

## Introduction

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## Privacy Statement

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## Submitter Details

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Trade competition and adverse effects:

I could  I could not

gain an advantage in trade competition through this submission

I am  I am not

directly affected by an effect of the subject matter of the submission that :

- a. adversely affects the environment, and
- b. does not relate to the trade competition or the effects of trade competitions.

Correspondence to:

Submitter

Agent

Both

Submission

Attached Documents

File
140313 EDS submission on the Thames Coromandel Proposed District Plan

## Submission on Proposed Thames-Coromandel District Plan

**TO:** Thames Coromandel District Council

**FROM:** Environmental Defence Society Inc  
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 09 480 2565  
[nicola@eds.org.nz](mailto:nicola@eds.org.nz)

**Name of submitter: ENVIRONMENTAL DEFENCE SOCIETY INC (“EDS”)**

1. This is a submission on the Proposed Thames-Coromandel District Plan (“PDP”).
2. EDS could not gain an advantage in trade competition through this submission.
3. The specific provisions of the PDP that this submission relates to are set out in Appendix 1.
4. EDS’s submission is set out in Appendix 1.
5. EDS considers that unless the relief sought in this submission is granted the PDP and in particular the specific provisions challenged:
  - 5.1 Will not promote the sustainable management of resources;
  - 5.2 Will be inconsistent with the resource management principles expressed in Part 2 of the Resource Management Act 1991 (“RMA”);
  - 5.3 Will variously be inappropriate, unnecessary and contrary to sound resource management practice;
  - 5.4 Will not warrant confirmation in terms of section 32;
  - 5.5 Will be contrary to relevant provisions in the New Zealand Coastal Policy Statement 2010 (“NZCPS”), other National Policy Statements and National Environmental Standards; and
  - 5.6 Will enable the generation of significant adverse effects on the environment that warrant being addressed through PDP provisions.
6. EDS incorporates into this submission the more specific reasons articulated in Appendix 1.
7. EDS seeks the decisions from Thame Coromandel District Council (“TCDC”) set out in Appendix 1, or such similar and consequential relief as necessary to address the submissions in Appendix 1.
8. EDS wishes to be heard in support of its submission.
9. If others make a similar submission, EDS will consider presenting a joint case with them at a hearing.

**DATED** 14 March 2014




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**Nicola de Wit**  
**ENVIRONMENTAL DEFENCE SOCIETY INC**

## APPENDIX 1 – EDS SUBMISSION

### 1. INTRODUCTION

1.1 EDS is a not-for-profit national environmental organisation. EDS was established in 1971 with the objective of bringing together the disciplines of law, science and planning, to promote better environmental outcomes in resource management matters. Since that time it has actively participated in public interest environmental litigation including various plan and development proposals in the Thames Coromandel district. EDS made submissions on the Waikato Regional Policy Statement. EDS has been active in assessing the effectiveness of the Resource Management Act 1991 (“RMA”) and statutory planning documents in addressing key environmental issues such as landscape protection, coastal management and biodiversity protection.

### 2. LEGAL FRAMEWORK

#### New Zealand Coastal Policy Statement 2010

- 2.1 Much of the Thames-Coromandel district is located within the coastal environment and therefore the NZCPS is a primary consideration. The PDP must ‘give effect’ to the NZCPS. Provisions of particular relevance include:
- (a) Policy 6(1)(c): encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth.
  - (b) Policy 7(1)(b): identify areas of the coastal environment where particular activities and forms of subdivision, use and development: i. are inappropriate and ii. may be inappropriate...
  - (c) Policy 11: To protect indigenous biological diversity in the coastal environment... avoid adverse effects of activities on threatened, at risk, rare, significant, protected biodiversity ... avoid significant adverse effects and avoid, remedy, mitigate other adverse effects of activities on (most) other indigenous biodiversity.
  - (d) Policy 13: To preserve the natural character of the coastal environment... avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and avoid significant adverse effects and avoid, remedy, mitigate other adverse effects of activities on the natural character of all other areas of the coastal environment...
  - (e) Policy 15: To protect the natural features and natural landscapes (including seascapes of the coastal environment... avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and avoid significant adverse effects and avoid, remedy, mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment...
- 2.2 The decision in *Environmental Defence Society Inc v New Zealand King Salmon Limited* (expected imminently) is expected to give further guidance regarding the requirement to ‘give effect’ to the NZCPS.

#### Hauraki Gulf Marine Park Act 2000

2.3 Sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (“HGMPA”) have the effect of a New Zealand Coastal Policy Statement and the PDP must give effect to those provisions.

#### Waikato Regional Policy Statement

2.4 TCDC is required to ‘have regard to’ the proposed Waikato Regional Policy Statement (s74 RMA) and ‘give effect to’ any operative Waikato Regional Policy Statement (s75 RMA).

- 2.5 The operative Waikato Regional Policy Statement is dated. In contrast, the proposed Waikato Regional Policy Statement has recently proceeded through the public notification and hearings process and the appeal process is almost complete. In respect of a number of topics (including coast, natural character, landscape and biodiversity) consent orders are expected in the near future.
- 2.6 It is submitted that the proposed Waikato Regional Policy Statement is likely to become operative before a decision is reached on the PDP. Therefore, TCDC should focus on giving effect to proposed Waikato Regional Policy Statement.

### **Coromandel Peninsula Blueprint**

- 2.7 The Coromandel Peninsula Blueprint ("Blueprint") is a joint initiative between TCDC, Waikato Regional Council, Department of Conservation and Hauraki Whaanui. It was a collaboration intended to achieve integrated planning on the Coromandel Peninsula. It was adopted by TCDC in December 2009. It is therefore highly relevant to the PDP.
- 2.8 EDS supports the vision contained in the Blueprint for development to be concentrated within three main urban hubs (Thames, Whitianga and Whangamata), for the special character of small coastal settlements and the rural environment to be preserved, and for highly valued natural resources (including outstanding natural landscapes, areas of high or outstanding natural character, and significant natural areas) to be protected. EDS requests amendments to the PDP to give effect to the Blueprint vision.

## **3. HIGH LEVEL CONCERNS**

### **Settlement development and growth**

- 3.1 The proposed approach to settlement development and growth is not strategic and will result in significant adverse environmental outcomes. EDS requests various changes to the PDP so that it give effect to the NZCPS (in particular Policy 6(1)(c)) and reflects the Blueprint vision. In particular EDS seeks:
- (a) Provisions to encourage consolidated settlement development and growth in Thames, Whitianga and Whangamata.
  - (b) Provisions to prevent settlement development and growth outside Thames, Whitianga and Whangamata, in particular to prevent settlement development and growth in the Rural Zone, in the coastal environment, in outstanding natural landscapes, amenity landscapes, natural character areas, and significant indigenous biodiversity.

### **Subdivision**

- 3.2 The approach to subdivision in the PDP is overly permissive, will not give effect to the NZCPS or reflect the Blueprint vision, and will result in significant adverse environmental outcomes. EDS requests various changes to the PDP so that subdivision is appropriately located and designed. In particular EDS seeks:
- (a) Objectives and policies to reflect (a) the NZCPS direction to consolidate development and avoid sporadic/sprawling development and (b) the Blueprint vision of concentrating development in Thames, Whitianga and Whangamata and preserving small coastal settlements and the rural environment.
  - (b) Provisions to ensure robust assessment and management of subdivision in Residential Areas (outside the overlays and areas identified in (c) below).
  - (c) Prohibition on subdivision in the Rural Zone, coastal environment, outstanding natural landscapes, amenity landscapes, natural character areas, areas with significant biodiversity, and sensitive landforms (including ridgelines and headlands).

- 3.3 EDS opposes the inclusion of rules providing for 'two or more dwellings per lot'. The activity of 'two or more dwellings per lot' results in similar or the same adverse effects as subdivision. EDS requests that rules providing for 'two or more dwellings per lot' should be amended so that the activity is prohibited, requiring subdivision consent to be sought.

### Coastal Protection

- 3.4 The coast is a resource of particular value to the Coromandel Peninsula, drawing residents and tourists alike. EDS is particularly concerned to ensure the PDP will protect this valuable resource for generations to come, including by implementing the NCPS. EDS requests various changes to the PDP so that the coast is appropriately managed to ensure sustainable outcomes. In particular:
- (a) Section 41 states that the Coastal Living Zone encompasses existing coastal settlements and provides a place where people can live or holiday and relax in a natural coastal environment. EDS is concerned that the areas mapped as 'Coastal Living Zone' include areas which are not (or are not part of) *existing* coastal settlements. These areas should be rezoned in accordance with their existing values. In most cases that will be Rural zoning. EDS has identified these areas in Appendix 1.
  - (b) Prohibition on subdivision in the coastal environment, outstanding natural landscapes, amenity landscapes, natural character areas, areas with significant biodiversity, and sensitive landforms (including ridgelines and headlands).
  - (c) Control on dwellings in the coastal environment, with control reserved over matters including location of building platform, floor area, height, colour, reflectivity, planting, earthworks, effects on landscape, natural character and biodiversity, and other relevant matters.
  - (d) Provisions providing for the protection of landscape values, natural character and indigenous biodiversity.

### Outstanding natural landscapes, amenity landscapes and natural character

- 3.5 EDS supports the identification of outstanding natural landscapes (ONLs), amenity landscapes (ALs) and Natural Character areas (NCAs) in the PDP.
- 3.6 EDS generally supports the extent of the areas mapped subject to the site specific comments below.
- 3.7 The Natural Character area overlay includes areas with high and outstanding natural character. Policy 13(1)(a) NZCPS, which requires adverse effects on natural character to be avoided, must be applied to the entire extent of the overlay.
- 3.8 EDS is concerned that the PDP does not provide adequate protection for outstanding natural landscapes, amenity landscapes and areas with high or outstanding natural character and seeks amendments to ensure the PDP provides for the matters in sections 6(a) and (b) and section 7(c) RMA and gives effect to Policies 13 and 15 NZCPS. In particular:
- (a) Prohibition on subdivision in outstanding natural landscapes, amenity landscapes, natural character areas, and sensitive landforms (including ridgelines and headlands)
  - (b) Control on dwellings in outstanding natural landscapes, amenity landscapes, natural character areas, areas with significant biodiversity, and sensitive landforms (including ridgelines and headlands), with control reserved over matters including location of building platform, floor area, height, colour, reflectivity, planting, earthworks, effects on landscape, natural character and biodiversity, and other relevant matters.
  - (c) Controls on indigenous biodiversity removal in outstanding natural landscapes, amenity landscapes, natural character areas, and sensitive landforms (including ridgelines and headlands)
  - (d) Prohibition of prospecting, exploration and mining activities in outstanding natural landscapes, amenity landscapes, natural character areas, and sensitive landforms (including ridgelines and headlands)

### Mining

- 3.9 Mining activities have been separated out from other activities. This recognises that mining activities have different characteristics to other activities. However, there is the potential for this to be interpreted as providing for mining activities. The introductory material should clearly indicate that mining activities have been separated out to ensure adequate control of mining activities is achieved.
- 3.10 Mining activities often have significant adverse effects and are of particular interest to those who live in, recreate in and care for the Coromandel Peninsula. EDS seeks amendments to the PDP to ensure it provides controls on mining activities that safeguard the character and values of the district. In particular:
- (a) Prohibition on mining in the coastal environment, the conservation zone, outstanding natural landscapes, amenity landscapes, natural character areas, areas with significant biodiversity, and sensitive landforms (including ridgelines and headlands).
  - (b) Discretionary activity status for mining in other areas with public notification required.
  - (c) Strong provisions to manage potential contamination effects of mining, mine rehabilitation, including bond requirements and no net biodiversity loss.

