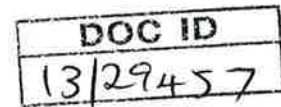


Our ref: SAG-04-16-02-17

24 April 2013



Whangarei District Council
Private Bag 9023
WHANGAREI 0148

Attention: Policy and Monitoring Department

Dear Sir/Madam

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN - PROPOSED PRIVATE PLAN CHANGE 113 RUAKAKA RACECOURSE, WHANGAREI DISTRICT PLAN

I enclose a submission from the Department of Conservation on the proposed private Plan Change 113. Ruakaka Racecourse, Whangarei District Plan.

If you have any questions regarding this submission, please contact Christopher Berry, Planning Manager, Hamilton Shared Service Centre [07] 858 1000.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Chris Jenkins'.

Chris Jenkins
CONSERVATOR NORTHLAND



Northland Conservancy

P.O. Box 842, 2 South End Avenue, Raumanga, Whangarei 0171, New Zealand
Telephone 09-470 3300, Fax 09-470 3361

IN THE MATTER OF the Resource
Management Act 1991
("the Act")

AND

IN THE MATTER OF proposed Private Plan
Change 113 Ruakaka
Racecourse, Whangarei
District Plan

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN

TO: Whangarei District Council
Private Bag 9023
WHANGAREI 0148
Attention: Policy and Monitoring Department

Fax: 438 7632
Email: mailroom@wdc.govt.nz

1. Name of submitter: Director-General of Conservation.
2. This is a submission on proposed Private Plan Change 113 Ruakaka Racecourse, Whangarei District Plan.
3. I could not gain an advantage in trade competition through this submission.
4. The specific provisions of the proposal that my submission relates to are the objectives, policies and rules applying to the proposed precincts.
5. My submission is:
 - 5.1 There is public conservation land to the west, south and east of the site. The documentation accompanying the application correctly identifies that these areas have high ecological values. The public conservation land to the south connects the site to the Ruakaka Wildlife Refuge.

- 5.2 The dunes and beach to the east of the site also have recreation value. The public conservation land has natural character values. Poorly designed or controlled access across the dunes to the beach from the race course can increase the hazard risk.
- 5.3 The development of the race course as outlined in the proposed Private Plan Change has the potential to adversely affect the ecological, hydrological, natural character and recreation values of the surrounding public land. This is expanded on in the attached comments by the Department of Conservation to the proposal made in July 2010. Most of the points of concern identified in that document remain.
- 5.4 The proposed plan change sets out an approach where the detail of any development is deferred to a management plan or plans to be developed later. The proposed plan change includes policies to guide the development of those management plans. However the policies and other provisions lack certainty on how actual and potential adverse effects will be addressed or what the limits of development are. For example, the plan change indicates that there will be a maximum of 350 residential units, yet the policies and rules provide for this to be exceeded.
- 5.5 Other provisions in the proposed Plan Change will not result in the intended result. For example there is an intention that, except for one building providing orientation, no buildings will be visible from the beach. This is a necessary measure to help preserve natural character. However the provision that is proposed to ensure this occurs is deficient because it does not account for oblique views and it does not recognise that much beach use occurs in the intertidal and near shore parts of the beach. Under the proposed policy/rule, buildings could be visible from the intertidal and near shore areas. Similarly the proposed 16 metre setback for four storey buildings from the southern boundary and public conservation land is insufficient to protect natural character and natural values, despite that being the intent of the proposed setback.
- 5.6 An important proposed measure to protect ecological and other natural values is the management of access to the beach and to public conservation land from the site. This is acknowledged in proposed objective 4 and policy 1.4.8 but it is not clearly carried through to the required precinct management plan and habitat management plan contents.
- 5.7 The proposal to exclude cats and dogs is supported, as is the stated intent of objective 4 to protect the natural character of the coastline and to avoid any adverse effects of development on adjacent public conservation land and wildlife. A no cats and dogs rule is required however.
- 5.8 The proposed provisions for non-notification using "pre-requisite" policies is inappropriate, not sound resource management, and too uncertain in its effect.
- 5.9 Unless the relief sought in this submission is granted the proposed Plan Change cannot give effect to the New Zealand Coastal Policy Statement, does not adequately recognise and provide for the matter of national importance and generally does not achieve the purpose of the Act.

