

WELLINGTON CITY DISTRICT PLAN – DPC77



Further Submission form on publicly notified Proposed District Plan Change 77 Curtis Street Business Area

FORM 6, Clause 8 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE

Posted to	District Plan Team Wellington City Council PO Box 2199 Wellington 6011
Delivered to	Ground floor reception Civic Square/101 Wakefield Street Wellington
Faxed to	801 3165 (if you fax your submission, please post or deliver a copy to one of the above addresses) Please use additional sheets if necessary.
Emailed to	district.plan@wcc.govt.nz
We need to receive your submission by 5pm, Wednesday 12 June 2013.	

1. Your name and contact details:

Full Name: Frances Fiona Knight and Wayne Dexter Newman

Full Address: 68 Curtis Street, Northland, Wellington 6012

Address for service of person making submission: as above

Email:
fiona@cresmere.co.nz

Phone:
475 8439

Fax:

2. I support or oppose the submission of:

(Please insert the name and address of original submitter, & submission number of original submission if available).

Submission 45, Greater Wellington Regional Council

3. The particular parts of the submission that I support (or oppose) are:

(You should clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the Proposed Plan Change).

Attached to the submission of Greater Wellington Regional Council (GWRC) is a letter dated 24 April 2013 and addressed to Andrew MacLeod at Wellington City Council (WCC). This letter has been included in the bundle of submissions and alluded to in the summary of submissions, so forms part of the GWRC submission.

The content of this letter appears to imply that a submitter (GWRC) was contacted by an officer of WCC during the submission process with an intention to influence the content of a submission. This action, implied by the letter, would be an unacceptable interference with the submission process. Furthermore, the content of the letter suggests that WCC has knowingly chosen to ignore statutory obligations in proposing this change to the District Plan.

The principal submission of GWRC noted that the ecological significance of the site was established using Table 16 and the criteria in Policy 22 of the proposed Regional Policy Statement (pRPS), which became operative on 21 April 2013. Nevertheless, GWRC submitted, the proposed change to the District Plan fails to give effect to Policy 23, which requires that district plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values. The proposed change also, GWRC submitted, failed to have regard to Policy 39 or Policy 41 of the pRPS in assessing the affects of, or the potential options for treatment of, stormwater. Policy 39 requires "as a minimum" management of water quality, flows and levels for the purpose of maintaining or enhancing aquatic ecosystem health. GWRC also submitted that the proposed District Plan change fails to have regard for, or give adequate effect to, Policy 34, requiring inclusion of policies and rules that control activities on contaminated land so that those activities are not adversely affected by the contamination.

It is a statutory obligation on every local authority that any proposed change to a District Plan should have regard for a proposed RPS, or give effect to a RPS. The content of the letter from GWRC to WCC suggests strongly that WCC has sought to exempt proposed change 77 to the District Plan from this obligation. There is a reference to an unspecified future change to the District Plan to give effect to the environmental protections within the RPS, from which the inference must be that WCC does not consider that the RPS is applicable to the current proposed change to the District Plan. Additionally, the letter refers to WCC practice that appears to depend on no policy, rule or method within the District Plan in determining how stormwater is addressed, but treats this matter only at the resource consent level. The implication in this reference is that WCC regards its internal administrative practices as being somehow unaffected by the explicit requirements of the hierarchy of instruments overlaying the District Plan.

In our initial submission (40), we submitted that the proposed change to the District Plan was not supported by a full and thorough Section 32 analysis of all the options and all the effects with regard to this site and should be rejected. We do not resile from that submission, but now submit that Council should reject proposed plan change 77 as having failed to meet due process in proposing a change to the District Plan without having adequate regard for, or giving adequate effect to, the Regional Policy Statement.

4. The reasons for my support (or opposition) are: (Please give precise details)

5. I/we seek the following decision from the Council: (Please give precise details)

6. Please indicate by ticking the relevant box whether you wish to be heard in support of your further submission.

We wish to speak at the hearing in support of our submission.

7. Joint Submissions

If others make a similar submission, we will consider presenting a joint case with them at the hearing.

8. If you have used extra sheets for this submission please attach them to this form and indicate this below:

We have not attached extra sheets.

Signature of person making further submission (or person authorised to sign on behalf of submitter) We authorise Peter Thompson, an officer of Creswick Valley Resident's Association, to sign on our behalf in our absence overseas at this date.

_____ Date / /

WTHANK YOU FOR MAKING A FURTHER SUBMISSION

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by the Wellington City Council, with submitters having the right to access and correct personal information.

Note: A copy of your further submission must be served on the original submitter within 5 working days of making the further submission to the Council