### **Indigenous biodiversity**

- 3.11 The PDP does not include provisions that will safeguard biodiversity in the district. There is no robust assessment of significant ecological areas, and an over-reliance upon assessment at the time of subdivision to capture and protect areas of value. This will not protect significant biodiversity from activities, and constrain the capacity for monitoring and enforcement. EDS requests various changes to better demonstrate that the biodiversity of the Coromandel Peninsula will be adequately protected. In particular TCDC must:
- (a) Undertake a district-wide, robust assessment of significant ecological sites and map significant ecological sites to remove reliance upon the coarser-grained regional analysis and provide more certainty to landowners, resource users and the wider community.
  - (b) Provisions to allow the SNA layer to be updated as a “living” layer as ecosystems and created and restored over time.
  - (c) Insert an objective to achieve no net loss of indigenous biodiversity within the district. Include policies to ensure this is achieved, including applying a no net loss approach at a project scale where significant ecological sites are affected and achieving no net loss at a district scale through development of a Local Indigenous Biodiversity Strategy.
  - (d) Include provisions which trigger a consent requirement based on the effects of an activity on biodiversity values, including discretionary activity status for any adverse effect on a significant ecological site and significant adverse effects on any other indigenous biodiversity.
  - (e) Include provisions that provide for biodiversity gains, including transferable development rights (see below) and methods including rate relief for enhancement actions, pest control subsidy.
  - (f) The provisions for offsetting of ecological harm are clumsy and contain no parameters to safeguard biodiversity within those transactions. The PDP should clearly define the requirements of offsetting such as the mitigation hierarchy, equivalency, spatial proximity, additionality, timing, duration and compliance, and currencies and ratios.
  - (g) The protection of a schedule of significant trees and the application of the Standard Tree Evaluation Method (STEM) is supported, but the threshold of 170pts must be reduced to 100pts and the list expanded to include further trees to adequately capture a diverse stock of heritage-grade trees.
  - (h) The provisions for the protection of trees in urban areas do not give effect to the purpose of the RMA and will not achieve no net loss of indigenous biodiversity within the district. The recent amendments to the RMA do not constrain the ability of TCDC to protect trees in urban areas although they do limit the methods which can be used to achieve protection. Strengthened provisions for protecting urban vegetation are necessary and requested.
  - (i) The Conservation Lot process has had variable success in producing environmental gains. EDS opposes the Conservation Lot provisions included in the PDP and seeks that they are replaced with provisions providing for Transferable Development Rights. These provisions would require environmental gains (to be achieved in any zone or overlay) and direct development rights to

certain areas (outside of the coastal environment, outstanding natural landscapes, amenity landscapes, natural character areas, significant indigenous biodiversity).

### Natural hazards

3.12 Coastal hazards are of particular relevance to the district. EDS seeks to ensure that subdivision, use and development is appropriately controlled to avoid increasing coastal hazard risk, in accordance with the NZCPS. In particular:

- (a) Prevent any new development which would increase coastal hazard risk
- (b) Decrease any coastal hazard risk from existing development (to tolerable or acceptable) by utilising long term sustainable risk reduction approaches (e.g. managed retreat). To achieve managed retreat the PDP should identify areas which it will not defend and state that infrastructure investments will not be directed to these areas.
- (c) Avoid the use of hard protection structures, except allow consideration of their use where they may be the only practical means to protect existing infrastructure of national or regional importance
- (d) Prevent new development which will be or may be dependent on installation of new defences in the next 100 years
- (e) Prohibit new dwellings and large buildings, subdivision and hard coastal defences in the Current Coastal Erosion Area and Future Coastal Protection Area

### Forestry

3.13 Forestry is an important industry in the district. However, forestry activities release large quantities of sediment resulting in adverse effects on freshwater and coastal ecosystems (including the expansion of mangroves). The PDP does not adequately regulate forestry activities to prevent the continuation of these adverse effects.

3.14 EDS requests amendments to PDP to address forestry activities and sedimentation:

- (a) Identify and map erosion susceptibility throughout the district (using a Green, Yellow, Orange, Red framework to indicate erosion susceptibility from low to high). The National Land Resource Inventory identified land affected by erosion and includes ranking. High Risk Erosion Areas are also defined in the Waikato Regional Plan.
- (b) Include provisions for controlling forestry which reflect erosion susceptibility as follows:
  - (i) Afforestation/Replanting/Earthworks controlled in green and yellow areas and restricted discretionary in orange and red areas with control/discretion over use of best environmental practice throughout the lifetime of the forest and the appropriateness of the activity with respect to the extent of adverse environmental effects.
  - (ii) Harvesting controlled in green, yellow and orange areas and restricted discretionary in red areas (requiring a harvest plan) with control/discretion use of best environmental practice during harvesting and the appropriateness of the activity with respect to the extent of adverse environmental effects.
- (c) Include requirements for best environment practices, including:
  - (i) Rotational planting and felling
  - (ii) Setbacks from all waterways, wetlands and indigenous biodiversity areas (20m minimum)
  - (iii) Retaining riparian vegetation during harvesting
  - (iv) Removal of slash
  - (v) Minimising earthworks
  - (vi) Management of roads/tracks
  - (vii) Monitoring

## Notification

- 3.15 EDS opposes the removal of the discretion to publicly notify resource consent applications. In particular, notification should be required for resource consent applications for the following:
- (a) Activities in Amenity Landscapes, Outstanding Natural Landscapes and Natural Character areas, particularly subdivision, dwellings and other large buildings.
  - (b) Activities which involve the removal of indigenous biodiversity, particularly areas which may be classified as 'significant'.
  - (c) Activities in the Coastal Environment, particularly subdivision, dwellings and other large buildings, and activities on headlands and ridgelines.

## Mapping

- 3.16 It appears that the mapping of overlays (e.g. ONLs) is inaccurate due to 'slippage'. For example, an overlay area which is the same shape as an island but does not fall immediately over the top of the island but to one side. It is not clear whether these inaccuracies apply to overlays over the mainland. EDS requests that the overlays are accurately identified on the maps.
- 3.17 The coastal environment includes all areas with coastal influence, generally running up to and including the nearest ridgeline. It appears that the mapping of the coastal environment is inaccurate in some places. E.g. Map 19 – Hahei the coastal environment does not extend to and include the ridgeline in all places. EDS requests that the coastal environment is accurately identified on the maps.

## 4. SITE SPECIFIC CONCERNS

### New Chums / Wainuiototo Bay

- 4.1 New Chums / Wainuiototo Bay is an area with high landscape, natural character and biodiversity values which require protection under ss 6(a), (b) and (c) RMA and Policies 11, 13 and 15 NZCPS.
- 4.2 EDS supports the rural and recreation passive zoning applying in the vicinity of New Chums / Wainuiototo Bay.
- 4.3 EDS supports the Outstanding Landscape and Natural Character overlays applying in the vicinity of New Chums / Wainuiototo Bay.
- 4.4 EDS requests amendments to the PDP to ensure that development in the coastal environment of New Chums / Wainuiototo Bay is prohibited.

### Opito Bay

- 4.5 EDS opposes the 'coastal living' zoning of land located at the end of Skippers Road on Map 14A. Although a subdivision consent has been granted for this area, that subdivision has not yet occurred. The subdivision consent was granted due to the operative plan providing for subdivision as a controlled activity.
- 4.6 Furthermore, in the event that the existing subdivision consent is not exercised, the application of a coastal living zoning would allow relatively intensive development to occur (in excess of that consented). This would be undesirable and contrary to good resource management practice. The zoning should reflect the existing rural values of the area. EDS requests that the area is zoned Rural.
- 4.7 EDS supports the outstanding landscape classification of the islands off the western and eastern headlands of Opito Bay. EDS supports the amenity landscape and natural character overlays applying to the beachfront in Opito Bay. EDS requests that the area classified 'amenity landscape' on the end of the western headlands of Opito Bay is classified as an outstanding natural landscape.

### Hahei

- 4.8 Hahei is a coastal settlement with high natural and landscape values which require protection. Existing development has degraded the existing natural and landscape values and strong provisions are required to prevent any further degradation of those values.

- 4.9 EDS supports the outstanding landscape classification of the islands and the eastern headland. EDS opposes the partial amenity landscape classification of the western headland and requests that the entire western headland is classified as an outstanding landscape to reflect its high values.
- 4.10 EDS supports the inclusion of areas within the natural character overlays. EDS requests the extension of this overlay to include the eastern headland.

### Hot Water Beach

- 4.11 Hot Water Beach is an important tourist 'hot spot' and has extensive natural and landscape values which require protection.
- 4.12 EDS supports the Outstanding Landscape and Natural Character overlays in the Hot Water Beach area.
- 4.13 EDS supports the extent of the Coastal Living zoning for Hot Water Beach on Map 24A.
- 4.14 EDS supports the Open Space zoning of the esplanade reserve around Taiwawe Stream.

### Te Karo Bay

- 4.15 Te Karo Bay has high natural and landscape values and its undeveloped nature requires protection.
- 4.16 EDS supports the extensive Outstanding Landscape and Natural Character overlays in the Te Karo Bay area (Map 24C).
- 4.17 EDS opposes the Coastal Living zoning of a large area shown on Map 24C. EDS understands that subdivision consent has been granted for 8 houses in this location. However, coastal living zoning would allow a minimum lot size of 600m<sup>2</sup>/1000m<sup>2</sup> (dependant on wastewater infrastructure) which allow further subdivision and a significant increase in adverse effects. EDS requests that Rural zoning applies to this location.

### Structure Plans

- 4.18 EDS opposes the removal of structure plans from the PDP where they add additional environmental protections which strengthen the underlying zone provisions. In general, the structure plans were developed through a public planning process and provide for the protection of values particular to a location.
- 4.19 As an example, the structure plan applying to the land at the eastern end of Opito Bay previously entitled 'Structure Plan for Opito to Matapaua'. Other areas of concern are Matapaua Bay and Tuatēawa.
- 4.20 EDS requests the re-inclusion of structure plans, where the contents provide additional environmental protections which strengthen the underlying zone provisions.

## 5. SETTLEMENT DEVELOPMENT AND GROWTH

Section	Support/Oppose	Reasons	Relief Sought
Issues generally	Oppose	The issues fail to recognise that settlement development and growth can adversely affect indigenous biodiversity, landscape, natural character, amenity values.	Settlement development and growth can adversely affect natural character, ecology, landscape and amenity values.
Issue 15.2.2	Oppose	"Balancing" is not an issue. The issue should be worded to acknowledge that development can threaten important environmental values.	Reword as follows:-  <del>Balancing</del> Settlement, development and growth in the Coastal Environment <del>with protecting</del> can threaten its natural character, historic heritage, ecology, landscape, <del>access to</del> and amenity values.

Objectives and policies generally	Oppose	The objectives and policies do not clearly implement the Coromandel Peninsula Blueprint vision of directly development to the three hubs (Thames, Whitianga and Whangamata).	Add objectives and policies which direct all settlement development and growth to the three hubs and to prevent any new settlement development or growth in the rural area, coastal environment, outstanding landscapes, amenity landscapes, natural character areas, significant ecological areas.
Objective 1 and associated policies	Support in part	EDS supports objectives and policies which seek to consolidated development in Thames, Whitianga and Whangamata.	Amend as required to provide for consolidated development in Thames, Whitianga and Whangamata.
Objective 3	Support in part	EDS supports the general direction but the 'special values' of the Coastal Environment should be specified.	Refer to the natural character, ecology, landscape and amenity values of the coastal environment.
Policy 3a	Oppose	Growth should not be permitted outside existing and planned settlements.	Reword as follows:-  Growth in the Coastal Environment <del>should</del> <u>is to</u> be clustered in, around or adjacent to existing settlements and shall retain the existing character, scale <del>and density</del> of that settlement. <del>Development</del> <u>Growth</u> in the Coastal Environment outside existing settlements and existing and planned infrastructure <del>shall be discouraged</del> <u>is to be prevented</u> .
Policy 3c	Oppose in part	Growth should not be permitted outside existing and planned settlements to avoid sporadic development.	Reword (f) as follows:  <del>protect the natural characteristics of</del> <u>avoid locating in</u> remaining undeveloped or largely undeveloped coastal environments; and  Reword (j) as follows:  <u>avoid ribbon and sporadic</u> development along coastal margins; and
Policy 4d	Oppose	Rural lifestyle development should be limited to the Rural Lifestyle Zone and other areas of poor soils which should be identified.	Reword as follows:  <del>Rural lifestyle development on the fringes of settlements in the Rural Lifestyle Zone</del> <u>or in areas with lower identified poor</u> quality soils and that are not within <u>identified areas of outstanding or amenity landscapes, natural character</u> or in the coastal

			<u>environment or significant ecological areas</u> shall provide opportunities to enjoy rural living while enhancing existing or degraded biodiversity.
Objective 5	Support in part	This objective is generally supported subject to restrictions on subdivision development and growth set out and requested above.	Restrict the application of the objective to situations where settlement development and growth is considered appropriate under the objectives and policies above.
Objective 5a	Support in part	This objective is generally supported subject to restrictions on subdivision development and growth set out and requested above.	Restrict the application of the objective to situations where settlement development and growth is considered appropriate under the objectives and policies above.
Objective 6	Support	EDS supports the objective of protecting these values.	Retain.
Policy 6a	Support in part	Settlement growth should be directed away from areas with high natural character, outstanding landscape, potentially erodible slopes, and high class soils. This should also apply to amenity landscapes and significant ecological areas.	Amend to replace “directed away from” with “shall not occur in” Add amenity landscapes and significant ecological areas.
Policy 6b	Support in part	This policy should not refer to outstanding and amenity landscapes or high natural character or significant ecological areas as settlement growth should not occur in such areas.	Remove reference to areas where settlement growth should not occur as above.
Policy 6c	Oppose	Esplanade reserves should be required as a matter of course. It is necessary to achieve the objective.	<del>Reword as follows:-</del> <del>Where appropriate</del> Esplanade reserves or strips <u>shall be required to provide access to streams, rivers and the coast at subdivision stage.</u>
Policy 7a	Oppose	New development Intensification is not appropriate in any area subject to a natural hazard risk.	<del>Reword as follows:-</del> <u>Existing development in areas at intolerable risk from natural hazards shall not be intensified. New development shall not proceed in areas at risk from natural hazards.</u>
Policy 7b	Support in part	EDS supports managed retreat however development should not proceed in areas where there is a risk of coastal hazards in the next 100 years.	Amend to prevent development in locations where there is a risk of coastal hazards in the next 100 years.
Policy 7c	Support in part	EDS supports this policy and seeks changes to ensure it is implemented.	Replace “should not be justified” with “shall not be allowed to proceed”.

