would redraw that buffer as necessary inside the revised precinct boundary. I was assured that no existing buildings compromised that prospect.

### **Finding**

24. As the land is privately owned I find that there is no reason to prefer a plan change over the resource consent approach taken. The assumption that a plan change request will eventuate, and that a change in zoning will necessarily follow, is a reasonable expectation in the circumstance. The matter of a unified zoning can be assessed at a future time – noting that any development proposed in the meantime would require resource consent(s) under the existing split zone and precinct provisions, which will continue to apply until changed.

### **Consent Notice**

25. Council sought an in-house legal opinion on the question as to whether the proposed consent notice condition 5 is lawful. Privilege was waived and the opinion made available as attachment 7 of the Hearing Agenda.
26. On the basis of the material available to her, Ms Faesenkloet, Principal Solicitor, concluded that the condition was neither lawful (because it challenged the interpretation of Standard E38.6 - which included Standard E38.6.3 Services) nor appropriate (because it would not require compliance on a continuing basis). Furthermore, Ms Faesenkloet advised that, in that case, consent would also be required under rules E38.4.2(A30) and E38.4.5(A44) as a discretionary activity.
27. Standard E38.6.3 Services requires:
- (1) *For all proposed sites capable of containing a building, or for cross lease or unit title, strata title, company lease, each lot must be designed and located so that provision is made for the following services:*
- (a) *collection, treatment and disposal of stormwater;*
  - (b) *collection, treatment and disposal of wastewater;*
  - (c) *water supply;*
  - (d) *electricity supply; and*
  - (e) *telecommunications.*



- (2) *Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.*
28. Ms Faesenkloet also gave her opinion that the application is contrary to Objective E38.2(4) and Policies E38.3(19) and (20).
29. Objective E38.2(4) states:
- Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.*
30. Policies E38.3(19) and (20) state:
- (19) *Require subdivision to provide servicing:*
- (a) *to be coordinated, integrated and compatible with the existing infrastructure network;*
  - (b) *to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and*
  - (c) *to enable electricity and telecommunications services to be reticulated underground to each site wherever practicable.*
- (20) *Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks:*
- (a) *wastewater;*
  - (b) *stormwater; and*
  - (c) *potable water.*
31. That opinion was disputed by the applicant, both by Mr Sadlier and by Mr Brown, who stressed the use of the conjunction “or” in the Objective, arguing that the provision of infrastructure could either be at the stage of subdivision or at the stage of development.
32. The alternative construction (that the “*or development*” refers to a situation where no further subdivision is required but additional infrastructure is) was effectively rebutted by Mr Brown in response to a question when he observed that the objective provision is located in the section regulating *urban subdivision* (i.e. section E.38) and is not found elsewhere in the AUP(OP). That supports the proposition that “or” is conjunctive and the provision of said infrastructure may be deferred on subdivision until development occurs. I accept and adopt that interpretation.
33. Furthermore Mr Brown provided practical planning reasons why such infrastructure needed to be designed and located for the actual development that would eventually

take place – which at this point is unknown both because the future zoning is uncertain and the future layout not yet contemplated. Mr Brown also provided examples of four subdivision resource consents where Auckland Council has imposed comparable consent notices governing future infrastructure (Northcote Stage 2C BUN60313122 / June 2018; Alexandra Park R/SUB/2017/68 / June 2017; Hobsonville Point SUB60302075 / August 2017; and Ellerslie Racecourse SUB60227604 / July 2017) – although I note that all examples were non-notified and determined internally under staff delegation and the particular legal issue raised not specifically addressed.

34. The question then turns as to how that deferment is expressed as a condition.

35. Ms Faesenkloet had expressed a concern regarding the wording of proposed condition 5 as follows:

*1.12.3 A consent notice can be imposed on subdivision consent, in relation to a condition where there is a continuing requirement for compliance by the subdividing owner and subsequent owners. In this case, the proposed condition does not require continuing compliance by the subdividing owner and subsequent owner. The condition (and consent notice) instead appears to seek to alert a subsequent owner that certain connections are not yet in place, and that the road access has not been created. However, once the connections are put in place and the road access had been created, there would be no continuing requirement for compliance.*

36. Mr Sadlier disagreed, submitting that the compliance required by section 221 RMA does not necessitate continuance in perpetuity. He submitted that the continuance of such an obligation “... *beyond the deposit of a survey plan is appropriately enshrined in a consent notice*” because that is the continuance required. Furthermore that obligation persists until such time as the consent notice is varied or cancelled – as provided for under section 221(3) RMA. Mr Sadlier cited *Albert Road Investments v Auckland Council* [2018] NZEnvC 102 and *Swordfish Co Limited v Buller District Council* [2012] NZHC 2339 as authorities in support of his opinion.

37. Mr Sadlier concluded<sup>4</sup> that the proposed condition 5 is both lawful and appropriate because clear obligations are secured as follows:

- (i) *No use or occupation of any development on Lot 1 can occur until such time as individual private connections are provided;*
- (ii) *The developer must demonstrate that private and public reticulated services with sufficient capacity are available prior to approval of any future development, or submit a proposal to provide upgrades to achieve servicing; and*
- (iii) *Formed access must be provided to the satisfaction of Council and AT at the time of future development.*

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<sup>4</sup> Sadlier, Legal submissions, para 17

38. The proposed wording of condition is as follows:

The consent holder shall register against the Certificate of Title for Lot 1 a Consent Notice pursuant to s221 of the Resource Management Act 1991, recording the following conditions which are to be complied with on a continuing basis:

- a. *Lot 1 does not have stormwater, wastewater and water connections. The lot owner(s) shall provide individual private connections for stormwater, wastewater and water into the Lot 1, at the time of future development and prior to the use or occupation of that development, at their full cost, and to the satisfaction of Council. Prior to the approval of any resource consent or building consent necessary for any development on the lot, the lot owner(s) will either; need to demonstrate to Council's satisfaction, that any necessary private or public reticulation with sufficient capacity necessary to service the proposed development for stormwater, wastewater, water and access is available, or submit a proposal to provide upgrades to the public reticulation in order to achieve the necessary services at the consent holder's cost. Appropriate approvals from the Council will need to be obtained.*
- b. *Lot 1 does not have formed access to the road reserve. The lot owner(s) shall provide access into the lot, at the time of any future development and prior to the use or occupation of that development, to the satisfaction of Council and Auckland Transport. Requirements may be imposed with respect to accessways / drives / ROWs and drainage at that time.*

39. On reflection I accepted that there is some ambiguity in the condition as worded and sought further refinement from Council. In response to my concerns the following re-wording was proposed:

The consent holder shall register against the Certificate of Title for Lot 1 a Consent Notice pursuant to s221 of the Resource Management Act 1991, recording the following conditions which are to be complied with on a continuing basis:

*Lot 1 does not have stormwater, wastewater and water connections, or formed access to the road carriageway. At the time of submitting the first resource consent application required for any development or use of the site, a plan shall be provided for Council approval containing details of physical provision for stormwater, wastewater and water connections, and formed vehicular access to the site frontage from the road carriageway. The plan shall include service connections and access provision that are appropriate for the form, nature, layout and intensity of development proposed. The approved plan shall be implemented, with all service connections installed at the time of future development and prior to the use or occupation of that development, at the consent holder's full cost, and to the satisfaction of Council. Prior to the approval of any resource consent or building consent necessary for any development on the lot, the lot owner(s) will either; need to demonstrate to Council's satisfaction, that any necessary private or public reticulation with sufficient capacity necessary to service the proposed development*

*for stormwater, wastewater, water and access is available, or submit a proposal to provide upgrades to the public reticulation in order to achieve the necessary services at the consent holder's cost. Appropriate approvals from the Council and/or Auckland Transport will need to be obtained, and requirements may be imposed with respect to accessways / drives / ROWs and drainage at that time.*

### **Finding**

40. While such a consent notice might appear unduly “belt and braces” I am satisfied that it addresses the concerns raised by Ms Faesenkloet without adding to the undertaking by the applicant. Accordingly I impose that substitute consent notice condition.

### **Sections 104 and 106 and Part 2**

41. No other section 104, 106 or Part 2 matters were engaged such that they require specific attention in this decision. Those respective matters were adequately rehearsed in the application documentation and Mr Thode's s42A report, were not disputed, and the conclusions are, accordingly, accepted and adopted.

### **Decision**

42. In exercising my delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104B and 106 and Part 2 of the RMA, the subdivision resource consent applied for by the Avondale Jockey Club Inc for the purpose of creating a new vacant lot, which will measure 4,570m<sup>2</sup> and result in a balance lot area of 353,181m<sup>2</sup>, within the site commonly referred to as the Avondale Race Course (2-48 Ash Street (& 95 Wingate Street), Avondale - Lot 2 DP 508281) to enable future development is granted for the reasons and subject to the conditions set out below.

### **Reasons for the decision**

In addition to the matters discussed above, and in summary:

- i. The land is private land and, following subdivision and sale, will inevitably be rezoned from its part Special Purpose – Major Recreation Facility and Avondale Racecourse Precinct status.
- ii. Subdivision is consistent with and does not contravene the relevant provisions of the AUP(OP).
- iii. No Part 2 matters are materially engaged – other than, arguably and potentially, section 7(b) relating to the efficient use of the physical land resource.
- iv. The disposal of this surplus land accords with the AJC's strategic planning and will provide it with additional revenue in pursuit of those strategic goals.

## Conditions

Under sections 221 and 108 of the Resource Management Act 1991, this consent is granted subject to the following conditions:

### General conditions

1. The subdivision activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number SUB60311714
  - Application Form, and Assessment of Environmental Effects titled *Avondale Jockey Club-Proposed Two Lot Subdivision, Avondale*, prepared by Campbell Brown Limited, dated 24 November 2017;
  - Infrastructure report titled, *Infrastructure Report –Avondale Jockey Club Wingate Street, Avondale Auckland*, prepared by Land Development and Civil, dated 13 October 2017;
  - The Geotechnical Investigation of Land- Avondale Jockey Club, prepared by Geoconsult, referenced as GJ604 and dated 30/05/2017;
  - S92 response from Land Development and Civil dated 14 February 2018;
  - The email from Philip Brown of Campbell Brown Limited dated 15 January 2018 regarding shape factor; and
  - The email from Philip Brown of Campbell Brown Limited dated 20 February 2018 regarding access.

Plan title and reference	Author	Rev	Dated
Proposed Subdivision of 800m Chute Area, Wingate Street, Avondale (Lot 2 DP 470450) Ref 8583	Thornley & Associates	B	04/10/2018
Infrastructure plan	Land Development & Civil		10/10/2017

### Lapse of consent

2. Under section 125 of the Resource Management Act 1991 (RMA), this consent lapses five (5) years after the date it is granted unless:
  - a. A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or

- b. An application under section 125 of the RMA is made to the Council before the consent lapses (five years) to extend the period after which the consent lapses and the Council grants an extension.

### Survey Plan Approval (s223) Conditions

3. The survey plan shall be in accordance with the Scheme Plan titled, 'Proposed Subdivision of 800m Chute Area, Wingate Street, Avondale (Lot 2 DP 470450) Rev B Ref 8583, dated 04/10/2018.

### Section 224(c) Compliance Conditions

4. A certificate pursuant to s224(c) of the Resource Management Act will not be issued until conditions 5 and 6 has been met to the satisfaction of the Council and at the consent holder's expense.

#### **Consent Notice - Stormwater, wastewater and water connections**

5. The consent holder shall register against the Certificate of Title (CFR) for Lot 1 a Consent Notice pursuant to s221 of the Resource Management Act 1991, recording the following condition, which is to be complied with on a continuing basis:

*Lot 1 does not have stormwater, wastewater and water connections, or formed access to the road carriageway. At the time of submitting the first resource consent application required for any development or use of the site, a plan shall be provided for Council approval containing details of physical provision for stormwater, wastewater and water connections, and formed vehicular access to the site frontage from the road carriageway. The plan shall include service connections and access provision that are appropriate for the form, nature, layout and intensity of development proposed. The approved plan shall be implemented, with all service connections installed at the time of future development and prior to the use or occupation of that development, at the consent holder's full cost, and to the satisfaction of Council. Prior to the approval of any resource consent or building consent necessary for any development on the lot, the lot owner(s) will either; need to demonstrate to Council's satisfaction, that any necessary private or public reticulation with sufficient capacity necessary to service the proposed development for stormwater, wastewater, water and access is available, or submit a proposal to provide upgrades to the public reticulation in order to achieve the necessary services at the consent holder's cost. Appropriate approvals from the Council and/or Auckland Transport will need to be obtained, and requirements may be imposed with respect to accessways / drives / ROWs and drainage at that time.*

#### **Consent Notice - National Grid**

6. The consent holder shall register against the Certificate of Title (CFR) for proposed Lot 1 a Consent Notice pursuant to s221 of the Resource Management Act 1991, recording the following conditions which are to be complied with on a continuing

basis:

- a. *All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the code.*
- b. *No habitable buildings shall be located within 12m of the centreline of the HEN-OTA A National Grid Transmission Line.*
- c. *No buildings or structures shall be located within 12m from any outer visible edge of the foundation of Tower 0067 National Grid Transmission support structure; except for non-conductive fencing, which can be located 5m from any outer visible edge of the support structure foundation.*

## **Advice notes**

1. *At the time of the subdivision consent, it was unknown what form of private service connection would be appropriate for the lot. Wastewater, water and stormwater capacity assessments for the lot were based on a minimum theoretical development level.*
2. *Please note that a fee is payable upon lodgement of an application for the issue of a certificate pursuant to Section 224(c) of the Resource Management Act 1991 relating to this application. Please contact Auckland Council for the current fee.*
3. *Please attach copies of any Code Compliance Certificate(s) for the drainage work(s) or copies of the Auckland Council Inspections Officer's sign off and drainlayer's signed "As Built" drainage plans with the application for the issue of a certificate pursuant to Section 224(c) of the Resource Management Act 1991 relating to this application.*
4. *If you disagree with any additional charges relating to the processing of the application, you have a right of objection pursuant to Section 357B of the Resource Management Act 1991 which shall be made in writing to Council within 15 working days of notification of the additional charges.*
5. *The subdivider must take all necessary measures to control silt contaminated stormwater at all times during the earthworks and during building development in accordance with Auckland Council's requirements.*
6. *All water supply connections to the Watercare supply main shall be designed in accordance with Watercare Services Ltd's "Standards" and be made by a Water Care Services Ltd approved contractor. For details, please contact Water Care Services.*

7. *Any provision being made for telecommunications, power or gas to this subdivision are to be underground and are to be to the requirements of the respective utility services.*
8. *Any trees or vegetation planted shall comply with the Electricity (Hazards from Trees) Regulations 2003 or any subsequent revision of the regulations.*
9. *Please be advised that Transpower NZ Ltd has a right to access its existing assets under s23 of the Electricity Act 1992. Any development must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act.*

