IN THE MATTER	of the Fast-track Approvals Act 2024 ("**FTAA**")
AND	
IN THE MATTER OF	an application for approvals by Waikato Thoroughbred Racing Incorporated ("**WTR**") to develop a greenfield racing hub and residential development across approximately 163.9 hectares in the Waikato District ("**Project**")

LEGAL CONSIDERATIONS ON BEHALF
OF WAIKATO THOROUGHBRED RACING INCORPORATED

2 OCTOBER 2026

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1. SUMMARY

1.1 This memorandum is provided on behalf of WTR in support of its substantive application under the FTAA for approvals to develop the Project ("**Application**"). The Project is a referred project under the FTAA.

1.2 The Project responds to the need to consolidate four ageing racing facilities, being Te Rapa, Waipā, Cambridge Thoroughbred and Cambridge Harness Raceway, into a single modern racing facility.

1.3 The Project involves the development of 163.9 hectares at Pencarrow Road, Tamahere, consolidating four existing racecourses into a single integrated development comprising thoroughbred and harness racing and training facilities, a bloodstock precinct, retirement living, residential development, a village centre, equine support services, and rehabilitation of the existing kahikatea stand. The Project will create and support a more streamlined and sustainable racing industry, while freeing up approximately 159.5 hectares of urban land for housing.

1.4 To authorise the Project, WTR seeks resource consents under the Resource Management Act 1991 ("**RMA**") and an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 ("**HNZPTA**"). A wildlife permit under the Wildlife Act 1953 is no longer required.

1.5 The site is zoned rural in the Waikato District Plan, and the Project is predominantly rural based. The Project is also strongly aligned with the Waikato Regional Policy Statement, Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River), and the Future Proof growth strategy.

1.6 The Project delivers substantial regional and national benefits that strongly align with the purpose of the FTAA, including in the range of $147 million to $173 million in GDP for the Waikato Region over the development timeframe, $457 million direct expenditure over 8 years, 1,306 full-time equivalent ("**FTE**") years of employment, strengthening of a nationally significant racing industry, increased housing supply through release of approximately 159.5 hectares of existing urban racecourse land, and enhanced tourism and event-based economic activity.

1.7 The Project has been developed to directly address the issue of the consolidation of ageing and fragmented racing infrastructure in the Waikato

Region, consistent with the recommendations of the 2018 independently Government-commissioned Messara Report and the 2026 joint initiative Project Stamina. Its effects have been thoroughly assessed, and any adverse effects of the Project will be appropriately avoided, remedied or mitigated through an extensive set of proposed conditions. The only potentially significant adverse effect is in relation to the removal of highly productive land, but that is outweighed by the Project's regional benefits.

1.8 The Project will result in the loss of approximately 150.8 hectares of highly productive land. However, this is offset by the redevelopment opportunities created through the consolidation of four existing racecourses, which will free up approximately 159.5 hectares of urban land for housing. The area of highly productive land affected represents approximately 0.1% of high-class soils in the Waikato Region.

1.9 The Project will also result in ecological and cultural heritage effects, including on long-tailed bats, archaeological site S15/573, the existing kahikatea stand and freshwater environments. These effects will be managed through comprehensive conditions and associated mitigation and restoration measures.

1.10 The Panel can have confidence that the Project achieves the purpose of the FTAA, and WTR respectfully requests that the Panel grant the resource consents and archaeological authority to authorise the Project.

2. CONTEXT AND BACKGROUND

2.1 The applicant, WTR, is an incorporated society representing the Waikato thoroughbred racing community, which operates and manages racecourse facilities for thoroughbred racing in the Waikato Region.

2.2 WTR has a long history of operating racing facilities in the Waikato. The existing racing infrastructure is spread across four separate facilities, being Te Rapa Racecourse, Te Awamutu (Waipā) Racecourse, Cambridge Racecourse (thoroughbred) and the Cambridge Harness Track, which duplicate assets and resources and require significant investment to meet modern standards.

2.3 The Government-commissioned Messara Report (2018) identified structural challenges in the racing sector and specifically recommended building "an exceptional new racing and training venue in the Waikato within the next 8 to 10 years" and supporting the development of the Waikato Greenfields Project. More recently, Project Stamina (2026), a joint initiative between New Zealand

Thoroughbred Racing, Harness Racing New Zealand and TAB New Zealand, endorsed a coordinated, future-focused approach to racing infrastructure, with which the Project is directly aligned.

2.4 The Project responds directly to the strategic direction of the racing industry and the long-recognised need to consolidate racing activities into a modern, fit-for-purpose facility. By replacing four ageing racecourses with a single integrated hub, the Project will support a more efficient, competitive and sustainable racing industry. The Project is also expected to contribute in the range of $147 million to $173 million in GDP to the Waikato over its development timeframe and will enable the retirement of existing urban racecourse sites, freeing up approximately 159.5 hectares of land within established urban areas for future development, including housing.

