

Response ID ANON-URZ4-5FAN-Y

Submitted to Fast-track approval applications
Submitted on 2024-04-19 11:23:56

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
DARGAVILLE RACING CLUB

2 Contact person

Contact person name:
Richard Alspach

3 What is your job title

Job title:
Chairman Dargaville Racing Club development committee.

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:
s 9(2)(a)

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

The site is the property of the Dargaville Racing Club, SH 14 nr Dargaville

Valuation No, 0101015400

Legal description:
ALL DPS27168 38686 Pt Lot 37 DP 7811

BLK IX Maungaru 5D

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Do you have a current copy of the relevant Record(s) of Title?

Yes

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Who are the registered legal land owner(s)?

Please write your answer here:

Dargaville Racing Club,(formerly known as the Northern Wairoa Racing Club) who have held title since 1925. The land was part of the larger parcel of land of 1967 acres, for which title was created when sold by Pouaka te Awha and Powritanga te Awha to Mr Mitchelson on the 28/9/1893

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The land has not been used for racing since 2016. The Racing Industry Amendments Act 2020 tolled the end of any possibility of racing in the future. The club wanted the land to be used for the good of the community (they considered it to be community asset). The community is desperately short of housing and light industrial land, and in need of a retirement village.

The land was zoned Rural. The Provincial Growth Fund granted \$900,000 to assist with an application for a plan change to allow housing and light industrial. (PDU ID : ROI 02838)

That project was completed on time and within budget. A panel of independent commissioners approved the plan change, which was accepted by Kaipara District Council.

The plan is held up by an appeal from the Te Kuihi Haupu to the Environment Court. the basis of their claim is light in terms of RMA; their main concern is they claim ownership of the land, which is not supported by the fact or documentation.

Section 2: Project details

What is the project name?

Please write your answer here:

Dargaville Racing Club development project

What is the project summary?

Please write your answer here:

To get the land zoning changed to enable development of housing, a retirement village and light industrial land. The re-zoning has already been approved, without conditions, by an independent panel of commissioners. Its finality is held up in the Environment Court process.

What are the project details?

Please write your answer here:

The rules of the Plan Change would allow for the following

The development of a retirement village which could contain up to 120 units.

Mixed housing sections of various sizes which could result in approx 300 units.

An area of approx 12 ha designated as light industrial, situated immediately adjacent to SH14

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

The first stage of the project was securing funding from the PGF (s 9(2)(b)(ii) there was a small refund at the end of the project).

Second stage was to develop the application for a plan change to the stage that the KDC would accept the proposal for processing. This was done using the services of Griffiths and associates as project managers. We included as partners in this process the Dargaville Community Development Board (DCDB), who had a strong interest on behalf of the community and a particular advocacy for a retirement village, which they have been pursuing for the best part of a decade. Also included were Ngati Whatua because we anticipated, correctly, that we would need their financial support as the process moved into hearings; the project also fitted nicely with their corporate and social ethos.

Third stage was the hearing process. We are proud of the application we made, the presentation and the level of detail provided was such that ultimately the hearings commissioners granted the application without conditions. The Council (KDC) subsequently adopted the commissioners recommendations.

The appeal period commenced.

There were no appeals until two days after the closing date. Te Kūihi Hapu lodged an appeal. The court granted a waiver and we entered the tender grasp of the Environment process.

We have a Mediation set down for the 21st of May. Six months after the closing of appeals!! We have no confidence that this Mediation will be successful, hence this application for "fast tracking".

What are the details of the regime under which approval is being sought?

Please write your answer here:

It is just the Environment Court process right now.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Kaipara District Council.

When the project gets to the Resource consent stage, clearly the Northland Regional Council will also be involved.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Not certain how this applies to us. We have a Mediation date set down for the 21st of May, if that is successful, then clearly there will be no need for this application. If the Mediation is not successful, then we would hope this application can proceed.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

As explained above, at this stage we need clearance from the Environment Court process.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

As soon as we have a gazetted plan change, we will be seeking a developer. Ngāti Whatua have a first right of refusal (FRR). We had started this process before being brought to a halt by the solitary appeal, and we are confident of being able to secure a suitable deal within 3-4 months.

Then a resource consent application has to be prepared, and approved which could take 12-18 months, followed by tendering process etc.

From the time we get the plan change in place it could be Two to two and a half years before a shovel hits the ground.

(Tragedy of all this is that the development is needed yesterday, so great is the need)

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

The Kaipara District Council

There are at least five iwi that we consulted with, including Te Kūihi as Mana Whenua.

The general community of Northern Wairoa, who have a vested interest in the development because it will have a significant impact on the social and economic future of the District.

Ngāti Whatua hold a first mortgage over the land **s 9(2)(b)(ii)**, raised to help pay for the hearings process), and as a consequence also have a FRR when the property is sold.

The community as a whole has a long term interest because the proceeds will be invested in the Northern Wairoa Fund, which is administered by the Northland Community Foundation, which will provide a contestable fund for the benefit of community and sports groups Marae etc in perpetuity.

Beyond that the club holds title without caveat.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

We are proud of the extent to which we consulted., and we were prepared to modify the application to mitigate concerns. Including during the hearing. This willingness is clearly reflected in the commissioners decision to grant the application without conditions.

Communication included:

Two well attended public meetings.