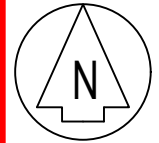


**David Hill**  
**Chairperson**

**12 October 2018**



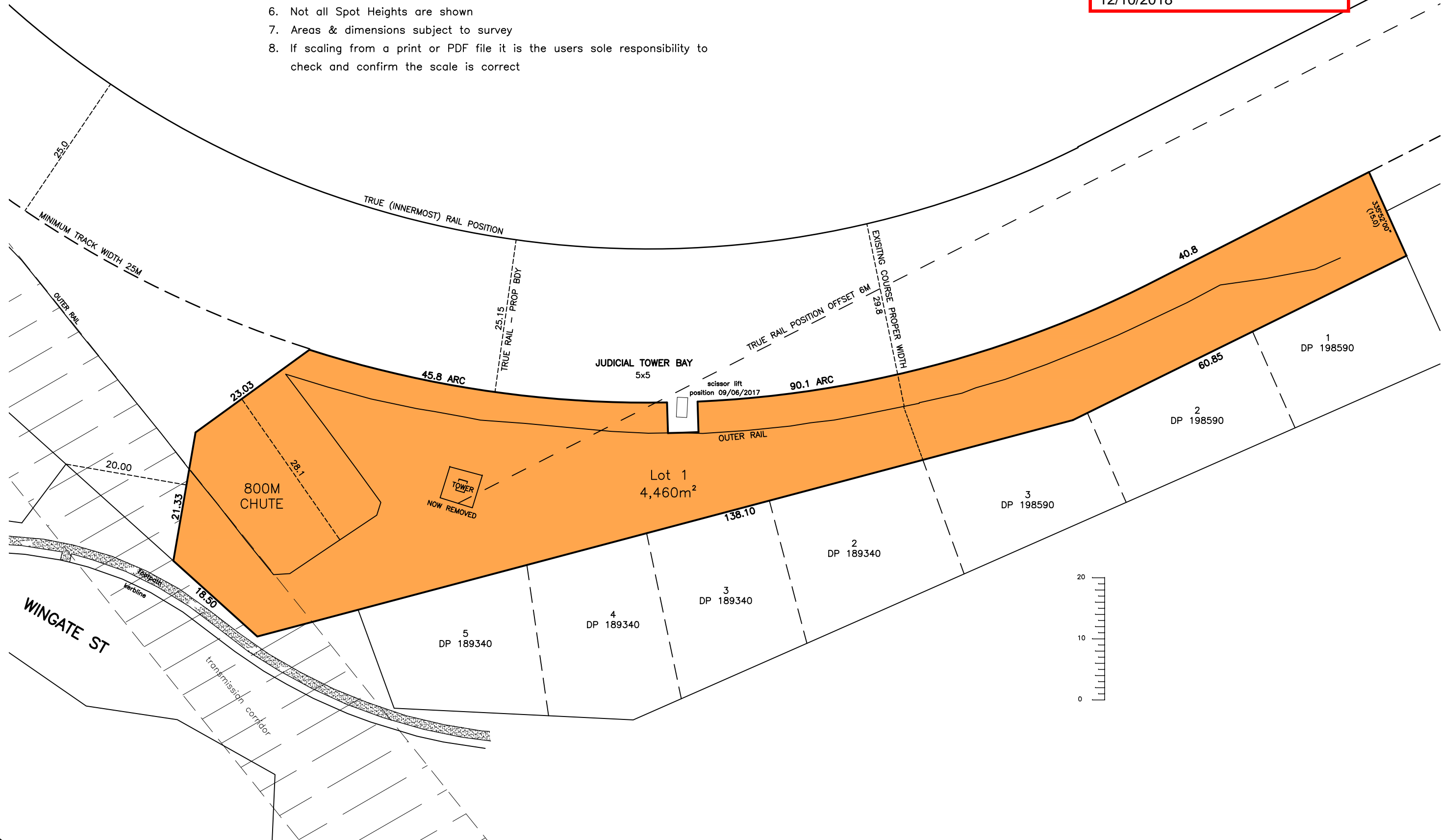
# Appendix K



**SUB60311714**  
 Approved Resource Consent Plan  
 12/10/2018

**NOTES:**

1. Level Datum Auckland Vertical Datum 1946
2. Origin of Levels: SM SO 48485 RL 16.77m
3. Contour interval 0.5m
4. Comprised in CT 635753
5. Total Area of Site 35.7751Ha
6. Not all Spot Heights are shown
7. Areas & dimensions subject to survey
8. If scaling from a print or PDF file it is the users sole responsibility to check and confirm the scale is correct



THORNLEY & ASSOCIATES LTD - CONSULTING SURVEYORS  
 Telephone: 820 5252 Email: office@thornley.co.nz  
 P.O. Box 15438 New Lynn Auckland 0640

Proposed Subdivision of 800m Chute Area, Wingate Street, Avondale  
 (Lot 2 DP 470450)

Prepared for : Avondale Jockey Club		SHEET	
Rev B : October 2108		1	
DRAWN FW	CHECKED	SCALES A1 1:300	SERIES OF 2
TRACED	DATE 04/10/2018	A3 1:600	1458583



## **APPENDIX 2**

### **SUBMISSION AND COPIES OF SUBMISSIONS**



# **AUCKLAND UNITARY PLAN OPERATIVE IN PART**

## **PROPOSED PLAN CHANGE 32 (Private)**

### **Avondale Jockey Club**

## **SUMMARY OF DECISIONS REQUESTED**

**Enclosed:**

- **Explanation**
- **Summary of Decisions Requested**
- **Submissions**

## **Explanation**

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 8 November 2019
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

## **Summary of Decisions Requested**

**Plan Change 32 - Avondale Jockey Club**  
**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
1	1.1	Ray Strawbridge	lawsby@yahoo.co.nz	Decline the plan modification	Decline the plan modification
2	2.1	Y Liu	johnliu1205@gmail.com	Decline the plan modification	Decline the plan modification
3	3.1	Ying Feng	fengying_71_71@163.com	Decline the plan modification	Decline the plan modification
4	4.1	Hamish and Courtney Henderson	hamish.henderson@gmail.com	Accept the plan modification with amendments.	Accept the plan modification with amendments.
4	4.2	Hamish and Courtney Henderson	hamish.henderson@gmail.com	Accept the plan modification with amendments.	Seeks that the amendment being the retention of the 20m Interface Control Area against the boundary of 79 Wingate Street
5	5.1	Hari Ram Prasad	b.g.c@xtra.co.nz	Amend the plan modification if it is not declined	Amend the plan modification if it is not declined
5	5.2	Hari Ram Prasad	b.g.c@xtra.co.nz	Amend the plan modification if it is not declined	Seeks to allow the strip of land behind the back boundary of 83 Wingate Street to remain as part of reserve ie 5 metres from the boundary.
6	6.1	Reuben Pollock	vicandreuben@gmail.com	Decline the plan modification	Decline the plan modification
7	7.1	Wingate Club Attn: Ken Iomax	ken@wingateclub.co.nz	Amend the plan modification if it is not declined	Amend the plan modification if it is not declined
8	8.1	Rosalind Faiga Iefata	rosiefata@windowslive.com	Decline the plan modification	Decline the plan modification



**Plan Change 32 - Avondale Jockey Club**

**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
9	9.1	Aealz Rehman Kutty	aealzrehman@gmail.com	Decline the plan modification	Decline the plan modification
10	10.1	Auckland Transport	Kelly. Seekup@at.govt.nz	Support the plan Modification	Support the plan change so long as there is a mechanism to address transport and it's impact on the wider network and intersections in the Auckland Unitary Plan.

## **Submissions**

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - PC 32 - Ray Strawbridge  
**Date:** Sunday, 8 September 2019 12:00:33 PM

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Ray Strawbridge

Organisation name:

Agent's full name:

Email address: lawsby@yahoo.co.nz

Contact phone number: 02102564528

Postal address:  
103 Wingate Street  
Avondale  
Auckland 0600

**Submission details**

**This is a submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

**My submission relates to**

Rule or rules:  
all modications

Property address: 103WINGATE STREET AVONDALE.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
im a night time line haul contractor i sleep during the day as it is all the dust and rain water run off the race course and onto property's in Wingate street the dust and noise will be unbearable and there fore this project should not go ahead as the council will be putting lives at risk .

1.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 8 September 2019

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - PC 32 - Y Liu  
**Date:** Thursday, 12 September 2019 10:15:25 AM

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Y Liu

Organisation name:

Agent's full name:

Email address: johnliu1205@gmail.com

Contact phone number:

Postal address:

6A Larch Street

Avondale

Auckland 0600

**Submission details**

**This is a submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

**My submission relates to**

Rule or rules:

Property address: 13 Pecan Place, Avondale

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The street is already overcrowded with cars due to the introduction of a few new apartment buildings and houses. The increased amount is going to overpopulate the street and we don't believe the street is fit to accept new buildings, especially given the no. of families with children.

2.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 12 September 2019

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - PC 32 - Ying Feng  
**Date:** Wednesday, 18 September 2019 11:30:36 AM

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Ying Feng

Organisation name:

Agent's full name: Ying Feng

Email address: fengying\_71\_71@163.com

Contact phone number: 0210590706

Postal address:  
20 Pecan Place  
Avondale  
Auckland city 0600

**Submission details**

**This is a submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

**My submission relates to**

Rule or rules:

I don't agree for the PC 32 Plan, because effect our traffic on Wingate Street.

Property address: 20 Pecan Place, Avondale

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
we love the Jokey house park, keep more space to our Children and neighbors .

3.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 18 September 2019

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? Yes

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - PC 32 - Hamish and Courtney Henderson  
**Date:** Saturday, 21 September 2019 2:45:23 PM

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Hamish and Courtney Henderson

Organisation name:

Agent's full name:

Email address: hamish.henderson@gmail.com

Contact phone number: 0211489074

Postal address:  
79 Wingate Street  
Avondale  
Auckland 0600

#### **Submission details**

##### **This is a submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

##### **My submission relates to**

Rule or rules:

Specifically, we are concerned about the alteration to I307.8.1(5) and its loss, in part, on our boundary.

Property address: 79 Wingate Street

Map or maps: Refer to I307.10.1. Avondale Racecourse: Precinct plan 1

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

When we purchased our property we had a reasonable expectation that we would not be built out to our north or north west. The loss of this interface control area (in part) will mean our enjoyment of existing visual amenity and privacy will be compromised to the northwest and this is our main outlook towards the Waitakere ranges and afternoon sunlight.

4.1 | I or we seek the following decision by council: Accept the plan modification with amendments

4.2 | Details of amendments: We would seek that the 20.0m Interface control area be retained, without amendment, on our boundary.

Submission date: 21 September 2019

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - PC 32 - Hari Ram Prasad  
**Date:** Monday, 23 September 2019 12:01:24 PM

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Hari Ram Prasad

Organisation name: Meadow Investments Limited

Agent's full name: Hari Ram Prasad

Email address: b.g.c@xtra.co.nz

Contact phone number: 0274300177

Postal address:  
82 Nelson Road  
RD 2  
Henderson 0782

#### **Submission details**

##### **This is a submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

##### **My submission relates to**

Rule or rules:

The plan change to rezone part of Avondale Jockey Club from Special Purpose - major Recreation Facility to Terrace Housing and Apartment Building Zone

Property address: 83 Wingate Street Avondale Auckland

Map or maps:

Other provisions:

The strip of land behind the property at 83 Wingate Street Avondale.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The property always enjoyed the small strip of land between the back boundary and the race course current fence. This was one of the deciding factor for us to purchase this land and build knowing that this will give us this extra comfort of not any housing behind the property. Allowing rezone right up to the back boundary will revalue the property and take away the enjoyment of living there which we always had and was intended for since purchase in 2000.

5.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

5.2 | Details of amendments: To allow the strip of land behind the back boundary of 83 Wingate Street to remain as part of reserve ie 5 metres from the boundary.

Submission date: 23 September 2019

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - PC 32 - Reuben Pollock  
**Date:** Tuesday, 24 September 2019 9:45:08 PM

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Reuben Pollock

Organisation name:

Agent's full name:

Email address: vicandreuben@gmail.com

Contact phone number: 02102385888

Postal address:

22 Pecan Place

Avondale

Auckland 0600

**Submission details**

**This is a submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

**My submission relates to**

Rule or rules:

Property address:

Map or maps:

Other provisions:

Use of Wingate Street as main access for this development

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

My wife and I object to the piecemeal selling off of the Avondale Jockey club. We support the redevelopment of this space for a mix of sports, recreation and housing but by selling off small sections one by one the community will end up with a confused, lacklustre community. The Avondale racecourse could be the centre of a thriving community if approached with vision. The Avondale Jockey club needs to accept it's time has passed and the needs of the community must come first. This particular development seems unwise. The access from the steep, marginal land on the corner of Wingate street under the power lines is problematic. By developing the site piece meal there is no commitment to improving the difficult traffic flows in the area. Our community needs a well designed traffic management plan to absorb the additional people that these developments will bring into the area. Currently the roundabout at the top of Wingate ave is blocked every morning with traffic diverting through Larch Street to try and avoid the Great North Road congestion, and getting out on the roundabout during rush hour, and market days dangerous. With the development of the new Avondale library and the community hall the traffic will only get worse. Adding more

houses will only intensify this issue.

6.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 24 September 2019

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - PC 32 - Ken Iomax  
**Date:** Wednesday, 25 September 2019 12:15:48 PM  
**Attachments:** [WingateClub Submission PC32.pdf](#)

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Ken Iomax

Organisation name: Wingate Club

Agent's full name:

Email address: ken@wingateclub.co.nz

Contact phone number: 0272756810

Postal address:  
76-80 Wingate Street  
Avondale  
Auckland 0600

**Submission details**

**This is a submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

**My submission relates to**

Rule or rules:

Property address: 76-80 Wingate Steet, Avondale

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Loss of Privacy Loss of sunshine

7.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

Details of amendments: Mitigate as specified in attached document

Submission date: 25 September 2019

Supporting documents  
WingateClub Submission PC32.pdf

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? Yes

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



## Submission/Objection

for

### Proposed Plan Change 32 (Private)-Avondale Jockey Club

#### Summary

The Wingate Club (address 76-80 Wingate Street, Avondale, Auckland, 06000) has been operating on our site since 28 November 1992 and operates 7 days per week. We are a bathhouse that gives our customers the opportunity to be naked and indulge in sexual activities both inside the building and outside on our expansive lawn and swimming pool area. This site is shielded by trees around the site providing full privacy in the current situation.

The construction and occupation of a terrace/apartment house building on the site proposed will mean that occupants of the apartments will be able to see into our backyard, thereby causing lack of privacy for our customers. Occupants of the apartments can experience embarrassment witnessing the activities that occur on our property. We are an adult R18 business and being able to view our customers will be inappropriate for any children in the apartments.

The construction of an apartment building of 5 to 7 floors as proposed will also mean loss of sunshine on the property, especially during non-summer months.

#### Who are we?

The Wingate Club is a business owned and operated by Mr Peter Graham as a Men's Bathhouse. He purchased the site in the early 1990's and the business was opened to customers on 28 November 1992. It has been open to customers every day since then apart from a period of 4 weeks in May/June 2013 following a major fire in part of the premises.

