

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the hearing of submissions to Variation 3 to
the Proposed Thames Coromandel District Plan
(Taiwawe Catchment Structure Plan)

SECOND SUPPLEMENTARY STATEMENT OF EVIDENCE OF

TRACEY MICHELLE LAMASON

ON BEHALF OF DIANE HINDS (SUBMITTER 11)

DATED 1 SEPTEMBER 2021

1.0 INTRODUCTION

1.1 My name is Tracey Michelle Lamason. I am a resource consent and planning consultant with Planners Plus Limited in Whitianga. I hold the qualifications of Bachelor of Planning with Honours from the University of Auckland. I have 25 years' experience as a planning consultant, with the last 19 years working as a planning consultant on the Coromandel Peninsula. I am a full member of the New Zealand Planning Institute and the Resource Management Law Association.

1.2 I have been engaged to provide planning evidence by Diane Hinds, who is a submitter and further submitter on Variation 3 to the Proposed Thames Coromandel District Plan (Taiwawe Catchment Structure Plan). Diane Hinds is a local resident and owns the property that directly adjoins the Structure Plan site to the southwest (151 Boat Harbour Road, Whenuakite).

- 1.3 My work as a planning consultant has included the assessment of and preparation of numerous resource consent applications within the Mercury Bay area (including Hot Water Beach) and the wider Coromandel Peninsula. During the Proposed District Plan Review process for the Thames Coromandel District Council ('the Council') I was engaged by a number of parties to prepare submissions, further submissions and appeals on the Proposed District Plan and the Hearing decisions.
- 1.4 Over the years I have also provided planning advice and assistance to the owners of properties that form part of past and present Structure Plans in the Thames Coromandel District Plan and have been required to review and provide assessments against the relevant provisions of various Structure Plans when preparing applications and planning advice on behalf of clients.
- 1.5 I am familiar with the subject site and very familiar with the surrounding Hot Water Beach area, where I have spent most Sundays during summer for the past 14 years.
- 1.6 I confirm that I have read the 'Code of Conduct for Expert Witnesses' contained in the Environment Court Practice Note 2014 and my evidence to this hearing has been written in accordance with that Practice Note.

2.0 BACKGROUND

- 2.1 The submission and further submission lodged with the Council on behalf of the submitter Dianne Hinds ('the submitter') related to the initial Variation 3 - Taiwawe Catchment Structure Plan ('TCSP') that was notified on 24 July 2020. The initial TCSP sought to provide up to 45 lots as a restricted discretionary activity subdivision on the subject site at 104 Taiwawe Lane, Hot Water Beach (Lot 2 DP 387067). The submitter opposed the initial TCSP in its entirety as it would result in a low density residential development of a scale that is inappropriate for the rural outskirts of Hot Water Beach. The effect on the amenity and rural character of

the area that the initial TCSP provides for would be more than minor.

- 2.2 Based on the initial TCSP, I concur with the recommendation in the Council's planning consultant's section 42A report that Variation 3 be rejected.
- 2.3 However, following a review of the submissions received on Variation 3, and on receipt of the section 42A report, the proponents prepared a new/revised TCSP (Version 11a), which was amended to provide for a maximum of 25 residential lots (in identified Development Areas) as a restricted discretionary activity.
- 2.4 Furthermore, in response to the supplementary section 42A hearing report tabled at the hearing on 15 March 2021, the proponents have presented a further version of the TCSP (i.e., Version 12). I concur with the recommendation in the Council's planning consultant's supplementary section 42A report that the amended Variation 3 be rejected.
- 2.5 A Pre-Hearing Meeting was held on 20 May 2021, which has now resulted in a further version of the TCSP (i.e., Version 13). Version 13 will continue to provide for a maximum 25 residential lot development as a restricted discretionary activity, subject to additional/amended standards and assessment criteria. The following parts of my evidence relate to Version 13 of the TCSP.
- 2.6 The submitter continues to seek that Version 13 of the TCSP be rejected due to the effects that the proposed development would have on the amenity and rural character of the area and potential reverse sensitivity effects associated with a development of this scale.