Policy 9a d)	Oppose	Existing values and valued features of the area need to be protected.	Reword as follows:-  how existing values and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies and high class soils) will be <del>managed</del> <u>protected</u> ;
Policies 10b, 10d – 10m, 10p and 10s	Oppose	Reference needs to be made in these sensitive environments to amenity, landscape, natural character, ecological and heritage values and water bodies.	Reword to add reference to development and growth not to occur outside the current settlements and not to occur where it adversely affects amenity, landscape, natural character, ecological and heritage values or water bodies.

## 6. SUBDIVISION

Section	Support/Oppose	Reasons	Relief Sought
<b>Section 16 - Subdivision</b>			
Background	Oppose	Subdivision should be avoided in the Coastal Environment and in areas with high landscape, natural character, biodiversity and heritage values	<p>Amend the following paragraphs as shown:</p> <p>The District has also experienced development in its small coastal settlements, which are generally within the Coastal Environment (refer to Section 7 Coastal Environment). The New Zealand Coastal Policy Statement 2010 (NZCPS) seeks to encourage the consolidation of coastal settlements where this will assist with the avoidance or mitigation of sprawling or sporadic patterns of settlement or urban growth. Subdivision in undeveloped areas of the Coastal Environment must be <u>avoided</u> <del>carefully managed</del> to protect its special character and values.</p> <p>.....</p> <p>Matters of national importance (Section 6 of the RMA) are provided for in this Plan through the use of overlays and district-wide rules that afford targeted protection for areas with high landscape, natural character, biodiversity and heritage values. <u>Subdivision is to be avoided in these areas.</u></p>

Issue 16.2.1	Oppose	Any subdivision can adversely affect the District's special values – that is, there are situations where the adverse effects of subdivision must be avoided as they cannot appropriately be remedied or mitigated.	<del>Poorly planned</del> Subdivision can adversely affect the District's special values, including natural character, landscape, soil, biodiversity and important ecosystems including wetlands, dune systems, the coastal environment outside existing settlements and the margins of rivers and streams.
Objective 1 and associated policies	Oppose	The Objective needs to be divided into two Objectives which are more precise as to their intention. In particular, objectives are required directing subdivision to planned areas and avoiding subdivision in sensitive environments.	Add the following Objectives and Policies:- 1. Subdivision is enabled in existing settlements and discouraged elsewhere in the district.  Policy 1a Subdivision creating new sites shall be limited to urban zones in the district and the Rural Lifestyle Zone.  Then existing policies 1a – 1g (renumbered).  2. Subdivision is avoided where it may adversely affect the District's special values, including natural character, landscape, soil, biodiversity and important ecosystems including wetlands, dune systems, the coastal environment (outside existing settlements) and the margins of rivers and streams.  Policy 2a Subdivision shall be avoided in identified areas of natural character and outstanding or amenity landscapes, high quality soils, areas of significant biodiversity value and important ecosystems including wetlands, dune systems, the coastal environment (outside existing settlements) and the margins of rivers and streams and the rural zone.
Policy 3a	Oppose	The presumption in this policy should be reversed – reserves should be provided unless they are shown not to be necessary.	Reword as follows:-  Subdivision shall not provide public reserves unless:  a) It can be demonstrated

			<p>that there is <del>a need for</del> quality public open space <del>beyond what is already available in the surrounding settlement</del>; and</p> <p>b) Additional reserve land would <u>not</u> significantly enhance amenity and recreation opportunities for existing and future residents in the subdivision and surrounding settlement; and</p> <p>c) The reserve land is <u>not</u> easily accessible and usable in terms of physical access and topography.</p>
Objective 5	Oppose	The words “unnecessarily or inappropriately” are vague and unhelpful. The objective should clearly state that subdivision on headlands and ridgelines is to be avoided.	Amend to require avoidance of subdivision on headlands and ridgelines.
Policy 5b	Oppose	Adverse effects are relevant beyond “public places”	<p>Reword as follows:-</p> <p>Subdivision design shall respond to the natural landform by ensuring building platforms and road configuration sits within the site's topography, does not break the natural skyline and is located away from headlands and ridgelines that are visually prominent-<del>from public places.</del></p>
Objective 6	Oppose in part	<p>Subdivision in significant ecological areas should be avoided. Effects on other biodiversity should be managed to avoid, remedy and mitigate to achieve no net loss.</p> <p>Transferable development rights should be provided for the enhancement and protection of indigenous biodiversity.</p>	<p>Amend as follows:</p> <p>Transferable development rights incentivise additional enhancement and protection indigenous vegetation.</p>
Policy 6a	Oppose	<p>While incentive subdivision may be appropriate it is not appropriate if new lots are created in areas of special value: the coastal environment, outstanding landscapes, amenity landscapes, natural character areas and significant ecological areas.</p> <p>Donor areas for transferable development rights should be restricted to certain parts of the Rural Area to prevent sporadic development. Transfer should be allowed out of areas of special value (see above) but not into them.</p>	<p>Reword as follows:-</p> <p>Subdivision for restoration or enhancement of indigenous biodiversity shall be provided for in <u>identified receiver areas in the Rural Area</u> provided it is consistent with Section 6 Biodiversity - Policy 1d and no new lots are created in identified areas of natural character and outstanding or amenity landscapes, high quality soils, areas of significant biodiversity value and important ecosystems including wetlands, dune systems, the coastal</p>

			environment (outside existing settlements) and the margins of rivers and streams.  Identify receiver zones for Transferable development rights in areas where Rural lifestyle development is appropriate.
Policy 6b	Support	It is crucial that real biodiversity gains are achieved through this mechanism.	Retain.
Policy 6c	Support in part	It is crucial that ongoing biodiversity gains are achieved through this mechanism.	Amend to require conditions that secure ongoing management.
Policy 6d	Support	Legal protection is a useful mechanism to ensure biodiversity gains are maintained.	Retain.
Policy 6e	Oppose	Subdivision should not be allowed in the coastal environment.	Delete.
Objective 7	Oppose in part	Enhancement or water quality may be an appropriate goal in many circumstances.	Require enhancement of water quality and quantity.
Policy 7a	Support in part	Amend for certainty.	Replace "encouraged" with "required".
Policy 7c	Support		Retain.
Objective 8	Support in part	The objective does not reflect the policies which are specific to the use of esplanade reserves / strips.	Refer to esplanade reserves / strips.
Policy 8a	Oppose	Esplanade reserves should be required as a matter of course.	Reword as follows:-  An esplanade reserve/strip shall be <u>required adjoining any lot created that is less than 4ha in area and in other cases may be required established at the time of subdivision</u> where it will:  a) Enhance linkages and connectivity to existing esplanade areas; or b) Provide public access to, or recreational use of, the District's water bodies and the Coastal Environment; or c) Maintain or enhance aquatic habitats and ecosystems; or d) Mitigate natural hazards; or e) Maintain or enhance water quality; or f) Protect the natural character and/or amenity values associated with a riparian area

Policy 8b	Oppose	A 20m esplanade reserve width should be required as a matter of course.	Reword as follows:-  An esplanade reserve/strip may be reduced below 20m <u>only where there is a lawfully established structure located within the reserve and when:</u>  a) <del>There is a lawfully established structure located within the reserve and a smaller area could be vested; or</del> b) <del>The topography limits the effectiveness of the reserve; or</del> c) The reduction will not limit the opportunity to provide public access and recreation opportunities; or d) The reduction will not limit the opportunity to maintain or enhance the natural functioning of the water body; water quality or aquatic habitats; or e) The reduction will not limit the opportunity to protect the natural values of the water body and surrounding area or mitigate natural hazards.
Policy 8c	Support		Retain.
Policy 8d	Oppose	Esplanade reserves should be required as a matter of course.	Delete Policy 8d
Policy 8e b)	Oppose	Remoteness is no reason to have a strip rather than a reserve.	Delete b) from the policy
Policy 11b a), b) and d)	Oppose	Subdivision in Rural areas should be confined to achieving ecological restoration or enhancement	Subdivision in the Rural Area shall be directly related to: a) <del>Increasing economic growth or productivity; or</del> b) <del>Protecting the rural land resource, especially high class soils; or</del> c) <del>Achieving ecological restoration or enhancement; or</del> d) <del>Achieving efficient and sustainable use of the land</del>
<b>Section 38 - Subdivision</b>			
Rule 5	Oppose	EDS opposes rules providing for 'two or more dwellings per lot' which allow effects equivalent to subdivision to be processed with a lower level of oversight. For the same reasons, subdivision around two or more dwelling should not be a controlled activity which must be granted consent.	Delete

Rule 6	Oppose	Subdivision of a Recreation Area should not be a controlled activity.	Amend to discretionary.
Rule 7	Oppose	Subdivision in the Coastal Environment, outstanding landscapes, amenity landscapes, natural character areas or significant ecological areas should be prohibited.	Exclude from this rule areas in the Coastal Environment, outstanding landscapes, amenity landscapes, natural character areas or significant ecological areas.
Rule 8	Oppose	EDS opposes the use of Conservation Lots and requests this is replaced with a mechanism for Transferable Development Rights.  The provisions need amending as currently they may result in net adverse effects through development being provided for in an area of conservation value.	Restrict subdivision so that no lot that is capable of accommodating future development is located in identified areas of natural character and outstanding or amenity landscapes, high quality soils, areas of significant biodiversity value and important ecosystems including wetlands, dune systems, the coastal environment (outside existing settlements) or the margins of rivers and streams. If it is not possible to achieve this on the lot to be subdivided, provide for a transfer of that lot onto another site not within these areas. Identify receiver areas.  Make any other subdivision prohibited.
Rule 9	Oppose	It is not appropriate to have provision for further subdivision in a Rural Area.	Amend activity status for the Rural Area to prohibited.
Rule 10	Oppose	The provisions need amending as currently they may result in net adverse effects through development being provided for in an area of ecological value.	Restrict subdivision so that no lot that is capable of accommodating future development is located in identified areas of natural character and outstanding or amenity landscapes, high quality soils, areas of significant biodiversity value and important ecosystems including wetlands, dune systems, the coastal environment (outside existing settlements) or the margins of rivers and streams. If it is not possible to achieve this on the lot to be subdivided, provide for a transfer of that lot onto another site not within these areas.  Make any other subdivision prohibited.
Rule 11 a)	Oppose	A 20m esplanade reserve width should be required as a matter of course.	Reword as follows:-

			<p>An esplanade reserve/strip may be reduced below 20m <u>only where there is a lawfully established structure located within the reserve and when:</u></p> <p>a) <del>There is a lawfully established structure located within the reserve and a smaller area could be vested; or</del></p> <p>b) <del>The topography limits the effectiveness of the reserve; or</del></p> <p>c) The reduction will not limit the opportunity to provide public access and recreation opportunities; or</p> <p>d) The reduction will not limit the opportunity to maintain or enhance the natural functioning of the water body; water quality or aquatic habitats; or</p> <p>e) The reduction will not limit the opportunity to protect the natural values of the water body and surrounding area or mitigate natural hazards.</p>
Rule 11 c)	Oppose	Esplanade reserves should be required as a matter of course.	Delete Rule 11 c)
Rule 38.7.14	Oppose	It is not appropriate to have provision for further subdivision in a Rural Area.	Delete and replace with "Subdivision for the creation of new lots is Prohibited in the Rural Zone unless where allowed by Rules 2, 8 and 10"