3. PROJECT OVERVIEW

Project details

3.1 A detailed description of the Project is included in the planning assessment prepared by BCD Group Limited. In summary, the Project involves the development of a world-class equine hub that consolidates four existing racing facilities into a single purpose-built location.

3.2 The Project comprises four distinct but complementary and intrinsically interlinked precincts, namely the Racing Precinct, Bloodstock Precinct, Senior Living Precinct, and Commercial and Residential Lifestyle Precinct. Together, they form a single integrated development connected through shared infrastructure, including internal roading, wastewater treatment, stormwater management and water supply systems, and are unified by an integrated master-planned layout, landscape framework and access network. Each precinct contributes to the operational efficiencies, economic sustainability and critical mass that underpin the Project's delivery and long-term success. The integrated nature of the Project is further described in the letter from WTR (Appendix A to the Application).

3.3 WTR is proposing to construct and deliver all infrastructure (including water supply, wastewater, stormwater and transport) necessary to support its development.

3.4 The Project is a referred project under the FTAA.[1] The Notice of Decision records that the referred project is to construct and establish a greenfield racing hub and commercial/residential development across approximately 163.9 hectares in the Waikato District. The Project description is as follows:

(a) thoroughbred racing and associated activities, including:

(i) a racing facility with a main track and 1200 m starting chutes;

(ii) facilities for race days, industry functions, and events;

(iii) a thoroughbred training track;

(iv) a warmup track;

(v) on-site stables and yards for trainers' allotments;

(vi) a bloodstock office and sales business across approximately 63,200 sq m with barns, yarding, sales pavilion and administration; and

(vii) an operations and events building across approximately 2,041 sq m with a parade ring and tie up.

(b) harness racing, including:

(i) a harness racing and training track;

(ii) facilities for race days, industry functions and events; and

(iii) on-site stables and yard for trainers' allotments.

(c) other land uses:

(i) a retirement residential development with approximately 70-80 single storey villas, approximately 200 attached units, and a community centre;

(ii) a residential precinct with up to approximately 90 lots;

(iii) an equestrian events ring;

[1] The Minister for Infrastructure referred the project to the fast-track process on 5 July 2026.

(iv) facilities to host temporary events;

(v) a village centre including a bar, café and other small scale commercial activity;

(vi) parking areas for up to approximately 2,030 vehicles;

(vii) commercial equine support services;

(viii) rehabilitation of the existing kahikatea stand within the project site; and

(ix) all associated infrastructure, construction, subdivision and earthworks including potential roading upgrades.

3.5 While design refinement has occurred as the Application has been developed, and as is expected for a development of this nature and scale, the Project is entirely consistent with and within the scope of the Project that was referred to the fast-track process.

Approvals required

3.6 In order to authorise the construction and delivery of the Project summarised above, WTR through this Application seeks:

(a) resource consents under the RMA; and

(b) an archaeological authority under the HNZPTA.

4. LEGAL CONTEXT

Decision making framework

4.1 Section 81 describes the decision-making framework under the FTAA. It provides that a Panel must, for each approval sought in a substantive application, decide whether to grant the approval and set any conditions or decline the approval.

4.2 For the purpose of making the decision, the Panel must consider a range of matters listed in section 81(2), and apply the following clauses:

(a) for resource consent, clauses 17 to 22 of Schedule 5;[2] and

[2] FTAA, section 81(3)(a).

(b) for an archaeological authority, clauses 4 and 5 of Schedule 8.[3]

4.3 Relevantly, the Project involves subdivision that is classified as a prohibited activity under rule SUB-R40 of the Waikato District Plan.[4] Section 42(5)(a) of the FTAA expressly provides that a substantive application may seek approval for an activity that is a prohibited activity.

4.4 The Panel must also act in a manner that is consistent with obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.[5] Those obligations are not engaged here. The Project is not located within a customary marine title area and is not within or adjacent to, nor would it affect, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou area. Accordingly, there are no protected customary rights relevant to the Project as they relate to the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

4.5 In respect of section 7, there are several Treaty settlements relevant to the Project area, including the Waikato Raupatu Claims Settlement Act 1995, the Waikato Raupatu Claims (Waikato River) Settlement Act 2010, the Ngāti Hauā Claims Settlement Act 2014, the Raukawa Claims Settlement Act 2014 and the Ngāti Korokī Kahukura Claims Settlement Act 2014. The Panel is required to consider these settlements and consider whether granting the approvals would comply with section 7. A summary of the relevant provisions of these settlements is provided at section 15 of the Planning Assessment.

