

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF a Request for Private Plan Change
113 Ruakaka Racecourse by the
Whangarei Racing Club

AND

IN THE MATTER OF submissions on proposed Private
Plan Change 113 Ruakaka
Racecourse by the Director-
General of Conservation

STATEMENT OF EVIDENCE OF JOHN ANDREW RIDDELL

25 October 2013

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A. Introduction

1. My name is John Andrew Riddell. I have been practising as a resource management planner on a part-time basis since 1989 and a full-time basis since 1993. Between November 1998 and June 2013 I was employed by the Department of Conservation. I am currently self-employed, operating under the company name CEP Services Matauwhi Limited. I hold the qualification of Bachelor of Resource and Environmental Planning with First Class Honours. I am a member of the New Zealand Planning Institute.

Experience

2. Much of my resource management work has involved proposals within the coastal environment, particularly in Northland. From this work, which includes plans, policy statements and resource consent applications, I have developed a good understanding of natural character and of landscape values.
3. Work undertaken that is relevant to this proposed Private Plan Change includes giving evidence on the Director-General of Conservation's submission ("Director-General" or "D-G") and appeal on the (then) proposed Whangarei District Plan¹, preparing and furthering the Director-General's submission on the plan change that introduced the management plan provisions in the Whangarei District Plan, and assessing the Land Development Solutions and Great Northern Land Company subdivisions for the Department of Conservation².
4. I have attended several meetings with the Whangarei Racing Club on this plan change proposal. I also actively participated in the appeal negotiations that resulted in the management plan subdivision rule being inserted in the Far North District Plan.
5. Whilst still employed by the Department of Conservation I prepared the Director-General's submission on the proposed Private Plan Change and reviewed the submissions when the further submission period was notified.

¹I was one of the planning witnesses in the Environment Court case on Variation 5 to the District Plan that is referred to at paragraph 28 of the staff report.

²This included negotiating amendments to both proposals to better protect the ecological and natural values of the area.

6. I have visited the site and adjacent public conservation land several times, most recently on 14 October 2013. I have read and rely on the evidence of Dr Tony Beauchamp and Shaughan Anderson.
7. My evidence is not a comprehensive assessment of the Ruakaka Equine Environment, but rather a discussion of some of the significant issues arising from the Director-General's submission in relation to the relevant planning framework.
8. Before discussing the relief sought by the Director-General I comment on the context of the plan change, review the relevant provisions from Part 2 of the Act and the New Zealand Coastal Policy Statement, and discuss relevant policy guidance from the Whangarei District Plan (including the Management Plan Technique provisions).
9. I have read and agree to comply with the Code of Conduct for Expert Witnesses produced by the Environment Court.

General comment on proposed plan change content

10. The proposed private plan change identifies an extensive range of residential and commercial activities that might occur on the site. The proposed plan change proposes that the detail will be provided later via Precinct Management Plans. The specific effects of further development will not be known until these plans are prepared. It follows that it is necessary to ensure that the proposed Ruakaka Equine Environment includes sufficiently detailed and certain objectives, policies and rules to ensure that (a) it is clear what the limits and standards that any proposed development needs to meet, and (b) the zone provisions are comprehensive enough to ensure that all adverse effects can be addressed through the consideration of applications for Management Plans and/or resource consents.
11. I am concerned that, notwithstanding that the detail on development in each Precinct will be provided later, the proposed Plan Change proposes that applications will be processed without notification. At a minimum I consider that all Management Plans should be publicly notified given that will be the first time the detail of what is proposed will be known.
12. Further, I consider it good practice that where, as in this case, there is reliance on a management plan technique to provide a detailed package of development for a site,

the rules should require a more rigorous resource consent process for activities not covered by the management plan, to the level of prohibited activity if appropriate.

13. In my opinion, the Ruakaka Equine Environment zone provisions lack that necessary detail and certainty. I discuss particular provisions later in this statement.
14. The only urban connection to the Ruakaka race course is along the northern half of the Precinct C boundary. There is public conservation land along the rest of the boundaries. These areas have ecological, natural character, landscape, amenity and recreation values, and are sensitive to adverse effects on those values, as explained in the evidence of Dr Tony Beauchamp and Shaughan Anderson.
15. In my opinion, effectively managing off-site adverse effects is a necessity with any development on this site if the natural values of the surrounding land are to be retained.

The district context for the proposed development

16. The Whangarei District Plan sets out a range of urban and rural zones across the district.
17. The most intense (urban) residential zone is the Living 2 zone. This provides for controlled activity subdivision to allotments with a net site area of at least 350 square metres.
18. The most intense business zones are the Business 1, 3, Town Basin, Port Nikau and Airport Environments. In these zones controlled activity subdivision is down to be a net site area of at least 100 square metres. The Port Nikau Environment does anticipate a mix of residential, commercial and business uses.
19. The Marsden Primary Centre provision in the Whangarei District Plan provides for the implementation of a structure plan for an urban centre at Marsden Point via a master plan and precinct plans. Medium density residential development is provided for in the structure plan as follows³:
 - Precinct 1, Town Centre South: 400 units over 9 hectares, an average of 1 residential unit per 225 square metres;

³From the Marsden Primary Centre: Master Plan Spatial Budget, page 60 of chapter 83 of the Whangarei District Plan.

- Precinct 3, Town Centre North: 1,280 units over 48 hectares, an average of 1 residential unit per 375 square metres;
 - Precinct 4, Residential: 500 units over 26 hectares, an average of 1 residential unit per 520 square metres.
20. The Marsden Primary Centre is located some 3 to 4 kilometres to the north-west of the Ruakaka race course. The Marsden Primary Centre is intended to be a new primary suburban centre for the Ruakaka-Marsden Point area.
 21. The residential development intensity proposed within the relevant precincts in the Ruakaka Equine Environment is, by comparison, 350 units over 13.2 hectares, an average of 1 unit per 379 square metres.
 22. The 13.2 ha is the combined area of precincts B and C, which are the precincts where residential units are intended to be located. There is some provision for “low scale residential development” in precinct D, however this is primarily intended as a commercial development precinct.
 23. Proposed policy REE 1.4.1(ii) states that “units in visitor accommodation developments and retirement villages and similar” may be in addition to the maximum of 350 dwelling units across the Environment. Thus the average intensity of 1 unit per 379 square metres for the Ruakaka Equine Environment is a conservative one, and the actual density may be much greater.
 24. In considering the potential intensity of development I do not include precinct A. This is the race course and the continued viability of it as a race course is the prime intention of the development of the other three precincts. Thus I consider that the approach of calculating intensity across the site as if the race course did not exist is flawed.
 25. The proposed level of development is, therefore, similar in intensity to that of the most intense residential and mixed development Environments provided for in the District Plan. A crucial difference, in my opinion, is that this site is on the edge of an urban residential area⁴, whereas the other Environments providing for intense development are within developed or planned urban areas.

⁴The direct link to the urban zoned Ruakaka is on the north western portion of the site.

26. Further, with this site, the context is that the surrounding area has high natural values. I return to this again in my later discussion as to the appropriate level of development that should be provided for on the site.