6. I seek the following decision from the consent authority:
- 6.1 The introduction of prohibited activities to set the limits to development within the Plan Change. These should include an appropriate prohibited activity limit on total residential development (100 units), building coverage and setbacks applying within precincts, no cats and dogs, restrictions on access to public conservation land to specific identified points, and building visibility planes.
 - 6.2 The provision for any activities which breach a management plan but which are not prohibited as a non-complying activity.
 - 6.3 The deletion of the rule on notification and the transfer of pre-requisite policies into the general policies section for each precinct and for subdivision.
 - 6.4 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.
 - 6.6 The requirement that an ecological management plan must be prepared and approved at the same time as the first precinct management plan,
 - 6.7 The amendment of the required contents of management plans and ecological plans to make it clear that these plans must identify measures to protect natural character, manage access to public conservation land including identifying limited (2) points of access to the beach, requiring track access standards over the dunes to be to the Department of Conservation's standards, addressing the ongoing maintenance of these tracks, ensuring measures to prevent adverse impacts on indigenous species from lighting, considering natural hazard risk, and include an account of consultation with the Department of Conservation over the management plans.
 - 6.8 The amendment of the provisions for Precinct B, Southern, to include policies and rules on public access, ensuring no direct access to public conservation land on the southern boundary, and ensuring sufficient increased setback for buildings from the boundary with the public conservation land to ensure no more than minor adverse effects on natural character.
 - 6.9 The amendment of the provisions of Precinct C, Western, to include policies and rules to ensure that no development overlooks the dune lake and disturbs the wildlife there, and to protect the hydrological processes of the dune lake, including its water quality.
 - 6.10 The amendment of the provisions of Precinct D, Eastern, to include policies and rules to provide adequately for public access and parking, to ensure that access to the beach is limited to specific points and that the tracks to the beach are provided and maintained by the Racing Club to the required standard, ensuring buildings are not visible 20 metres offshore from mean low water spring from any point from 200 metres north of the site to 200 metres south of the site, and the deletion of provision for residential development within this precinct.
 - 6.11 Such other amendments as are necessary and appropriate to implement the objectives and policies once these are amended as set out in this submission.

7. I wish to be heard in support of my submission.
8. If others make a similar submission, I will not consider presenting a joint case with them at a hearing.



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[Chris Jenkins, Conservator Northland, Northland Conservancy, Department of Conservation
acting pursuant to delegated authority on behalf of the Director General of Conservation]

24/04/2013
.....
[date]

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Private Bag 3072
HAMILTON 3240

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fax.: (07) 858 1001

Contacts: Christopher Berry, Planning Manager
cberry@doc.govt.nz

Comments of Department of Conservation on Proposal, June 2010

Suggested Solution

Issue	Comment	Proposed Plan Change:
Intensity	<p>There is strong resource management direction to protect natural character and coastal habitats. The land to the south of the race course has natural character and habitat values worthy of protection and enhancement.</p> <p>Intense subdivision of the land adjoining this habitat can have significant adverse effects on natural character and ecological values.</p> <p>Notwithstanding that, the Department has agreed to subdivision on two nearby properties that are of an intensity and have other conditions suitable to protect natural character and ecological values are protected.</p> <p>Using those as the benchmark, and assessing the Race Course as having approximately 12 hectares of developable land along the southern boundary, a maximum of 100 residential units is appropriate.</p> <p>Other necessary conditions to support this level of intensity are discussed below.</p>	<p>include an objective and policy on protecting the natural character and ecological values of adjoining land</p> <p>include a rule providing an upper limit of 100 residential units.</p> <ul style="list-style-type: none"> provide for development on the site in compliance with the master plan as either restricted discretionary, discretionary or non-complying to provide a means to ensue other necessary matters can be addressed through the resource consent process.