When the site was originally purchased and built, Wingate Street ended at the entrance to our carpark. The remainder of Wingate Street was developed approximately five to ten years after we opened and residential properties have been developed along the street over the years since then.

There are two bathhouse venues in Auckland. However we are unique in the world by offering the large outdoor spaces that we have. The loss of these facilities will be a great loss to the LGBT+ community.

We currently have about 60-120 customers per day and most enjoy the large outdoor grounds especially on fine days.

## Contacts

Mr Peter Graham Owner (sole trader) Wingate Club 76-80 Wingate Street Avondale, 0600 Ph: 09 828 2944, 09 828 0910 Email: peter@wingateclub.co.nz	Ken Lomax Operations Manager Wingate Club Ph 027 275 6810 Email: ken@wingateclub.co.nz
--	--

### Loss of Privacy

Until recently the Avondale Jockey club had a television camera stand on the hillside where the proposed development is to take place. This was removed about a year ago. In the early days, we found camera crews would occasionally turn their cameras around to look into our property. After speaking to the Jockey Club this was stopped and there have been no such problems since. This was manageable due to the very small number of camera crew using the tower. This stand was approx. 2 stories high.

Currently existing on the proposed site is a small line of trees. We can see the top of those trees from about halfway down the swimming pool and can see them from the reaches of our lawn beyond that. These trees are approx. two stories high.

It is therefore obvious that any apartment building over two stories high will provide occupants with clear view into our yard thereby causing loss of privacy for our customers and embarrassment to the occupants of the apartments.

We are an adult industry organisation and as such no one under the age of 18 years old is permitted onto the property. Any children living in or visiting the proposed apartments will be able to view inappropriate activities.

### Possible mitigation

If the apartment building was designed so that there was a blank wall on the Wingate Street side and with no windows, balconies or other viewpoints on this wall then apartment occupants will not be able to overlook Wingate Club.

Services such as stairs, lifts and service ducts could be placed on this wall and apartments would face to the north/north-west giving great views over the racecourse and getting great sun.

### Loss of sunshine

During the non-summer months the sun is lower in the sky. Currently this is still well above the grounds and trees on the Jockey Club property. However an apartment block of 5-7 stories will substantially block this sunshine being to the North/Northwest of our property. While this will block almost all sunshine from the residential properties on the racecourse side of Wingate Street during

the whole year it will affect the amount of sunshine onto the Wingate Club property during non-summer months.

A study done by Arthur Grimes et al of Motu Economic and Public Policy Research Trust has determined there is significant loss of property values when the sun is blocked from properties by developments (2017: <https://motu.nz/our-work/urban-and-regional/housing/valuing-sunshine/>). This will affect the resale values of properties on both sides of Wingate Street.

### Attending submission meeting(s)

We are available to attend any submission meeting as required.

This submission is prepared and submitted by

Ken Lomax

Operations Manager

Wingate Club

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - PC 32 - Rosalind Faiga Iefata  
**Date:** Wednesday, 25 September 2019 9:15:25 PM

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Rosalind Faiga Iefata

Organisation name:

Agent's full name:

Email address: [rosiefata@windowlive.com](mailto:rosiefata@windowlive.com)

Contact phone number: 021 081 01924

Postal address:

72 Wingate St

Avondale

Auckland 0600

#### **Submission details**

##### **This is a submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

##### **My submission relates to**

Rule or rules:

all of the rules relating to the Proposed Plan Change

Property address:

Map or maps:

Other provisions:

all of the provisions relating to the Proposed Plan Change

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I do not support the Proposed Plan. Wingate St is a quiet residential street with families and children. The street is not a wide street. This proposal will impact on the street as it will have a lot more traffic coming into the street and will become very congested. No I do not support this proposal.

8.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 25 September 2019

#### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Aeaiz Rehman](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary plan publicity notified submission  
**Date:** Thursday, 26 September 2019 6:33:06 AM

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To whom it may concern,

My submission relates to rezone part of Avondale Jockey club special purpose.

-Terrace housing apartment building.

-Property address 89 Wingate street Avondale

We oppose of the specific provision identified by council. We always lead a small section behind our land reserved by Avondale Jockey club for over 17 years and my family had always enjoyed that space. This was one of the reasons we had purchased the section, and now this factor will also de - value your properties in Wingate Street.

9.1 | I would request the council to decline this project behind our Wingate property being affected. Keep it as a reserve for future and for future families that would want to live in Wingate Street.

Kind Regards,  
Aeaiz Rehman Kutty

Contact - Aeaiz Rehman Kutty - 021731702

Email - [aeaizrehman@gmail.com](mailto:aeaizrehman@gmail.com)

**From:** [Kelly Seekup \(AT\)](#)  
**To:** [Unitary Plan](#)  
**Cc:** [Katie Maxwell](#); [Ila Daniels](#); [Philip Brown](#)  
**Subject:** PPC 32 Submission - Avondale Jockey Club  
**Date:** Thursday, 26 September 2019 2:25:37 PM  
**Attachments:** [PC32 AT Submission.pdf](#)

---

Hi there,

Please find attached Auckland Transport's submission on Proposed Private Plan Change 32. Feel free to contact me, if you have any queries.

Kind regards,  
Kelly

**Kelly Seekup | Principal Planner**  
**Planning and Investment Group**  
Level 6, 20 Viaduct Harbour Avenue, Auckland 1010  
DDI +6494474410 | Ext 489 410 | Mob 021952341

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26 September 2019

Auckland Council  
Plans and Places  
Private Bag 92300  
Auckland 1142

Attention: Planning Technician

Dear Sir / Madam

**SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 32 - AVONDALE JOCKEY CLUB;  
WINGATE STREET, AVONDALE**

Please find attached Auckland Transport's submission on Proposed Private Plan Change 32 to the Auckland Unitary Plan (Operative in Part).

Should you have any queries in relation to this submission, please contact Kelly Seekup, Principal Planner, on +64 9 447-4410.

Yours sincerely



Christina Robertson  
**Group Manager, Strategic Land Use and Spatial Management**

Enc: Auckland Transport's submission on Proposed Private Plan Change 32– Avondale Jockey Club  
cc: Ila Daniels and Philip Brown – Campbell Brown, PO Box 147001, Ponsonby, Auckland 1144, New Zealand







## **SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 32 – REZONING OF PART OF THE AVONDALE JOCKEY CLUB**

**To:** Auckland Council  
Plans and Places  
Private Bag 92300  
Auckland 1142

**From:** Auckland Transport  
Planning and Investment  
Private Bag 92250  
Auckland 1142

**Submission on:** Proposed Private Plan Change 32 – Rezoning part of the Avondale Jockey Club, Wingate Street

### **Introduction**

This is a submission on Proposed Private Plan Change 32 (PPC32) by the Avondale Jockey Club (the applicant) to the Auckland Unitary Plan (Operative in Part) (AUP). PPC32 proposes to rezone 1,870m<sup>2</sup> area of land from Special Purpose - Major Recreation Facility zone to Residential – Terrace Housing and Apartment Buildings zone.

### **Auckland Transport’s submission is:**

Auckland Transport is supportive of PPC32, provided that there is a mechanism available in the Auckland Unitary Plan that provides for an appropriate level of transport assessment to assess and address any impact on the wider network and intersections, including the Great North Road intersection.

### **The reason for Auckland Transport’s submission is:**

Auckland Transport is a Council Controlled Organisation of Auckland Council with the legislated purpose to contribute to an “effective, efficient and safe Auckland land transport system in the public interest”. Auckland Transport is responsible for managing and controlling the Auckland transport system and is a Road Controlling Authority.

In fulfilling this role, Auckland Transport is responsible for:

- a. The planning and funding of public transport;
- b. Promoting alternative modes of transport (i.e. alternatives to the private motor vehicle);
- c. Operating the local roading network; and
- d. Developing and enhancing the local road, public transport, walking and cycling networks

Auckland Transport wishes to be involved with this PPC as the density of the site has the ability to affect the surrounding transport network. The applicant states that “any future residential yield



across the full site is expected to be modest and likely in the range of 20-30 dwellings". Should this increase, then a more detailed assessment of transportation effects would likely be needed to address the impact on the wider network and intersections, including the Great North Road intersection.

#### The current and future transport context of the site

The subject site is located approximately 1 kilometre to the Avondale Train Station.

Overall, the site is located within an area that is well serviced by public transport opportunities, if residents are willing and able to walk 1000 metres.

Auckland Council will need to confirm such a locational consideration aligns with the policy context of the proposed zone being sought.

#### The proposed re-zoning of the site for residential activities

The proposal seeks to rezone the site from Major Recreation Facility to Residential – Terrace Housing and Apartment Buildings (THAB) Zone, being the zoning of the remainder of the site and some of the adjacent residential area.

Auckland Transport has reviewed the information submitted as part of PPC32 and notes that the traffic effects section of the plan change request states that "the potential traffic effects generated by the additional 1,800m<sup>2</sup> of THAB zoned land on the transport network would be inconsequential when considered alongside the existing zoning on the site and the wider Wingate Street area."

Based on the Auckland Unitary Plan provisions for the THAB zone, there is no restriction on the number of dwellings on the site. The applicant states that "any future residential yield across the full site is expected to be modest and likely in the range of 20-30 dwellings". Auckland Transport has not seen a possible design or development concept for the site and, therefore, is unable to comment on this yield.

Auckland Transport notes that any future development will likely be subject to a resource consent process and, should more dwellings be proposed than anticipated, then a more detailed assessment of transport effects may be needed to address the impact on the wider network and intersections, including the Great North Road intersection.

Auckland Transport also notes that, as site access is difficult, a new vehicle crossing would most likely require retaining walls within the road reserve, which Auckland Transport will need to assess and may not agree to. It would also need to meet Auckland Transport's sight visibility requirements for vehicles entering and exiting onto Wingate Street. Auckland Transport notes that the subdivision consent decision provided as part of the application material sets out a condition in relation to the need for appropriate approvals from the Council and/or Auckland Transport and that requirements may be imposed with respect to accessways/drives/right of ways and drainage at that time.

This development may also require the installation of a raised speed table to slow traffic in the vicinity of a new vehicle access.



**Auckland Transport seeks the following decision from Auckland Council:**

10.1

That Auckland Council approves PPC32 provided that there is a mechanism available in the Auckland Unitary Plan that provides for an appropriate level of transport assessment to assess and address any impact on the wider network and intersections, including the Great North Road intersection.

Auckland Transport reserves the right to appear at the hearing should submissions result in a change to the scale or nature of development or zoning of the site. If no submitters wish to be heard, Auckland Transport does not wish to be heard on its own.

A handwritten signature in black ink, appearing to be 'CR', is positioned above the typed name of the signatory.

Signed for and on behalf of Auckland Transport

Christina Robertson

**Group Manager, Strategic Land Use and Spatial Management**

Date: 26 September 2019

Address for service of submitter:

Kelly Seekup, Principal Planner

Planning and Investment Division

Auckland Transport

Private Bag 92250

Auckland 1142

Telephone: +64 9 448-7399

Email: Kelly.Seekup@at.govt.nz

**From:** [UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan further submission - PC 32 - Hamish and Courtney henderson  
**Date:** Monday, 4 November 2019 6:15:24 PM  
**Attachments:** [Henderson - Further Submission - PPC-32.pdf](#)

---

The following customer has submitted a Unitary Plan online further submission.

#### **Contact details**

Full name of person making a further submission: Hamish and Courtney henderson

Organisation name:

Full name of your agent:

Email address: hamish.henderson@gmail.com

Contact phone number: 0211489074

Postal address:  
79 Wingate Street  
Avondale  
Auckland 0600

#### **Submission details**

**This is a further submission to:**

Plan modification number: PC 32

Plan modification name: PC 32 (Private): Avondale Jockey Club

#### **Original submission details**

Original submitters name and address:  
Hari Ram Prasad - 82 Nelson Road, RD 2, Henderson 0782 (Re: 83 Wingate St)  
Aeaz Rehman Kutty - 89 Wingate street Avondale  
Ken Lomax - 76-80 Wingate Street, Avondale

Submission number: 5, 7 and 9

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number 9.1  
Point number 7.1  
Point number 5.1  
Point number 5.2

The reasons for my or our support or opposition are:  
Refer to attachment

I or we want Auckland council to make a decision to: Allow part of original submission

Specify the parts of the original submission you want to allow or disallow:  
Refer to attachment

Submission date: 4 November 2019

Supporting documents  
Henderson - Further Submission - PPC-32.pdf

**Attend a hearing**

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

I was an original submitter and was specifically identified as an affected party.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

04 November 2019

Good evening Katie,

**Re: PPC32 and further submission relating to submissions 5, 7 and 9**

- Submission 5 - Hari Ram Prasad - 82 Nelson Road, RD 2, Henderson 0782 (Re: 83 Wingate St)
- Submission 7 - Ken Lomax - 76-80 Wingate Street, Avondale
- Submission 9 - Aeaiz Rehman Kutty - 89 Wingate street Avondale

**Submission 5 (points 5.1 and 5.2) and submission 9 (point 9.1)**

We support submissions points 5.1 and 5.2. Whilst we don't support 9.1 (seeking to decline the application) we note the paragraph above this which was not coded. It is this non-coded paragraph which we support.

Specifically, the rear of all our sites (#79 through 93 Wingate street, odd numbers only) enjoy spacious outlooks on account of the racecourse land being generally unlikely to have extensive development undertaken on it on account of the zoning and more specifically the 20m interface control area which we referred to in our original submission. Whilst this interface control area doesn't prohibit buildings being established within this interface (this would require restricted discretionary activity consent under I307.4.1(A22)), we note that residential accommodation (with the exception of workers accommodation) is not anticipated within this area, or indeed anywhere with the Avondale Racecourse Precinct. By changing from such a restrictive zone to one as permissive as the Terrace Housing and Apartment Building (THAB) zone and especially with the loss of this interface control area, will represent a change that goes beyond that which we consider to be acceptable.

Our neighbours in their submissions express similar concerns to us about what impact this rezoning will have on our ability to enjoy a reasonable degree of privacy and access to sunlight and daylight if development in accordance with what is anticipated in the THAB zone is approved on this site. We note that a residential zoning, particularly THAB bring with it an intensity of development and activity type that far exceeds what would be reasonably anticipated under the current zoning. With THAB zoning, the spaciousness at the rear of all our sites will be lost on account of the yard setbacks, height in relation to boundary and height standards provided. This will significantly reduce our enjoyment of existing amenity values and the uniqueness of the area on account of the racecourse controls.

To this end, we support these submissions for their rationale as it aligns with our concerns, but not do not seek to have the application declined (#9.1). We would reiterate that the retention of the interface control area, or a similar functioning mechanism, is maintained as part of this plan change to control any future residential developments relationship to our boundaries to a degree greater than the standards provided for within the THAB zoning. A setback or other controlling mechanism as to the extent of development which can occur in proximity to our boundaries is requested to enable all residents on this stretch of Wingate Street to continue to enjoy the same or similar level of residential amenity.