Resource Management Act (“the Act”) requirements

27. Any plan change must promote the sustainable management of natural and physical resources.
28. “Sustainable management” is defined in section 5(2) of the Act. My understanding of that definition is, in summary, that natural and physical resources are to be managed to
- enable people and communities to provide for their well being and safety; and
 - provide for the reasonably foreseeable needs of future generations; and
 - safeguard life-supporting capacity, including of ecosystems; and
 - avoid, remedy or mitigate any adverse effects on the environment.
29. There are different levels of relevance for each of these four outcomes depending on the particular facts of the proposal under consideration. Further detail is provided in sections 6-8 of the Act, in national and regional policy statements, and in regional and district plans, with weightings to be given to these considerations as set out in the Act⁵.
30. With this proposed private plan change I consider that the most important sustainable management outcomes to balance are enabling the Racing Club to provide for their economic wellbeing, and avoiding, remedying and mitigating any offsite adverse effects.

Matters of national importance

31. Section 6 of the Act sets out seven matters of national importance that must be recognised and provided for.

⁵“Recognise and provide for matters of national importance, have particular regard to other matters, give effect to policy statements, not be inconsistent with regional plans.

32. For this coastal location, I consider that 6(a), 6(c), 6(d) and 6(e) are relevant. I do not, however, discuss 6(e) further as I do not have the necessary detailed knowledge on Maori values in the area⁶.
33. I do not consider that matter of national importance 6(b) is relevant although the beach is identified as outstanding landscape because of the very limited visibility that built development on the race course will have from the beach⁷.
34. I consider that the beach, dunes, public land to the south of the race course and the dune lake all have high natural character. The biggest potential adverse impact on that natural character is from development in precincts B, C and D, as the built form could dominate over, and detract from, the natural character, especially if there are buildings higher than four stories close to the southern boundary of race course⁸, or there are buildings dominating the dune lake. There is a lower risk of loss of natural character experienced on the beach from the proposed development because of the role of the fore-dune in screening much of the built development at the race course.
35. The degree of adverse impact on existing natural character; i.e. the extent to which the preservation of the natural character of the coastal environment is recognised and provided for, depends, in my opinion, primarily on the overall scale of development, the location of taller buildings, and the adequacy of visual screening along the southern boundary and from the dune lake.
36. The evidence of Dr Tony Beauchamp and the applicant's supporting ecological assessment both confirm that the dunes, land to the south of the site, the estuary and the dune lake include areas of significant indigenous vegetation and significant habitats of indigenous fauna and thus section 6(c) is relevant. Recognising and providing for the protection of these areas from the increased people pressure arising with this proposed development is a key consideration with the proposed plan change.
37. Whilst it is a matter of national importance to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area,

⁶For the same reason I do not discuss s7(a) or s8 of the Act either.

⁷The beach and land to the south of the race course is identified as notable landscape in the Whangarei District Plan. The same landscape survey methodology was used in the Far North District, and a landscape classified as notable in Whangarei District would be outstanding in the Far North.

⁸The race course is very visible from the back dunes south of the race course.

this needs to be balanced against other matters of national importance, including that relating to species and habitat protection.

38. As explained in Shaughan Anderson's evidence, this proposal will, once fully developed, result in increased public access to the beach, closer to the habitats to the south of the site than currently is available. The actual and potential adverse effects of that will need to be managed.

Other matters

39. Particular regard is required to the matters listed in section 7 of the Act. Whilst many of these are relevant to the proposed private plan change I consider that they are also covered by the matters of national importance⁹ and by giving effect to the New Zealand Coastal Policy Statement 2010.

New Zealand Coastal Policy Statement 2010

40. The New Zealand Coastal Policy Statement ("Coastal Policy Statement") is the only national policy statement that pertains to this proposal. The Whangarei District Plan as amended by the private plan change must give effect to national policy statements.
41. The Coastal Policy Statement sets out seven objectives and twenty nine policies. Of these I consider that five objectives and eleven policies are relevant considerations with respect to this proposed private plan change.
42. Objective 3 and policy 2 relate to Maori values. I lack the information to ascertain the extent to which that objective and that policy are relevant.
43. The relevant themes from the Coastal Policy Statement are:
44. *Enabling people and communities to provide for their well-being through subdivision, use and development*¹⁰. Objective 6 sets out constraints and opportunities with regard to providing for wellbeing, including that the protection of values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits.

⁹For example having particular regard to the intrinsic values of ecosystems, and amenity values and quality of the environment intersect with natural character consideration.

¹⁰Objective 6 and policies 6 and 7.

45. Policies 6 and 7 also point to the need to consider what the appropriate scale of development on the race course land is, and if practicable set thresholds or specify acceptable limits to change¹¹.
46. *Protecting indigenous biological diversity*¹². This is, in my opinion, an important consideration with this proposal. Both the applicant's ecological report and the evidence of Dr Tony Beauchamp confirm that there are important indigenous biological diversity values (habitats and species) on the land surrounding the race course. The evidence also confirms that there will be increased pressure on these values as a result of the development. Management of (a) the scale of development and (b) the people within the development is identified as a necessary measure to provide protection for indigenous biological diversity.
47. Part (a) of policy 11 is important. It sets out a requirement to avoid adverse effects of activities on six specified characteristics of biodiversity, two of which are met for the surrounding public conservation land. In my opinion, this strongly supports the need for a comprehensive, properly financed and effective ecological management plan, operating in perpetuity.
48. The policy 11 “avoid adverse effects” directive also reinforces the need to consider the scale of development, and the point beyond which actual and potential adverse effects on indigenous biological diversity will be very difficult to manage. The level of development in the approved Great Northern Land Company and Land Development Solutions subdivisions provides a cumulative base of development to factor into this consideration.
49. *Preserving natural character and protecting natural features and landscape values*¹³. The policy intent from the Coastal Policy Statement with respect to outstanding natural character and/or outstanding landscape value is that adverse effects be avoided. Otherwise, in terms of other natural character and landscape values, significant adverse effects are to be avoided.
50. The beach is an outstanding landscape, and there is outstanding natural character within the Ruakaka Estuary. However, these locations are sufficiently removed and

¹¹On this later point see policy 7(2).

¹²See objective 1, second bullet point, and policy 11.

¹³Objective 2, policies 13, 14 and 15.

screened from the race course site such that any actual and potential adverse effects from the proposal are, in my opinion, avoided on those outstanding values¹⁴.