Issue	Comment	Suggested Solution
<p>Beach Access</p>	<p>Access from the race course to the beach is across land administered by the Department. The Department is concerned about the effects of access across the dunes on dune integrity and on habitat values. Managing public access to the beach is an a real issue given the proximity to the wildlife refuge.</p> <p>There are three access points from the race course to the beach presently: separate vehicle and pedestrian access at the northern end of the race course's beach frontage, and an agreed horse access at the southern end of the race course's beach frontage.</p> <p>Increased development will put pressure on those access points, especially if the proposed road from Tamure Place is developed.</p> <p>We note the proposal by the Racing Club does not include any further access points to the beach and that the horse access point will have pedestrian access added.</p> <p>We suggest that in conjunction with the residential and commercial development of the race course access to the beach from the race course across adjoining land administered by the Department be limited to</p> <p>(a) access for pedestrians at two points: its present location at the northern end of the race course's beach frontage and beside the horse access to the beach, and that the race course construct and maintain beach access structures for this pedestrian access .as agreed with the Department.</p> <p>(b) the horse beach access continue under current agreement</p> <p>(c) the vehicle access be closed and the race course contribute to the construction of alternate vehicle access further north</p> <p>(d) the rest of the frontage with the land administered by the Department be fenced</p>	<p>Proposed Plan Change:</p> <ul style="list-style-type: none"> • identify two access points to the beach on the master plan -- one where the existing horse access occurs (for horses and pedestrians), and one pedestrian access at the northern end of the beach frontage where the existing access occurs (no vehicle access) • include policies about limiting access to the beach and reserve land to two locations in order to protect dune processes, natural character and ecological values, and about having properly constructed access across the dune, and providing for public access from the race course land to the beach and requiring public car parking to be provided <p>With any development:</p> <ul style="list-style-type: none"> • racing club to build and maintain access structures across the dunes at the two identified access points to the Department's standards and agreement, • vehicle access to the beach to be closed (if not already closed) • fence rest of boundary along dune and reserve to south to stop access except at the two identified points • part of the development reserve contribution payable by the racing club to be used to provide new vehicle access to the beach at Station Road (if not already constructed)

Issue	Comment	Suggested Solution
Cats/Dogs	<p>Cats and dogs are predators on wildlife within the public reserve and dune lake.</p> <p>The nearby subdivisions that the Department has given written approval to both include a prohibition on cats and dogs.</p> <p>Prohibiting cats and dogs on the race course development would result in a no cats and dog buffer around all of the reserve.</p> <p>We understand that the racing club is agreeable to such a prohibition as part of their development proposal.</p>	<p>Proposed Plan Change:</p> <ul style="list-style-type: none"> • include rule prohibiting the keeping of cats and dogs (except seeing eye dogs) • include a supporting policy for the rule <p>With any development:</p> <ul style="list-style-type: none"> • include no cats and dogs as a covenant on each title as well as consent condition and/or plan rule
Landscape/Natural Character	<p>The material about the draft proposed plan change recognises that there is a natural character and landscape issue to address along the beach frontage.</p> <p>It is equally a consideration with respect to the reserve land to the south of the race course.</p> <p>A public track system is planned for this reserve (as part of the White Sands subdivision) which includes a track along the top of the fore dune. The track user experience and natural character and landscape values will be compromised by buildings on the race course (notably the proposed apartment blocks) overlooking the reserve.</p> <p>The solution is to have 1 to 2 story buildings and screening planting adjacent to the southern boundary. This comment is made notwithstanding the intention that any buildings would be set back at least 15 metres from the southern boundary, with a horse track immediately along the southern boundary.</p>	<p>Proposed Plan Change:</p> <ul style="list-style-type: none"> • show screening planting along the southern boundary on the master plan • include a sloping height plane from the south which results in only 1 or 2 story buildings closer to the southern boundary <p>NOTE: Where screening planting is to be required it must be using indigenous species suitable for the area.</p>

