

5. Private Plan Change 113: Ruakaka Racecourse - Hearing Panel recommendations to Council

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Vision, mission and values

This item is in accord with Council's vision, mission and values statement as it will promote the sustainable management of the Ruakaka race course, the surrounding sensitive coastal and conservation land and the wider Ruakaka community as contemplated by Part 2 of the Resource Management Act 1991, and will contribute to the economic and social wellbeing of the District. The proposed private plan change, as amended by the recommendations of the Hearing Panel, incorporates appropriate measures to avoid, remedy or mitigate any adverse effects on the environment that will arise from the future development that will be enabled by the plan change.

Background

In December 2012 the Whangarei Racing Club Incorporated formally lodged a revised request for a proposed private plan change to the Whangarei District Plan to re-zone the 50 ha racecourse property at the end of Peter Snell Road, Ruakaka from Coastal Countryside Environment to a new Environment/zone (Ruakaka Equine Environment/REE). The primary objective of the private plan change was to secure the long term viability of equine activities on the site while enabling the expansion of training and horse-related activities and compatible commercial, residential and equine-education cluster development.

The racecourse is located within an area bordered by the Ruakaka River to the south and the coast (Bream Bay) to the east, forming the northern part of the coastal settlement of Ruakaka. Immediately to the west are two large approved but yet to be developed residential subdivisions. Further west is Marsden Point Road which links State Highway 1 in the south with the settlements of Marsden Point and One Tree Point to the north. Department of Conservation land adjoins 3 boundaries of the site, comprising significant natural areas of high wildlife value on the coastal dunes and within the river estuary, including a wildlife reserve, and a dune lake.

The origins of the plan change date back to the Ruakaka-Marsden Point Structure Plan (2000) when the Whangarei Racing Club sought a change to the future use of the Ruakaka Racecourse from 'existing residential' to a mixed use residential and commercial area. A 'master plan' for the racecourse was prepared in 2010 as an 'enquiry by design' exercise undertaken in association with the Council for the purpose of looking at both short and longer term development to secure the viability of horse racing on the site.

The resultant private plan change was prepared and submitted on behalf of the applicant by Auckland planning consultants Hill Young Cooper, supplemented by additional specialist reports. Integral to the structure of the plan change was the proposed use of the 'Management Plan Technique' introduced to the District Plan by PC103 and currently applicable to the Urban Transition Environment.

Additional features of the proposed private plan change (as notified) included:

- Division of the racecourse site into four precincts of differing size, characteristics, functions and objectives, with Precinct A (Infield and Racetrack) providing predominantly for equine and recreational activities; Precinct B incorporating the existing grandstand and allowing for future hotel, conference and commercial activities, with the remaining two Precincts (C and D) allowing for a range of residential accommodation.
- Adoption of a policy-led approach to subdivision and development, (rather than reliance on traditional rules), including use of specified criteria (*'requisite policies'*) to determine notification status, and policies guiding the desired scale, intensity, location and built form of residential development in particular. (These included a maximum quota of 350 dwelling units over the 50 ha site, height and setback provisions and adherence to ecological requirements and urban design principles).

Notification and hearing process

On 13 March 2013 Council resolved to *accept* the applicant's request for the private plan change in terms of clause 25 of Part 2 of Schedule 1 of the Resource Management Act 1991 ('RMA'). The plan change therefore continues to be assessed as a privately-requested proposal (as opposed to a Council-initiated plan change) in accordance with Schedule 1. Subsequent process steps are summarised below:

26 March 2013	Date of public notification of PC113 for submissions.
26 April 2013	Closing date for submissions. (59 submissions received).
28 May 2013	Date of public notification for further submissions.
19 June 2013	Closing date for further submissions. (Received from 8 persons).
31 July 2013	Pre-hearing meeting held at Ruakaka (chaired by Commissioner John Childs)
18-20 November 2013	Plan Change hearing at Ruakaka
22 November 2013	Commissioners written decision on procedural issue (relating to s27B Memorials under State Owned Enterprises Act 1986) – <i>refer Section 3 of Hearing Panel report.</i>
18 December 2013	Formal closure of hearing following receipt of further information (revised track change document prepared by WDC and WRC planners, as circulated to hearing attendees.)
20 February 2014	Date of Hearing Commissioners' recommendations report to Council.
12 March 2014	Scheduled date for consideration of Commissioners' report by Planning Committee and decision on Private Plan Change.

