

10/17

ATTACHMENT 1

SUBMISSION FORM

STRATFORD DISTRICT COUNCIL

Resource Management Act 1991

To: Stratford District Council

Submission on: Stratford District Plan Variation 1 - Indigenous
Forest & Biodiversity

Name: Stratford District Council
[Full name]

Address: PO Box 320
Stratford
[Full postal address]

- 1. The specific provisions of Variation 1 that my submission relates to are as follows:

B1.6.2 Land Use, Development or Subdivision on land contiguous with
Department of Conservation Land

2. My submission is that:
 [State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.]

The wording of the rule requires that any activity on conservation land requires consent as a discretionary activity as there is no part of the rule which allows for activities on conservation land to be assessed in any other way. This is clearly in conflict with the Protected Area Policies A11.3.4 and A11.3.5 which defer management of these areas to the Department of Conservation and restricts Council's involvement to managing the effects of activities on land adjacent to those areas.

Council did have a practice of granting S139 Compliance Certificates in respect of such activities but this was found to not satisfy the requirements of the RMA. Essentially any rule overrides policies where there is a conflict, including in this case the absence of a rule which would give effect to the policies.

3. I seek the following decision from the local authority:
 [Give precise details]

This should include land on Department of Conservation land and the current rule be Part (a) with a new Part (b) and (c) as follows:

(b) Any land use, development or subdivision occurring on land within the boundaries of land defined in, held under and administered by the Department of Conservation in terms of:

- the Reserves Act 1977; or
- the National Parks Act 1980; or
- the Conservation Act 1987; or
- the Wildlife Act 1953; or
- any other Act listed in the First Schedule of the Conservation Act 1987 – shall be regarded as a permitted activity to the extent that the land use, development or subdivision is within any requirements of any applicable reserve management plan formulated in terms of any of the above Acts

AMEND

10(17) - 10(18)

(c) Land use, development or subdivision which is referred to in Rule B1.6.2(a) which does not comply with the requirements of that rule shall be regarded as a discretionary activity.

- 4. I do not wish to be heard in support of my submission.
[Delete as appropriate]
- 5. If others make a similar submission I would or would not be prepared to consider presenting a joint case with them at any hearing.

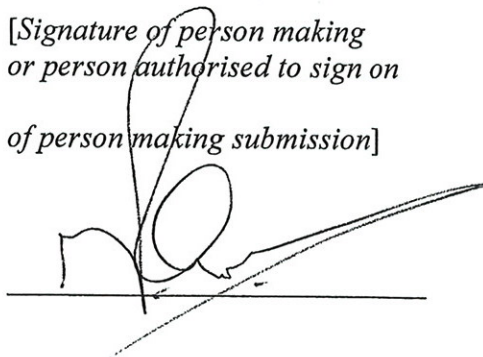
Title and address for service of submission person making submission: *behalf*

Mike Avery

Telephone No: 765 6099

Fax No: 765 7500

[Signature of person making or person authorised to sign on of person making submission]



Date 26/10/10