51. This leaves the management of any significant adverse effects on natural character and landscape values, a consideration along the southern boundary and adjacent to the dune lake. The land south of the race course and the dune lake and its margins have, in my opinion, high natural character and landscape values¹⁵.
52. A component of the natural character of the land to the south of the race course is the awareness of the built development on the race course. This built development acts as an edge to the area of high natural character. It contrasts with, and is subservient to, the naturalness of the dunes. Avoiding significant adverse effects particularly from the domination of built form in precinct B on the natural character and landscape values of the land to the south of the race course is, in my opinion, an important consideration arising from these natural character and landscape policies.
53. *Safeguarding the integrity, form, functioning and resilience of the coastal environment*¹⁶. This includes providing for dunes as a natural defence against coastal hazards¹⁷. In my opinion this means that the plan change should include provisions for the control and management of access across the fore-dune to the beach from the race course development. It also confirms the need to protect the hydrological integrity of the dune lake, a particular consideration if ground water is extracted from within the dune lake catchment or stormwater directed towards the dune lake.
54. *Maintaining and enhancing the public open space qualities and recreation opportunities of the coastal environment*¹⁸. Essentially this objective and policies state that public walking access should be maintained and enhanced, but vehicle access controlled. Policy 19(3) sets out circumstances where a restriction on walking access should be imposed, including to protect threatened species, dunes, and estuaries. Similar reasons are given in policy 20 for restrictions on vehicle access.
55. The proposed plan change, in conjunction with the Great Northern Land Company and Land Development Solutions subdivisions, increases the demand for public access across the public conservation land and to the beach. Given the potential

¹⁴My conclusion is dependent on adequate screening from the beach, a point discussed later in this statement.

¹⁵The land is identified as notable landscape in the Whangarei District Plan.

¹⁶From objective 1.

¹⁷Objective 5 and policy 26.

¹⁸Objective 2, policies 18, 19 and 20.

impacts on ecological values and the potential for dune erosion, that public access will have to be carefully managed, as will the potential conflict between people, horses and vehicles all wanting to use that portion of the beach east of the race course.

56. Shaughan Anderson describes how the Department of Conservation is trying to manage this pressure, including by preparing the Bream Bay Strategic Plan.
57. *Managing adverse effects on public conservation land.* Policy 5 is on lands or waters managed or held under other Acts. The race course is almost surrounded by public conservation land, as described in the evidence of Dr Tony Beauchamp. The policy states that regard should be had to the purposes for which the land or water is held, and that significant adverse effects on those purposes should be avoided.
58. *Summary and discussion.* I have identified above several themes from the Coastal Policy Statement that, in my opinion, underline the need for the proposed plan change to include effective and certain provisions to address and, in some instances, avoid actual and potential off-site effects of built form and from the scale of development proposed (people pressure).
59. In this regard I consider that a clear limit to the overall scale of development, limits on public access points and tracks, and long term off-site ecological management are important measures if the Whangarei District Plan with the plan change included is to give effect to the Coastal Policy Statement.

Regional Policy Statement for Northland

60. The Whangarei District Plan with the plan change incorporated also needs to give effect to regional policy statements.
61. The Regional Policy Statement for Northland (“Regional Policy Statement”) was made operative in 1994. It is in the process of being replaced. Decisions have just been released on submissions and further submissions to the proposed Regional Policy Statement. The appeal period on those decisions closes in mid-November.
62. The operative Regional Policy Statement includes a chapter on coastal development that traverses similar matters as the Coastal Policy Statement.

63. The indigenous biodiversity chapter of the operative Regional Policy Statement includes criteria to use to determine “significance” in terms of section 6(c) of the Act. Dr Tony Beauchamp assesses the public conservation land around the race course using those criteria and confirms that the area is significant.
64. The proposed Regional Policy Statement includes a more sophisticated definition of “significance”. Dr Beauchamp also assesses the public conservation land around the race course using this more sophisticated definition and confirms that the area is significant under that definition as well.

Whangarei District Plan

65. The Whangarei District Plan is discussed in the staff report, including a table setting out relevant anticipated environmental results.
66. Policy intent from the District Plan includes:
- consolidation of development¹⁹
 - management of the rural-urban interface²⁰
 - protection of natural character, landscape and amenity values and retention of sense of place²¹
 - high quality design²²
 - providing for comprehensive development of land²³
 - ensuring density of development is appropriate, providing flexibility in allotment size²⁴
 - providing for public access²⁵
 - encouraging riparian buffers²⁶
 - protecting and enhancing indigenous vegetation and habitats and encouraging programmes of plant and animal pest control²⁷

¹⁹See objectives and policies 5.4.4, 5.4.5, 6.3.2, 6.4.2, 10.4.7

²⁰Policy 6.4.9

²¹See objectives and policies 5.3.1, 5.3.5, 5.4.6, 6.3.3, 6.4.2v, 8.3.2, 8.4.7, 8.4.21, 8.4.23, 10.3.2, 10.4.1

²²Objective 6.3.18

²³Objective 8.3.7

²⁴Policy 8.4.3

²⁵Policy 10.4.5

²⁶Policy 12.4.2

²⁷Policies 16.4.10, 17.4.2, 17.4.3, 17.4.5B

67. In my opinion the District Plan does anticipate development of the type proposed, but only to an appropriate density, and undertaken in a way that protects and enhances natural values.

Management Plan Technique

68. The Whangarei District Plan includes a section on the use of management plans to facilitate subdivision and development on a flexible manner²⁸. The proposed private plan change relies on the development, at some time in the future, of management plans for three of its four precincts as the means of ensuring that yet-to-be-detailed development proposals are consistent with the sustainable management of natural and physical resources.
69. The management plan provision is based loosely on management plan subdivision provided for in the Far North District Plan. Management plan subdivision under the Far North District Plan is more restrictive with clear thresholds of development provided for.
70. The Whangarei District Council's management plan technique seeks superior outcomes to the more traditional forms of subdivision, use and development²⁹.
71. It requires long term (in perpetuity) management of sites, and integration of the management of the effects of subdivision and land use³⁰.
72. A management plan proposal needs to be consistent with district wide provisions (objectives and policies) of the District Plan³¹.
73. The setting of a management plan is important. Management plan technique policies seek recognition, maintenance and enhancement of the unique characteristics and attributes of the surrounding environment and that particular regard is had of adjacent land development activities³². In my opinion this confirms the need for clear limits to the level of development provided for under a management plan.

²⁸The Management Plan Technique is the final chapter in the introductory section of the District Plan.

²⁹Management Plan Technique objective MPT.1.3.2, policy MPT.2.4.2.

³⁰Management Plan Technique, policies MPT.2.4.3 and MPT.2.4.4.

³¹Management Plan Technique, policy MPT.2.4.8.

³²Management Plan Technique, policies MPT.2.4.7 and MPT.2.4.10.

74. The Council-approved management plan has to be registered against the Certificate(s) of Title of the subject site³³.
75. Section MPT.2.7 of the Management Plan Technique chapter sets out general matters to be assessed. These matters include consideration of on-going compliance provisions, the method of registration of the management plan, and any bonding requirements, in addition to the more common range of assessment matters for a resource consent.
76. The District Plan states that the management plan technique will be available in specified Environments and/or Policy Areas³⁴. The only zone where it is available currently is the Urban Transition Environment.
77. Other Environments and/or Policy Areas can be added by way of plan change. The plan change would specify the category of consent required for a management plan³⁵.
78. Notwithstanding that the Management Plan Technique chapter states that the use of a management plan would apply in an Environment only after a plan change, the rules provide for the use of the Management Plan Technique outside the identified Environments and/or Policy Areas as a non-complying activity³⁶.
79. Any proposed activity that does not comply with an approved Management Plan that has been given effect to is a non-complying activity in the Management Plan Technique chapter³⁷, but it appears that an activity that does not comply with an approved Management Plan would be a discretionary activity in the proposed private plan change³⁸.
80. When the management plan technique is being relied on to achieve a level of development not otherwise provided for, as in this case, I consider that the rules need to be set up to provide an incentive to use the management plan technique, and not to undermine it.