Clause 29 Procedure under this Part of Schedule 1 of the Resource Management Act 1991 outlines procedures applying to plan changes, including appeal rights of submitters. Clause 29(4) states:

"After considering a plan or change, the local authority may decline, approve, or approve with modifications, the plan or change, and shall give reasons for its decision."

The Hearing Panel appointed to hear and make recommendations on the private plan change comprised three Hearing Commissioners - Messrs Les Simmons (Chairman) and Alan Worthy (both Independent Commissioners) and John Williamson (WDC Councillor).

Clause 10 Decisions on provisions and matters raised in submissions of Part 1 of Schedule 1 of the Act outlines further requirements in terms of decisions, while Clause 11 Notification of decision sets out provisions relating to public notification of decisions, including service on submitters.

The Hearing Panel's report

The Hearing Panel's findings and recommendations on submissions is attached. This includes Attachment 1, being the recommended revised PC113 text and maps for inclusion in the District Plan.

The Commissioners identified the following principal issues as being in contention, or needing to be determined, following a review of the submissions, the evidence presented at the Hearing, the Council Planner's Section 42A Hearing Report and the applicant's final track change version of the proposed plan change (as annotated by Council's planner):

1. *Whether the plan change should proceed before the outcome of the Treaty of Waitangi claim of Patuharakeke Trust Board is known.*
2. *Whether there should be any change to the zoning of the Ruakaka racecourse land given its location and surrounding environment.*
3. *Whether the plan change will give effect to the NZ Coastal Policy Statement (NZCPS) 2010.*
4. *Whether the plan change will give effect to the relevant regional planning documents.*
5. *Whether the management plan approach is an appropriate method to guide the future development of the Ruakaka racecourse land.*
6. *What intensity of development should be provided for, if development is to occur?*

7. *The avoidance, mitigation and management of any adverse effects on the environment, including ecological effects, cultural values, coastal hazards, flooding and tsunami risk, archaeological effects, the scale, form and intensity of development, traffic and access issues, access to the coast, infrastructure, noise and light.*
8. *Whether the plan change will promote the sustainable management of natural and physical resources as contemplated by Part 2 of the Act.*
9. *The specific wording of the provisions in the plan change.*

The Panel's response in respect of the submissions lodged, as detailed in Section 7 of the report, is also based on the above nine topics.

Commissioners' conclusions and recommendations

Section 8 of the Hearing Panel's report recommends **approval** of PC113, stating:

Our overall conclusion is that PC113, subject to the amendments we have recommended, appropriately promotes the sustainable management of the Ruakaka race course site, the surrounding coastal and conservation land, and the surrounding coastal settlement of Ruakaka, as contemplated by the Resource Management Act 1991.

The approach taken by the Whangarei Racing Club with respect to PC113 has generally been accepted by the Commissioners and the amendments we recommend do not substantially deviate from the final recommendations from the reporting planner Ms McNeal.

The reasons for our decisions/recommendations are set out under the headings in section 7 of our report.

Our overall recommendation is that:

- (a) *Proposed Plan Change 113 to the Operative Whangarei District Plan be **APPROVED** subject to the amendments as described above and in the Decisions Version of the Plan Change document [Attachment 1], and*
- (b) *That the submissions be accepted, accepted in part or rejected according to the reasons set out above in this decision report*

Recommendation

1. That the report be received.
2. That the report and recommendations of the Hearing Panel be adopted in terms of Clause 29 of Part 2 of Schedule 1 of the Resource Management Act 1991.
3. That the necessary notification of Council's decision be given in terms of Clauses 10 and 11 of Part 1 of Schedule 1 of the Resource Management Act 1991.

Attachments

1. [Proposed Private Plan Change 113 to the Whangarei District Plan – Recommendations from the Hearing Panel to the Council dated 20 February 2014.](#)
2. [Proposed Text and Maps to be added to the Whangarei District Plan – \(Attachment 1 to above\).](#)