## 7. BIODIVERSITY

Section	Support/Oppose	Reasons	Relief Sought
Part II Section 6	Support	EDS supports the identification of biodiversity as a particular Issue of significance.	That the recognition of Biodiversity as an Issue is retained.
Part II Section 6.2 I2	Support in part	The effects of poor land management practices affect all indigenous habitats. It is unclear whether 'important' is limiting.	Amend to refer to all indigenous habitats.
Part II Section 6.3 O1	Support in part	The maintenance, restoration and enhancement of biodiversity is a long-term (and arguably perpetual) process. Providing for this to occur at the 'time of subdivision' is a perplexing approach. It is likely related to the SNA criteria being used at the site level, rather than underpinning a regulatory approach. As	That the provision is altered to reflect a longer term approach to the protection, maintenance and enhancement of biodiversity, in words as follows (or similar):  "Indigenous biodiversity is maintained, restored or

		will be further discussed, EDS does not support this strategy and is of the view that it will not achieve the Council's duties with respect to indigenous biodiversity. Council's duties extend wider than a 'point in time' analysis on a site basis, as Council must give effect to the RPS which requires no net loss of biodiversity to be achieved at a regional level.	enhanced through the effective management of adverse effects <u>at the time of subdivision, use and development and promotion of positive effects to achieve no net loss at a district level."</u>
New policies		EDS requests additional policies setting out how no net loss of indigenous biodiversity at a district level will be achieved.	<p>Add new policies:</p> <p>(1) A policy applying a no net loss approach at a project scale where significant ecological sites are affected. The mitigation hierarchy should be applied so that avoidance is to be preferred unless it is not practicable.</p> <p>(2) A policy setting out how no net loss at a district scale will be achieved, including through regulatory controls on biodiversity removal, methods to promote positive biodiversity outcomes and development of a Local Indigenous Biodiversity Strategy.</p> <p>(3) A policy setting out how a no net loss approach will be applied including application of the mitigation hierarchy, and offsetting principles including equivalency, spatial proximity, additionality, timing, duration and compliance, and currencies and ratios.</p>
Part II Section 6.3 P1a	Support in part	<p>EDS requests that the paragraphs are linked to the requirement to avoid, remedy or mitigate adverse effects.</p> <p>EDS supports the directive wording of the this policy, with the exception of 1a(g) where the word 'Consider' must be replaced with 'Require'.</p>	<p>Amend the chapeau to read: "Subdivision, use and development shall <u>avoid, remedy and mitigate adverse effects by:</u>"</p> <p>In (g) replace "consider" with "require".</p>
Part II Section 6.3 P1b	Support in part	EDS generally supports the provision, but suggests that further amendments are necessary to sufficiently strengthen the policy to ensure objectives are met.	<p>In (b) add "locally, regionally, or" after "risk to"</p> <p>In (c) add "and extent" after "function"</p>

Part II Section 6.3 P1c	Support	<p>EDS supports the requirement that indigenous biodiversity is <i>increased and</i> protected in perpetuity. The vulnerability of New Zealand's biodiversity to the impact of invasive species means that simply protecting areas legally is insufficient to maintain biodiversity values.</p> <p>The provisions however, do appear to be "offsets by stealth", particularly when considered together with the provisions for off-site mitigation. The implications of offsite mitigation on biodiversity are insufficiently linked with provisions that will enable this to occur.</p>	<p>Provide for Transferable Development Rights that ensure subdivision occurs outside of high value areas.</p> <p>Amend the policy to ensure that indigenous biodiversity gains achieved offset achieve a net gain when the effects of subdivision are offset.</p> <p>Reference the no net loss principles set out in new Policy (3) requested above.</p>
Part II Section 6.3 P1d	Support in part	<p>EDS supports allowance for sustainable use provided it is this means that no net effects result and the application of no net loss principles such as spatial proximity.</p>	<p>Replace "this may be through remediation or mitigation on the site or off the site" with "this must be through remediation or mitigation on the site".</p> <p>Reference the no net loss principles set out in new Policy (3) requested above.</p>
Part II Section 6.3 P1e	Support	<p>EDS supports the '<b>avoidance</b>' of impacts as set out in Policy 1e. It is unclear however, how such a provision will be implemented given the reliance upon evaluation of biodiversity values only at the time of consented development proceeding.</p> <p>This policy gives effect to Policy 11(a), but not 11(b).</p>	<p>Areas meeting the criteria in (a) to (e) are identified and mapped as significant ecological areas.</p> <p>Add an additional policy giving effect to Policy 11(b) NZCPS. Identify and map areas meeting the criteria in Policy 11(b).</p>
Part II Section 6.3 O2	Oppose	<p>EDS does not support this provision, as it fails to ensure that significant biodiversity is not compromised by the operation of public infrastructure and network utilities. These activity classes are very broad and have potential to result in serious adverse effects. A requirement to merely 'minimise' these effects is insufficient and inconsistent with s6(c) and s31(1)(b)(iii) RMA.</p>	<p>Amend as follows:</p> <p>"The establishment, maintenance and upgrading of public infrastructure and network utilities <u>avoids, remedies and mitigates</u> <del>minimises</del> the removal of indigenous vegetation and its ecological effects."</p>
Part II Section 6.3 P2a	Oppose	<p>While EDS acknowledges the importance of roads, access-ways and utilities and that at times such activities necessitate the removal of vegetation, this provision provides inadequate safeguards for the biodiversity values in the region. It is likely to result in the</p>	<p>Amend as follows:</p> <p>"Limited indigenous vegetation clearance shall be enabled where necessary for the safe maintenance and functioning of roads, accessways and utilities <u>where remediation or mitigation</u></p>

		damage to biodiversity, some of which is likely to be significant and some also irreversible. The use of the term 'enable' or 'enabling' is inappropriate, given the general duty to avoid, remedy or mitigate adverse effects from use and subdivision of land. Remediation or mitigation should be required to offset effects of biodiversity values.	<u>of the ecological effects is undertaken."</u>
Part II Section 6.3 P2b	Oppose	<p>While EDS acknowledges the importance of roads, access-ways and utilities and that at times such activities necessitate the removal of vegetation, this provision provides inadequate safeguards for the biodiversity values in the region. It is likely to result in the damage to biodiversity, some of which is likely to be significant and some also irreversible. The use of the term 'enable' or 'enabling' is inappropriate, given the general duty to avoid, remedy or mitigate adverse effects from use and subdivision of land.</p> <p>This provision would appear to be "offsets by stealth", particularly when considered together with the provisions for off-site mitigation. The implications of offsite mitigation on biodiversity are insufficiently linked with provisions that will enable this to occur.</p> <p>References to transferable development rights should include considerations of key concepts of biodiversity offsetting including limits to offsetting, the importance of like-for-like and security of exchange.</p>	<p>Amend to require avoidance in relation to significant ecological areas.</p> <p>In relation to other biodiversity, retain policy 2b with a reference to the no net loss principles set out in new Policy (3) requested above.</p>
Part II Section 6.4	Support in part	EDS supports the methods provided however they do not go far enough to support the achievement of Objective 1 (amended as sought above). Further methods are required (e.g. rates relief, pest control, Council taking the lead on its land) and the review of the Biodiversity Strategy should be linked to Objective 1 and associated policies.	<p>Amend Method 2 to link it to Objective 1 and associated methods.</p> <p>Add further methods e.g. rates relief, pest control, Council taking the lead on its land.</p>
Part II Section 11 Significant trees	Support	EDS supports the provision for significant trees or groups of trees to be protected. EDS also supports the application of the STEM methodology as a robust and repeatable method.	That the approach to the identification of significant trees is supported and retained.
Part II	Support in part	EDS supports the objectives and	Delete Policy 2b.

Section 11.3		policies provided, except Policy 2b which is unclear and inconsistent with the RMA purpose and principles.	
Part II Section 11 - Appendix 3	Oppose in part	The schedule is very small with 35 entries. The STEM threshold is very high at 170. This is insufficient to protect the significant tree resource in the district.	That the threshold for STEM is lowered to 100 and trees above that threshold are included within the Appendix.
Part VI Section 29 (Biodiversity overlay)	Oppose	The Proposed District Plan relies upon the Waikato Regional Policy Statement's SNA criteria to flag sites of 'potential significance'. It is unclear how this will work in practice. This is inadequate and is unlikely to protect biodiversity in line with Council's statutory mandate. There are insufficient triggers in place to capture activities that will have deleterious impacts on biodiversity. Should clearance or damage occur, then enforcement will be fraught – making this approach unlikely to effectively protect significant biodiversity and significant habitats of indigenous fauna as required by Section 6(c). This also provides little certainty for land owners and the wider community about biodiversity resources of special value.	Identify (and ground-truth) areas meeting the Waikato Regional Policy Statements SNA criteria and include these areas as an overlay on the maps.
Part IV Section 29 Rule 1	Oppose	This rule relies on the not-yet-finalised Waikato Conservation Management Strategy as an outside resource to govern whether or not vegetation can be removed in the Conservation Zone. This approach is weak and unlikely to be clear to users of the Plan. It is not clear how this intersection will be managed and further clarification is required as to process.	Amend as set out in reasons to demonstrate a robust process via which provisions are cross-referenced.
Part IV Section 29 Rule 1 Advice note 1	Oppose	The non-statutory 'advice note' referring to the requirement for the Department of Conservation to approve vegetation removal is unenforceable. Additionally, it is unclear whether it applies to all vegetation removal, or simply that which is a Discretionary activity.	Include note within Rule 1 as a condition.
Part IV Section 29 Rule 2	Oppose	The provisions for the clearance of vegetation outside rural areas follow closely the wording of the recent RMA amendments (s 76 RMA). However, those restrictions on district rules are limited and do not prevent a district council from controlling the removal of	Identify (and ground-truth) areas meeting the Waikato Regional Policy Statements SNA criteria and include these areas as an overlay on the maps and schedule.  Provide for additional protection

		vegetation in urban areas. The rule ascribes to a false minimum and, as such, will likely result in unjustified losses of biodiversity via vegetation removal.	for vegetation on sites outside Rural areas that are sensitive in nature e.g. riparian areas.  Amend the STEM threshold as sought above.
Part IV Section 29 Rule 3	Oppose	The list of activities for which Rural vegetation clearance is permitted is too great and does not include a maximum extent either as a one-off or over a given time period (i.e. one year). The weak provisions will likely lead to large scale vegetation clearance, and there are insufficient triggers to capture significant areas, compounding that risk to the district's biodiversity.	Amend the provisions to provide for a reduced range of activities (eg delete (n)) for which vegetation clearance is permitted and introduce a maximum extent of clearance.
Part IV Section 29 Rule 3.6	Support in part	EDS supports requiring notification to the Waikato Regional Council and Department of Conservation.  EDS does not support restriction of public participation in RMA planning process, potentially curtailing the rightful input of the community in proposals that include removal of sensitive habitat. Conservation groups, resource users, adjacent landowners other than those with the same vegetation on their property and the wider community should be included in RMA decision-making.	Clarify that full public notification is not excluded where the notification test in the RMA is satisfied.
Part IV Section 29 New rule		EDS requests a new rule specifying that any clearance of indigenous vegetation in a SNA is a non-complying activity, therefore requiring compliance with the objectives and policies relating to no net loss.	Add a new rule specifying that any clearance of indigenous vegetation in a SNA is a non-complying activity.

## 8. COASTAL ENVIRONMENT

### *Coastal Environment overlay*

Section	Support/Oppose	Reasons	Relief Sought
<b>Section 7 – Coastal Environment</b>			
7.1 Background		The Coastal Environment is the area inwards of the edge of the territorial sea. The background should state this and then clarify that TCDC jurisdiction stops at MHWS.  The background fails to refer to the sensitive natural character and	Amend as follows:  The Coastal Environment is the area inland from the <u>edge of the territorial sea (12nm offshore)</u> that is subject... <u>TCDC has jurisdiction from mean</u>

		<p>landscape values of the coastal environment.</p> <p>The background fails to emphasise the value of the coastal environment to the tourism economy in the district.</p>	<p><u>high water springs to the inland boundary of the coastal environment.</u> <u>WRC manages from MHWS to the 12nm line...</u></p> <p>The Coastal Environment also contains indigenous ecosystems and habitats, <u>natural character and landscapes values</u> that are particularly sensitive to modification.</p> <p><u>The Coastal Environment is important to the tourism economy in the TCDC district.</u></p>
Issue 1	Oppose	<p>This issue should discuss the large (and growing) pressure on the coastal environment in Thames-Coromandel (particularly given its proximity to Auckland and Hamilton), the finite and vulnerable nature of the coastal environment, and the need to effectively manage development (including limiting development) to ensure the special values and characteristics of the coastal environment are protected from degradation.</p>	<p>Amend as follows:</p> <p>The Coastal Environment is finite and vulnerable. There is significant and growing development pressure on the Coastal Environment. These factors require effective management (including limits on development) to ensure the special values and characteristics of the coastal environment are protected from any further degradation.</p>
Objective 1	Support in part	<p>The objective does not recognise that subdivision should be avoided in the coastal environment and use and development should be avoided where it does not achieve the outcomes listed.</p> <p>The objective does not refer to the indigenous biodiversity values of the coastal environment. Nor the special remote character of coastal settlements.</p>	<p>Add to objective 1:</p> <p>“and - Protects the indigenous biodiversity values of the Coastal Environment</p> <p>“and; - Subdivision is avoided and use and development is avoided where those outcomes will not be achieved”.</p> <p>“and; - Retains the special remote character of coastal settlements”.</p>

### **Coastal Living zone**

<b>Section</b>	<b>Support/Oppose</b>	<b>Reasons</b>	<b>Relief Sought</b>
<b>Section 23 – Residential Area</b>			