³³Management Plan Technique, section MPT.2.5, third paragraph.

³⁴Management Plan Technique, MPT.1.2

³⁵Management Plan Technique, MPT.1.1, fourth paragraph. Contrast this with the suggestion in the proposed plan change that management plans will identify the type of consent required, see for example the first bullet point of REE.1.5.3 and REE.4.4.2

³⁶Management Plan Technique, MPT.1.2

³⁷Management Plan Technique, MPT.2.5, last paragraph.

³⁸REE1.2.1

81. There are two cases to consider: (i) what subdivision, use and development should be allowed prior to any management plan approval, if there is to be an incentive to use the management plan technique, and (ii) what subdivision, use and development should be allowed after a management plan is approved.
82. The basis of the proposed plan change is to change the zoning of the race course from Coastal Countryside Environment to an Environment that provides for one of the more intense levels of development in the district. The management plan technique is relied on to provide the long term management of the (off-site) effects of more intense development³⁹.
83. In my opinion, an appropriate incentive to use the management plan technique would be provided if there was a rule included in the plan change that the existing Coastal Countryside rules would continue to apply in the absence of an approved management plan.
84. For the situation where a management plan has been approved, any further subdivision, use or development should be provided for as a non-complying activity as stated in the Management Plan Technique chapter.
85. Discretionary activity rules such as REE.4.3, which provide for residential units on small sites not in accordance with the performance standards within an approved Management Plan directly conflict with this.
86. I am concerned that the private plan change anticipates that a management plan would specify the types of consents required in order to implement the management plan. For example, REE.3.4.2 states
- Activities listed within an approved Management Plan shall have the activity status as set out in that Plan.
87. Activity status is normally set by rules in plans, and must be introduced via either a proposed plan or a proposed plan change. Activity status set out in a management plan would not have the status of a district plan rule.

³⁹See objective REE1.3.3 of the plan change.

The Relief Sought by the Director-General of Conservation

88. I assess each of the relief sought in the Director-General's submission in turn.

Prohibited activities

RR 16 D-G submission relief 6.1, staff report paragraphs 179-180, 200-201, 204, 257-267, 301-311.

89. This submission seeks the introduction of prohibited activities to set the limits to development⁴⁰.

90. The staff report does not recommend that further prohibited activities be added.

91. Plan provisions are a balance between certainty and flexibility. A combination of zoning, objectives, policies, performance standards and identified development thresholds, coupled with rules, is the usual technique for providing a degree of certainty on what use and development can be anticipated in an area. Commonly a more rigorous decision-making process is stipulated where a proposal does not meet those standards or where the area is more sensitive.

92. Flexibility is provided in this proposed plan change by a management plan approach.

93. In my opinion, it is clear from the evidence of Dr Tony Beauchamp and Shaughan Anderson that limiting the scale of development (and hence reducing the potential people pressure on ecological and natural systems) is important at this site.

94. I consider that clear limits are necessary to give effect to the Coastal Policy Statement⁴¹ and to generally achieve the sustainable management purpose of the Act.

95. Setting limits by prohibited activity is one method for defining limits.

96. There is considerable latitude for setting certain limits to development by revising and strengthening the policies in the proposed Plan Change and using discretionary or non-complying activity classifications, as an alternative to the use of prohibited activity classification. This can include where the resource management issue is

⁴⁰There is one prohibited activity in the proposed plan change: subdivision within precinct A.

⁴¹For example to ensure that the scale of development is such that adverse effects on biological diversity is avoided, policy 11(a) of the Coastal Policy Statement.

related to qualitative natural character, landscape and amenity value effects. Strengthening policies to provide increased certainty falls between what the proposed plan change states and what the prohibited activity status the Director-General's submission seeks.

97. The policies, requisite or otherwise, in the proposed plan change that purport to set quantitative standards often lack certainty in my opinion. For example proposed policy 1.4.1.iii is open ended with regard to the units on the site. It states there should be a limit of 350 dwelling units across the site, then provides exceptions to that limit⁴².
98. Or proposed policy 3.6.1 which sets out 40% site coverage, then provides an “out” for this.
99. In my opinion the proposed policies that set quantitative standards should be revised to ensure that clear, unambiguous thresholds and standards are set. Appendix 1 to this statement sets out my recommended changes to the policies to achieve this. I discuss my recommended changes in more detail when reviewing relief 6.8, 6.9 and 6.10 of the Director-General's submission.
100. There are however, three provisions that, based on the evidence of Dr Tony Beauchamp and Shaughan Anderson, I consider should be provided for as prohibited activities across the whole site in order to protect ecological values of the adjoining land and beach:
 - the prohibition of cats and dogs and mustelids on the site⁴³;
 - a prohibition on access to the adjacent public conservation land except at the two access points⁴⁴; and
 - a prohibition on the dumping of any waste, including green waste, onto the adjoining public conservation land.
101. I provide suitable wording for these prohibited activities in the strike-through version of the proposed plan change in Appendix 1.

⁴²This 350 residential unit limit is discussed in the next section of this statement.

⁴³Proposed policies 2.7.8, 3.6.9, 4.6.7 and 5.6.6 all state that there will be a ban on pet cats and dogs, and mustelids. A rule is necessary to implement these policies, and this could be implemented in advance of any management plan being approved.

⁴⁴Proposed policies 3.6.7, 4.7.7 and 5.7.8 anticipate this.

102. Providing for these as prohibited activities, in addition to being within an ecological management plan, allows for better enforcement. From the evidence of Dr Tony Beauchamp and Shaughan Anderson it is clear that enforcement is important.

Limit on residential units

RR 16, D-G relief 6,1. staff report paragraphs 204, 259-267

103. The Director-General is seeking an upper limit of 100 residential units on the site.
104. The staff report discusses the appropriate level of development of the site at some length, and concludes that further evidence is needed on this.
105. The race course currently is zoned Coastal Countryside, a zone applied to coastal rural areas. The proposed plan change is seeking to change the zoning to one that would allow a similar level of development as is provided for in the urban zones which allow the most intense development in the District Plan⁴⁵.
106. I have noted earlier in this statement that a significant difference between the location of those other intense urban zones and the proposed Ruakaka Equine Environment is that the other intense zones are within urban areas. It is not appropriate, in my opinion, for the race course to be developed as an intense urban zone as is effectively proposed.
107. The Ruakaka race course is on the edge of an urban area, with only a limited direct connection to the Living 1 zone in the north western portion of the site. Most of the land surrounding the race course is high value habitat or public recreation area.
108. The question then is: what is the appropriate level of development to protect those values? The evidence of Dr Beauchamp and Shaughan Anderson confirms that the proposed level of development is inappropriate because of the people pressure that would result. Reducing that people pressure would mitigate their concern.
109. The Council considered the appropriate level of development of properties on the edge of this coastal habitat and wildlife refuge when it granted consent for the Land Development Solutions and Great Northern Land Company subdivisions.