4.6 The Application also assesses the Project against the planning documents recognised by relevant iwi authorities that apply to the Project area, including Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River), Tai Tumu Tai Pari Tai Ao (the Waikato-Tainui Environmental Plan) and Te Rautaki Tāmata Ao Tūroa o Ngāti Hauā. As set out in section 14 of the Planning Assessment, the Project can be constructed and operated in a manner that is generally consistent with the environmental and resource management outcomes sought by those documents.

4.7 Beyond the Treaty settlements and iwi management plans described above, WTR has directly engaged with Ngāti Hauā and Ngāti Korokī Kahukura in relation to the Project. WTR is also finalising a Memorandum of Understanding

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3 FTAA, section 81(3)(j).

4 In particular, subdivision to create rural-residential lots on land containing high-class soil where the relevant title was issued after 1 December 1997.

5 FTAA, sections 7, 82 and 84.

to establish a framework for engagement, collaboration and shared long-term outcomes with Ngāti Hauā and Ngāti Korokī Kahukura in relation to the Project.

Weighting of considerations

4.8 A feature of the FTAA is the express weighting of considerations. This is contained in clause 17 of Schedule 5 in relation to RMA consents, and the equivalent provisions for assessment of applications for archaeological authorities are contained in clause 4 of Schedule 8.

4.9 Clause 17(1) of Schedule 5 provides that when considering a consent application and setting conditions (in accordance with clause 18), the Panel must take into account, giving the greatest weight to paragraph (a):

(a) the purpose of the FTAA; and

(b) the provisions of Parts 2, 3, 6 and 8 – 10 of the RMA that direct decision making on an application for a resource consent (but excluding section 104D); and

(c) the relevant provisions of any other legislation that directs decision making under the RMA.

4.10 While this hierarchical approach is distinct from the RMA framework, the use of a hierarchy of considerations has precedent in other legislation. For example, section 34(1) of the Housing Accords and Special Housing Areas Act 2013 ("**HASHAA**") similarly required decision-makers to give weight to the purpose of the HASHAA and the matters in Part 2 of the RMA in a prescribed order.[6]

4.11 Expert panels under the FTAA have adopted a generally consistent approach to the weighting exercise required under clause 17(1) of Schedule 5, as set out below:[7]

(a) Each factor listed in clause 17(1) must be assessed individually. This individual assessment is important as it ensures a Panel does not rely solely on the purpose of the FTAA at the expense of the other listed matters, for example, environmental effects do not become less than minor simply because the project meets the purpose of the FTAA.

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6 Housing Accords and Special Housing Areas Act 2013, section 34(1).

7 For example, Wellington International Airport Southern Seawall Renewal Expert Panel decision dated 15 May 2026 at [89] – [91]; Bledisloe and Fergusson Wharf Extension Expert Panel decision dated 21 August 2025 at [121].

(b) Once individual assessment has been completed of each factor, the Panel must then stand back and conduct an overall weighting exercise in accordance with the prescribed weighting.[8] As set out in the FTAA, the prescribed weighting requires a Panel to give the greatest weight to the purpose of the FTAA.

4.12 The FTAA framework is concerned with whether a project delivers significant regional or national benefits, having regard to relevant adverse impacts and other matters addressed through the wider evidence base. The appropriate approach is to assess a project on the basis of assessment of gross benefits - the FTAA does not require the Panel to undertake a cost-benefit analysis ("**CBA**") or compare projects against each other. Instead, the FTAA asks whether the significant regional or national benefits of a project outweigh the adverse impacts, which is a question answered by reference to the scale and significance of the benefits generated by the project.[9]

4.13 Numerous fast-track decisions have confirmed that a full CBA is not required to assess a project's benefits. Instead, Expert Panels have consistently relied on economic impact assessments as an appropriate and sufficient basis for that assessment.[10] In our submission, the same approach should be adopted here.

Assessment of the Project against the purpose of the FTAA

4.14 The Panel must consider the national and regional benefits in relation to the Application, considering the facts before it. The Application provides an analysis of the Project against the purpose of the FTAA and concludes that the Project has a range of significant regional benefits.

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8 *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541 at [52] – [53].

9 See for example, the decision on the Downtown Carpark Redevelopment - Te Pūmanawa o Tāmaki Project, where the Panel did not accept the approach which treated the absence of a CBA as undermining the benefits case, noting that such an approach gives insufficient weight to the text and purposes of the FTAA. The Panel concluded that a CBA may be useful in some cases, but it is not required by the FTAA, and that it "would be too narrow a lens" as it would risk under-valuing benefits which are central to a project. The Panel expressly accepted that an economic impact assessment is "an appropriate and sufficient evidential basis" for recognising substantial regional economic activity.