Consultation with Grey Power, particularly over the retirement village, this included a meeting and a survey of members.

Four separate meetings with the immediate neighbours.

A full CIA assessment with local Iwi, conducted by a specialist consultant; involving four formal meetings with invited Kaumatua, numerous video links and phone calls.

At the end of this program, we then conducted a further meeting with Te Rorora and Te Kuihi.

The consultation with Iwi took longer than expected and resulted in us going to MBIE for an extension of time to make certain we did the job thoroughly

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

None specifically at this stage.

Though we did have ongoing discussions with Waka Kotahi about the necessity of a round about versus an upgraded T Section onto SH14. At this stage resolved, but further dialogue will certainly take place as part of a raesourcae consent,

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

We are not aware of any. Te Kuihi tell us that they have one pending, claiming ownership of the land. They have not presented us with any proof of this. As detailed before, the Club has held title now for 99 years. the Title was created in 1893 when the then Chief sold the land to a Mr Mitchelson, who in turn sold it to Mr. Finlayson, who sold it to the club. The evidence of these events are part of the Public record, including Newspaper articles of the time, with details of a meeting, chaired by the then Mayor, and attended by the local MP, at which a pool of debentures was established to allow the land to be purchased from Mr. Finlayson.

It would be fair to say that Te Kuihi do not accept the documentation . We have invited them to lodge a claim with the Waitangi Tribunal, if they have contrary proof, as at all events their claim is against the Crown, not the club.

Once again for the record. the club owns the land in fee simple title. There are no caveats on the title.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The effects will be "no more than minor", with the appropriate mitigation as set out in the rules of the plan change

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

When we commenced on preparing the application there were no relevant NPS. After we had lodged the application, and it had been accepted by KDC, but before the hearing, the Government brought in the National Policy Statement High Producing Land (NPSHPL), and made its application retrospective. As a result the Hearing Commissioners specifically asked for an economic report, as laid out in the NPS/HPL. This was provided by an independent consultant, the findings of the report were accepted by the commissioners, and consent was granted.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

We could have moved forward to the development stage over six months ago, but for the "last minute" appeal by Te Kuihi. As already stated their RMA case is light, as the motivation seems more about their as yet unsubstantiated, land ownership claim. Its also hard not to come to the conclusion that this project is collateral damage in the ongoing discord between KDC and Te Roroa and Te Kuihi. The potential for further delay, (to say nothing of cost) either through the mediation process or progressing to a full Environment Court hearing, is considerable. As previously stated we have a Mediation hearing set down for the 21st of May. Hopefully it will be successful and we can progress; but if not then this "Fast Tracking" will become necessary.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

See above. If the Mediation is not successful, then the "fast track" process will certainly save months, if not years; and tens of thousands in expense, which would be much more usefully applied to infrastructure for instance .

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

It has been adopted as a plan change by KDC.
The Light Industrial zone adjacent to SH 14 is part of Council's spatial plan.
The shortage of housing particularly has been identified by everybody as an inhibiting factor in Dargaville's economic and social future
The requirement for a Retirement Village in Dargaville was identified by the DCDB, even before planning for this project began.
The support for this project from the community at large is manifest and urgent..

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

Housing is short throughout Northland. Daraville will obviously benefit, but so will Whangarei.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

All of the above, and the Commissioners final recommendations bear this out. (the full decision will be sent to MBIE with this application)

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

We have endless anecdotal evidence from existing business with job vacancies, telling us they could get the staff if there was somewhere for them to live. With the alarming takeover of good farm land by "carbon forestry", the area desperately needs more economic activity to replace that lost to overseas owned carbon forestry companies. This project will be a factor in that diversification. Just construction alone will provide dozens of jobs, and opportunity for skills development. Both Ngati Whatua and Te Roroa have building academies which would benefit.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

Clearly it is not in a position to promote aquaculture. As mentioned above "carbon forestry" is gutting Rural communities, and it certainly is this one. We need to diversify economic activity to maintain social services. This is particularly important to the existing rural industries.

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

To the extent that there are limited areas of environmental significance on the site., these are protected by the rules of the plan.. As a general truism, development of any resource requires people, and if people are to work in the area, then they need somewhere to live.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Not Answered

Please explain your answer here:

Probably not an appropriate question. But certainly any new housing development leaves open the potential for new and innovative design. The CIA identified, and we agreed, that all dwellings should have built in facilities.to store rainwater.

Will the project support adaptation, resilience, and recovery from natural hazards?

Not Answered

Please explain your answer here:

n/a

Will the project address significant environmental issues?

Not Answered

Please explain your answer here:

to the extent explained above yes, but it is not of itself of major signifaicance.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The KDC spatial plan,(the District Plan is currently under review). The NRC Regional Plan and the NPSHPL were both taken into account by the commissioners in making their decision.

Anything else?

Please write your answer here:

No

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

The site is not identified as a flood plain by the NRC. It did not flood during Cyclone Gabriel

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

Nobody has taken action against us. There were a number of submitters to the Plan Change process, we attempted to mitigate their concerns by modifications to the application., and the Hearing Commissioners did a good job of hearing their voice.

With the exception of the last minute appeal from Te Kuihi, none of the submitters pursued their concerns to appeal.

Waka Kotahi have joined the appeal as section 274, but will present at the Mediation only by video link.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Richard Alspach

Important notes