⁴⁵See paragraphs 16 to 24 of this statement.

110. The Land Development Solutions subdivision is on the western edge of the public conservation land to the south of the race course. The Great Northern Land Company land is on the opposite side of the dune lake from the race course. Both these properties are zoned Coastal Countryside. Unlike the race course though both properties are identified for a future Living Environment.
111. For both these subdivisions the Council had to establish an appropriate level of coastal development given that these properties, like the race course, are adjacent to sensitive public conservation land.
112. The subdivision consents are for 107 lots in the Land Development Solutions subdivision and 83 lots in the Great Northern Land Company subdivision. These consents also impose conditions such as no cats and dogs, restrictions on access to public conservation land, the construction of tracks and weed and pest control programmes.
113. Considering the subdivisions together, consents were granted for a total 190 lots over 27.55 ha. This is an average of 1 residential unit per 1,450 square metres.
114. That average can be used as an indication of the appropriate level of development on the race course site, because the race course adjoins the same sensitive public conservation land. Precincts B and C, where the residential development is primarily intended to occur, has a combined area of 13.266 ha. A level of development at 1 lot per 1,450 square metres in these precincts would equate to 91 residential units.
115. Therefore I consider that 100 residential units would provide an appropriate upper level for residential development at the race course site.
116. I recommend amending proposed policy 1.1.4ii to:
- There will be a maximum of ~~350 dwelling~~ 100 residential units across the Environment. ~~Units in visitor accommodation and retirement villages or similar may be in addition to this.~~
117. I recommend the change in terminology in the proposed policy from “dwelling unit” to “residential unit” as the later term is defined in the District Plan. The second sentence is then unnecessary as a visitor's accommodation unit is not a “residential unit”. The second sentence in the proposed policy is also undesirable because in providing an exception to the residential unit limit for “retirement villages and the like” it is leaving

the upper limit of residential units open-ended⁴⁶. This contradicts and undermines the first sentence of the policy.

Breaching a management plan

RR 16 D-G submission relief 6.2, staff report paragraphs 302-311

118. This submission seeks that activities which breach a management plan but which are not prohibited be classified as a non-complying activity.
119. The staff report recommendation is that the status of activities set out in the proposed plan change remain unaltered.
120. I have identified above that, with respect to activities breaching a management plan, there is a conflict between the current provisions of the District Plan and the proposed plan change.
121. Sections REE.3.3, REE.4.3 and REE.5.3 set out the discretionary activities proposed within, respectively, precincts B, C and D. These proposed rules include activities that explicitly are contrary to an approved management plan⁴⁷.
122. These sections also provide for activities that may breach an approved management plan depending on whether the particular approved management plan follows the bulk and location constraints identified in the requisite and general policies are followed or not⁴⁸.
123. Proposed objective 1.3.3 of the proposed Plan Change states:

A framework for future residential and mixed use development is provided through a Management Plan approach that ensures the viability of ongoing equine-related activities; provides for a high quality environment within the site and respects the amenity of the surrounding environment.
124. It is clear from this objective that management plans are the primary means by which the development of the race course will proceed. I consider that the rules should reflect this, and provide an incentive to use and follow management plans.

⁴⁶Units in a retirement village would be residential units under the District Plan's definition.

⁴⁷See proposed rules 3.3.1, 4.3.4, 5.3.2, 5.3.4.

⁴⁸For example proposed rules 3.3.3 and 3.3.4 provide for activities that, on the face of it, are contrary to proposed policies 1.4.2, 3.6.6, 3.6.7, and 3.6.8. This illustrates the uncertainty about the type of development that will occur that is intrinsically part of this proposed plan change.

125. Such an incentive is not present within the proposed private plan change. In my opinion ensuring the use of management plans remains central to the proposed development of the site. Given a discretionary activity classification for a management plan⁴⁹ I consider it necessary to provide for any activity or structure that is not provided for in the management plan or that breaches the management plan or the thresholds set out in the requisite policies as a non-complying activity. I see the non-complying threshold test as an important means to ensure that the integrity of the management plan approach is not undermined by ad hoc development or development in excess of the requisite policy thresholds.
126. The District Plan already provides for any activity that does not comply with an approved Management Plan as a non-complying activity⁵⁰. I consider that the proposed plan change should include the same provision.
127. In my opinion the same simplified set of rules could apply in each of precincts B, C and D, as these are the precincts where the use of management plan is intended.
128. I recommend the following:
129. The discretionary activities listed for precincts B, C and D should be replaced with one rule:
- A Management Plan for the whole Precinct prepared in accordance with R.E.E.1.5 and which complies with the performance standards set out in the Requisite Policies for the Precinct.
- and two new non-complying activity rules inserted in each of these three Precinct provisions:
- A Management Plan for the whole Precinct prepared in accordance with R.E.E.1.5 but which does not comply with the performance standards set out in the Performance Standard⁵¹ Policies for the Precinct.
- Any activity or structure that does not comply with an approved Management Plan.
130. The subdivision rules would need amendment for consistency. Specifically rule 6.3.3 should be amended so that it is a non-complying activity to subdivide in a way that

⁴⁹Proposed rule 1.2.1

⁵⁰Management Plan Technique, MPT.2.5, last paragraph.

⁵¹Elsewhere I recommend changing the name “Requisite Policies” to “Performance Standard Policies”.

does not comply with a management plan, and to provide an incentive to avoid subdivision occurring in advance of a management plan being applied for.:

All other subdivision proposals shall be considered as a ~~discretionary~~ non-complying activity⁵².

131. The gap remaining in this set of rules is controlling subdivision, use and development before a management plan is applied for and approved. This is discussed in the section on relief 6.4.

Requisite policies and notification

RR 16 D-G submission relief 6.3, staff report paragraphs 297-300

132. Relief 6.3 of the Director-General's submission seeks the deletion of the rule on notification and the transfer of pre-requisite (sic) policies into the general policies for each precinct and for subdivision.
133. The staff recommendation is to retain the notification and requisite policy provision, but to replace the discretionary language used in the requisite policies. I support such tightening of these proposed policies.
134. The proposed plan change includes, for each precinct, a statement that land use proposals that are not contrary to stated "requisite policies" shall not be notified. I have concerns about this.
135. A significant problem with assessing how this private plan change will achieve the purpose of the Act is it is largely outlining the decision making process for furthering development of the site, along with some parameters and thresholds to that development that may or may not be met⁵³.
136. The detail on the actual development and its location and appearance and on it will be managed to achieve sustainable management will not be provided until a management plan is applied for. Under the proposed plan change If a management plan is applied in a precinct and the Council considers that it complies with the requisite policies then the proposal would not be publicly notified.

⁵²In this statement I follow the convention when suggesting rewording of provisions of striking through words to be deleted and underlining words to be inserted.

⁵³The proposed rules allow discretionary consent applications for development that goes beyond the development thresholds and parameters given in the policies.