10 Final Decision of the Expert Panel for Waihi North, dated 18 December 2025 at [785]-[787]; Final Decision of the Expert Panel for Maitahi Village, dated 18 September 2025 at [342]-[356]; Final Decision of the Expert Panel for The Point Mission Bay, dated 12 June 2026 at [324.10]; Final Decision of the Expert Panel for the Downtown Carpark Redevelopment - Te Pūmanawa o Tāmaki Project, dated 5 August 2026 at [267]-[268]; and Final Decision of the Expert Panel for the Haldon Solar Project, dated 10 August 2026 at [535].

4.15 The scale of the Project alone means it is significant in the context of the Waikato Region. The Project will deliver a world-class, purpose-built equine hub consolidating four separate racecourse facilities (Te Rapa, Te Awamutu, Cambridge Racecourse and Cambridge Harness Track) into a single state-of-the-art facility comprising racetracks (thoroughbred and harness tracks), training tracks, racing infrastructure, buildings, stabling, training facilities, bloodstock sale yard and stabling, commercial development, senior living development (villas, units and aged care units), residential lifestyle lots, and equine commercial services. A development of this scale, delivering a modern centralised facility that reinforces the Waikato's position as a core region for thoroughbred breeding and training in New Zealand, is clearly a project with significant regional benefits for the purposes of the FTAA.

4.16 From an economic perspective, the Project represents a significant investment in the broader Waikato Region. The Project will have significant wide-ranging economic benefits, including:[11]

(a) total direct expenditure of $457 million over an 8-year development period (excluding land);

(b) total GDP (Net Present Value at 8%) of $147.1 million over an 8-year development period;

(c) 1,306 FTE years over the 8-year development period (with 464 FTE years during the peak development year);

(d) 496 FTE years of direct employment over the development period;

(e) 810 FTE years of indirect and induced employment over the development period; and

(f) under an earlier 2030 development scenario, the Project is estimated to generate approximately $253.3 million in total business activity across the Waikato Region (applying a 2% discount rate).

4.17 The Project will also have a range of (non-monetised) qualitative economic benefits including:

(a) strengthening of the Waikato Region's nationally significant racing industry by centralising expertise, infrastructure and industry

11 Appendix B 52576.14 Pencarrow Rd Racecourse Fast-track Substantive Economics Impact Assessment, page 7.

participants, generating agglomeration benefits including knowledge transfer and service specialisation;

(b) long-term industry sustainability and productivity gains through consolidation of fragmented and ageing facilities, improving operational efficiency, reducing duplication of maintenance and capital expenditure, and enhancing productivity across racing, training, broadcasting and event delivery;

(c) regional employment and income generation, with the consolidated racecourse supporting direct employment (racing operations, training, administration, events) and indirect employment across the wider racing ecosystem, protecting and enhancing long-term employment opportunities in the Waikato;

(d) increased event-based expenditure and visitor economy benefits, with a modern consolidated facility capable of hosting high-quality race meetings and major events attracting participants and spectators from outside the immediate catchment, generating visitor expenditure across accommodation, hospitality, transport and retail sectors;

(e) enhanced local and regional profile, with the development having potential to attract residents and tourists from beyond the broader Waikato Region as well as internationally, enhancing the region's profile and triggering further economic investment and growth; and

(f) more productive use of existing racecourse land resources, with the consolidation enabling approximately 159.5 hectares of existing racecourse land at Te Rapa, Cambridge and Te Awamutu to be released for more intensive mixed-use development, improving land-use efficiency and reducing pressure for further greenfield growth.

4.18 As demonstrated above, the Project clearly has significant regional benefits.

Conditions

4.19 Under the FTAA, a Panel must not set a condition that is more onerous than necessary.[12]

12 FTAA, section 83.

4.20 WTR has prepared an extensive set of proposed conditions, which are attached to the Application. These conditions have been drafted and developed over time, with input and engagement from WTR's technical experts. These conditions will adequately avoid, remedy and mitigate the adverse effects of the Project on the environment and are, in our submission, no more onerous than necessary as required by the FTAA.[13]

Ability to decline approvals

4.21 Section 85 of the FTAA sets out the limited circumstances when approvals must or may be declined. None of these circumstances apply in this case.[14]

4.22 Section 85(3) of the FTAA also provides that a Panel may decline an approval where there are one or more adverse impacts, and those adverse impacts are sufficiently significant to be out of proportion to the Project's regional or national benefits (after taking into account conditions). As set out in the Application, there are no significant adverse effects and no adverse impacts which would outweigh the Project's significant regional benefits.

5. CONCLUSION

5.1 In our submission, the Panel can have confidence that the adverse effects of the Project will be appropriately managed through the proposed conditions, and the Project will achieve the purpose of the FTAA.

5.2 WTR respectfully requests the Panel grant the resource consents and archaeological authority.

DATED 2 October 2026

Daniel Minhinnick / Kristen Gunnell

Counsel for Waikato Thoroughbred Racing Incorporated

13 FTAA, section 83.

14 As outlined above, the inclusion of a prohibited activity within the Project does not preclude consent being granted.