

Plan Change 113 – Ruakaka Racecourse

Pre-Hearing Meeting Report

By John Childs, Independent Planning Commissioner
- chairman of meeting held 31 July 2013.

**PRE HEARING MEETING
PLAN CHANGE 113
WHANGAREI DISTRICT PLAN**

Venue: Ruakaka Recreation Centre

Present:

John Childs - Commissioner

For Whangarei Racing Club

- John Fairley - Past President
- Wayne Peters - Lawyer
- Karen Houlihan - Finance and Projects Manager
- Nick Brandon - Property Consultant
- David Mead - Planning Consultant Hill Young Cooper
- Trevor Mackie - Planning Consultant Hill Young Cooper

Submitters

- Chris Jenkin - Department of Conservation Whangarei
- Bryce Cann - for Gaye Cann
- Jennifer Wilson -
- Ray Wilson -
- Robbie Jones - for Bev Woods Forest and Bird
- David Laurie - Bream Bay Coastal Care Trust
- Margaret Hicks -
- Robyn Hembry -
- Mr & Mrs Cummings - Bream Bay Coastal Care Trust
- Wayne Smith -
- Luana Pirini - Bream Bay Coastal Care Trust
- Kelly Dixon - Tamate kapua Law
- Julianne Chatham - Patukarakeke Trust Board Trustee
- Jared Pitman - Patukarakeke Trust Board Trustee
- Deborah Harding - Chair Patuharakeke Claims Progression
- Donna Logan - In support

Whangarei District Council

- Paul Waanders
- Nick Williamson
- Heather McNeal
- Jane Murdoch
- Hope Puriri

1.0 BACKGROUND

This pre-hearing meeting is held pursuant to Section 8AA (1) of the Resource Management Act 1999 – Schedule 1 (Resolution of Disputes).

The Section states:

- (1) *For the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan, a local authority may, if requested or on its own initiative, invite anyone who has made a submission on the proposed policy statement or plan to meet with the local authority or such other person as the local authority thinks appropriate.*

Sub Section 5 outlines the chairs responsibilities to be

- (a) *Must identify the matters that are agreed between the local authority and the submitters and those that are not; and*
- (b) *may identify*
- (i) *The nature of the evidence that must be called at the hearing by the persons who made submissions:*
- (ii) *The order in which that evidence is to be heard:*
- (iii) *A proposed timetable for the hearing; but*
- (c) *does not include evidence that was presented at the meeting on a without prejudice basis.*

2.0 PLAN CHANGE 113

This relates to the 50 hectares of Coastal land owned by the Whangarei Racing Club at Peter Snell Road in Ruakaka. The change involves rezoning the land from the current Coastal Countryside Environment to Ruakaka Equine Environment.

The change involves splitting the land into four precincts.

- A - Infield and Race Track – 30 hectares.
- B - Southern – 10 hectares.
- C - Western – 3 hectares
- D - Eastern – 7 hectares

Precincts B, C and D involve potential residential and non residential activities to be established by way of a management plan process.

The change includes the usual objectives and policies and guideline rules.

3.0 PROCEDURAL MATTERS

Mrs Hicks raised the Section 27B Memorial on the title.

The Section 27B of the State Owned Enterprise interest registered on the title states:

"Subject to Section 27B of the State-Owned Enterprises Act 1986 (which provides for the resumption of land on the recommendation of the Waitangi Tribunal and which does not provide for third parties, such as the owner of the land, to be heard in relation to the making of such recommendation)."

She indicated that local hapu had a legitimate claim on the land and that Treaty of Waitangi hearings were due in October 2013. As the land was formerly Crown land she requested that this pre-hearing should be adjourned until the land had been settled by the Waitangi Tribunal.

I indicated that in my opinion this memorial was not an impediment on the pre-hearing or the hearing proceeding but that legal advice from the Council should be provided at the hearing on this matter.

4.0 PRESENTATION

At the commencement of the meeting the applicant, the Council and each submitter was given time to explain their position.

The Applicant

They advised that the Club is a regional asset which because of its ground surface could operate all year. The Plan Change would allow the Club to future proof the facility so as to improve its viability. They were not developers.

The Plan Change had three main ingredients

1. Racing and equine area.
2. Commercial and entertainment use i.e. hotel conferences facilities.
3. Residential.

The Council Planning Staff

They explained the plan change process. As this was a private plan change it had no legal effect until it became operative.

SUBMITTERS

Chris Jenkin for DOC

His Department administers the reserve to the north, east, south and part of the west. Their concerns were the implications on the New Zealand Coastal Policy Statement including pets, access, wastewater, weed management, the need for public education and the location of any development close to the reserve.

The issues that needed to be addressed through the Plan Change process include:

1. Impacts on the DOC reserves including fencing, setbacks, domestic animals and rubbish and weed control.
2. Access to the beach, how many points, signage, vehicles.
3. Run-off.

Comment

This is likely to require more direction in the Management Plans. The beach access issue is outside the plan change area but it needs to be resolved.

Bruce Cann – For Gaye Cann

He considered that the site was ideally suited for the race course but did not favour residential development particularly at the proposed density.

Mr & Mrs Wilson

They live on the ridge to the west. They had concerns about the non equine uses and the height of future buildings both inside the equine precinct and in other areas.

Patukarakeke Trust

They advised that consultation had taken place with the applicant and that a cultural assessment had occurred. The supported the equine activity. The Trust's concerns included

- The lack of certainty with the ultimate development.
- Future Trust involvement i.e. in the management plan process.
- Habitat protection.
- The impact on the wider natural character areas around the site including the river and dunes.
- Building and bulk / height particularly in the eastern precinct.
- The lack of an archaeological report for the site.
- The issues raised by DOC

They also raised concerns about the Section 27B memorial on the title of the land and Treaty of Waitangi Claim.