137. The devil, however is in the detail. For example, a management plan for precinct C could show buildings above 2 story only occupying 10% of the site. Those buildings could be designed and located in such a way that there is a much more than minor adverse effect on the natural character of the public conservation land to the south of the race course⁵⁴, yet still occupy no more than 10% of the Precinct.
138. However in terms of the proposed rules, if the management plan application providing for such development meets all of the stated requisite policies then the application would be processed without notification, or with the formal input of other parties.
139. An Ecological Protection Plan is the basic mechanism for managing the actual and potential effects of increased people pressure from the proposed development on natural and biodiversity values. This plan has to be prepared in consultation with the Department of Conservation and iwi. If there is still disagreement over the Habitat Management Plan after that consultation, and a management plan application is made that complies with the stated requisite policies (there is only a require to consult on the Ecological Management Plan) then the proposal would, under the proposed rules, be processed without notification.
140. In my opinion, that is undesirable, and does not accord with best practice.
141. I recommend that the Precinct rules state that any Management Plan application or any application to amend an approved Management Plan will be publicly notified.
142. I also note that the term “requisite policies” is not intuitively understandable to readers of the proposed plan change. I consider that the intended role of the policies would be more understandable) if referred to as as “performance standard policies”.

Activities occurring before a management plan is approved

REE 16 D-G relief 6.4

143. Relief 6.4 states:

The provision of a rule in each precinct requiring resource consent for activities occurring in advance of the development and approval of any precinct management plan.

144. The staff report does not appear to discuss this particular relief.

⁵⁴For example a four story building designed as a block, located as close to the boundary as possible could have such an adverse effect.

145. The use of the management plan technique is central to this proposed plan change. Proposed objective 1.3.3 of the proposed plan change confirms this. I have discussed this approach above in terms of applying for a management plan, and in terms of activities that do not comply with an approved management plan.
146. The gap in this system of rules I have recommended above is what happens before a Management Plan is approved.
147. Development in precincts B, C and D is intended to be defined and governed by management plans. For these precincts, proposed rules 3.4.3, 4.4(a), and 5.4(a) provides for “equine-related activities as a permitted activity until such time as a management plan has been approved. Once that happens equine-related activities would be, according to the proposed plan change, a discretionary activity in precinct B, and a yet to be defined activity class in the Management Plans for precincts C and D.
148. “Equine-related activities” is defined in the proposed plan change, and provides for a wide range of activities, including activities which could have adverse effects of concern⁵⁵. Some of the activities listed are likely to be incompatible with the management plan development of, particularly, precincts B and C.
149. I do not consider therefore that providing for equine-related activities as a permitted activity in precincts B, C and D before any management plan is approved is appropriate.
150. If the use of the management plan technique is to be encouraged, and not undermined by ad hoc development applications before a management plan is applied for, the rules applying to such activities need to encourage the use of management plans instead.
151. The race course operates, and has been operating, under the Coastal Countryside policies and rules. In my opinion continuing with those Environment rules in each of precincts B, C and D until such time as a management plan is approved for that precinct would be an appropriate method for controlling development before the preferred management plan technique can be implemented.

⁵⁵For example buildings, accommodation, educational facilities, accessory buildings.

152. This can be achieved by replacing proposed rules 3.4.3, 4.4(a) and 5.4(a)⁵⁶ with the following identical rule:

Until such time as a Management Plan is approved the Coastal Countryside rules and any Ruakaka Equine Environment prohibited activity rule(s) shall apply.

153. As a management plan is not intended for precinct A, there is no need for rules in that precinct to govern activities that occur before a management plan is approved⁵⁷.

154. *Summary on management plan rule system* I have set out a coherent and rational rule regime to achieve proposed plan change objective 3 (which promotes the management plan technique for development within precincts).

155. It provides the status quo (i.e. Coastal Countryside Environment rules) for use and development in the precincts before any management plan is approved, confirms the private plan change's discretionary activity status for management plan approval, and confirms the District Plan's non-complying activity classification for activities that do not comply with an approved management plan or where a proposed management plan does not meet policy standards.

156. There are some consequential amendments needed to the private plan change rules for precinct B. Proposed rule 3.4.1 and the introductory clauses of proposed rules 4.4 and 5.4 should be amended to also refer to non-complying and prohibited activities. For example proposed rule 3.4.1 would then become:

Activities not requiring consent as a discretionary, non-complying or prohibited activity shall be a permitted activity.

157. I am also concerned about the vires of some rules which provide for a management plan to set activity status⁵⁸. My understanding is that management plans cannot determine activity status as a management plan does not become incorporated into the District Plan.

⁵⁶These proposed rules have different layout despite being essentially the same rule in each precinct. In my strikethrough version of the proposed plan change (Appendix 1) I use the same format for each of the three rules.

⁵⁷There is a need for the Ecological Management Plan to apply to activities within this precinct though, especially given the discretionary activity list includes providing night lighting, an issue identified in Dr Tony Beauchamp's evidence as an ecological concern.

⁵⁸See proposed rules 3.4.2, 4.4(a), 5.4(a). Also see proposed rule 1.5.3, fist bullet point.

Ecological Management Plan

REE 16, D-G relief 6.6 and 6.7 (part), staff report

158. These two relief concern the Ecological Management Plan⁵⁹; the first that such a plan should be prepared at the same time as the first Management Plan, the second adding to the content of a Ecological Management Plan. Relief 6.7 also seeks additional matters that the management plans must address. That is discussed in the next section of this statement.
159. The staff recommendation is for the consolidation of discussion on the Ecological Management Plan to one section of the proposed Plan Change⁶⁰ and some minor wording changes. It is appears from the staff recommended changes that there will be one Ecological Management Plan per precinct, as each management plan is prepared.
160. The most significant off-site adverse effects from the proposed development that will need active management will be adverse effects on ecological values.
161. The matter of national importance 6(c) applies, as does policy 11(a) of the Coastal Policy Statement. These require a high level of protection for habitats and species from this development, if the matter of national importance is to be recognised and provided for and the Coastal Policy Statement given effect to.
162. This is recognised in the private plan change as one of the proposed objectives of the Ruakaka Equine Environment is
- Objective 1.3.4. The natural character of the coastline is protected, and any adverse effects of development on the adjacent DOC administered reserves and dune lake and their significant wildlife are avoided.
163. Major threats to wildlife and habitats include increased human disturbance, pests and weeds.
164. The main mechanism in the proposed plan change to avoid these potential adverse effects and manage the increased human pressure is the Ecological Management Plan. Other important measures include an appropriate upper limit on the number of

⁵⁹The submission refers to ecological management plan. The proposed Plan Change uses the term "Habitat Protection Plan". In this statement I use the term "Ecological Management Plan" from the Director-General's submission as I consider it is a more accurate descriptor.

⁶⁰I agree with that recommended consolidation.

residential units (thereby limiting people pressure) and making certain activities a prohibited activity.