**Submission 7 (points 7.1)**

With regards to Submission 7, we support the submission of Mr Lomax. We agree that the overlooking position the subject area has over their site is notable. Allowing 16m apartment blocks to establish on this crest will significantly compromise the Wingate club's ability to continue

operating in their current fashion. To this end, whilst we agree with the suggested possible mitigation (this will be any buildings southern façade after all), we wonder if perhaps a different zone with a lower height might be more appropriate here, perhaps Mixed Housing Urban?

Thanks for your time.

Kind regards,

Hamish & Courtney Henderson

0211489074

79 Wingate Street

Submission #4 (submission points 4.1 and 4.2)





## **APPENDIX 3**

### **LOCAL BOARD CORRESPONDENCE**



## Appendix 3

**From:** [Glenn Boyd](#)  
**To:** [Katie Maxwell](#)  
**Cc:** [Antonina Georgetti](#); [Mary Binney](#); [Rodica Chelaru](#)  
**Subject:** FW: Memo - Avondale Jockey Club private plan change request  
**Date:** Tuesday, 2 July 2019 9:06:48 AM

---

Hello Katie

Please see supportive comment from Whau Local Board Chair Tracy Mulholland.

Regards

Glenn

---

**From:** Tracy Mulholland (Whau Local Board) <[tracy.mulholland@aucklandcouncil.govt.nz](mailto:tracy.mulholland@aucklandcouncil.govt.nz)>  
**Sent:** Tuesday, 2 July 2019 8:06 AM  
**To:** Glenn Boyd <[Glenn.Boyd@aucklandcouncil.govt.nz](mailto:Glenn.Boyd@aucklandcouncil.govt.nz)>  
**Cc:** Susan Zhu (Whau Local Board) <[Susan.Zhu@aucklandcouncil.govt.nz](mailto:Susan.Zhu@aucklandcouncil.govt.nz)>  
**Subject:** Re: Memo - Avondale Jockey Club private plan change request

Good morning Glenn

I accept the proposal for the Pvt Plan change. This is a positive move forward.

Tracy Mulholland  
Chairperson Whau Local Board  
021 287 2296

On 28/06/2019, at 4:42 PM, Glenn Boyd <[Glenn.Boyd@aucklandcouncil.govt.nz](mailto:Glenn.Boyd@aucklandcouncil.govt.nz)> wrote:

Hello Chair and Deputy Chair

Please see the attached request for early input with regards to a private plan change request.

Given my initial review of the memo and my understanding of the local boards public positions I would suggest that you would likely see merit in the proposal and make a recommendation is to 'accept' the plan change and then notify it to see what responses are received.

I look forward to your response.

Regards

Glenn

**Glenn Boyd | Relationship Manager - West  
Local Board Services**

Direct Dial 09 440 7192 | Mobile 021 605 287

Auckland Council, 6 Henderson Valley Road, Henderson, Waitakere.

Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

---

**From:** Katie Maxwell <[katie.maxwell@aucklandcouncil.govt.nz](mailto:katie.maxwell@aucklandcouncil.govt.nz)>  
**Sent:** Friday, 28 June 2019 4:05 PM  
**To:** Glenn Boyd <[Glenn.Boyd@aucklandcouncil.govt.nz](mailto:Glenn.Boyd@aucklandcouncil.govt.nz)>; Rodica Chelaru <[Rodica.Chelaru@aucklandcouncil.govt.nz](mailto:Rodica.Chelaru@aucklandcouncil.govt.nz)>  
**Cc:** Mary Binney <[mary.binney@aucklandcouncil.govt.nz](mailto:mary.binney@aucklandcouncil.govt.nz)>; Antonina Georgetti <[Antonina.Georgetti@aucklandcouncil.govt.nz](mailto:Antonina.Georgetti@aucklandcouncil.govt.nz)>  
**Subject:** Memo - Avondale Jockey Club private plan change request

Good afternoon,

I am seeking the boards views in relation to a private plan change request, lodged by the Avondale Jockey Club. I have attached a memo summarising the details of the request.

The proposal is to rezone 1,870m<sup>2</sup> of land from Special Purpose – Major Recreation Facility, to Terraced Housing and Apartment Buildings (THAB) zone. This land was subdivided off the racecourse in 2018, and forms part of a larger parcel of land which is already zoned THAB.

If the board could respond by the 5<sup>th</sup> of July, that would be greatly appreciated to ensure I have enough information to make a decision on the plan change.

Please let me know if you have any other questions.

Kind regards,

Katie

**Katie Maxwell | Planner**  
**North/West & Islands | Plans & Places | Chief Planning Office**  
Mob +64 21 837 879  
Auckland Council, Level 23, 135 Albert Street, Auckland Central  
Private Bag 92300, Victoria Street West, Auckland 1142, New Zealand

Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

<Whau Local Board - Private Plan Change Memo.docx>

## **APPENDIX 4**

### **CLAUSE 23A REQUEST LETTER**



12 July 2019

Ms Ila Daniels  
Principal Planner  
Campbell Brown Planning Limited

**By e-mail:** [ila@campbellbrown.co.nz](mailto:ila@campbellbrown.co.nz)

Dear Ila

**RE: Clause 23 Resource Management Act Further Information – Wingate Street Private Plan Change Request**

Thank you for your lodgement of the Wingate Street private plan change by Avondale Jockey Club on Friday 14 June 2019, Council has now completed an assessment of the information supplied.

Pursuant to Clause 23 of the Resource Management Act 1991, Council does require further information to continue processing the private plan change request. This information is required prior to consideration of whether to accept, adopt or reject the application

Transport

The increase in Terraced Housing and Apartment Building (THAB) zoned land on the site may have effect on the wider transport network. These effects need to be considered as the rezoning will allow for potentially greater density on the existing THAB land than the Auckland Unitary Plan currently allows. This is required as no transport report has been provided with the application documentation. Further information will establish whether the additional land has the potential to adversely affect the local and wider transport network.

Should you wish to discuss this matter or seek a meeting to clarify points in this letter please do not hesitate to contact me.

Kind regards,



Katie Maxwell  
Planner  
Plans & Places Department  
021 837 879





**APPENDIX 5**  
**TRANSPORT ASSESSMENT**





**Avondale Jockey Club  
Private Plan Change 32**

Transportation Assessment  
Peer Review

27 November 2019

**flow**

TRANSPORTATION SPECIALISTS

195

**Project:** Avondale Jockey Club Private Plan Change 32  
**Title:** Transportation Assessment Peer Review  
**Document Reference:** \\Flow-dc01\Projects\ACXX\394 Private Plan Change 32 Avondale Jockey Club\R1A191127\_Transport Review.docx  
**Prepared by:** Mat Collins and Sophia Chen  
**Reviewed by:** Angie Crafer  
**Revisions:**

Date	Status	Reference	Approved by	Initials
27 November 2019	Draft for client review	R1A191127	Angie Crafer	

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## EXECUTIVE SUMMARY

Auckland Council has requested Flow Transportation Specialists (Flow) review the transportation matters associated with the application by the Avondale Jockey Club (Applicant) to rezone 1,870 m<sup>2</sup> area of land at Wingate Street, Avondale (Site), from Special Purpose – Major Recreation Facility Zone and Avondale Racecourse Precinct to Residential – Terrace Housing Apartment Buildings Zone (Private Plan Change 32).

The Private Plan Change 32 (PPC32) seeks to allow

- ◆ a change in zoning of the Site from Special Purpose – Major Recreation Facility Zone to Residential – Terrace Housing Apartment Buildings (THAB) Zone
- ◆ an alteration of the boundary of the Avondale Racecourse Precinct to remove the Site from the Precinct

Flow has reviewed the following information being reviewed

- ◆ request for Private Plan Change, prepared by Campbell Brown Planning Ltd, dated 19 July 2019
- ◆ summary of Decisions Requested Report, specifically Auckland Transport (AT)'s submission (submission #10)

AT is supportive of PPC32 so long as there is a mechanism within the Auckland Unitary Plan (AUP) to address transport effects on the wider network. AT provide further comments on the

- ◆ proposed zoning: deferring comment to Auckland Council on whether the location aligns with the policy context for the proposed THAB zone
- ◆ potential development yield: should more than 20 to 30 dwellings be proposed as part of future development of the Site, a more detailed assessment of transport effects may be required
- ◆ site access: access be challenging due to topographical constraints and sight line reasons, and may require retaining within the legal road. Traffic calming may be required in the vicinity of the proposed vehicle crossing

We consider that the region-wide provisions of the AUP provide sufficient scope to assess and address any transport effects that may arise from future development of the Site. Further, AT has mechanisms/approval processes available to it as a Road Controlling Authority to control any retaining within the legal road.

We therefore consider that PPC32 is acceptable from a transport planning and transport engineering perspective and, subject to further assessment as part of future resource consent applications, there are no fundamental transport safety or efficiency constraints that would preclude future development of the site.

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DRAFT

## 1 INTRODUCTION

Auckland Council has requested Flow Transportation Specialists (Flow) to review the transportation matters associated with rezoning 1,870 m<sup>2</sup> area of land at the south-western proportion of the Avondale Jockey Club which will be accessed via Wingate Street, Avondale (Site), from Special Purpose – Major Recreation Facility Zone and Avondale Racecourse Precinct to Residential – Terrace Housing Apartment Buildings (THAB) Zone (Private Plan Change).

The Private Plan Change (PPC32) seeks to allow

- ◆ a change in zoning of the Site from Special Purpose – Major Recreation Facility Zone to Residential – Terrace Housing Apartment Buildings Zone
- ◆ an alteration the boundary of the Avondale Racecourse Precinct to remove the Site from the Precinct

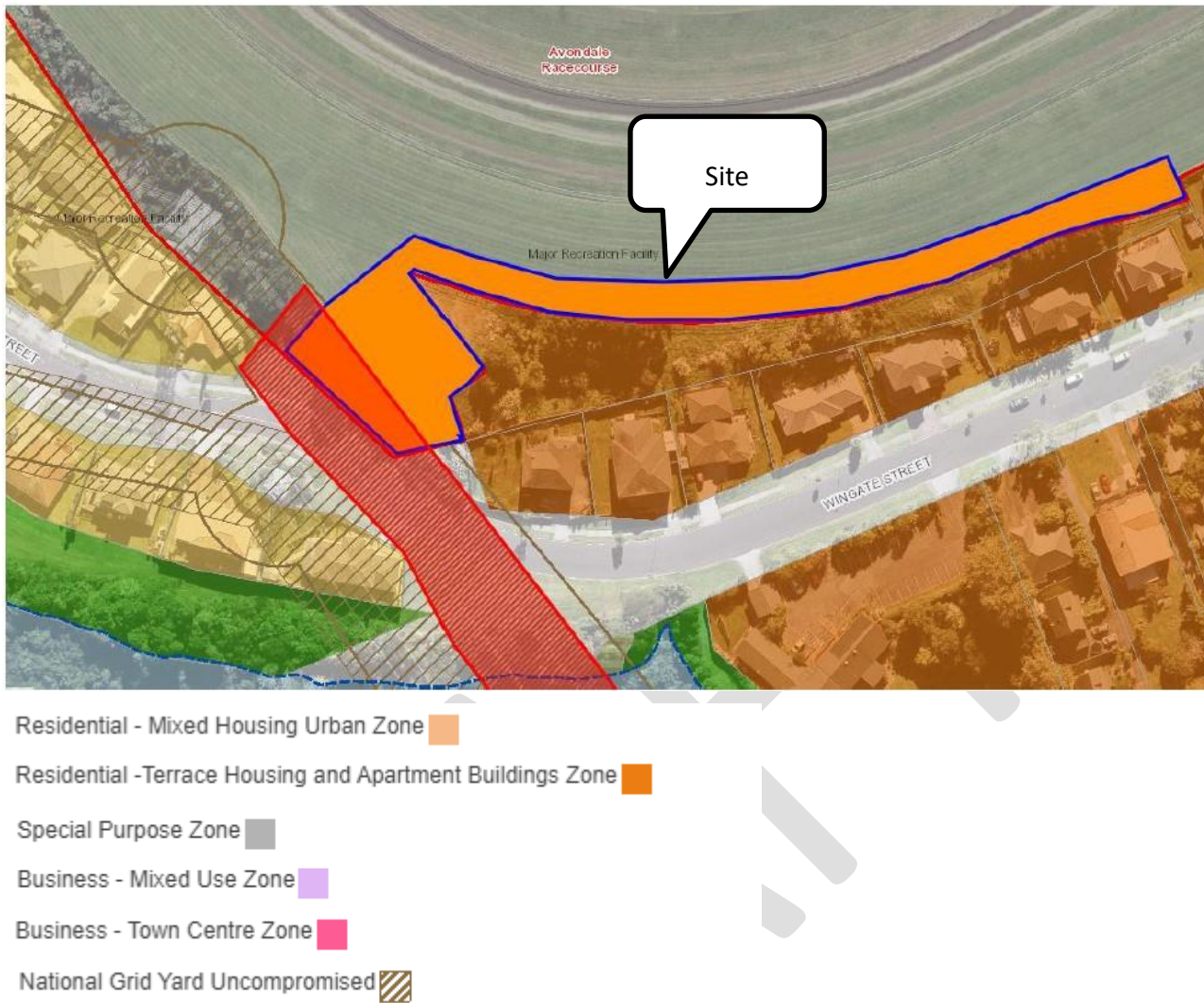
The scope of this report includes the following

- ◆ a brief summary of PPC32 focusing on transport matters
- ◆ a review of the material provided to support PPC32
- ◆ summary of submissions, relating to transport matters only
- ◆ our recommendations

## 2 THE PROPOSAL

Figure 1 shows the extent of the Site and the underlying zoning in the Auckland Unitary Plan (AUP). The Site is identified as Special Purpose – Major Recreation Facility Zone and is subject to the Avondale Racecourse Precinct. The National Grid Corridor Overlay runs across the western edge of the Site.

Figure 1: Extent of Site and Underlying Zoning<sup>1</sup>



The Applicant seeks to alter the boundary of the Avondale Racecourse Precinct to remove this portion of the Site from the Precinct and rezone it to THAB Zone.

The Applicant concludes that the potential traffic effects generated by the PPC will be inconsequential, for the following reasons

- ♦ adjacent parcels are already zoned THAB which supports the intention that the Site is suitably located in terms of residential intensity and accessibility to both services and public transport
- ♦ the additional THAB zoning of 1,870 m<sup>2</sup> area is relatively small. The configuration of future residential yield across the Site is expected to be 20 to 30 dwellings, which is considered modest
- ♦ the additional traffic generation will not trigger the traffic generation requirements under the AUP and the traffic effects are expected to be inconsequential
- ♦ the Site is within easy walking distance to public transport services and the Avondale Town Centre

<sup>1</sup> Auckland Council Geomaps. <https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/>



### 3 SUBMISSION REVIEW

One submission related to transport matters was received

- ◆ Submitter 10 - Auckland Transport (AT).

AT is supportive of PPC32 so long as there is a mechanism within the AUP to address transport effects on the wider network. AT provide further comments on the

- ◆ proposed zoning: deferring comment to Auckland Council on whether the location aligns with the policy context for the proposed THAB zone
- ◆ potential development yield: should more than 20 to 30 dwellings be proposed as part of future development of the Site, a more detailed assessment of transport effects may be required
- ◆ site access: access be challenging due to topographical constraints and sight line reasons, and may require retaining within the legal road. Traffic calming may be required in the vicinity of the proposed vehicle crossing

We address each of these points in the following subsections.