3.0 OUTLINE OF EVIDENCE

3.1 My evidence concentrates on the main effects of the further revised TCSP (Version 13) in relation to the submitter, Diane Hinds' adjoining property at 151 Boat Harbour Road, Whenuakite. These effects relate mainly to the following:

- Effects on rural character and amenity
- Reverse Sensitivity Effects
- Effects on threatened national species, particularly on the North Island Brown Kiwi colony within the area.

3.2 In the event that revised Variation 3 Version 13 be approved, my evidence will provide comment on what further changes to the TCSP are necessary to ensure the above effects are no more than minor.

4.0 RURAL CHARACTER AND AMENITY

4.1 The subject site is located within the Rural Zone. The zone purpose for the Rural Zone in the Proposed District Plan states that *lot sizes and density standards in the Rural Zone have been established to provide for the sustainable use and development of primary production activities and those involving other natural resources, while ensuring those values that contribute to the rural character of the Zone are retained and enhanced*. The objectives and policies for the Rural Area Section 24 of the Proposed District Plan reflect this purpose.

4.2 The TCSP and its objectives, policies and rules will largely override the provisions of the Rural Zone and Rural Area of the Proposed District Plan in relation to the development of the application site.

4.3 Objective 2 of TCSP (Version 11a) addressed the issue of rural character and amenity and sought to *establish a high quality, self contained large lot residential/lifestyle subdivision within a conservation framework in the Rural Zone adjacent to Hot Water*

Beach, which maintains rural character while providing for a range of lot sizes. (Note: underlining added for emphasis). It is noted that Version 13 deletes that part of Objective 2 which seeks to maintain rural character.

- 4.4 Policy 2c of TCSP Version 13 states that *development should retain a rural character and amenity consistent with establishing and extending the range of living choices for the Hot Water Beach settlement.* Restricted Discretionary Matter assessment criteria 3(a) in Table 2 assesses *the extent to which rural character and amenity is maintained.*
- 4.5 The proponent's expert landscape architect describes the subject site as a lowland area near the Hot Water Beach Holiday Park and existing residential properties that then rises increasingly steeply towards an elevated ridge. An area of remnant pasture crosses its upper slopes and the south-western boundary merges with a farm at 151 Boat Harbour Road (the submitter's property).
- 4.6 The lower northern portion of the subject site is therefore located in closer proximity to the residential beach settlement of Hot Water Beach, where it directly adjoins the Hot Water Beach Holiday Park and is located in closer proximity to the recently developed 790 Hot Water Beach Road property. The southern, and particularly the southwestern portion of the subject site adjoins rural farm land where there is little to no buildings and structures located. This describes the existing rural character of the site, in particular the upper southern portion of the site.
- 4.7 The proponent's expert landscape architect in his evidence dated 1st March 2021 concludes that although the structure plan *would give rise to a significant change to the character and values of the application site it is my assessment that these changes would ultimately be positive in terms of the longer term amenity, character and landscape values of the Taiwawe Stream valley* (Paragraph 53).
- 4.8 As a planning consultant I would be concerned with a statement from an expert that concludes that the structure plan would give rise to a significant change to the character and values of the application site.

I would interpret this as not being able to meet Policy 2c of the TCSP Version 13 which seeks to retain rural character and amenity, particularly in relation to the upper southern portion of the site.

- 4.9 In terms of the portion of the application site located adjacent to the submitter's property at 151 Boat Harbour Road, if the structure plan is approved, the submitter would like to see an amendment to the Development Areas identified in Diagram A of the revised TCSP. Currently the Development Areas extend up to this southern boundary, which include at least nine potential house sites within the Overall Development Concept Plan.
- 4.10 To ensure that the rural character of the area be retained, the submitter requests that the development area of Diagram A be amended (and if necessary, the number of residential allotments within the Structure Plan be reduced) so that residential development does not occur within the southwestern corner of the site (particularly the lots identified as 14, 15 and 16). In terms of rural character and amenity the submitter is also concerned with lots 8 to 13 that are proposed for the southern portion of the structure plan site. In total lots 8 to 16 would allow up to nine additional dwellings (plus accessory buildings/minor units) as a permitted activity in an area that is currently in, and adjoining, bush and farmland.
- 4.11 The revised TCSP Version 13 as it is written would permit up to two buildings per defined building area with a maximum building footprint of 350m² (Table 3: Standards for Buildings and Earthworks). Under Rule 2.2 more than two buildings (Dwellings and Accessory Buildings) on a lot would require resource consent as a **discretionary activity**. However, under Rule 3 (Minor Units) up to three total buildings on a site would only require resource consent as a **restricted discretionary activity**. There is inconsistency between the two rules which would indicate that two buildings plus a minor unit could potentially be provided for on each development site. This could potentially provide for up to 27 individual buildings on the southern portion of the subject site where there is currently little to no buildings. This will result in a significant change to the existing amenity and character of the area.