165. In my opinion, the important questions in relation the Ecological Management Plan are:
- should there be one habitat management plan for the whole site? or one plan per precinct as each precinct management plan is prepared and
 - what measures does the Ecological Management Plan need to contain?
166. *One or more Ecological Management Plans?* In my opinion there should be one Ecological Management Plan prepared for the whole property. This is because there is considerable overlap between the habitats, species, weeds, animal pests and measures that a Ecological Management Plan will need to address.
167. A second reason is that the alternative, a Ecological Management Plan per precinct prepared at the time that precinct's Management Plan is applied for, would mean that there would be no Ecological Management Plan in precinct A as no Management Plan is planned for that precinct.
168. A potential disadvantage of one Habitat Management Plan for the whole site, approved at the time of the first Management Plan is that it would require a reasonably good idea of the type of development that will be provided in the other precinct at the time that the first management plan is applied or. Otherwise there may be gaps in the Ecological Management Plan.
169. In my opinion, the best approach would be to require a Ecological Management Plan for the whole Environment to be submitted for approval at the time the first precinct management plan is applied for, and then to require a review of that Ecological Management Plan as each of the other precinct Management Plans is applied for.
170. This can be achieved by amending the first, second and third paragraphs of rule 4 in section 1.5 (management Plan Requirements) in the proposed plan change:

4. In addition to the Management Plan required under rule 1.5.1, ~~above,~~ the Ecological Effects Assessment should provide a specific Ecological Management Plan shall be prepared for the whole Environment and submitted for approval with the Management Plan. If there is already an approved Ecological Management Plan a review of that plan shall be undertaken and submitted with the Management Plan application. ~~that is to set out how the significant ecological values of the adjacent DOC-administered reserve areas at to be protected.~~

The Ecological Management Plan that is to set out how the significant ecological values of the adjacent DOC-administered reserve areas and the near-by wildlife refuge are to be protected, including The Ecological Management Plan should addressing potential effects associated with

- human disturbance, and
- plant and animal pests.

The Ecological Management Plan should shall be prepared and reviewed in consultation with the Department of Conservation and iwi tangata whenua. When the Ecological Management Plan (or its review) is submitted for approval it shall include a summary of the consultation undertaken, the responses from the Department of Conservation and from tangata whenua and the changes (if any) made to the Ecological Management Plan as a result of the consultation.

171. *What measures does a Ecological Management Plan need to contain?* The fourth and fifth paragraphs of rule 1.5.4 set out the required contents of a Ecological Management Plan. Dr Tony Beauchamp expands on these measures and identify other measures that a Ecological Management Plan should include, such as monitoring
172. For example Dr Tony Beauchamp identifies the pest species that should be controlled and emphasises the need for an employed warden for the implementation in perpetuity of the Ecological Management Plan.
173. Shaughan Anderson discusses the need for controlled access and constructed tracks to manage and reduce people pressure on species, habitats and natural (dune) systems.
174. Several of the matters identified in the Director-General's submission, in relief 6.1, 6.7, 6.8, 6.9 and 6.10 are also relevant to the contents of an effective Ecological Management Plan.
175. Ruakaka Equine Environment general and precinct policies also identify matters that will need to be addressed in an effective Ecological Management Plan⁶¹.
176. In my opinion, it is good practice to provide as much detail as possible on the content of a Ecological Management Plan (and a management plan) as possible. This ensures any person preparing a Ecological Management Plan, and any decision maker in relation the approval of that Plan understands the scope required. It allows any reader of the Plan to properly understand what a Ecological Management Plan will address and how it will address it.

⁶¹Relief 6.8, 6.9 and 6.10 seek specific additions to the precinct policies and rules.

177. A second reason for providing more detail on the content of the Ecological Management Plan is that it is the main instrument for managing activities and people in order to recognise and provide for matter of national importance 6(c), avoid adverse effects on the characteristics of indigenous biological diversity identified in policy 11(a) of the Coastal Policy Statement and to help implement objective 4 of the Ruakaka Equine Environment.
178. A third reason is that a detailed Ecological Management Plan would be a considerable assistance in assessing and making a decision on any discretionary activity application made for Precinct A, especially on issues such as light spill and its affect on bird movement and on insects.
179. Appendix 1 sets out, among other things, an expanded list of matters an Ecological Management Plan must address. This is based on the evidence and recommendations of Dr Tony Beauchamp and Shaughan Anderson.

Amending the required contents of management plans

REE 16, D-G relief 6.7 (part), staff report paragraphs 181-190 and 233-245

180. Relief 6.8 of the Director-General's submission seeks amendments to both the required contents of Management Plans and to Ecological Management Plans. Most of the additional matters relate to the contents of Ecological Management Plans and are discussed above. However of more relevance to management pans is measures to protect natural character, consider natural hazard risk, and include provision for consultation with the Department of Conservation over management plans. Managing access to public conservation land is a measure relevant to both management plans and the Ecological Management Plan.
181. The staff recommendation is to add an additional matter for management plans to address on coastal hazard risk. I agree with that recommendation.
182. The staff report does not make any recommendation with respect to the coverage of public access or natural character in a management plan.
183. Rule 1.5.2 sets out the information that a management plan must contain. That list does not refer to the need for any natural character effects assessment, notwithstanding that the preservation of the natural character of the coastal environment is a matter of national importance to be recognised and provided for,

that there are natural character policies in the Coastal Policy Statement, and this national policy statement must be given effect to by the District Plan with the plan change incorporated in it.

184. The information required in a management plan includes a landscape and visual effects assessment. That is not the same as a natural character effects assessment. Natural character involves considerably more than visual character. Part (2) of policy 13 of the Coastal Policy Statement makes this point⁶² and then identifies a series of matters relating to natural character. This list of matters would, in my opinion, be of assistance in any natural character effects assessment.
185. In my opinion “natural character effects assessment” should be added to the list of information that management plans must contain set out in proposed rule 1.5.2.
186. A further people management issue that is not included in the required information for a management plan is access to the public conservation land adjoining the precincts. A traffic effects assessment is required, but that applies to the road network, not the public conservation land.
187. The evidence of Dr Tony Beauchamp and Shaughan Anderson is clear on the importance of managing access to the public conservation land. Given that I consider that proposed rule 1.5.2, which sets out the assessment information required in a management plan should include “How access to adjacent DOC-administered reserve area will be managed”.
188. In terms of what a Management Plan must address (proposed rule 1.5.3) I recommend the following be inserted:

Access points to adjacent DOC-administered reserve areas, and
construction standards for access tracks and for boundary fences
189. The third matter sought in relief 6.7 that relates to management plans is consultation with the Department of Conservation. I consider that this is not necessary if management plan applications are notified as I recommend elsewhere in this statement.

⁶²The start of policy 13(2) is “Recognise that natural character is not the same as natural features and landscapes or amenity values ...”

Amendments to policies and rules in precincts B, C and D

REE 16, D-G relief 6.8, 6.9 and 6.10

190. These relief seek the inclusion of further policies and rules in precincts B, C and D. The changes sought are stated in the relief, and are itemised in the table below.