#### 3.1 Addressing transport effects on the wider network

##### AT submission

*“That Auckland Council approves PPC32 provided that there is a mechanism available in the Auckland Unitary Plan that provides for an appropriate level of transport assessment to assess and address any impact on the wider network and intersections, including the Great North Road intersection.”*

##### Flow comment

In accordance with our comments below, we consider that the region-wide provisions of the AUP provide sufficient scope to assess and address any transport effects that may arise from future development of the Site.

#### 3.2 Proposed zoning

##### AT submission

*“Auckland Council will need to confirm such a locational consideration aligns with the policy context of the proposed zone being sought.”*

##### Flow comment

We have considered Chapter H6 Residential – Terrace Housing and Apartment Buildings Zone as it applies to transport matters

- ◆ Objective H6.2.(1). We consider that the Site is near public transport, as it is within 800 m of Bus Route 18 New Lynn to City (frequent service) and 1,150 m of the Avondale Train Station (rapid transit service). Additional local and connector bus services are also within 800 m of the Site.
- ◆ Policy H6.3.(4)(b). A height variation control does not apply to the site.

As the Site is adjacent to existing THAB zoning and is well served by public transport, we consider that the location aligns with the objectives and policies of Chapter H6 regarding transport matters.

### 3.3 Potential development yield

#### AT submission

*“Auckland Transport notes that any future development will likely be subject to a resource consent process and, should more dwellings be proposed than anticipated, then a more detailed assessment of transport effects may be needed to address the impact on the wider network and intersections, including the Great North Road intersection.”*

#### Flow comment

Per E27.6.1(2), the proposal will not trigger a restricted discretionary activity consent in regard to E27.6.1(1) Trip Generation. Permitted residential activities in THAB zone are generally low scale and are anticipated to have no more than 10 people per site. However, most Residential activities are restricted discretionary activities in accordance with Table H6.4.1. Matters of discretion for residential activities, relevant to transport include

- ◆ the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from traffic
- ◆ location and design of parking and access

Assessment criteria for residential activities, relevant to transport include (Plan Change 16 Decision Report<sup>2</sup> text)

- ◆ the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network

We consider that the Chapter H6 Residential – Terrace Housing and Apartment Buildings Zone includes sufficient provisions to address transport effects that may be generated by future development, including effects on the Wingate Street/Great North Road intersection.

### 3.4 Site access

#### AT submission

*“Auckland Transport also notes that, as site access is difficult, a new vehicle crossing would most likely require retaining walls within the road reserve, which Auckland Transport will need to assess and may not agree to. It would also need to meet Auckland Transport's sight visibility requirements for vehicles entering and exiting onto Wingate Street. Auckland Transport notes that the subdivision consent decision provided as part of the application material sets out a condition in relation to the need for appropriate approvals from the Council and/or Auckland*

---

<sup>2</sup> <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/Documents%20%20PC%2016%20%20Decision%20documents/pc16-decision-report.pdf>

*Transport and that requirements may be imposed with respect to accessways/drives/right of ways and drainage at that time.*

*This development may also require the installation of a raised speed table to slow traffic in the vicinity of a new vehicle access.”*

## **Flow comment**

The location of the vehicle crossing has not been confirmed as part of the PPC32 application with Appendix G: INFRASTRUCTURE REPORT, attached to the Request for Private Plan Change Report, noting that this will be determined at a later date. Addressing AT’s comments about any future vehicle crossing:

- ◆ should any retaining be required within the legal road, the applicant would require an encroachment licence from AT. This process sits outside of the Resource Management Act, and we consider that AT would be under no obligation to accept retaining within the legal road
- ◆ we consider that there is sufficient scope within the assessment criteria for residential activities within Chapter H6 to assess sight lines from the vehicle crossing and mitigate any shortfall (if any)
- ◆ we note that SUB60311714 required the following condition to be registered against the Certificate of Title for Lot 1, which we consider provides sufficient scope to address the concerns raised by AT

*“Lot 1 does not have stormwater, wastewater and water connections, or formed access to the road carriageway. At the time of submitting the first resource consent application required for any development or use of the site, a plan shall be provided for Council approval containing details of physical provision for stormwater, wastewater and water connections, and formed vehicular access to the site frontage from the road carriageway. The plan shall include service connections and access provision that are appropriate for the form, nature, layout and intensity of development proposed. The approved plan shall be implemented, with all service connections installed at the time of future development and prior to the use or occupation of that development, at the consent holder’s full cost, and to the satisfaction of Council. Prior to the approval of any resource consent or building consent necessary for any development on the lot, the lot owner(s) will either; need to demonstrate to Council’s satisfaction, that any necessary private or public reticulation with sufficient capacity necessary to service the proposed development for stormwater, wastewater, water and access is available, or submit a proposal to provide upgrades to the public reticulation in order to achieve the necessary services at the consent holder’s cost. Appropriate approvals from the Council and/or Auckland Transport will need to be obtained, and requirements may be imposed with respect to accessways / drives / ROWs and drainage at that time.”*

## **4 RECOMMENDATIONS**

As detailed in Section 3 of this report, we consider that the region-wide provisions of the AUP provide sufficient scope to assess and address any transport effects that may arise from future development of the Site. We do not consider that site specific provisions are required.

## 5 SUMMARY AND CONCLUSION

Flow has reviewed traffic and transportation information provided with the application. The lodged application seeks a Private Plan Change for the south-western proportion of Avondale Jockey Club from Special Purpose – Major Recreation Facility Zone and Avondale Racecourse Precinct to Residential – Terrace Housing Apartment Buildings Zone, as well as the alteration of the Precinct boundary to remove the Site from the Precinct.

One submission relating to transport matters was received, from AT, which supports the PPC if there is a mechanism available in the AUP that provides for an appropriate level of transport assessment to assess and address any impact on the wider network.

We consider that the region-wide provisions of the AUP provide sufficient scope to assess and address any transport effects that may arise from future development of the Site. Further, AT has mechanisms/approval processes available to it as a Road Controlling Authority to control any retaining within the legal road.

We therefore consider that PPC32 is acceptable from transport planning and transport engineering perspective and, subject to further assessment as part of future resource consent applications, there are no fundamental transport safety or efficiency constraints that would preclude future development of the site.

**APPENDIX 6**  
**URBAN DESIGN ASSESSMENT**



**From:** [Sarah Lindsay](#)  
**To:** [Katie Maxwell](#)  
**Cc:** [Anne Bradbury](#)  
**Subject:** PPC 32, Urban design comment  
**Date:** Tuesday, 14 January 2020 2:45:04 PM

---

Hi Katie and Anne,

Thanks for your time this morning.

Below follows a very short para to support your already very good comments Katie, with regard to the (UD) effects assessment;

“Urban design comment

I concur with the planner’s discussion of, and support for the proposed rezoning of the subject strip of land from Major Recreation Facility to THAB zone. The THAB zone provisions have been written to manage built form effects on sites within this zone; given the greater scale of development anticipated, the controls give particular attention to managing effects on adjacent sites. These controls (standards and assessment criteria) relate to building height, height in relation to boundary and side and front yards and ensure that a reasonable standard of privacy and daylight and sunlight are maintained for sites adjacent to THAB zoned sites.

These provisions will apply to any resource consent application for sites within the THAB zone, including any land use applications that may arise as a result of the recently consented subdivision application that the subject site forms a part of.

I understand that should this plan change receive its approval, the Interface Control Area – effectively a 20m buffer strip applied solely due to the racecourse activities, would need to be shifted so as to align to the proposed new racecourse boundary. Where this would be replaced by a THAB zoning it is my opinion, as stated above, that the THAB controls would be sufficient to manage any adjacency amenity effects such as visual privacy, access to daylight and the like, that may occur should development take place in this area.”

Please just come back to me if you need me to amend or add to any of this, need any more specific comment or need any further help whatsoever! I’m happy to help..

Best regards,

Sarah

**Sarah Lindsay | Principal Architect**

**Urban Design Strategy Unit**

**Auckland Design Office (ADO)**

**Auckland Council**

**M** +64 21 940 476 | **Ph** +64 9 890 4718

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**APPENDIX 7**  
**GEOTECHNICAL ASSESSMENT**



## Memo

4/07/2019

**To:** Katie Maxwell, Planner

**cc:** Frank Havel, ETS

**From:** Charlie Brightman, ETS

**Subject:** Avondale racecourse Private Plan Change Request Geotechnical Memo

**Project:** 158

**Status:** Final

Version: 0

**Document ID:** AKLC-1201561183-382

---

## 1 Introduction

The Engineering and Technical Services (ETS) team has been asked by the North/West Planning team to provide a desktop assessment of the site geotechnical conditions for a private plan change request at a site between the Avondale Racecourse and properties at 85-93 Wingate Street, Avondale, Auckland.

We understand the proposed plan change is from a Special Purpose – Major Recreational Facility use, to Terraced Housing and Apartment Building zone at the existing 85-93 Wingate Street properties.

## 2 Scope and purpose of memo

### 2.1 Scope

The objective of the report is to provide an overview of geological conditions on the site based on the geotechnical investigations that have been undertaken at the site and to provide opinion on the effect of the change in land use on site stability.

### 2.2 Purpose and limitations

This report is provided expressly for advising the Auckland Council Planning Team. It is not intended to be used or copied in whole or part for other audiences or purposes without the prior approval of the ETS Geotechnical Team.

## 3 Bibliography and references

The following geotechnical report has been attached to the application and reviewed by us:

- Geoconsult Ltd “Geotechnical Investigation of Land, LOT 2, DP 470450, adjacent to 85-93 Wingate Street, Avondale” reference GJ604 and dated 30 May 2017.
- Campbell Brown Planning Ltd “Request for Private Plan Change, Proposed Plan Change (Private): Rezoning of land at Avondale Racecourse, Wingate Street, Avondale” reference 1516ARC19 and dated 14 June 2019.

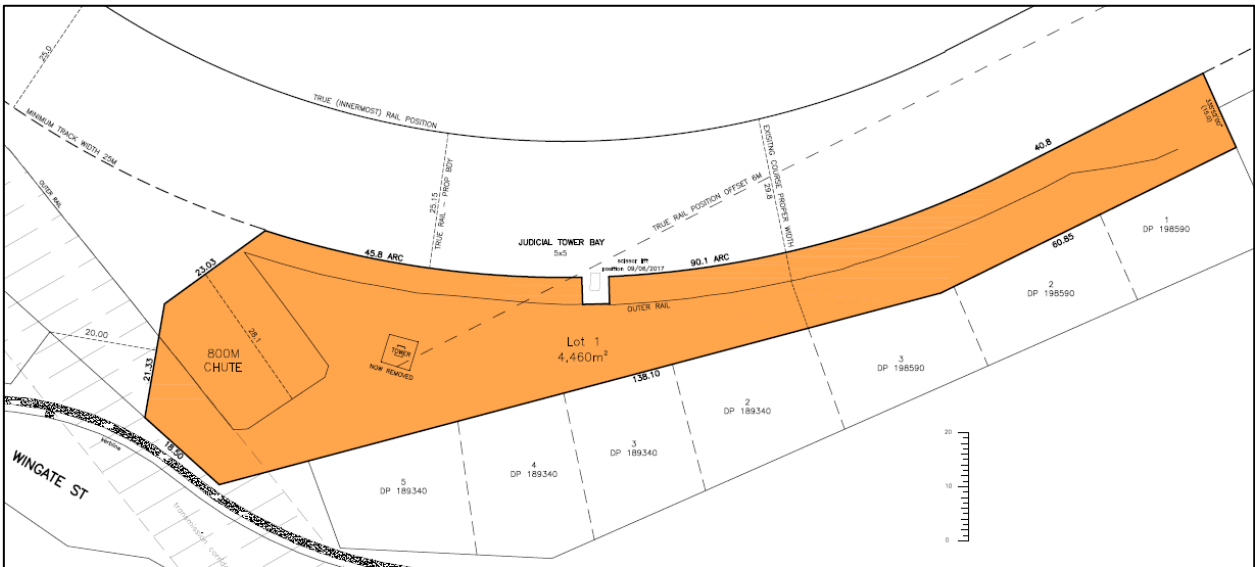
## 4 Site Location and Description

The plan change application subdivision site is an area of 4,460m<sup>2</sup> located at the southwestern corner of the Avondale Racecourse adjacent to the northern boundaries of properties 85-93 Wingate Street. The location of the site is shown in Figure 1.



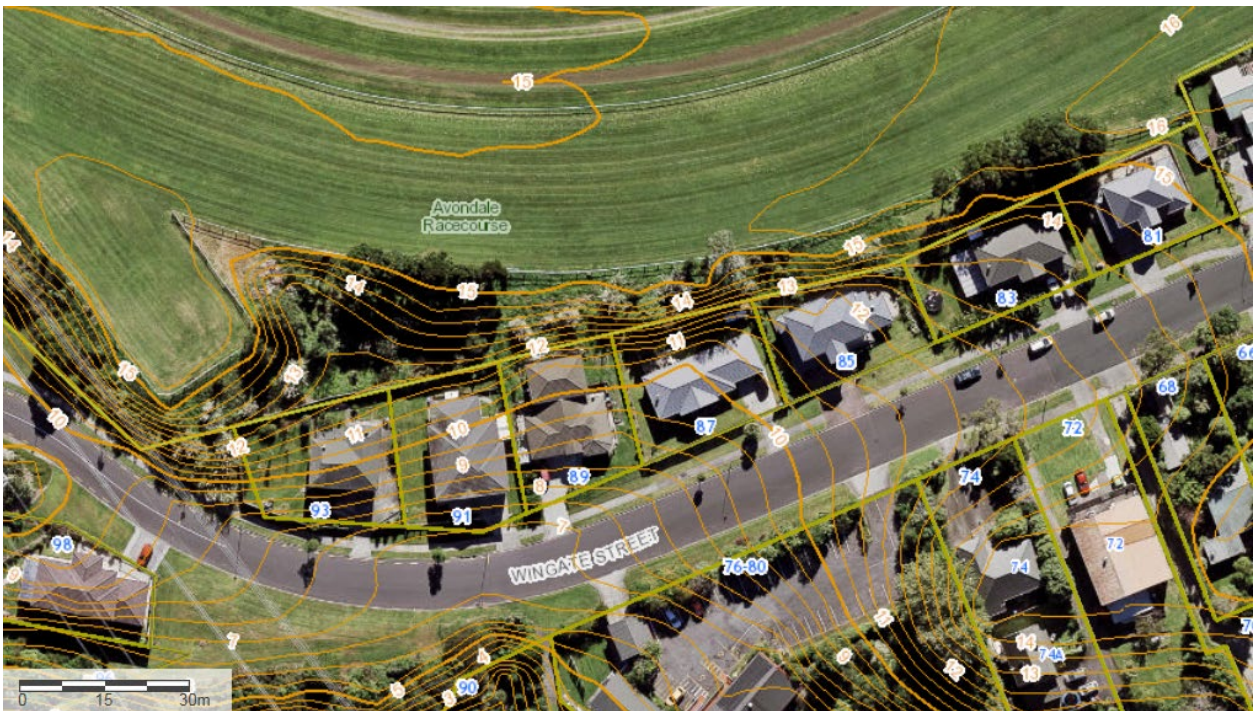
**Figure 1: Proposed Plan Change Subdivision Location**

The proposed subdivision area requiring the plan change is shown by the orange coloured area in Figure 2 below.