Policy 1g	Support in part	EDS supports the direction that residential development in the Coastal Living Zone should maintain or enhance the small coastal settlement character unique to the District. This policy must reflect the need to avoid further development to preserve the special character of small coastal settlements.	Amend to read: Residential development in the Coastal Living Zone <u>will be avoided except where it <del>should</del> maintains or enhances</u> the small coastal settlement character unique to the District.
Policy 2c	Support	EDS supports the direction that subdivision, use and development in the Coastal Living Zone shall retain the existing built character of the settlement including the building density, height and rooflines.	Retain.
Policy 5d	Support	EDS supports the direction that limited and small-scale non-residential activities that directly promote the wellbeing and vibrancy of the local community in the Coastal Living Zone should be provided for. It is important that these are limited and small-scale to protect the small coastal settlement nature.	Retain.
Objective 7	Support in part	EDS supports the direction that subdivision, use and development in the Coastal Environment maintains or enhances the existing recreational, biodiversity and high natural character values of the Coastal Environment. This policy should also refer to the landscape values of the Coastal Environment, to reflect Policy 15 NZCPS. This policy must reflect the need to avoid further development to preserve the special character of small coastal settlements.	Amend to read: Subdivision <u>in the Coastal Environment will be avoided and</u> use and development in the Coastal Environment <u>will be avoided except where it maintains or enhances</u> the existing recreation, biodiversity, <u>landscape</u> and high natural character values of the Coastal Environment.
Policy 7a	Support in part	EDS supports the direction that subdivision, use and development in the Coastal Environment should provide public access to the coast in a manner that retains the coast's natural character and does not adversely impact threatened or at risk indigenous species. EDS requests that this policy also refer to the landscape values of the Coastal Environment, to reflect Policy 15 NZCPS.	Amend to read: <del>Subdivision, use and development in the Coastal Environment</del> should provide public access to the coast in a manner that retains the coast's natural character <u>and landscape values</u> and does not adversely impact threatened or at risk indigenous species.
Policy 7b	Oppose in part	This policy must ensure that adverse	Amend as follows:

		effects on areas of outstanding natural character, outstanding natural landscapes or features, and indigenous species are avoided in accordance with Policies 11, 13 and 15 NZCPS.	Subdivision, use and development in the Coastal Environment shall protect areas of high natural character, <u>values of outstanding natural landscapes or features</u> and significant <u>ecological areas</u> and should restore or enhance degraded areas and habitats as part of the subdivision or development where practicable.
Section 38 – Rule 7	Oppose in part	EDS does not support restricted discretionary activity status for subdivision creating one or more additional lots in the Residential Area which includes the Coastal Living Zone. The Coastal Living Zone is within the Coastal Environment which must be managed in accordance with the NZCPS to preserve the special character of this area. EDS requests discretionary activity status for subdivision creating one or more additional lots	Amend the rule so that subdivision creating one or more additional lots in the Coastal Living Zone is a discretionary activity.
Section 38 – Table 2:	Oppose in part	EDS does not support the 600 m <sup>2</sup> (reticulated wastewater) and 1000 m <sup>2</sup> (no reticulated wastewater) minimum lot sizes proposed for subdivision in the coastal living zone. The minimum lot sizes proposed do not adequately provide for the maintenance of the remote coastal nature of the coastal living zone. EDS requests that the minimum lot sizes are returned to 800 m <sup>2</sup> (reticulated wastewater) and 1200 m <sup>2</sup> (no reticulated wastewater).	Amend so that minimum lot sizes are returned to 800 m <sup>2</sup> (reticulated wastewater) and 1200 m <sup>2</sup> (no reticulated wastewater) in the Coastal Living Zone.
Section 38 – Table 5	Oppose in part	EDS does not support the restricted discretionary activity matters which do not include all matters which must be managed to preserve the special character of the Coastal Living Zone. In particular, it does not allow consideration of effects of indigenous vegetation, natural character and landscape values. Additional matters are required to address these and other relevant matters	Amend to provide additional assessment criteria to allow consideration of effects on indigenous vegetation, natural character, landscape values, amenity values, and other matters relevant to maintaining the unique character of small remote coastal settlements.

Section 41 – Rule 5	Oppose in part	EDS supports strong earthworks controls for the coastal environment due to the adverse effects of sedimentation on the coastal marine area. The thresholds included in Table 2 are not adequate to prevent adverse effects.	Decrease the thresholds for earthworks to 50m <sup>2</sup> (slope above 1:8) and 100m <sup>2</sup> (slope below 1:8) with corresponding decreases in the maximum volume.  Include thresholds for the earthworks listed in (a) to (g).
Section 41 - Rule 12	Oppose in part	EDS notes that accessory buildings are a permitted activity provided the standards in Table 5 are met. However, Table 5 does not include matters which ensure such buildings have minor effects including the maximum floor area and maximum height and location away from sensitive landforms.	Add additional standards addressing matters such as maximum floor area and maximum height and location.
Section 41 - Rule 14	Oppose	EDS does not support permitted activity status for one dwelling per lot. Table 5 does not include matters that will ensure the special character of the coastal environment is preserved. Controls are required over a variety of matters including location of the building platform, floor area, height, colour, reflectivity, planting.	Amend activity status to controlled for one dwelling per lot (provided the standards in Table 5 are met) with control to be reserved over matters including location of building platform, floor area, height, colour, reflectivity, planting, earthworks, effects on landscape, natural character and biodiversity, and other relevant matters. These matters of controls should apply also to Rule 17.
Section 41 - Rule 21	Oppose	EDS does not support restricted discretionary activity status for two or more dwellings per lot. This rule would allow adverse effects equivalent to those resulting from subdivision to occur with much less oversight. It is effectively subdivision as Section 38 Rule 5 allows subdivision around two or more dwelling as a controlled activity. This does not accord with sound planning practice. Two or more dwellings per lot should be prohibited requiring subdivision consent to be sought.	Amend to prohibited.

### **Rural Area**

Section	Support/Oppose	Reasons	Relief Sought
<b>Section 24 – Rural Area</b>			
24.1 Background	Oppose in part	The background simply notes that parts of the Coastal Environment fall within the Rural Area. It does not describe the values of and threats to the Coastal Environment.	Add a description of the threats to and values of the Coastal Environment and the need for a strong management response.
Issue 24.2.3	Support	The issue identifies that development in the Rural Lifestyle Zone can result in an encroachment of urban development into the Rural Area with adverse effects on naturalness and character.	Retain.
Issue 24.2.4	Support	The issue identifies that subdivision, use and development can detract from the natural values of the Coastal Environment. Paragraph (d) should also refer to adverse effects on landscape and amenity values.	Amend (d) to refer to adverse effects on landscape and amenity values.
Policy 1a	Support in part	Specify that activities which adversely affect ONLs and natural character areas will be avoided.  Amend to refer to avoiding effects on rural character and the natural environment.	Amend to refer to avoiding adverse effects on rural character, the natural environment, ONLs and natural character areas.
Policy 1b	Oppose in part	Rural Lifestyle Zone development is not appropriate in the coastal environment, ONLs, amenity landscapes, significant ecological areas and natural character areas.	Specify that development in the Rural Lifestyle Zone will be allowed only outside the coastal environment, ONLs, amenity landscapes, significant ecological areas and natural character areas.
Policy 1c	Oppose in part	Transferable Development Rights should be provided for which requires the identification of receiver areas outside the coastal environment, outstanding landscapes, amenity landscapes, natural character areas and significant ecological areas. I.e. restoration/enhancement and protection may occur in any priority area and development can only occur in identified receiver zones.	Amend as follows:  Subdivision in receiver zones in the Rural Zone shall be provided for where priority areas of indigenous vegetation are restored or enhanced and legally protected.  Add a new policy requiring receiver zones to be located outside the coastal environment, outstanding landscapes, amenity landscapes, natural character areas and significant ecological

			areas. Identify receiver zones by mapping.
Policy 1d	Support in part	EDS supports providing for public access to the coast.  However, this policy should refer to the need to avoid development in the coastal environment outside of existing urban areas (e.g. coastal living zones).	Amend to refer to avoiding development in the Coastal Environment outside of existing urban areas.
Policy 1e	Oppose in part	This policy does not recognise the adverse effects harbour, aquaculture and renewable energy infrastructure may have on the values of the coastal environment.	Amend the policy to specify that such infrastructure will only be provided for where it does not detract from the values of the Coastal Environment e.g. biodiversity, natural character, landscape, amenity, recreation.
New Policy		The policies do not adequately provide for the protection of landscape, natural character and biodiversity values.	Add a policy:  Subdivision in the Rural Zone will generally be avoided. Use and development in the Rural Zone shall demonstrate that it will not adversely affect the values of outstanding natural landscapes, natural character areas and indigenous biodiversity.
New Policy		The policies do not adequately direct the location of Rural Lifestyle development away from the coastal environment and ONLs, natural character areas, amenity landscapes, and significant ecological areas.	Add a policy:  Development in the Rural Lifestyle Zone will avoid the coastal environment, outstanding natural landscapes, natural character areas, amenity landscapes, and significant ecological areas.
Objective 4	Oppose in part	Amend to reflect prohibition on subdivision in the Rural Zone	Amend to reflect prohibition on subdivision in the Rural Zone
Policy 4d	Support in part	Add a requirement to avoid locating on ridgelines or headlands	Add a requirement to avoid locating on ridgelines or headlands
Objective 5	Support in part	EDS supports this objective which requires subdivision, use and	Amend to read:

		development of the Coastal Environment to maintain and enhance coastal ecosystems, indigenous biodiversity, coastal water quality, natural features and landscapes, ecological functions and physical processes. However, it assumes that subdivision, use and development will occur even though it may not be appropriate.	Subdivision <u>will not be allowed in the Coastal Environment</u> . Use and development of the Coastal Environment <u>will be allowed only where it maintains and enhances...</u>
Policy 5a	Oppose in part	Minimisation of sediment and contaminant discharges may be insufficient. Activities will need to be avoided where they would result in significant adverse effects, see Policy 23 NZCPS.	Amend to require activities to be avoided where they will result in significant adverse effects (including cumulative effects).
Policy 5b	Oppose in part	The term 'discouraged' is too weak and does not adequately provide for the protection of the values of the coastal environment.	Amend to require clearance of indigenous vegetation to be avoided, where that is not possible it must be remediated or mitigated to achieve no net loss.
Policy 5c	Oppose in part	The policy assumes that subdivision, use and development activities will proceed despite effects on ecosystems and habitats vulnerable to modification.	Amend to require adverse effects on ecosystems and habitats vulnerable to modification to be avoided.
Policy 5d	Oppose in part	This policy does not require subdivision, use and development to be avoided where those values cannot be protected.	Amend to require avoidance where protection cannot occur alongside subdivision, use and development.
New Policy 5x		A policy is required to direct avoidance of subdivision in the coastal environment and avoidance of use and development which would adversely affect coastal environment values, outstanding landscapes, natural character areas, and significant ecological areas.	Insert a new Policy 5x: Subdivision will be avoided in the coastal environment and Use and Development will be avoided where it adversely affects coastal values, outstanding landscapes, natural character areas or significant ecological areas.
Objective 6	Support	EDS supports this objective of retaining and enhancing the natural character and landscape values of the Coastal Environment, particularly outside existing settlements.	Retain.
Policy 6a	Support in part	EDS supports this policy which requires	Delete the exception for

		new buildings in the Coastal Environment to avoid ridgelines, hilltops or prominent landforms. EDS requests that the exception for existing settlements is deleted (this section is Rural Area) and the policy refer specifically to headlands.	existing settlement. Add a specific reference to avoiding headlands.
Policy 6b	Oppose in part	EDS supports this policy which requires new buildings in the Coastal Environment to be designed, constructed and finished to visually integrate with the surrounding landscape and be visually recessive and of low reflectivity. However, the policy assumes that new buildings are appropriate.	Add a policy indicating where buildings must be avoided to protect the values of the Coastal Environment e.g. ONLs, amenity landscapes, natural character areas, significant ecological areas.
Policy 6c	Oppose in part	EDS supports this policy which requires subdivision, use and development of the Coastal Environment to incorporate landscaping and screen planting measures where visible from public land. EDS requests that public roads are included in this policy. However, the policy assumes that subdivision, use and development are appropriate.	Qualify the policy by referring to situations where subdivision, use and development is allowed to be considered.  Add "public roads" after "public land".
Objective 7	Support	EDS supports the objective which requires the open, unspoilt character of the District's coastal to be maintained and future developments to avoid sensitive coastal and natural environments and undeveloped parts of the coast.	Retain.
Policy 7a	Support	EDS supports the policy of directing residential development in the Coastal Environment to existing coastal settlements. EDS requests amendments to provide certainty.	Replace "should be" with "must be".
Policy 7b	Support in part	EDS supports the direction that the open space character of the Rural Area is to be maintained in the Rural Lifestyle Zone.	Retain.
<b>Section 38 - Subdivision</b>			
Section 38 – Rule 9	Oppose	EDS opposes discretionary activity status for subdivision creating one or more additional lots in the Rural Area. EDS requests that subdivision in the Rural Area is a prohibited activity, except for receiver areas for transferable development rights. This recognises the important values of the rural	Amend activity status for subdivision in the rural environment to prohibited.

