

**EVIDENCE** John Andrew Riddell

**TOPIC** PC 113.

**SUB#** 15

**DATE** 20 Nov 2013.

## Supplementary Statement of John Andrew Riddell

1. This is a supplementary statement to my statement of evidence which was dated 25 October 2013. That statement of evidence sets out my qualifications and experience.
2. I have read the supplementary statement of David Mead and the opening staff report by Heather McNeal. I have brief comments on each. In addition I comment on three matters that I understand the Hearing Panel is interested in hearing on from the planners: consolidation v expansion, cumulative effects and examples of cat and dog prohibitions that are working.
3. There is much agreement between David Mead and myself on the proposed plan change. However there is a significant disagreement over the structure of rules necessary to implement the objectives for the proposed Plan Change. I consider that this disagreement arises due to a different emphasis between ourselves over the importance of the use of the management plan technique for defining development of the precincts, coupled with differences over the level of certainty that should be provided by the proposed Plan Change provisions in terms of the nature and scale of development that will occur on the site.
4. My starting points are that this is a site surrounded by areas of high natural values that can be significantly adversely affected by development on the site, and that the management plan technique is an appropriate means to manage this.
5. In my opinion, proposed objective 3 supports the contention that the management plan should be the main method for defining the detailed development of precincts B, C and D.
6. I consider that a relatively high degree of certainty is necessary in terms of the scale and type of development that could occur given the high natural values of the surrounding areas and the cumulative effects on those natural values of development on the race course site given the other approved subdivisions abutting the DOC-administered reserve land.
7. It follows that the rules should be structured to provide an incentive to use the management plan technique, and for clear limits on the type and scale of development to be included in the proposed Plan Change policies and rules.
8. From these considerations and starting point of discretionary activity classification for a management plan application, providing for applications to exceed or alter management plans as non-complying, and for some standards to be set by way of prohibited activities, logically follow.
9. David Mead's starting point is that the management plan technique is one tool to be used, and that there should be flexibility to develop the precincts in ways different to that. In my opinion such a starting point logically leads to the type of provisions in the proposed Plan Change where, for example, changing or breaching a management plan requires the same type of consent as the original management plan, where a 40% site coverage applies in a precinct but equally could be exceeded by a particular development proposal, or where a precinct could be developed without a management plan at all (for example the precinct by the dune lake, if there is no management plan application how can an ecological management plan apply?).
10. I now make some brief comments on other points made in David Mead's supplementary statement.
  - (A) *Prohibited activity for residential units.* David Mead disagrees with my suggested prohibited activity status for more than 100 residential units. I have reconsidered my opinion and now consider that setting a residential unit limit on development as a non-complying activity would be appropriate. We continue to differ over the 100 v 350 plus limit on residential units.
  - (B) *Approvals prior to a management plan.* I do not understand David Mead's suggestion that retaining the Coastal Countryside rules until there is an approved management plan is a winding back of the District Plan provisions, compared with the *status quo*. Under such a rule as I propose for the Plan Change the Racing

Club would be better off in Precinct A, and there would be no change from the present in Precincts B, C and D. In those 3 precincts the Racing Club would continue to operate under its current resource consents and the Coastal Countryside rules until management plans are approved.

(C) *Contents of ecological management plans.* I disagree with the details of David Mead's revision of the content list for an ecological management plan. In my opinion his revision results in loss of information on what the ecological management plan needs to address and in a loss of information that Dr Beauchamp considers important to include (for example a list of animal pest species). A lack of detail will make it more difficult for future users of the plan to understand the scope and purpose of the ecological management plan. In my opinion the contents list from my evidence is to be preferred.

(D) *Consultation on ecological management plan.* In my opinion the provision on consultation on the development of the ecological management plan should be "shall", not "should". This is consistent with what was accepted by the Environment Court with respect to a similar requirement for the Crest tidal power proposal in the Kaipara Harbour. I see nothing in my proposed wording over consultation that gives an approval role to either the Department of Conservation or tangata whenua. If either party does not wish to participate in this consultation exercise then that is recorded and the development of the ecological management plan proceeds. I do not share David Mead's concerns on these points.

(E) *Natural character assessment.* David Mead suggests that a specific natural character assessment is unnecessary in the management plan as it would be covered by an ecological assessment and/or a landscape and visual impact assessment. This overlooks the point made in policy 13(2) of the New Zealand Coastal Policy Statement that natural character is not the same as natural features and landscapes or amenity values. A review of the natural character criteria given in policy 13(2) will confirm that a natural character assessment requires more than an ecological and landscape report.

(F) *Viewing angle.* David Mead makes the point that, in terms of a viewing angle from mean low water spring, 2 metres is higher than eye height. I agree and now consider that this could be reduced to a more realistic 1.7 metres above the line of mean low water spring. In my opinion it is desirable to specify the viewing height to ensure consistency in the operation of the rule.

(G) *Prohibition on cats and dogs.* I address the concern of David Mead and provide an answer on the operation of a prohibition of cats and dogs query from the Hearing Panel at this point. The first is timing and enforcement. In my opinion introducing a cat and dog prohibition over all of the site at the same time is to be preferred from an enforcement and consistency of application point of view. Similarly it would be absurd to prohibit the keeping of cats and dogs but not the bringing of cats and dogs onto the race course. This would be an enforcement nightmare while the risk from cats and dogs would remain.

My experience of cat and dog prohibitions is from such prohibitions being applied to subdivisions within high density kiwi areas in Northland starting with subdivisions in the north Kerikeri inlet about 14 years ago. My experience is that enforcement occurs by (a) others in the subdivision complaining to Council, and (b) people not resident in the subdivision who know that cats and dogs are prohibited complaining. Direct Council monitoring and enforcement is not yet well-developed. Notwithstanding, the prohibition is, in my experience, largely complied with. In my opinion the use of a cat and dog prohibition has been effective in terms of improving the survival of kiwi.

I am concerned with the suggestion that a prohibition on cats and dogs should only be by covenant at time of subdivision. Aside from the delays in achieving the positive effects of a prohibition on cats and dogs, a significant concern of mine is that a covenant significantly limits enforcement options compared to a consent condition or prohibited activity rule. My understanding is that covenants can only be enforced by the parties to the covenant, whereas a consent condition or plan rule is more widely enforceable.

11. In her opening statement Heather McNeal discusses the Council approval of the Land Development Solutions and Great Northern Land subdivisions. In my opinion the approved density of those subdivisions and the conditions and restrictions applying to them need to be considered together in assessing the appropriate level of subdivision. The Council decisions confirm that the Living 1 intensity of 500 square

metres is not appropriate, strict conditions and restrictions notwithstanding. The average consented to was about one lot per 1,490 square metres. I consider that this reinforces the need to limit residential units, and for the plan change policies and rules to set strict bulk and location limits for management plan proposals at the race course for consistency and to minimise cumulative effects of development of the race course along with these two subdivisions.

12. In my opinion what is proposed is consolidation of built development, not expansion of it. At paragraphs 25, 52 and 107 of my evidence I refer to the race course as an urban boundary. I also point to the need to carefully manage consolidation of that urban boundary, especially along the southern boundary, if ecological and natural character adverse effects are to be avoided.

13. In my evidence I indirectly identify or consider or refer to cumulative effects at paragraphs 48, 55, 73, and 93. The cumulative effect of the two subdivisions and the proposed development on the natural values of the adjoining beach and DOC-administered land is an important driver, in my opinion, for supporting a management plan approach with limits to development set in advance.

Andrew Riddell  
19 November 2013