**Figure 2: Proposed Plan Change Subdivision Area**

The property slopes moderately to slightly steep to the south from the Avondale Racecourse, across the 81-93 Wingate Street properties, to the Wingate Street road level. The site is currently grass covered and contains a number of medium to large trees. A plan of the site showing the slope and current layout is shown in Figure 3.



**Figure 3: Existing Site Layout and Topography**

## 5 Geotechnical Conditions

### 5.1 Geology

The published geology information of the area<sup>1</sup> indicates the site is underlain by pumiceous deposits of the Puketoka Formation of the Tauranga Group materials.

### 5.2 Site Ground Conditions

The ground conditions encountered in the Geoconsult ground investigation broadly confirmed the published geology. In summary, ground conditions comprised silt and clay fill up to 2.8m depth over Puketoka Formation soils. The clay fill appears to have been placed without earthworks supervision or testing. A layer of very stiff clayey silt, described as Alluvium was encountered on the slope north of the 91 Wingate Street property.

Groundwater was encountered at depths of between 2.3 m and 3.2 m below ground level. These levels were recorded in May 2017 and it should be noted these levels are likely to be higher following periods of rainfall and during the winter period (i.e. end June to end of September).

### 5.3 Site Stability

The site is sloping, with slope angles of up to 30 degrees. These slope angles, combined with the site ground conditions of clay natural soils and poorly compacted 'non-engineered' fill, will require submission of detailed slope stability assessment once details of the development are known. This is essential to ensure future stability is maintained, particularly considering houses are located below the subdivision area. A geotechnical consultant will need to be engaged to undertake this analysis to support the submission of the resource and building consent applications.

### 5.4 Foundations and Retaining Walls

The presence of poorly compacted 'non-engineered' fill will be unsuitable for buildings using shallow bearing foundations. This poor ground, combined with the steep slopes on the site, indicate that piled foundations will be required.

Retaining wall design will need to allow for the slopes above and below the development site. Walls will need to include rear drainage which should be piped offsite (see 5.5 below).

<sup>1</sup> Kermode, L.O. 1992: Geology of the Auckland urban area. Scale 1:50,000. Institute of Geological & Nuclear Sciences geological map 2. 1 sheet + 63 p. Institute of Geological & Nuclear Sciences Ltd., Lower Hutt, New Zealand

## 5.5 Stormwater

The impermeable areas (roofs, roads etc) and retaining walls constructed for the development will create stormwater flows which will require piping off site. Outflows to the slopes and areas of existing racecourse above the slopes should not be permitted as these flows will cause slope instability.

Soakaway drainage is not suitable considering the low permeability of the soils on the site.

Stormwater flows will therefore require connection to the public stormwater system.

## 6 Conclusions

In summary, the main geotechnical issues with the development of the site are;

- Slope Instability due to: earthworks cut/fill operations, increased loading on the slopes from building surcharge, and softening of soils due to concentrated stormwater outflows
- Building instability due to foundations bearing within poorly compacted fill soils.
- Stormwater flows from the development off site due to the inability to use soakaway drainage in low permeability soils.

These issues will require further ground investigation and detailed geotechnical design by the developer to ensure the above hazards are adequately mitigated.

## 7 Quality assurance

***Reviewed and approved for release by***

**Reviewer**

Dr Frantisek Havel, Principal Geotechnical Specialist, 04 July 2019

***This memo is satisfactorily completed to fulfil the objectives of the scope. I have reviewed, and quality checked all information included in this memo***

**Author**

Charlie Brightman, Principal Geotechnical Specialist, 03/07/2019

**File location**

<https://aklcouncil.sharepoint.com/sites/EXT/ETS/Shared Documents/Memo template ETS.docx>

**Date printed**

5/07/2019 12:56 p.m.



## **APPENDIX 8**

# **LAND CONTAMINATION ASSESSMENT**



# Memo

[Publish Date]

**To:** Katie Maxwell, Planner NW & Islands

**cc:** (Name, department)

**From:** James Corbett, Principal Contaminated Land Specialist, Engineering & Technical Services

**Subject:** Private Plan Change Avondale Racecourse

**Project:** [ETS Project ID]

**Status:** [Status]

Version: 0

**Document ID:** AKLC-1201561183-377

## 1 Introduction

An application for a private plan change has been received for rezoning of 1,870 m<sup>2</sup> of land at Avondale Racecourse. from Special Purpose – Major Recreational Facility to Terraced Housing and Apartment Building zone. The land being rezoned adjacent to 85-93 Wingate Street, Avondale, forms part of a larger parcel which has recently been subdivided off the racecourse.

The entire racecourse is tagged a HAIL on GIS hazards layer. The question raised is whether or not the plan change area will require a soil test/assessment.

## 2 Scope and purpose of memo

### 2.1 Scope

Determine the HAIL status of the land and whether the plan change will require soil contamination assessment under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS). The service request is copied in Appendix A.

### 2.2 Purpose and limitations

This report is a desktop assessment only, formed on limited access to council databases but is not a Preliminary Site Investigation. It considers information to hand but does not constitute a regulatory services viewpoint or decision. It is provided expressly to advise Auckland Council's Plans & Places directorate, Strategy and is not intended to be used or copied in whole or part for other audiences or purposes without the prior approval of the ETS Geotechnical Team.

### 3 Bibliography and references

Appendix H Geoconsult Limited. (30/5/2017). *Geotechnical Investigation of Land, Lot 2, DP 470450, adjacent to 85-93 Wingate Street, Avondale, reference GJ604*. Avondale Jockey Club.

Appendix B – Amended AUP Zone Map.

Appendix I – Subdivision Approved Plan.

Appendix I – Subdivision Decision.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES).

Hazardous Activities and Industries List (HAIL), Ministry for the Environment, October 2011.

Campbell Brown Planning Ltd “Request for Private Plan Change, Proposed Plan Change (Private): Rezoning of land at Avondale Racecourse, Wingate Street, Avondale” reference 1516ARC19 and dated 14 June 2019.

(Timespanner <https://timespanner.blogspot.com/2010/07/avondale-races-early-days.html> ).

Preliminary Site Investigation of potential land contamination, 22 Elm St/part 2-48 Ash St, Avondale, for Avondale Jockey Club, Cato Bolam, November 2014.

### 4 Site Location and Description

The plan change application subdivision site is an area of 4,460 m<sup>2</sup> located at the southwestern corner of the Avondale Racecourse, 2-48 Ash Street (occupancy 22 Elm Street Avondale), LOT 2 DP 470450, adjacent to the northern boundaries of properties 85-93 Wingate Street. The location of the site is shown in Figure 1.



Figure 1: Proposed Plan Change Subdivision Location

The proposed subdivision area requiring the plan change is shown by the orange coloured area in Figure 2 below.

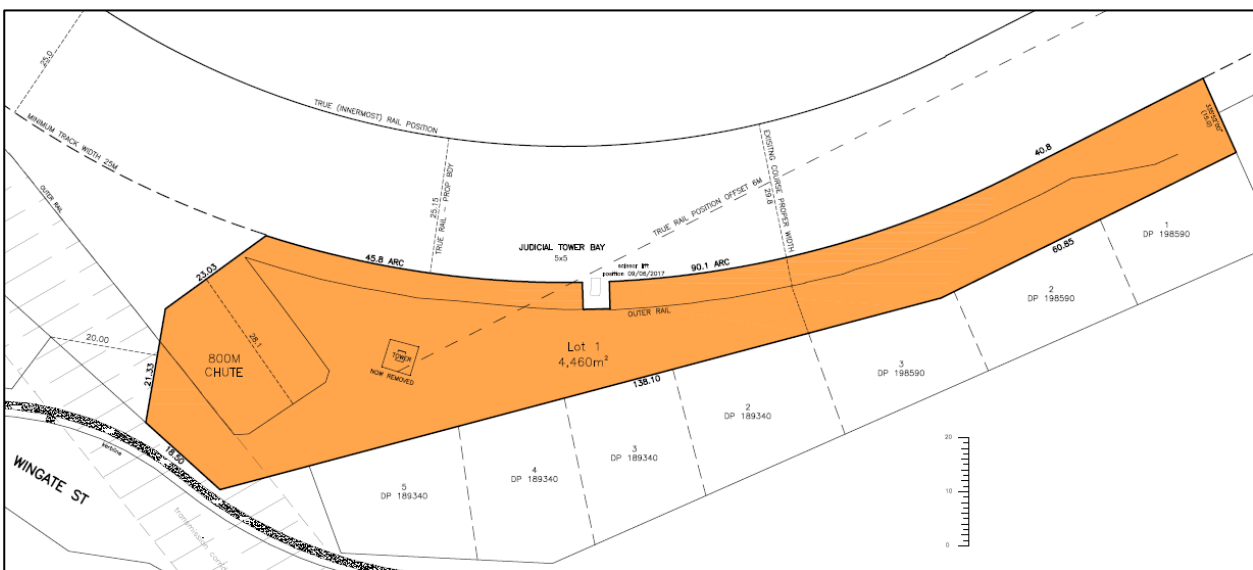


Figure 2: Proposed Plan Change Subdivision Area

The area being rezoned from Special Purpose – Major Recreation Facility Zone (SP-MRF) to Terrace Housing and Apartment Buildings (THAB) is shown below in Figure 3.



Figure 3: Area of site to be rezoned Proposed Plan Change Subdivision Area

## 5 Observations

### 5.1 HAIL Tags and GIS Layers

The HAIL tag for the site 22 Elm Street/2-48 Ash Street refers to possible historical use of persistent pesticides (pers. comm. C Lacina, CAN Team, Resource Consents, 2/7/2019). Refer Appendix B showing GIS layers. The southwestern portion of the site is classified as Filled/Weak Ground, and therefore may have been subject to uncertified/non-engineered fill material.

The LIM for a potentially contaminated site, would refer to the Condition tag relating to the entire site, with the Condition Type Code “HAILS” and display the text below:

*Council’s regulatory records indicate that there could be historic, and/or current, land use activities on, within or adjacent to this site that fall within the Hazardous Activities and*

*Industries List (HAIL) published by the Ministry for the Environment. This list comprises activities and industries that are considered likely to cause land contamination as a result of hazardous substance use, storage, and disposal. A site contamination assessment (undertaken by a suitably qualified and experienced practitioner) and resource consent from Auckland Council may be required prior to any soil disturbance (including sampling soil), redevelopment, subdivision or change of use of the site.  
If you require further information, please contact Auckland Council on (09) 3010101.*

A search through SAP identified a Property Conditions note against 2-48 Ash Street Property Reference 11268551 for HAIL with the description “sport turf, storage and use of dangerous goods”, which is HAIL category A10 “persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds”. It is most likely that chemical storage and equipment sheds and locations where any sprays were mixed would have been to the north of the racecourse track, the site being at the bottom far end away from the main building complexes.

## 5.2 Aerial Imagery

The site is located on the south western corner of the Avondale Racecourse racetrack, 2-48 Ash Street Avondale, LOT 2 DP 470450. The racing club was formed in March 1890 (Timespanner).

Council’s historical aerial imagery (refer Appendix C) of the site begins with a 1940’s aerial, which shows the racecourse developed and the site banks and lower slopes appear to be generally overgrown. A 1963 aerial of the site is indistinct however a track can be seen at what appears to be the base of the slope behind Wingate Street houses.

A tower was located at the western end of the site, visible in 2001 aerial. Other small buildings and structures can be clearly seen in the 2006 aerial and removed before the 2015/16 aerial, however it is unclear whether any asbestos containing materials were present and if any debris remains on site. The area is planted by 2015/16.

In the 2010/11 aerial a portion of bank behind 89 Wingate Street at the top of the slope adjacent the outer rail appears to have been modified and appears to show exposed demolition debris.

The 2008 aerial shows a stockpile of soil or similar to the west of the tower.

The site has undergone recontouring to form the westernmost tongue of land that points south towards Wingate Street although the aerial time series does not provide a clear record of when this occurred. Potential earthworks or soil disturbance can be seen on the western end of the site in the 1996 aerial although this is poor quality and indistinct.

### 5.3 Geotechnical Information

The geotechnical report Appendix H Geotechnical Investigation of Land LOT 2, DP 470450, adjacent to 85-93 Wingate Street, Avondale; Avondale Jockey Club; Geoconsult; 30/05/2017 indicates that the site has been subject to filling in the past however this does not appear to be municipal wastes or fill commonly associated with soil contaminants, although this cannot be excluded. Unsuitable fill materials were encountered to a maximum depth of 2.8m in boreholes at the top of the slope in the western part of the proposed lot, and to 1.8m at the base of the slope in the eastern end of the Lot. The report says that fill may need to be removed subject to inspection during construction. (10.1.1 Topsoil, fill and Unsuitable Soils p4. It goes on to say that all excavated topsoil and unsuitable materials should be removed from site or stockpiled away from the building platform.

## 6 Discussion

### 6.1 Land is subject to NESCS, Activities trigger controls

The NESCS applies (Regulation 5) when a person wants to do an activity, including soil sampling, subdivision, changing the piece of land to a use that is reasonably likely to harm human health, or disturbing the soil, on land that is identified as HAIL.

The land has been identified as HAIL, being determined that the land is a 'piece of land' where an activity or industry described in the HAIL is being undertaken on it, or has been undertaken on it, or it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

The proposed plan change comprises an area which is part of the racecourse grass running turf. The entire racecourse site has a tag that relates to the potential for soil contamination arising from historical application of pesticides for the management of the grass turf (reference EDRMS). While it is not well documented that this form of turf management falls within the A10 category of the HAIL land uses, intensive and long-term management by application of DDT or other organo-chlorine/organo-phosphate persistent chemicals over time is possible.

The presence of fill could be interpreted as HAIL category I *Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment* however this might be challenged on the basis of no known intentional or accidental release of a hazardous substance at all. Land to the north west of the racecourse, Sandy Lane, which was originally part of the racecourse, was subject to historical filling (building rubble, domestic refuse and organics), and asbestos, inorganic metals and organic contaminants were confirmed. The fill on the piece of land does not appear to consist of similar materials and the geotechnical investigation did not indicate any visual or olfactory clues to potential contamination. However, the source has not been identified, fill has not been tested and it may contain contaminants including asbestos.



Therefore, the land is subject to the controls, and secondly, the activities of subdivision and change of land use trigger the controls.

## 6.2 NESCS Controls

The NESCS requires under Regulation 8 that subdivision or change of land use of a piece of land is a permitted activity if a preliminary site investigation exists and states that it is highly unlikely that there will be a risk to human health if the activity is undertaken. This cannot be met given the HAIL tag and the absence of a Preliminary Site Investigation that covers the site being considered that refutes persistent pesticide application, or the contamination status of fill.