		environment.	
Section 38 – Table 2	Oppose	EDS does not support the 20 ha minimum lot size proposed for subdivision in the rural zone. This minimum lot size does not adequately provide for the maintenance of the rural nature of the zone or for the maintenance of rural lots which can viably maintain farming operations.	Amend activity status for subdivision in the rural environment to prohibited.
<b>Section 56 – Rural Zone</b>			
Section 56 – Zone Purpose	Oppose in part	The Zone Purpose does not recognise the important values of the Rural Area within the coastal environment overlay. EDS requests that these values are identified and need for stronger management in the coastal environment is reflected in the zone purpose.	Add a description of the values of the Coastal Environment, the threats and the need for effective management.
Section 56 – Rule 6	Oppose in part	EDS supports strong earthworks controls for the coastal environment due to the adverse effects of sedimentation on the coastal marine area. The thresholds included in Table 3 are completely inadequate to prevent adverse effects.	Decrease the thresholds for earthworks to 100m <sup>2</sup> (slope above 1:8) and 200m <sup>2</sup> (slope below 1:8) and decrease the maximum height to 2m and the maximum duration of work to 1 month.  Include thresholds for the earthworks listed in (a) to (g).  Exclude from the permitted activity status earthworks within 20 m of a stream or the coastal marine area.
Section 56 - Rule 11	Oppose in part	EDS does not support permitted activity status for afforestation, given the significant sedimentation effects resulting from harvesting. Activity status should be controlled or restricted discretionary depending on erosion susceptibility.  EDS supports restricted discretionary activity status for afforestation in the coastal environment.	Amend activity status for afforestation in the rural area general to controlled or restricted discretionary depending on erosion susceptibility.  Retain restricted discretionary activity status in the coastal environment. Prohibited on headlands, outstanding landscapes and natural character areas.
Section 56 – Rule	Oppose	EDS does not support permitted activity status for one dwelling per lot in the	Amend activity status for one dwelling per lot to

12		coastal environment. This does not provide for achievement of Policy 6a and 6b, supported above. Table 6 does not include matters that will ensure the special character of the coastal environment is preserved.	controlled activity status in the coastal environment lot (provided the standards in Table 6 are met) with control to be reserved over matters including location of building platform, floor area, height, colour, reflectivity, planting, earthworks, effects on landscape, natural character and biodiversity, and other relevant matters.
Section 56 – Rule 20	Oppose	EDS does not support restricted activity status for intensive farming. The standards listed in Tables 7 and 8 are insufficient to ensure the special character of the coastal environment is preserved e.g. they do not require headlands and ridges to be avoided. EDS requests discretionary activity status for intensive farming.	Amend activity status for intensive farming to discretionary.
Section 56 – Rule 21	Oppose	EDS does not support restricted discretionary activity status for industrial activities. The standards listed in Tables 7 and 8 are insufficient to ensure the special character of the coastal environment is preserved e.g. they do not require headlands and ridges to be avoided. EDS requests discretionary activity status for industrial activities	Amend activity status for industrial activities to discretionary.
Section 56 – Rule 23	Oppose	EDS does not support restricted discretionary activity status for two or more dwellings per lot. This rule would allow adverse effects equivalent to those resulting from subdivision to occur with much less oversight. This does not accord with sound planning practice. Two or more dwellings per lot should be prohibited requiring subdivision consent to be sought.	Amend to prohibited.
Section 56 – Rule 25	Oppose	EDS does not support discretionary activity status for refuse transfer station, recycling operation, sanitary landfill, wastewater treatment plant, and treated waste disposal site in the rural zone in the coastal environment. The standards in Table 7 are insufficient to protect the values of the coastal environment. EDS requests non-complying activity status	Amend activity status for refuse transfer station, recycling operation, sanitary landfill, wastewater treatment plant, and treated waste disposal site in the rural zone in the coastal environment to non-

		for these activities.	complying.
<b>Section 57 – Rural Lifestyle Zone</b>			
Rule 6	Oppose in part	EDS supports strong earthworks controls for the coastal environment due to the adverse effects of sedimentation on the coastal marine area. The thresholds included in Table 3 are completely inadequate to prevent adverse effects.	Decrease the thresholds for earthworks to 100m <sup>2</sup> (slope above 1:8) and 200m <sup>2</sup> (slope below 1:8) and decrease the maximum height to 2m and the maximum duration of work to 1 month.  Include thresholds for the earthworks listed in (a) to (g).  Exclude from the permitted activity status earthworks within 20 m of a stream or the coastal marine area.
Rule 12	Oppose	EDS does not support permitted activity status for one dwelling per lot in the coastal environment. This does not provide for achievement of Policy 6a and 6b, supported above. Table 6 does not include matters that will ensure the special character of the coastal environment is preserved.	Amend activity status for one dwelling per lot to controlled activity status in the coastal environment lot (provided the standards in Table 6 are met) with control to be reserved over matters including location of building platform, floor area, height, colour, reflectivity, planting, earthworks, effects on landscape, natural character and biodiversity, and other relevant matters.
Rule 18	Oppose	EDS does not support restricted discretionary activity status for two or more dwellings per lot. This rule would allow adverse effects equivalent to those resulting from subdivision to occur with much less oversight. This does not accord with sound planning practice. Two or more dwellings per lot should be prohibited requiring subdivision consent to be sought.	Amend to prohibited.

## 9. LANDSCAPE AND NATURAL CHARACTER

9.1 EDS is concerned that this chapter (and the PDP generally) does not address outstanding natural features. Section 6(b) of the RMA requires the Council to recognise and provide for the protection of outstanding natural features from inappropriate subdivision, use and development. We request that the PDP identifies and protects outstanding natural features.

Section	Support/Oppose	Reasons	Relief Sought
<b>Chapter 9 – Landscape and Natural Character</b>			
9.1 Background	Support in part	<p>The District Plan must give effect to the RPS. Consent orders on the Landscape and Natural Character topics are expected in the near future. The District Plan should provide a more detailed description of the RPS requirements.</p> <p>The District Plan must give effect to the NZCPS. While it is mentioned, its requirements are not described.</p>	<p>Amend to provide greater explanation of the requirements of the Waikato RPS.</p> <p>Amend to provide an explanation of the requirements of the NZCPS.</p>
9.1.3 Amenity Landscapes	Oppose in part	<p>EDS opposes the third paragraph which states 'There is no presumption that amenity landscapes will stay the same'. This needs to be rewritten to clarify that change needs to be carefully managed to ensure amenity values are retained.</p>	<p>Amend paragraph three to clarify that any change needs to be carefully managed to ensure amenity values are retained.</p>
9.2 Issues	Support	<p>The issues identify that subdivision, use and development can degrade natural character values and the values of outstanding and amenity landscapes.</p>	<p>Retain.</p>
9.3 Objective 1	Support in part	<p>EDS supports in principle the objective of ensuring ONLs <i>remain outstanding</i>. However, this allows for degradation to occur down to the 'outstanding threshold'. EDS submits that any degradation of the values and characteristics of ONLs should be prevented. EDS supports the specific reference to cumulative effects which are a particular threat to ONLs. It is unclear what 'characteristics' adds to 'values'.</p>	<p>Amend to read:</p> <p>Prevent any degradation of the values of Outstanding Landscapes (including degradation caused by cumulative effects).</p>
Policy 1a	Support in part	<p>EDS supports the chapeau text which reflects the relief sought above. However, the paragraphs assume that development can occur in ONLs whereas in many cases subdivision, use and development may need to be prohibited/prevented to protect the values of ONLs.</p> <p>EDS requests that the paragraphs specifically recognise the importance of avoiding subdivision, use and development on prominent landscape features, including headlands and ridgelines.</p>	<p>Amend to read:</p> <p>Subdivision, use and development ... by:</p> <p>(a) Avoiding subdivision, use and development within and / or adjacent to Outstanding Landscapes</p> <p>(b) Avoiding adverse effects caused by subdivision, use and development within and / or adjacent to Outstanding Landscapes by:</p> <p>(i) Being visually</p>

			<p>unobtrusive...</p> <p>(x) Avoiding development on prominent landscape features, including headlands and ridgelines.</p> <p>Subdivision, use and development which cannot avoid adverse effects must be located outside Outstanding Landscapes.</p>
Policy 1b	Support in part	As above the policy does not recognise that to achieve the objective buildings and structures may need to be prohibited/prevented. They also do not refer to avoiding development on headlands.	<p>Include paragraphs (a) to (d) under Policy 1a(b) as set out in the relief sought above.</p> <p>Or add additional paragraphs requiring development to be avoided on headlands.</p>
Policy 1c	Support in part	EDS supports locating network utilities outside of an Outstanding Landscape, unless that is not practicable. Where network utilities must be located within an Outstanding Landscape the adverse effects must be avoided, remedied or mitigated (such as by tunnelling, camouflage or vegetation screens) to achieve no adverse effects on the values of the Outstanding Landscape.	Amend to require network utilities located in an Outstanding Landscape to achieve no adverse effects on the values of the Outstanding Landscape by avoiding, remedying, mitigating adverse effects (i.e. avoiding ridgelines, headlands and other prominent landforms, tunnelling, camouflage, vegetation screens).
Policy 1d	Support	EDS supports specific policy direction to avoid cumulative adverse effects. In particular, this requires minor adverse effects to be avoided.	<p>Amend as follows:</p> <p>... (including <u>by avoiding any</u> minor effects) ....</p>
Policy 1e	Oppose in part	EDS is concerned that the policy does not limit 'temporary effects'. EDS seeks that these are defined so that the temporary effects are limited to a three day period. This would allow for e.g. events to be held in an Outstanding Landscape.	<p>Amend as follows:</p> <p>Use and development that has temporary effect on an Outstanding Landscape (lasting three days or less) should be...</p>
Objective 2	Support in part	EDS supports the objective of maintaining and enhancing the qualities and characteristics of Amenity Landscapes. As for ONLs, the goal should be to prevent any degradation of Amenity Landscapes.	Prevent any degradation of the values of Amenity landscapes and provide for the enhancement of the values to Amenity Landscapes so that Amenity Landscapes continue to contribute to the pleasantness, aesthetic coherence and cultural and recreational values of the landscape.

Policy 2a	Oppose in part	<p>EDS supports the chapeau text which reflects the relief sought above. However, the paragraphs do not recognise that to achieve that outcome subdivision, use and development may need to be prohibited/prevented.</p> <p>Paragraph (b) should be amended to require that where prominent landscape features cannot be avoided the subdivision, development or use does not occur.</p>	<p>Amend to read:</p> <p>Subdivision, use and development ... by:</p> <p>(a) Avoiding subdivision, use and development within and / or adjacent to Amenity Landscapes, and/or</p> <p>(b) Avoiding, remedying or mitigating adverse effects caused by subdivision, use and development within and / or adjacent to Amenity Landscapes to a level which ensures the values of Amenity Landscapes are not degraded by designing and locating buildings, structures, earthworks and lot boundaries to:</p> <p>(a) Follow natural contours and/or the edges of vegetative features; and</p> <p>(b) Avoid prominent landscape features, <u>including headlands and ridgelines</u>; and</p> <p>(c) Retain areas of open space...</p>
Policy 2b	Support in part	<p>EDS supports the direction to avoid significant adverse effects on Amenity landscapes within the Coastal Environment. Other adverse effects must be avoided, remedied or mitigated to a standard which will avoid degradation of the values of the Amenity Landscape in order to accord with the objective of maintaining or enhancing the qualities and characteristics of Amenity Landscapes.</p>	<p>Amend as follows:</p> <p>Avoid significant adverse effects on Amenity Landscapes within the Coastal Environment. Avoid, remedy or mitigate other adverse effects on Amenity Landscapes within the Coastal Environment to a level which will avoid degradation of the values of the Amenity Landscape.</p>
Objective 3	Support in part	<p>EDS supports the Objective but seeks that the direction is clarified further.</p>	<p>Amend to read:</p> <p>The natural character of the Coastal Environment, wetlands, and lakes and rivers and their margins is protected <u>from any adverse effects and enhanced.</u></p>
Policy 3a	Support	<p>EDS supports the clear direction to avoid adverse effects on the values of areas within the Natural Character overlay. EDS</p>	<p>Retain.</p>

		supports the identification of areas and activities of particular concern.	
Policy 3b	Oppose in part	This policy is inconsistent with Policy 3a and does not give effect to Policy 13 NZCPS. However, if so, the policy would repeat Policy 4a.	Delete or amend to give effect to Policy 13 NZCPS.
Policy 3c	Oppose in part	This policy does not make grammatical sense. It is also inconsistent with Policy 3a which requires adverse effects to be avoided.	Delete.
Policy 3d	Support	EDS supports actions to promote enhancement of natural character. The non-exclusive listing and the methods listed are supported.	Retain.
Objective 4	Support	S6(a) RMA and Policy 13 NPZCPS.	Retain.
Policy 4a	Support in part	The policy gives effect to Policy 13(1)(b) NZCPS. EDS seeks clearer direction of the threshold to be met in regard to other adverse effects.  The policy should apply to wetlands, lakes and rivers in order to implement the Objective.	Amend as follows:  Subdivision, use and development in the Coastal Environment, wetlands, lakes and rivers and their margins, outside of the Natural Character overlay, shall avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character values in order to a standard which avoids degradation of those values.
Policy 4b	Support	EDS supports actions to promote enhancement of natural character. The non-exclusive listing and the methods listed are supported.	Retain.
<b>Section 32 – Landscape and Natural Character overlay</b>			
Rule 1	Oppose in part	EDS opposes (a) which is limited to 'buildings for all other activities'. EDS considers that buildings under 50m <sup>2</sup> meeting the Table 1 standards may retain the activity status identified in the underlying zone and district-wide rules however any building over 50m <sup>2</sup> or meeting any of the Table 1 standards should be a discretionary activity.	Amend the rule so that activities over 50m <sup>2</sup> or not meeting any of the Table 1 standards are a discretionary activity.
Rule 2	Support	EDS supports additional limitations on earthworks within ONLs. EDS supports restricted discretionary activity status for earthworks over 10m <sup>3</sup> per site per calendar year and non-complying activity status for earthworks over 200m <sup>3</sup> per site	Retain.