Comment

The Management Plan process should be looked at to possibly include Trust involvement.

David Lourie

His concerns included the impacts on the beach / wild life refuge and the DOC reserve in general. He opposed the residential development.

Margaret Hicks

Her concerns included

1. Coastal hazards including coastal erosion, rising sea levels, tidal hikes and the impacts of tsunamis of the land. She felt that the current report held by the Council was inadequate and needed to be peer reviewed.
2. Adverse impacts on the DOC reserve including the wild live refuge.
3. Impacts on the Dunes Lake particularly in summer when the aquifer was used. This would increase if there was more intensive development on the race course land.
4. Residential development proposed would encourage anti social and insensitive behaviour from new residents.

Comment

The Council Planners report as well as the applicants should consider this in their evidence.

Robyn Hemby

Her concerns included:

- a) Restrictions on subdivisions in the area being ignored including control of cats and dogs.
- b) Additional traffic and the type of development proposed. She opposed a link from Tamure Place to the site.

Comment

Traffic evidence should be presented at the hearing including whether a second access should be provided and if so where.

Wayne Smith

His concerns as a ridge resident included the potential height limits including the potential for development on the "mound". He supported the race course uses but not building.

Comment

The height implications of the "mound" areas should be clarified by the applicant at the hearing.

Robbie Jones

She was concerned with non equine activities, ecological and cumulative effects, impacts on the Dune Lakes and the DOC reserve.

Donna Logan

She supported the plan change.

5.0 MATTERS AGREED *

MATTERS AGREED	RESPONSIBILITY	TIMING
1. A legal opinion / advice is to be sought by the Council on the implications if any on the Section 27B notice on the Racing Club's title and associated Treaty of Waitangi claims on private land.	Council	To be made available prior to or at the hearing
2. Archaeological Report for the land subject to the plan change is to be prepared by the applicant. *	Applicant	To be provided to the Council six weeks prior to the hearing.
3. Stormwater management for the land including implications on the Dune Lake, performance standards and the underground aquifer to be reviewed. *	Applicant	To be presented by the applicant in evidence.
4. The changes policies and rules are to be clarified including matters raised at the pre-hearing.*	Applicant	In evidence

5. Management Plan guidance including consultation with Tangata whenua, the Department of Conservation and the role of the Racing Club.*	Applicant	In evidence
6. Provide accurate survey information including: <ul style="list-style-type: none"> • The area of each of the precincts • The height of the existing buildings on the grandstand mound* 	Applicant	In evidence
7. Memorandum of understanding with the Patuharakeke Te Iwi Trust Board and DOC on the matters raised. *	Applicant	To be addresses at the hearing

*** Based on interim response which was received from the Club by letter dated 9 August 2013. A copy of this letter is attached.**

6.0 OUTSTANDING MATTERS

1. Number of dwelling units proposed.
2. Rationale for the number of housing units / intensity / level.
3. Height limits/levels in Area A and in other areas and the visual implications of these limits/levels .
4. Natural hazards and the adequacy of the current specialist information.
5. Interface with the DOC reserve including fencing, setbacks etc in part covered by agreed item 4.
6. View impacts of residential development and on the Race Course Precinct.
7. Access to the site i.e. one or more roads and if more than one the most appropriate location

7.0 EVIDENCE TO BE CALLED

This should include the information in 6 above.

8.0 ORDER

I find no reason to change the usual order of evidence being:

1. Applicant
2. Applicants experts
3. Submitters
4. Further submitters
5. Council
6. Right of reply

9.0 TIMETABLE

1. Hearing date 18 – 21 November 2013.
2. Additional information to be provided by the applicant within approximately 5 – 6 weeks of pre-hearing meeting. (Mid to late September)
3. A minimum of five weeks prior to the hearing the planning report by the Council to be made available to all parties (end of September).
4. Approximately 4 weeks before the hearing the applicant and submitters to send to the Council expert evidence and submissions on the Plan Change (18 October 2013).
5. One week before the hearing all evidence, submissions etc to be forwarded to the Commissioners etc to allow the information to be read.

10.0 CONCLUSION

The meeting I consider was very useful and I thank all the parties for their attendance and input



John Childs
12 August 2013

ATTACHMENT: Interim letter from the Finance and Projects Manager Whangarei Racing Club Inc dated 9 August 2013

WHANGAREI RACING CLUB Inc

9th August 2013

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Heather McNeal
Senior Specialist (Policy)
Whangarei District Council
Private Bag 9023
Whangarei

Dear Heather

RE: Proposed Private Plan Change 113 - Ruakaka Racecourse

Further to the pre-hearing meeting held on 31st July facilitated by John Childs, we advise that the Club is following up on the issues raised and seeking clarification of the costs involved in carrying out the further work recommended, so the Whangarei Racing Club Committee can formally approve proceeding with the work.

The items we are proposing to cover before the hearing include:

- Clarification of requisite policies vs rules
- Management Plan guidance regarding consultation with tangata whenua and Department of Conservation; and the role of the Racing Club
- Receiving accurate survey information regarding the areas of the precincts and height of the existing buildings on the grandstand mound
- Undertaking of an archaeological assessment
- A Storm-water management assessment
- Seeking a Memorandum of Understanding with both Patuharakeke Te Iwi Trust Board and the Department of Conservation on matters raised by them.

We expect to have the information regarding the costs of these additional requests next week, and will report to the Whangarei Racing Club Committee at its meeting on 21st August 2013.

Please contact me on 021 433 322 should you have any further queries in relation to this matter. Thank you.

Yours faithfully
WHANGAREI RACING CLUB INC.



Karen Houlihan
Finance and Projects Manager