191. The staff recommendations are also given in the table.

Matter on which policy or rule sought	Staff recommendation (from strike through version of plan change)	Comment and my recommendation
Precinct B, Southern. Relief 6.8		
Public access and Ensure no direct access to public conservation land on southern boundary	Staff report paragraphs 223-245 No change to precinct policies or rules	Not addressed in policies or rules for precinct. Dr Tony Beauchamp's evidence explains why direct access to public conservation land or the dune lake is not desirable. In my consideration of relief 6.1 of the Director-General's submission I have recommended a prohibited activity rule preventing direct access, except for two identified access points to the beach. Proposed policies 1.4.5 and 1.4.8 also partially address this. Including a detailed policy on restricting access in this precinct would be appropriate and consistent with proposed policies 4.7.8 and 5.7.8 in Precincts C and D respectively. A recommended policy is included in Appendix 1 as proposed policy 3.7.12.

Matter on which policy or rule sought	Staff recommendation (from strike through version of plan change)	Comment and my recommendation
<p>Ensure sufficient increased setback for buildings from boundary with public conservation land to ensure no more than minor adverse effects on natural character – buildings taller than two stories</p>	<p>Staff report paragraphs 266-283</p> <p>No change to precinct policies or rules</p>	<p>Proposed objective 1.4.4 is that natural character is protected and adverse effects of development on public conservation land avoided.</p> <p>The first concern is the impact of built development in Precinct B, especially taller built development, on natural character of the land south of the site.</p> <p>The extensive area of back dunes south of the race course has high perceived natural character (weed species notwithstanding). One factor in this high natural character is the awareness that built development on the race course is subservient to the naturalness of the area.</p> <p>Precinct B is very visible from these back dunes. Natural character would be reduced if taller buildings are erected closer to the southern boundary of precinct B, although the extent of that reduction depends on the extent to which the awareness of built form would dominate the natural character of the reserve land south of the precinct.</p> <p>Development of two stories or less would likely not have a significant adverse effect on natural character, given building setbacks, a recession plane and boundary planting.</p> <p>Limiting development higher than 2 stories to no more than 10% of the precinct also helps, but could still have adverse result if such buildings are located parallel to the boundary and as close as the recession plane allows⁶³.</p> <p>I recommend that stricter bulk and location controls should apply to buildings over to stories high to minimise the potential for built form to dominate and reduce natural character of the reserve land to the south. Recommended measures are: 30 m setback for taller buildings, and a limit on the footprint of any one taller building to 400 square metres; in addition to the 10% site coverage restriction already in the proposed plan change. This requires an amendment to policy 3.5.3.</p>

⁶³I calculate that a 14 metre high building could be 19 metres from the southern boundary. Assistance in gauging the potential impact of a four story building can be obtained from the reserve land to the south by viewing the race judges tower that is very visible from the back dunes. I estimate this to be approximately

Matter on which policy or rule sought	Staff recommendation (from strike through version of plan change)	Comment and my recommendation
<p>Ensure sufficient increased setback for buildings from boundary with public conservation land to ensure no more than minor adverse effects on natural character – setback from southern boundary</p>	<p>Staff report paragraphs 266-283</p> <p>No change to precinct policies or rules</p>	<p>The proposed precinct controls include (a) a 10 metre setback for any buildings and (b) a requirement for that 10 metre setback area to have at least 5 metres planted, and a horse track with planting on both sides.</p> <p>I support planting along the boundary to reduce awareness of built development from the reserve land to the south as a means of mitigating adverse effects on natural character.</p> <p>However a 10 metre setback appears too narrow for planting and a horse track if that boundary planting is to include more substantial trees such as pohutukawa.</p> <p>For that reason I recommend that this setback distance be increased to 16 metres.</p>
<p>Precinct C, Western. Relief 6.9</p>		
<p>Ensure no development overlooks the dune lake and disturbs the wildlife there</p>	<p>Staff report paragraphs 266-283</p> <p>No change to precinct policies or rules</p>	<p>The concern is that where living areas associated with housing overlook the dune lake, the movement of people will deter some bird species from using the dune lake.</p> <p>Proposed objective 1.3.4 of the Ruakaka Equine Environment seeks, among other things, that adverse effects of development on the dune lake is avoided.</p> <p>Proposed policy 4.6.6 seeks that the adverse effects of residential activities on the ecological resources of the dune lake are avoided. Ensuring disturbance due to development overlooking the lake is not identified as a measure in this policy.</p> <p>A similar provision was agreed for the Great Northern Land company subdivision on the opposite site of the dune lake, where none of the living areas of any houses are to be visible from the dune lake (although the roofline may be).</p> <p>I recommend amending proposed policy 4.6.6 to stipulate this.</p> <p>See Appendix 1 for recommended amended wording.</p>

14 metres high.

Matter on which policy or rule sought	Staff recommendation (from strike through version of plan change)	Comment and my recommendation
Protect the hydrological processes of the dune lake, including its water quality.	<p>Staff report paragraphs 202 and 252-256</p> <p>No change to precinct policies or rules.</p>	<p>Dr Tony Beauchamp discusses the need to protect the hydrology of the dune lake.</p> <p>Policy 4.6.6 addresses the protection of the ecological values of the lake, and could usefully tie in protection of hydrological processes. The policy includes riparian planting which will assist in improving water quality.</p> <p>Policy 4.7.1 addresses stormwater discharges and water quality.</p> <p>I recommend measures to protect hydrological processes be included in the Ecological Management Plan contents and that proposed policy 4.6.6 be modified (see Appendix 1).</p>
Precinct D, Eastern. Relief 6.10		
Adequately provide for public access and parking.		I do not comment on this relief point.
Ensure access to beach is limited to specific points and that tracks to the beach are provided and maintained by the Racing Club to the required standard	<p>Staff report paragraphs 233-245</p> <p>Some amendments recommended to proposed policy 5.7.8 to provide more detail about the number, type and location of public access points from the precinct to the beach.</p>	<p>IN my opinion, the staff recommended amendments to proposed policy 5.7.8 are consistent with the relief sought by the Director-General.</p> <p>(Note that I recommend that proposed policy 5.7.8 be transferred to the requisite policy section for Precinct D.)</p>
Ensure buildings are not visible from 20 metres offshore from mean low water spring	<p>Staff report paragraphs 276-277</p> <p>Recommends changing the point from which buildings cannot be seen from mean high water spring to mean low water spring.</p>	<p>Proposed policy 1.4.2 states that new development should not be visible from the beach area when viewed from the foreshore area adjacent to the Environment.</p> <p>Users of the beach would potentially see buildings that area not visible at mean high water spring if their viewing location is towards low water or if they are swimming.</p> <p>Shifting the viewing location from mean high water spring to mean low water spring is an improvement. However if the policy intent that buildings will not be visible is to be achieved the viewing angle should be defined by the eye height of a person standing at mean low water spring.</p> <p>I recommend amending the viewing point from mean low water spring to a point 2 metres above mean low water spring.</p>

Matter on which policy or rule sought	Staff recommendation (from strike through version of plan change)	Comment and my recommendation
Delete the provision for residential development within this precinct.	No change to precinct policies or rules.	If the overall level of residential activity is limited across the site, it could be left to the developer to decide which level of residential activity could occurs in each precinct in way that is consistent with the precinct policies.

Andrew Riddell
25 October 2013