		per calendar year.	
Rule 5	Oppose in part	EDS supports additional limitations on dwellings within ONLs. The matters to which discretion are restricted are not adequate to allow consideration of all relevant matters. EDS requests discretionary activity status for dwellings up to 250m <sup>2</sup> meeting the standards in Table 1 and non-complying activity status for dwellings not meeting the maximum size limit or the standards.	Amend activity status of dwellings up to 250m <sup>2</sup> meeting the standards in Table 1 to discretionary.
Rule 6	Oppose in part	EDS opposes discretionary activity status for wind turbines within ONLs. While EDS supports renewable energy generation, EDS considers that wind turbines should be located outside ONLs.	Amend activity status for wind turbines to prohibited.
Rule 7	Oppose in part	EDS opposes non-complying activity status for subdivision activities within ONLs. Subdivision activities cause significant adverse effects on ONL values and should be avoided. Prohibited activity status is the only methods to ensure subdivision is avoided.  Two or more dwellings per lot results in essentially the same effects as subdivision on an ONL and therefore should also be prohibited.  EDS does not support non-complying activity status for underground mining in ONLs.  Non-complying activity status for exotic afforestation is supported.	Amend activity status for all subdivision activities and underground mining to prohibited.  Amend rule for two or more dwellings to prohibited.  Add "(including prospecting and exploration)" to Underground mining.
Rule 8	Support	EDS supports prohibited activity status for mineral processing, quarrying, surface mining and waste rock/tailings storage. This clearly indicates that these activities will not be contemplated in ONLs.	Add "(including prospecting and exploration)" to Surface mining.
Table 2	Support in part	EDS considers the amendments to the assessment criteria are necessary to ensure they reflect the objectives and policies for ONLs.	Amend (a) to read:  Whether the building or structure is located away from ridgelines, <u>headlands</u> and prominent landforms <del>so that it is not visible on the skyline.</del>  Amend (b) to read: The extent to which the building or structure is not <del>highly</del> visible from public viewpoints, <u>including reserve land, public</u>

			<p><u>roads, beaches and the coastal marine area.</u></p> <p>Amend (c) to read: Whether the building or structure is designed and sited so that adverse effects on the Outstanding Landscape are avoided, <del>remedied or mitigated.</del></p> <p>Add (x): The extent to which the bulk of the building or structure has been reduced through innovative design.</p>
32.5 Amenity Landscape overlay rules	Oppose in part	EDS is concerned about the lack of rules relating to amenity landscapes. In particular, additional rules relating to subdivision and earthworks are required.	<p>Add a rule increasing the activity status for subdivision and two or more dwellings per lot to prohibited.</p> <p>Add a rule equivalent to rule 2 (applying in ONLs) for earthworks.</p>
Rule 10	Support	EDS supports controlled activity status for buildings, including one dwelling per lot, in amenity landscapes. This allows conditions to be imposed which address adverse effects on amenity values. However, this is only appropriate if additional controls are in place for subdivision which ensure new lots are not produced within amenity landscapes, except in rare circumstances. This submission is subject to that on Table 3 below regarding matters of control. If that submission is not accepted, EDS would request discretionary activity status.	<p>Retain.</p> <p>Or amend activity status to discretionary.</p>
Rule 13	Oppose	EDS does not support discretionary activity status for quarrying and surface mining in amenity landscapes. These activities will degrade the values of amenity landscapes and are inappropriate.	Amend the activity status of quarrying and surface mining in amenity landscapes to prohibited.
Rule 14	Support	These activities will degrade the values of amenity landscapes and EDS supports the clear direction that they are inappropriate.	Retain.
Table 3	Oppose in part	The matters of control do not provide adequate control over the location and design of buildings.	<p>Amend (3)(b) to read: Avoiding prominent landscape features, <u>including ridgelines and headlands</u> <del>unless locating below the ridgeline would cause significant geotechnical</del></p>

			<p><del>or erosion issues or would damage natural character</del></p> <p>Add new matter:</p> <p>(x) Avoiding locations which are visible from public viewpoints, <u>including reserve land, public roads, beaches and the coastal marine area.</u></p>
Table 4	Oppose in part	Matter 1 relating to forestry activities does not allow consideration of whether forestry activities are appropriate for the location.	Add (1)(d) Whether forestry activities would degrade the values of the amenity landscape and therefore be inappropriate.
32.7 Natural Character	Oppose in part	EDS is concerned about the lack of rules relating to natural character overlay areas. The rules are currently insufficient to give effect to Policy 13 NZCPS. EDS requests the addition of rules relating to buildings, dwellings, and subdivision.	<p>Add a new rule prohibiting subdivision and two or more dwellings per lot in natural character overlay areas.</p> <p>Add a new rule increasing the activity status of buildings and one dwelling per lot to discretionary in natural character overlay areas.</p>
Rule 15	Support	EDS supports additional limitations on earthworks within natural character areas. EDS supports restricted discretionary activity status for earthworks over 10m <sup>3</sup> per site per calendar year and non-complying activity status for earthworks over 200m <sup>3</sup> per site per calendar year.	Retain.
Rule 16	Support	Afforestation in natural character overlay areas can have significant adverse effects and should be subject to a consent process that allows consent to be declined where appropriate.	Retain.
Rule 17	Oppose	EDS opposes non-complying activity status for quarrying and surface mining in natural character overlay areas. These activities can have significant adverse effects on the values of natural character areas and the PDP should clearly state that they are inappropriate.	<p>Amend the activity status for quarrying and surface mining in natural character overlay areas to prohibited.</p> <p>Add "(including prospecting and exploration)" to Underground and Surface mining.</p>
Rule 18	Support	These activities can have significant adverse effects on the values of natural character areas and EDS supports the PDP clearly stating that they are inappropriate.	Retain.
Table 5	Oppose in part	The matters to which discretion is restricted do not include all matters	Add additional matters of discretion including matters

		relevant to natural character i.e. avoiding unnatural lighting to protect the darkness of the night sky.	relating to light, noise, and other elements of natural character.
New rules		Add rules controlling vegetation clearance in outstanding landscapes, amenity landscapes and natural character areas so that more than 25 m <sup>2</sup> clearance per annum requires discretionary resource consent.	Add vegetation clearance rules for outstanding landscapes, amenity landscapes and natural character areas so that more than 10 m <sup>2</sup> clearance per annum requires discretionary resource consent.

## 10. MINING

Section	Support/Oppose	Reasons	Relief Sought
<b>Section 14 – District-wide Issues, Objectives and Policies – Mining Activities</b>			
14.1 Background	Support in part	<p>EDS supports the statement that minerals are often located in areas with high landscape, natural character and/or biodiversity values and that a decision must be made ‘whether, where and how’ to extract minerals.</p> <p>We suggest that the fourth paragraph should recognise that in where an area is highly valued the impacts will be too great and mining will not be considered appropriate.</p>	<p>Retain the first paragraph.</p> <p>Amend fourth paragraph as follows: “While mining can have economic benefits to the District, mining operations can also have the potential to adversely affect the natural and built environment, <del>unless carefully managed.</del> <u>Careful management is necessary to ensure adverse effects are avoided, remedied and mitigated.</u> In areas with high values careful management will not be sufficient to avoid adverse effects on the values of the area and mining will not be considered appropriate. These impacts...</p>
14.2 Issues	Support in part	<p>EDS generally supports the issues identified.</p> <p>Issue 1 should recognise that exploration can also have significant effects on the listed values.</p> <p>Issue 1 should recognise that exploration can have significant effects on all indigenous biodiversity.</p> <p>Issue 3 should recognise that contamination of the environment can adversely affect environmental health. This is recognised in Objective 3 below.</p>	<p>Retain except as specified below.</p> <p>Amend issues 1 as follows: “Mineral <u>exploration</u>, extraction and processing... d) <del>Areas of significant</del> indigenous biodiversity...”</p> <p>Amend issue 3 as follows: “... adversely affect <u>environmental health and</u> the health and safety of communities.”</p>
14.3 Objective	Support in part	Objective 1a is generally supported	Amend to read: “Mineral prospecting, exploration,

1 a		however it should refer to identified overlays and require avoidance of adverse effects (in line with the NZCPS.	extraction and processing do not <del>compromise or adversely affect the coastal environment, outstanding landscapes, amenity landscapes, natural character areas and significant biodiversity areas</del> and does not significantly adversely affect other areas with identified landscape, amenity, natural character or biodiversity values within the District.
Objective 1b	Support in part	Objective 1b should incorporate the mitigation hierarchy which is best practice in the field of environmental management.	Amend to read: "... benefits to the District and remedies adverse effects on the environment which cannot be avoided, mitigates adverse effects on the environment which cannot be remedied, and compensates for adverse effects on the environment which cannot be mitigated."
Policy 1a	Support in part	EDS supports the directive to avoid adverse effects on these matters of national importance. This gives effect to s6(a), (b) and (c) and NZCPS Policies 11, 13 and 15. In order to give effect to the NZCPS, this policy should also require avoidance of adverse effects on the coastal environment overlay, the Conservation zone, the amenity landscape overlay, and the requested significant ecological area overlay.	Amend to include the coastal environment overlay, the Conservation zone, the amenity landscape overlay and the significant ecological area overlay.
Policy 1b	Oppose in part	This policy excludes the first step of the mitigation hierarchy – avoidance. In order to give effect to the NZCPS mining activities should be required to avoid adverse effects on all values of the Coastal Environment.	Amend to read: "Mining activities shall <u>avoid</u> <del>remedy, mitigate or compensate for</del> adverse effects on <del>existing</del> <u>natural</u> values within the Coastal Environment." Or delete if covered in Policy 1a as sought.
Policy 1c	Support in part	We support the intent of this policy. Minerals extraction is a long term operation and it is important the adverse effects continue to be avoided, remedied, and mitigated throughout the life of the operation, including improvements to practice as new technologies become available.  Paragraph (a) should also refer to 'avoid' as new practices or	Retain except as specified below.  Amend (a) to read: " <u>Avoid</u> , Remedy or mitigate land modification and adverse effects on the..."  Amend (c) to apply to all fresh water catchments.  Amend (d) to read: "Avoid

		<p>technologies may make avoidance of adverse effects possible throughout the life of the operation.</p> <p>Paragraph (c) is supported as mitigation of adverse effects on water supply catchments is not appropriate. However, the focus on water supply catchment is narrow and does not give effect to the NPS on Freshwater Management which requires the life supporting capacity of all waterbodies to be safeguarded.</p> <p>The intent of paragraph (d) is supported except that:</p> <ul style="list-style-type: none"> <li>- The reference to ‘heavy metal and sulphides concentrates’ is not supported as it is too limited.</li> <li>- The word ‘mobilisation’ is not supported as it refers to a process not the outcome and results in confusion in combination with the words “out of the excavation and fill area”.</li> </ul>	<p><del>transport mobilisation of contaminants heavy metal and sulphides concentrates</del> out of the excavation and fill area”</p>
Policy 1d	Support in part	<p>EDS supports the intent of the policy, however it should specify that rehabilitation is required to an extent that will allow reuse of the land and/or environmental enhancement.</p> <p>There are a number of techniques available for full rehabilitation of extraction, processing and storage sites. A key challenge is ensuring the owner is committed to rehabilitation as evidenced by historic abandonment of sites. The policy should direct the use of conditions (such as payment of a bond) to ensure there are funds to carry out rehabilitation.</p>	<p>Amend as follows:  <u>Sites of mining activities shall be fully rehabilitated and able to be reused for the same purposes as existing prior to mining and/or for purposes that will enhance the environment. Conditions on resource consents shall ensure rehabilitation will be carried out, including through requiring the payment of a bond.</u></p>
Policy 1e	Support in part	<p>EDS supports the intent of its policy but seeks that it reflect the mitigation hierarchy of avoid &gt; remedy &gt; mitigate &gt; compensate.</p>	<p>Amend to reflect the mitigation hierarchy of avoid &gt; remedy &gt; mitigate &gt; compensate.</p>
Policy 1f	Oppose in part	<p>It is not clear that this policy only applies outside areas where avoidance is required.</p> <p>It is not clear what standard must be achieved through avoidance, remediation and/or mitigation.</p>	<p>Amend as follows:</p> <p>Outside areas identified in Policy 1a, mining activities shall avoid adverse effects on the environment or, where avoidance is impractical, shall remedy, mitigate or compensate for adverse effects on the environment to a level that achieves a net gain in environmental outcomes.</p>