The Preliminary Site Investigation, Cato Bolam, November 2014 only applied to a limited area to the north east of the site, and comments on page 14 were made on historical pesticide application across the racecourse turf as below:

*“The investigation finding in relation to application of pesticide on the racecourse proper, is not considered to have a level of risk that warrants identification as HAIL or the need of further investigation.”*

However, the report acknowledged that historic pesticide use (type, rate, method etc.) were not known. These conclusions are based on extrapolation of current/recent practices to historical practices with what is considered an absence of multiple lines of evidence to provide any certainty that this was in fact the case. It is entirely possible that broad acre spraying was not undertaken and that use of persistent pesticides such as DDT and others did not occur in any significant quantities, however there is a lack of evidence to demonstrate this. Composite topsoil samples across the site would provide confirmation of this and some form of testing is likely to be required by regulatory services to confirm contamination or otherwise (pers. comm. C Lacina, CAN team, Resource Consents, 2/7/2019).

## 7 Conclusion

A detailed site investigation is required under the NES involving the testing of soils across the site area, including the fill materials, to determine the consent status of the proposed activities. If the soil contaminant standards are met then the subdivision and change of land use will be subject to controlled activity consent, otherwise restricted discretionary or discretionary resource consent may be required if remediation or management of soil contaminants is needed.

## 8 Quality assurance

**Reviewed and approved for release by**

**Reviewer**

Ross Roberts has approved the release of version 0 of this document with the following comments: Approved for issue. This approval flow commenced 2019-07-05T04:34:05Z and was completed 2019-07-05T04:34:27Z.

*This memo is satisfactorily completed to fulfil the objectives of the scope. I have reviewed, and quality checked all information included in this memo*

**Author**

James Corbett, Principal Contaminated Land Specialist, 04/07/2019

**File location**

<https://aklcouncil.sharepoint.com/sites/EXT/ETS/Shared Documents/AKLC-1201561183-377.docx>

**Date printed**

5/02/2020 9:24 AM

## Appendix A Request for service

**From:** Katie Maxwell <[katie.maxwell@aucklandcouncil.govt.nz](mailto:katie.maxwell@aucklandcouncil.govt.nz)>  
**Sent:** Wednesday, 19 June 2019 1:58 PM  
**To:** Ross Roberts <[ross.roberts@aucklandcouncil.govt.nz](mailto:ross.roberts@aucklandcouncil.govt.nz)>  
**Cc:** Anna Jennings <[Anna.Jennings@aucklandcouncil.govt.nz](mailto:Anna.Jennings@aucklandcouncil.govt.nz)>; Eryn Shields <[Eryn.Shields@aucklandcouncil.govt.nz](mailto:Eryn.Shields@aucklandcouncil.govt.nz)>  
**Subject:** Private plan change request - specialist input

Hi Ross,

I have received a private plan change request, and was provided your name as a contact who might be able to help me find a contaminated land/soil and geotechnical specialist.

The plan change entails the rezoning of 1,870m<sup>2</sup> of land at Avondale Racecourse from Special Purpose – Major Recreational Facility to Terraced Housing and Apartment Building zone. The land being rezoned forms part of a larger parcel which has recently been subdivided off of the racecourse. Most of the land parcel is already zoned THAB.

On the GIS viewer the entire racecourse is tagged as contaminated land, and the on the property file appears to be tagged as HAIL.

I was hoping you or one of your team might be able to advise on whether or not the plan change area would require a soil test/assessment, as I'm not certain whether this particular piece of land is a concern in regards to contamination or stability.

A Geotech report has already been completed and submitted as part of the plan change (although it is from subdivision, and doesn't mention contamination).

I've attached some documents that might be useful for background, including the subdivision approved last year and other maps to give context.

Please let me know if you have any other questions.

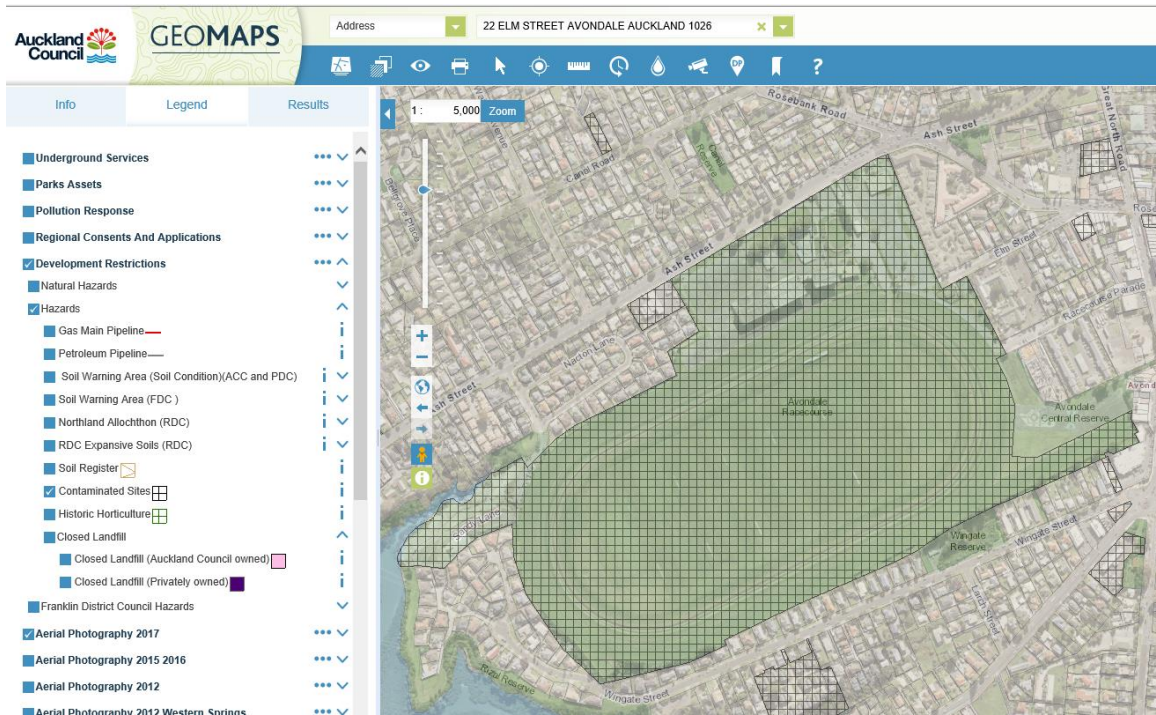
Kind regards,  
Katie

**Katie Maxwell | Planner**  
**North/West & Islands | Plans & Places | Chief Planning Office**  
Mob +64 21 837 879  
Auckland Council, Level 23, 135 Albert Street, Auckland Central  
Private Bag 92300, Victoria Street West, Auckland 1142, New Zealand

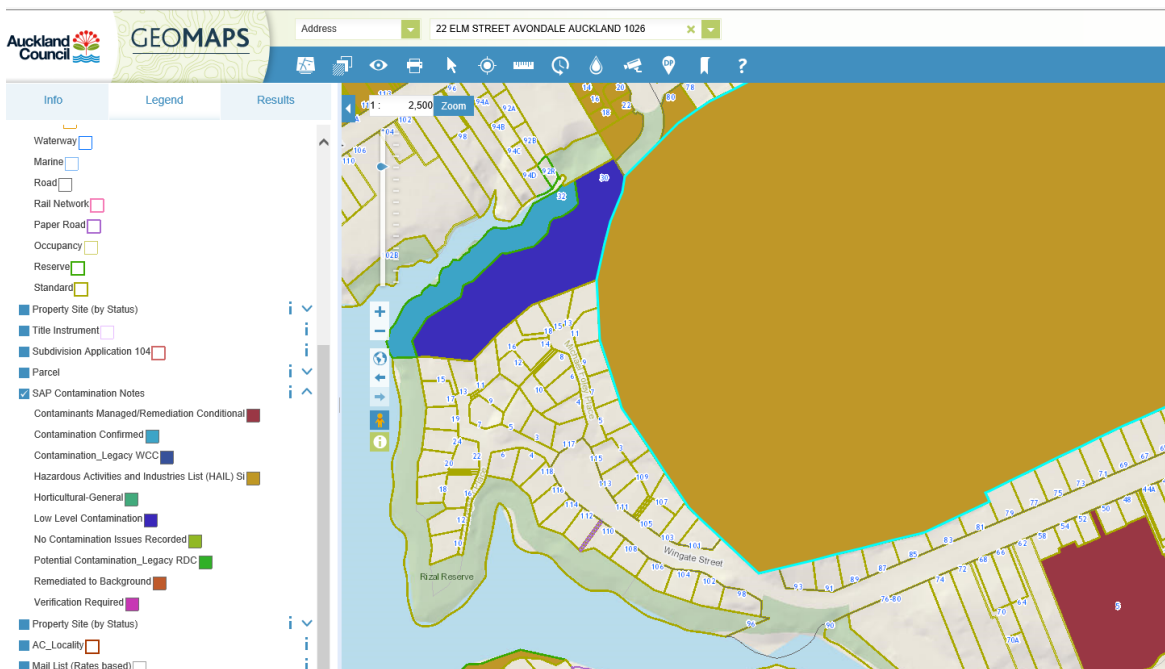
Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

## Appendix B GIS Screenshots HAIL Tags

### Appendix B.1 GIS Screenshot of Site Showing Development Restrictions/Hazards /Contaminated Sites layer.

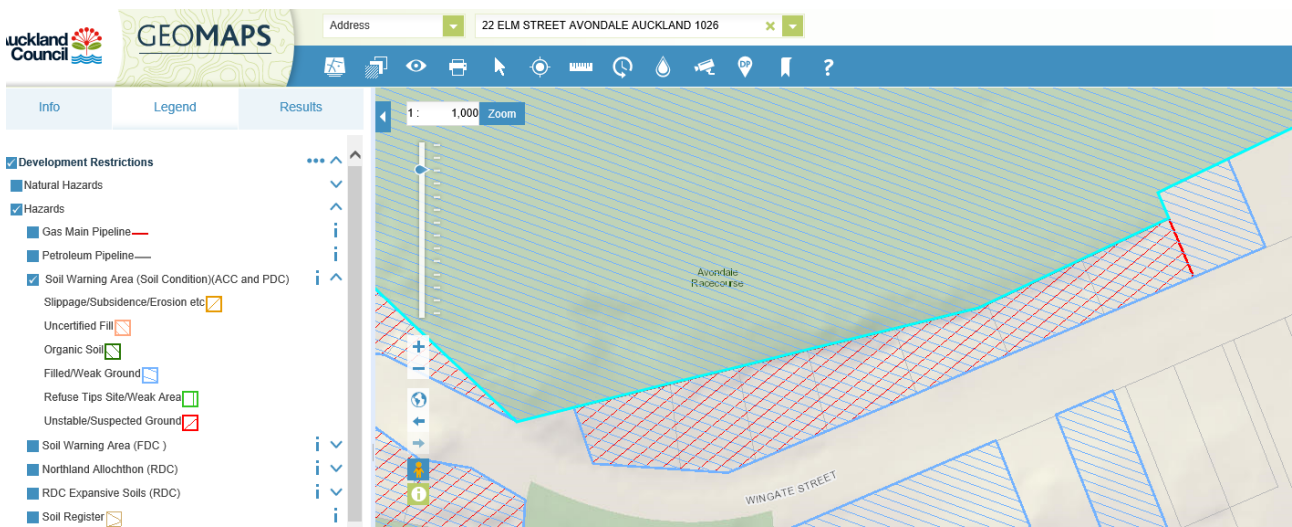
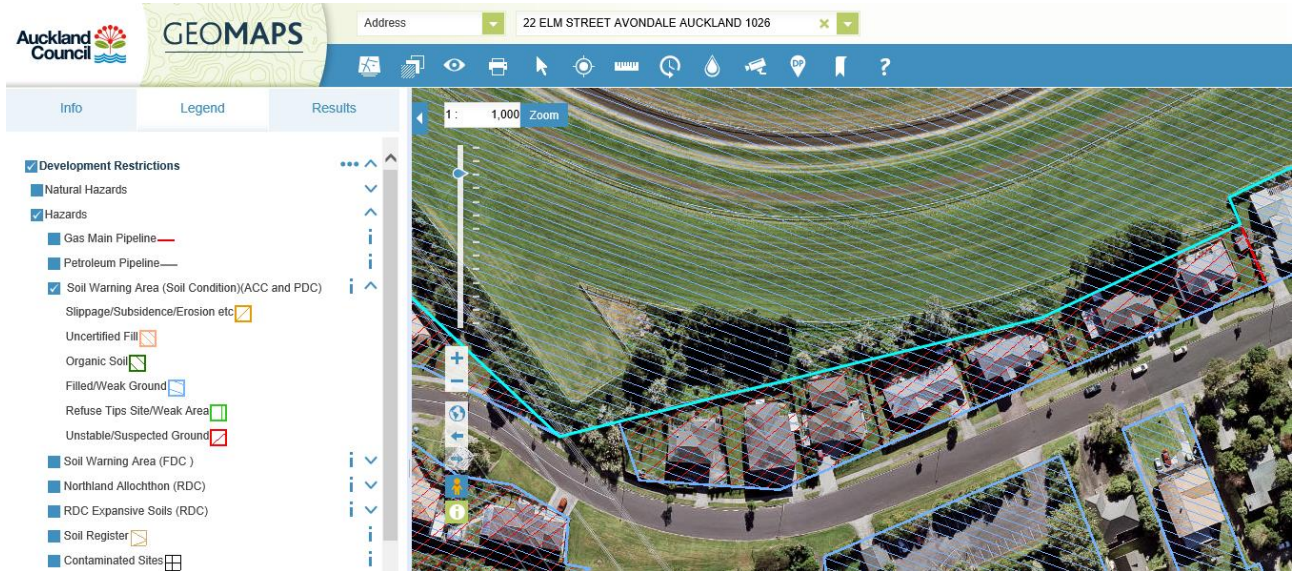


### Appendix B.2 GIS Test Layer showing SAP Contamination Notes layer



Whole of Racecourse and site shown to be subject to HAIL (Orange).

