

Lisa Blagrove

From: cms@wdc.govt.nz
Sent: Friday, 26 April 2013 4:28 p.m.
To: Mail Room
Subject: Form 5 - Submission on a change proposed to the District Plan - Information submitted

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Submission to the 2011-2012 Draft Annual Plan and Proposed Fees and Charges for 2011-2012'

Form 5 - Submission on a change proposed to the District Plan

* Plan Change Number PC 113
* Plan Change Name Ruakaka Racecourse

Please note all of the following details are made publicly available

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* I could not gain an advantage in trade competition through this submission
* I am directly affected by an effect of the subject matter of the submission that a) adversely affects the environment; and b) does not relate to trade competition or the effects to trade competition

*** The specific provisions of the Plan Change that relate to my submission are**

A. The plan change as a whole; and in particular:

1. the format
2. the use of "requisite policies"
3. lack of clarity and certainty as to what is permitted and what development controls apply
4. notification decision based on policies, rather than effects
5. inconsistent approach, particularly in respect to Management Plans, between general objectives and policies and those relating to the individual precincts
6. Traffic management report not based on activities proposed by plan change.

B. The nature and intensity of the activities proposed and the effects on the amenity values of the coastline, particularly in Precinct D

* I seek ammendment to the specific provision listed above.

*** My reasons are**

The provisions of a district plan should be clear and certain; members of the public should be able to readily understand what can or cannot be done without requiring professional assistance. The plan should flow - objectives, policies, rules - so that the links between can be followed, and the way in which the objectives are to be achieved is clear.

Policies are guidelines - used to guide development in a way so as to achieve the objectives. Policies should not contain performance standards or limits or use mandatory language; if they do they are more in the nature of - and should be called - rules.

The language used in the requisite policies is inconsistent, sometimes mandatory (shall, required, will) and sometimes discretionary (should).

The Environment should specify its own performance standards and not refer to performance standards in other environments of the plan which have different characteristics and purposes (see for instance requisite policies relating to noise levels).

Many of the provisions refer to matters such as coverage and impermeable areas by reference to "the Precinct" as a whole. How will this be administered/enforced fairly? Similarly, the height of buildings is limited by reference to visibility from the beach area at any point between "the north and south boundaries of the site". What is "the site" - the individual piece of land or the precinct?

The Act requires notification decisions to be made on the basis of the effects of the proposed activity. A provision basing notification decisions on whether proposals are not contrary to policies is ultra vires.

The foreshore/coastline is every bit as deserving of protection as the DoC reserve. Buffer strips of a width equal to if not greater than that from the DoC reserves should be required for any development proposed, with development within the buffer strip classified as non-complying.

Control of cats, dogs and mustelids should be on the basis of a comprehensive district wide approach through education, not by way of regulation in individual plan changes or resource consents

*** State the decision you wish Council to make to ensure the issues you raise can be dealt with** (i.e. give precise details of what you would like included or deleted from the plan)

1. Revert to the tried and true format; include objectives, policies and rules.
2. Require a Management Plan for each Precinct prior to any development occurring. Such plan to include expert traffic, landscape and ecological reports based on the nature and intensity of the activities proposed.
3. Define permitted activities, and performance standards/development controls for each precinct. Specify discretionary activities, and the matters against which they will be assessed.
4. Specify a rule as to notification based on the effects of a particular activity.
5. Require all subdivision not in accordance with the Management Plan to be discretionary.

* I wish to be heard in support of my submission Yes

* If others make a similar submission, I will consider presenting a joint case with them at a hearing Yes

Submission Date 26/04/2013

A signature is not required if you make your submission by electronic means

Note to person making submission - *If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of Part 1 of Schedule 1 of the Resource Management Act 1991*

Please check that the details you have provided are correct before you submit the form – once you click the [Submit] button the form cannot be changed.

If you have supplied a valid email address a copy of this completed form will be emailed to you, otherwise please print a copy of it for your own records before you close this window.

*Submit Button - This button will become active when all required information is completed (fields marked with *)*