- 4.12 For consistency purposes it makes good planning sense that Rule 3 (Minor Unit) also be subject to standards 1(c) and 1(d) of Rule 2.1 which addresses colours and reflectivity. It does not make sense that dwellings and accessory buildings are subject to these standards but not minor units on the same lot. Furthermore, as a restricted discretionary activity, Rule 3.2 (Minor Units) does not state which restricted discretionary matters the Council would restrict its discretion to. If this rule was to remain it is expected that this rule relates to Matters 7 and 8 in Table 2 in 27.9.6.

5.0 REVERSE SENSITIVITY

- 5.1 Development within the Rural Zone that does not retain rural character and amenity, such as currently proposed in the TCSP Version 13 and the Overall Development Concept Plan, has the real potential to result in reverse sensitivity effects.
- 5.2 Section 24.3 (Rural Area) of the Proposed District Plan includes objectives and policies that address the issue of reverse sensitivity conflicts between residential activities and existing lawfully established farming activities. Accordingly, the Rural Zone provisions also include assessment criteria for restricted discretionary activities which relate to reverse sensitivity effects on activities expected in the Rural Zone.
- 5.3 The TCSP Version 13 now includes Restricted Discretionary Activity Matter 10 in Table 2 which looks at reverse sensitivity effects resulting from subdivision. The submitter seeks that the wording of the assessment criteria be amended to the following so that it not only acknowledges lawfully established activities on the adjoining property but also “any permitted activities within the Rural Zone” which can be undertaken on the site as of right.

The extent to which reverse sensitivity effects are avoided or mitigated, including by way of consent notice or equivalent, advising the lot owners of the

*level of amenity to be expected from the operation of existing lawfully established rural activities **and any permitted activities within the Rural Zone undertaken on adjoining properties in the Rural Zone** and restraining any complaints, legal or other enforcement action regarding such lawfully established rural activities **or any permitted activities within the Rural Zone.***

- 5.4 The submitter therefore requests that should the revised TCSP be approved by Council, that the TCSP be further amended to include the above changes to assessment criteria 10.

6.0 EFFECTS ON THREATENED NATIONAL SPECIES

- 6.1 The submitter acknowledges the additional amendments made to the standards and assessment criteria of the Structure Plan and supports the inclusion of Rule 4.4 that seeks to make walkways accessible to the general public to be a **Prohibited Activity**.

- 6.2 The submitter is still concerned with dogs being allowed on the development sites and is concerned with how standard 1(k) will be monitored. In the past the submitter has also experienced instances of dogs worrying and even killing sheep on their property. The submitter therefore seeks that standard 1(k) be deleted and that dogs be included in standard 1(j) so that no dogs shall be kept on, or introduced to, any lot within the Structure Plan area.

7.0 CONCLUSION

- 7.1 In conclusion, Diane Hinds, as a submitter and owner of the adjoining property at 151 Boat Harbour Road, Whenuakite requests that Council rejects the Taiwawe Catchment Structure Plan.
- 7.2 Furthermore, as outlined and supported in my evidence above, should the Council approve the new/revised Taiwawe Catchment

Structure Plan (Version 13), it is my opinion that development lots 8 to 16 be deleted from the overall development concept and development lots be restricted to the lower northern portion of the site, to ensure that the rural character and amenity of the area be retained.

7.3 The submitter also requests that should Council approve the Structure Plan that additional amendments to Standards 1(k) and 1(j), Rule 3 (Minor Unit), and assessment criteria 10 be undertaken. These amendments will ensure that the following potential effects are avoided, remedied, or mitigated:

- Effect on rural character and amenity (particularly with respect to the southern portion of the application site)
- Reverse sensitivity effects
- Effects on threatened national species

TM Lamason
September 2021