### Appendix B.3 Snip from GIS Intranet showing Development Restrictions/Hazards/Soil Warning Area (Soil Condition)(ACC and PDC)/ Filled/Weak Ground and Unstable/Suspected Ground layers



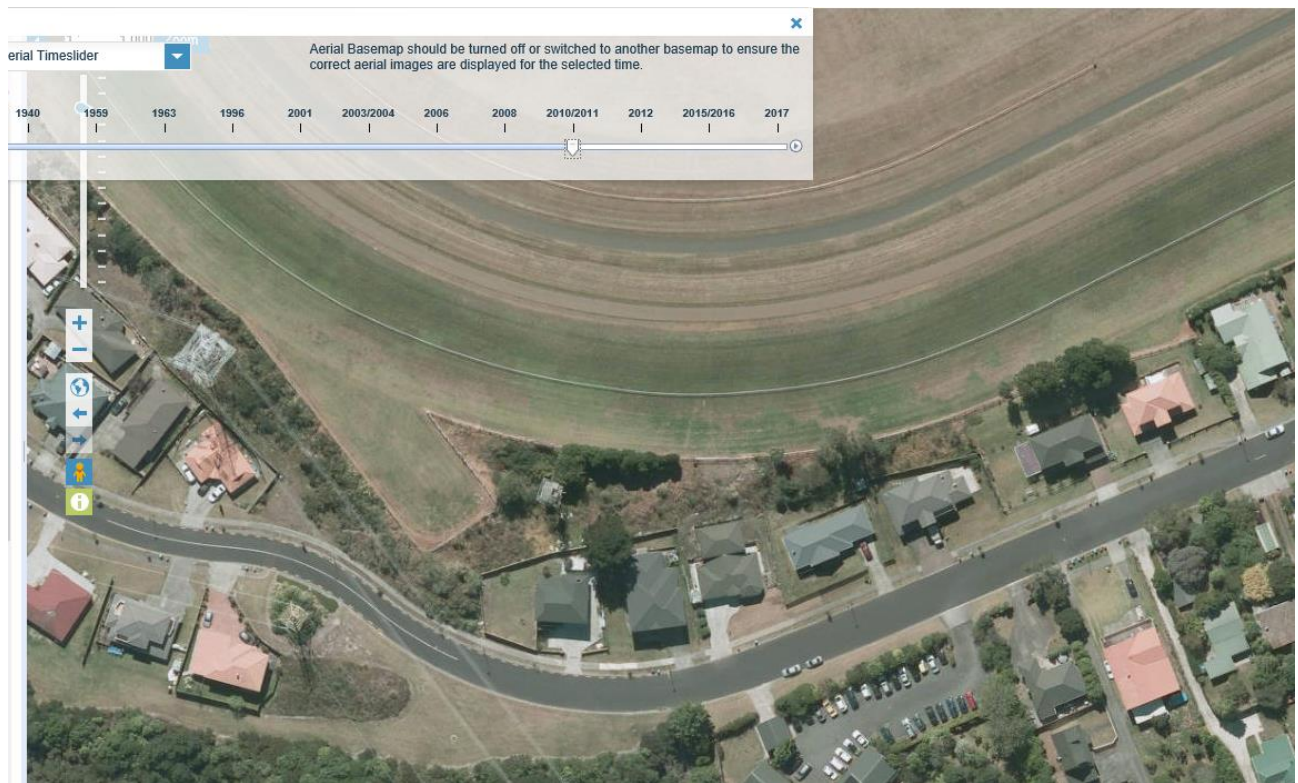
Filled/weak ground applies across whole of Racecourse and site (not shown for clarity).

## Appendix C Aerial Photographs

2017



2010/11



2008



2001



1996



1959





1940





**APPENDIX 9**  
**STORMWATER ASSESSMENT**



# Memo

Date:13.01.2020

To: Katie Maxwell, Planner, Plans and Places

From: Iresh Jayawardena, Healthy Waters Specialist, Healthy Waters Department

**Subject: Review of proposed stormwater concept design for a Private Plan Change 32: Avondale Jockey Club**

## 1. Introduction

This memo provides a stormwater management review of the proposed private plan change by Avondale Jockey Club Incorporated to the Auckland Unitary Plan (Operative in Part) to rezone part of the site Lot 1 DP 470450 from Special Purpose – Major Recreation Facility Zone to Residential - Terrace Housing and Apartment Building Zone (THAB). The subject site was created under Subdivision Consent (SUB60311714), granted October 2018.

The total land area of Lot 1 DP 470450 contains 4,460m<sup>2</sup>. Part of the site within this plan change (Special Purpose - Major Recreation Facility Zone) comprises an area of 1,870m<sup>2</sup>. Access to the site is gained via Wingate Street.

According to AUP OP, the site does not contain within SMAF overlays.



Figure 1: An aerial view of subject site (Red) and the surrounding environment taken from Applicant's s32 planning report (page 4)

## 2. Documents reviewed

This memo was prepared by reviewing the following documents provided by the applicant under the PPC application.

- Request for Private Plan Change - Proposed Plan Change (private): the rezoning of land at Avondale Racecourse, Wingate Street, Avondale, prepared by Campbell Brown Planning Ltd, dated 19 July 2019.
- Infrastructure report (Ref# LDC 17320) prepared by Land Development & Civil Ltd, dated 12/10/2017

The proposed stormwater network and assessment were also reviewed by Mark Iszard, Growth and Development Manager, Healthy Waters Department and provided comments (see appendix 1).

## 3. Assessment of Private Plan change request

### 3.1 Stormwater review:

There is an existing public stormwater network in the area. Infrastructure report (Ref# LDC 17320) prepared by Land Development & Civil indicated to connect the new stormwater system to the site by extending the 225mm existing concrete stormwater pipe via residential property at 87 Wingate Street. The applicant also implied to vest this new connection to the council as a public network.

Based on the following assessment, including through the additional matters set out below (to ensure stormwater is addressed on a comprehensive basis) the private plan change can be supported if the stormwater network is designed to provide adequate hydrology mitigation, capacity and quality.

### 3.2 Infrastructure capacity

The proposal needs to provide further details on the existing public stormwater network downstream and the capacity for future development.

The applicant does not provide clear information with regards to downstream stormwater infrastructure capacity they wish to connect while still maintaining the required pipe cover and depth of the network to service the whole site. This should be a surveyed As-Built of the SW pipes and copy of the CCTV.

The infrastructure report is lacking any suitable assessment apart from referencing a CCTV undertaken but not provided with the infrastructure report.

Healthy Waters is aware of the existing capacity issues in the downstream connection that this plan change proposal wishes to connect. The existing public stormwater network may not have additional capacity to accommodate future development, which may result in some surcharge from the manhole which has not been quantified or discussed in the plan change documentation.

#### **Advice note**

*Healthy Waters strongly suspect that the private SW line they wish to vest is not suitable in terms of both condition and capacity meaning that they have land that will be difficult to service without obtaining neighbours consent.*

The applicant does not provide any details/discussions whether neighbour's consent has been obtained for extending the network via the residential property at 87 Wingate Street.

The proposed development may require some flow attenuation through on-site mitigation to ensure no negative impact on the performance of the existing drainage system.

Therefore, reviewing the proposal and the existing issues raised, HWs is concerned about declaring this private network to be vested in the Council as the proposed network will not be suitable in terms of both condition and capacity.

### **3.3 Stormwater quality**

In respect to stormwater, the proposed zoning change can be managed in accordance with the requirements of chapter E1 Water quality. The requirements for an integrated stormwater management approach to be taken apply to both the existing and proposed zoning.

In terms of stormwater quality, the Infrastructure report does not provide any assessment with regards to a level of stormwater quality treatment to be achieved either part of the plan changes development or approved subdivision.

#### ***Advice note:***

*Please note that Healthy Waters will not be intending to approve connections to the public network or accept assets for vesting if the stormwater network built for a development that does not meet the conditions and performance requirements as noted in the Stormwater Bylaw 2015*

### **4. Review of submissions**

None of the submissions raises stormwater or flooding matters

### **5. Overall Summary**

Healthy Waters considered that the applicants must provide an indicative downstream stormwater connection where they can practically develop and connect, have adequate capacity to ensure no negative impact on the performance of the existing drainage system and the surrounding environment; and healthy waters would be required to review the proposal.





**APPENDIX 10**  
**WATERCARE COMMENTS**



**From:** [IGotelli \(Ilze\)](#)  
**To:** [Katie Maxwell](#)  
**Subject:** RE: Update re Avondale Jockey Club Private Plan Change  
**Date:** Saturday, 7 September 2019 5:42:20 PM  
**Attachments:** [~WRD000.jpg](#)

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Hi Katie

Apologies for the delayed reply. I was out at a course last week. In reviewing this, I can confirm that this is a minor change and that we will not be making a submission on this one. If there are network issues, these can be dealt with in the normal Engineering Plan Process.

Regards  
Ilze

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**From:** Katie Maxwell <katie.maxwell@aucklandcouncil.govt.nz>  
**Sent:** Thursday, 22 August 2019 1:59 PM  
**To:** IGotelli (Ilze) <ilze.gotelli@water.co.nz>  
**Subject:** Update re Avondale Jockey Club Private Plan Change

Good afternoon Ilze,

I hope you've been well since we were last in touch.

I'm emailing in regards to the Avondale Jockey Club Private Plan Change (PPC), to provide an update on next steps and timeframes.

The PPC was accepted for processing on August 6<sup>th</sup> planning committee, and accordingly it will be limited notified on the 29<sup>th</sup> of August.

This will mean that submissions close on the 26<sup>th</sup> of September, and further submissions close on the 10<sup>th</sup> of October.

Following the close of further submissions, I will be in touch to request a technical review in response to submissions and an assessment on the overall effects of the PPC from you.

In regards to your prior concerns about the total potential demand for water and wastewater, I ultimately felt that these were out of scope as to what could be asked through a clause 23 request. This was partially due to the granted subdivision consent, the fact that there is no development proposal and the minor area of land being rezoned.

Of course I understand you reserve the right to make a submission. Please let me know if you intend to do this though, so I can organise an independent specialist.

Happy to have a chat over the phone or in person about this too, and answer any questions you have.

Thanks,

Katie

**Katie Maxwell | Planner  
North/West & Islands | Plans & Places | Chief Planning Office**

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## **APPENDIX 11**

### **COUNCIL DECISION TO ACCEPT PPC32 UNDER CLAUSE 25 TO FIRST SCHEDULE RMA**



## 19 Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Avondale Jockey Club to rezone land at Avondale Racecourse

A map of the area was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

*IMSB Member T Henare retired from the meeting at 2.43 pm.*

Resolution number PLA/2019/85

MOVED by Cr R Clow, seconded by Cr L Cooper:

**That the Planning Committee:**

- a) **accept the private plan change request by Avondale Jockey Club for part of Avondale Racecourse, included as Attachment A to the agenda report, pursuant to clause 25(2)(b) of Part 2 of Schedule 1 to the Resource Management Act for the following reasons:**
  - i) **having regard to relevant case law the request does not meet the limited grounds for rejection under clause 25(4)**
  - ii) **it is more appropriate to accept the request than ‘adopt’ it or treat it as a resource consent application.**
- b) **delegate authority to the Manager Planning – North, West and Islands to undertake the required notification and other statutory processes associated with processing the private plan change request by Avondale Jockey Club for Avondale Racecourse pursuant to Schedule 1 to the Resource Management Act.**

**CARRIED**

### Attachments

- A 6 August 2019, Planning Committee: Item 19 - Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Avondale Jockey Club to rezone land at Avondale Racecourse, Map

## 20 Summary of Planning Committee information memos and briefings - 6 August 2019

Resolution number PLA/2019/86

MOVED by Chairperson C Darby, seconded by Deputy Chairperson R Hills:

**That the Planning Committee:**

- a) **receive the Summary of Planning Committee information memos and briefings – 6 August 2019.**

**CARRIED**

## 21 Consideration of Extraordinary Items

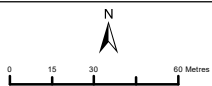
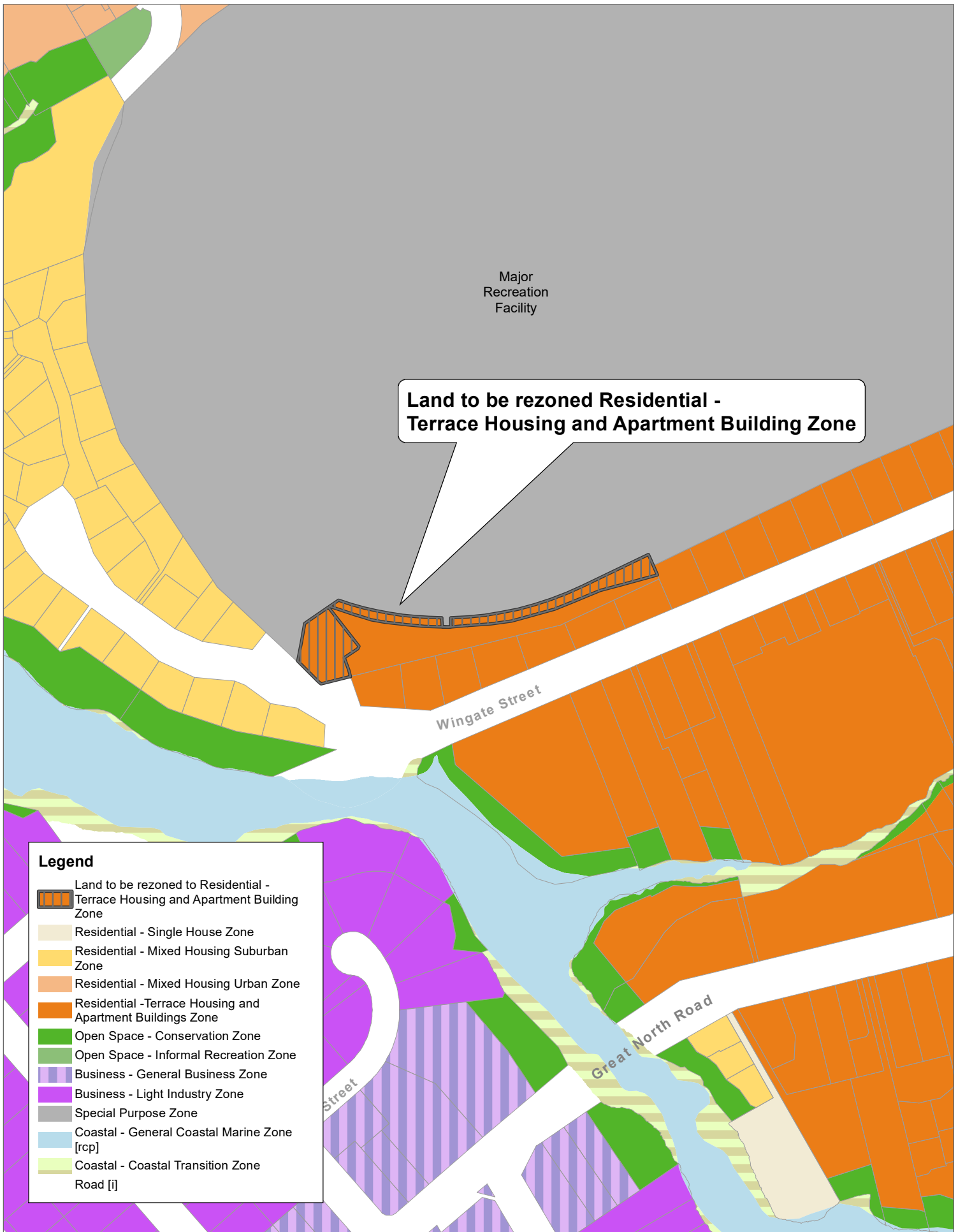
There was no consideration of extraordinary items.





**APPENDIX 12**  
**PROPOSED ZONE**





Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 3/02/2020

Private Plan Change 32 - Avondale Jockey Club