Policy 1g	Support	EDS supports the intent of preventing mining activities from locating near existing incompatible activities.	
Objective 3	Support in part	<p>The intent of this policy is supported as contamination issues have been prevalent in the District and there is a need for strong objectives, policies and rules relating to contamination.</p> <p>We question the use of the term 'residual risk' which is either redundant because the objective applies to all contamination or it inappropriately narrows the objective to only apply to the residual risks of contamination.</p>	Amend to read: "People property and the environment are protected from contamination and residual risks posed by mining activities..."
Policy 3a	Support	EDS supports the clear direction to require mining activities to avoid contamination of people, property and the environment. This is consistent with the objective of protecting people, property and the environment from contamination.	Retain.
Policy 3b	Support in part	<p>We accept that the location of activities can reduce the risk of contamination however this policy is too weak and inconsistent with the policy above of avoiding contamination.</p> <p>For the reasons above we question the use of the term 'residual risk'.</p>	Delete.
<b>Section 37 – District-wide Rules – Mining Activities</b>			
37.1 Background	Support in part	The background needs to more clearly reflect the identified issues relating to the need to avoid / manage adverse effects on natural values.	Amend the background to refer to avoiding adverse effects on high natural value areas (e.g. coastal environment, Conservation Zone, ONLs, amenity landscapes, Natural Character overlay, significant ecological areas) and managing adverse effects on other natural values.
37.2 Rule 1	Oppose in part	Prospecting should be prohibited in areas where mining activities are prohibited. This provides clarity that mining activities are not appropriate.	Amend to exclude areas where mining is prohibited.
Rule 2	Oppose in part	We oppose a permitted activity status for exploration. The threshold standards relate to size and thus only to a limited extent minimise environmental effects. In the industrial area and Rural area there remains a need to ensure	Controlled activity status for exploration that meets threshold standards in the industrial and rural areas, with control limited to matters to ensure the environmental effects of exploration are managed, including prevention of

		<p>environmental effects of exploration are managed, including prevention of contamination. For these reasons a controlled activity status for exploration within threshold standards is considered reasonable.</p> <p>We oppose the application of this rule to the Conservation Zone which includes land held in public ownership by the Department of Conservation and is protected under Schedule 4 of the Crown Minerals Act.</p> <p>We oppose the application of this rule to areas within the Coastal Environment, ONL overlay, amenity landscape, natural character areas, and significant ecological areas which must be managed in accordance with the NZCPS and Part 2 RMA.</p>	<p>contamination.</p> <p>Prohibit exploration in the coastal environment, Conservation zone, outstanding natural landscapes, amenity landscapes, natural character areas, and significant ecological areas.</p>
Rule 3	Oppose in part	<p>The draft plan included activity statuses for mining activities in overlays within Section 37. EDS seeks that these are returned to this rule so that the full picture is provided.</p> <p>EDS seeks prohibited activity status for mining in the high value areas identified above in order to ensure the protection of those high values.</p> <p>EDS supports the identified activity statuses for mining activities in the Rural and Rural Lifestyle Zones.</p> <p>We support the wide ranging prohibition for mineral processing due to the potential for adverse effects, except that in the conservation and coastal zones it should also be prohibited for the reasons set out above.</p> <p>We support wide ranging prohibition for waste/rock tailings storage as the effects of such activities are significant.</p> <p>We support the direction for public notification of non-complying activities. However, we request that this is extended to discretionary activities due to the significant potential adverse effects of the activities and the public interest in participation in decision making.</p>	<p>Amend to provide activity statuses for mining activities in significant natural areas, outstanding landscape, amenity landscape, natural character, and coastal environment overlays.</p> <p>Prohibit mining activities in significant natural areas, outstanding landscape, amenity landscape, natural character, and coastal environment overlays.</p> <p>Prohibit mining in the Conservation Zone.</p> <p>Require public notification of all discretionary and non-complying activities.</p>

## 11. NATURAL HAZARDS

Section	Support/Oppose	Reasons	Relief Sought
<b>Section 10 – Overlay Issues, Objectives and Policies - Natural Hazards</b>			
Objective 1	Support in part	<p>In relation to new development, the NZCPS requires the PDP to avoid increasing the risk of harm from coastal hazards in areas potentially affected in the next 100 years (Policy 25). To achieve this, Objective 1 should prevent any new subdivision, use and development with a natural hazard risk of tolerable or intolerable.</p> <p>In relation to existing development, the NZCPS requires the PDP to assess various options for risk reduction and focus on approaches that reduce the need for hard protection structures. To achieve this, Objective 1 should require natural hazard risk to be reduced to a level that is tolerable or lower.</p>	<p>Split into two objectives – new development and existing development.</p> <p>Reword as follows:</p> <p>Objective 1 – Prevent any increase in the natural hazard risk to life, property and community assets resulting from new subdivision, use and development by avoiding new subdivision, use or development that would result in tolerable or intolerable risk.</p> <p>Objective 1A - Decrease the natural hazard risk to life, property and community assets resulting from existing subdivision, use and development to tolerable or acceptable by utilising long term sustainable risk reduction approaches including managed retreat.</p>
Policies	Support in part	As above.	Re-arrange policies into those relating to new development and those relating to existing development.
Policy 1a	Oppose in part	It is not clear whether this relates to new or existing development. If it relates to new development then 'tolerable risk' should not be accepted.	Amend to reflect Objective 1 and Objective 1A above.
Policy 1b	Support in part	The NZCPS requires the PDP to provide where appropriate for the protection, restoration or enhancement of natural defences (Policy 26).	Change 'soft coastal defences' to 'natural coastal defences'.
Policy 1c	Oppose in part	This policy should require no further development in areas benefitting from natural hazard defences so that risk is not increased, as well as ensuring existing risk is reduced to tolerable or below.	<p>Amend as follows:</p> <p>Subdivision, use and development in areas that benefit from natural hazard defences shall be controlled so that:</p> <p>(a) natural hazard risk is not increased from intensification or new development</p> <p>(b) natural hazard risk is reduced to tolerable or below.</p>
Policy 1d	Oppose in part	This policy should not contain discretion. Policy NZCPS requires the PDP to avoid increasing the risk of harm from coastal hazards in areas potentially affected over at	<p>Replace 'should be' with 'must be'.</p> <p>Remove exception for new roads / airfields / other transport</p>

		least the next 100 years. The policy should apply to new roads / airfields / other transport links which are particularly vulnerable to natural hazards.	links.
Policy 1g	Support		Retain
Objective 4	Oppose in part	The only situation in which hard protection structures in the coastal environment should be considered is where required to protect existing infrastructure of national or regional importance.  Policy 25 NZCPS requires hard protection structures to be discouraged and Policy 27 NZCPS recognises that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance.	Amend as follows:  New 'hard' coastal defences to reduce coastal hazard risk are not established in the coastal environment, except they will be considered where they may be the only practical means to protect existing infrastructure of national or regional importance.
Policy 4a	Support	This policy is supported, provided the amendments sought to Objective 4 are accepted.	Retain
Policy 4b	Support in part	This policy may be more appropriately located under Objective 1.  More detail would provide useful direction e.g. providing a set back from the dune system to allow for dune migration.	Move up to under Objective 1.  Add additional detail about protecting natural coastal environment defences e.g. providing a set back from the dune system to allow for dune migration.
Policy 4c	Support in part	EDS strongly supports this policy. It should be extended to refer to the potential for installation of new defences to be requested/required in the next 100 years.  The policy should refer to acceptable natural hazard risk (not tolerable) which is the standard for new development in Objective 1.	Amend as follows:  New subdivision, use or development in the coastal environment shall not occur where it is dependent on installation of new defences to make natural hazard risk <u>acceptable or may be dependent on installation of new defences for natural hazard risk to remain acceptable over the next 100 years.</u>
Policy 4d	Support in part	This policy should not contain discretion. It is an important component of ensuring natural hazard risk is not increased, as required by the NZCPS.	Replace "should be" with "must be".
Policy 4e	Support	This reflects the NZCPS direction to discourage hard protection structures.	Retain.
<b>Section 34 – Natural Hazards: River Flooding, Coastal Erosion, Tsunami and Flood Defences Overlay</b>			
34.5 Coastal Erosion	Support in part	EDS supports the identification of a Current Coastal Erosion Line (CCEL) and Future Coastal Protection Line (FCPL). However, the FCPL should	Recalculate the FCPL by reference to 2114.  Identify the coastal erosion risk

		<p>be recalculated by reference to 2114, to give effect to Policy 24 NZCPS.</p> <p>34.5.2 describes the coastal erosion risk corresponding to the FCPL. It should also identify the coastal erosion risk corresponding to the CCEL.</p> <p>The description of the FCPL indicates that it is 'an area potentially affected by coastal hazards over at least the next 100 years' (policy 25 NZCPS). However, 34.5.3 indicates that intensification may be permitted by the existing zones and overlays. This does not give effect to the requirement to avoid increasing the risk of harm from coastal hazards in this area (policy 25 NZCPS).</p>	<p>corresponding to the CCEL.</p> <p>Amendments to the provisions to ensure increases in the risk of harm from coastal hazards in the FCPL is avoided.</p>
<b>34.11 Current Coastal Erosion Area Rules</b>			
Rule 9	Support in part	New permanent buildings or extensions in the CCEA would increase the risk of coastal hazards and should be avoided. Prohibited activity status is required.	Amend activity status to prohibited.
Rule 11	Oppose	<p>'Hard' coastal defences are to be avoided, except where the only practical option to protection regionally or nationally important infrastructure.</p> <p>All subdivision in the CCEL should be prohibited.</p>	<p>Amend policies to ensure non-complying activity status is limited to regionally or nationally important infrastructure or apply prohibited activity status.</p> <p>Amend provision to prohibit ALL subdivision in the CCEA.</p>
Rule 13	Oppose in part	'Soft' coastal defence is not defined and the reference to 'rock, concrete, metal, timber, or geotextile indicates that it includes engineering methods. These should be avoided, except where the only practical option to protection regionally or nationally important infrastructure.	<p>Amend to limit restricted discretionary activity status to regionally or nationally important infrastructure (which should be identified).</p> <p>Other 'soft' coastal defences (excluding natural defences) should be a non-complying activity.</p>
Rule 14	Oppose in part	All subdivision in the CCEL should be prohibited.	Amend provision to prohibit ALL subdivision in the CCEA.
<b>34.13 Future Coastal Protection Area Rules</b>			
Rule 15	Oppose in part	The only rule applying to the FCPA simply adds additional assessment criteria where restricted discretionary consent is required by the underlying zone or overlay rules. This does not give effect to Policy 25 NZCPS direction to avoid increasing the risk of harm from coastal hazards. Additional provisions are required to prevent new dwellings and other large buildings, to prevent subdivision, to prevent soft and hard coastal defences except for the	Add provisions that prevent subdivision, new dwellings and other large buildings, and hard coastal defences except allow consideration of hard defences where they are the only practical option to protection regionally or nationally important infrastructure. Define and control engineered soft coastal defences.

	limited exceptions discussed above.	
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**APPENDIX 1 – AREAS ZONED COASTAL LIVING WHICH SHOULD BE RE-ZONED RURAL**

Map	Comments
2A Port Charles	Oppose Coastal Living zoning of headland between Sandy Bay and Port Charles
7B Tuataewa	Oppose zoning outside existing small-lot subdivided land.
10A Kikowhakarere Bay	Oppose zoning on northern side of southern headland of Oamaru Bay.
10B Coromandel	Oppose extension of zoning to the northern end of Ruffins Peninsula.
11A Kennedy Bay	Oppose zoning of the parcel of land to the north of Beach Road and to seaward side of Kennedy Bay Road (ie at the base of the sandspit).
14A Opito Bay	Oppose extension of zoning along the north end of beach.
15A Te Kouma	Oppose zoning of the block to the west of the bay.
18D Wharekaho	Oppose extension of zone to parcel of land at south end of Beach.
24C Sailors Grave Road	Oppose zoning of strip to the north of Pumpkin Hill Road.
24D Tairua	Oppose zoning of big area of land to the north of Tairua (on the south side of Pumpkin Hill).