Issue	Comment	Suggested Solution
<p>Dune lake, stormwater, road, bore</p>	<p>The dune lake is the only dune lake in the ecological district and one of the few dune lakes along the east coast of Northland.</p> <p>The Department's intention for that part of the dune lake it administers is that it is managed for wildlife values. The riparian margins are being planted and public access will be limited, possibly just to access to a bird hide.</p> <p>We consider that a similar approach should be taken the development of the race course land adjacent to the dune lake as that taken when the Department gave written approval for on the Paul Grey property: building height was limited so that house living activities (whether on the ground floor or the second floor) did not disturb wildlife and so that the lake was not overlooked.</p> <p>New road from Tamure Place. If a new road is constructed from Tamure Place to the race course, the boundary of the road with the dune lake should be fenced and screened and stormwater runoff from the road should be treated before discharge to the lake catchment.</p> <p>Stormwater. If stormwater is to be diverted from the race course into the dune lake we expect treatment of the stormwater before it is discharged.</p> <p>Bore on race course. There is a water bore on the race course. The Department would be concerned if water taken from that bore resulted in changes to the dune lake water level.</p>	<p>Proposed Plan Change:</p> <ul style="list-style-type: none"> • Include a policy protecting the dune lake, including from overview • Include height limit on buildings adjacent to the dune lake so working and living activities are screened so wildlife is not disturbed and the dune lake is not overlooked • show screen planting along the dune lake boundary on the masterplan (both race course property and the proposed new road) • show no access from the race course to the dune lake, and any new road to the dune lake • include policy, performance standards and assessment criteria requiring treatment of stormwater and use of low impact stormwater design <p>NOTE: Where screening planting is to be required it must be using indigenous species suitable for the area.</p> <p>With any development</p> <ul style="list-style-type: none"> • racing club to plant of the eastern side of the dune lake, if needed, in indigenous plants in agreement with the Department <p>Bore use:</p> <ul style="list-style-type: none"> • racing club to agree that water take from the bore will be limited to a level which does not affect the natural water level fluctuations in the dune lake

Issue	Comment	Suggested Solution
<p>People management, public car park</p>	<p>Managing public access to the beach and reserve land through the race course property is an issue, and will become a bigger issue if a new road is provided to the race course from Tamure Place.</p> <p>The plan change needs to clearly set out adequate requirements with respect to public parking adjacent to the two beach access points.</p>	<p>Proposed Plan Change:</p> <ul style="list-style-type: none"> include objective and policy with respect to public access and parking set the minimum requirement for public parking spaces to be provided on the race course for beach access
<p>Signage, information packs, weed and pest control, hon. ranger</p>	<p>There are details that we expect or suggest with the development of the site:</p> <ul style="list-style-type: none"> provision of signs at strategic places on site informing people of the natural values and ways to protect those values the Department would welcome the opportunity to provide information for inclusion in resident's information packs the Department will consider making the site manager an honorary ranger weed and pest control on site regular liaison meetings with the Department during development 	<p>With any development:</p> <ul style="list-style-type: none"> racing club to discuss these matters with the Department
<p>Conference Centre/Hotel Facilities</p>	<p>There is very limited detail about the scale of the proposed conference centre or hotel facilities.</p> <p>As a starting point, given the lack of detail, we suggest this development be confined to the footprint and profile of the existing stand and elevated platform around the stand.</p>	<p>Proposed Plan Change:</p> <ul style="list-style-type: none"> Limit building envelope for hotel and conference centre to the existing elevated platform and the existing buildings on that elevated platform (reviewable if more details are provided on the scale of the proposed conference centre and hotel facilities).