Proposed Thames-Coromandel
District Plan

THAMES COROMANDEL DISTRICT COUNCIL

Submission Form

Form 5 Clause 6 of the First Schedule to the Resource Management Act 1991

Your submission can be:

Online: **www.tcdc.govt.nz/dpr**
Using our online submissions form

Posted to: **Thames-Coromandel District Council**
Proposed Thames-Coromandel District Plan
Private Bag, Thames 3540
Attention: District Plan Manager

Email to: **customer.services@tcdc.govt.nz**

Delivered to: **Thames-Coromandel District Council, 515 Mackay Street, Thames**
Attention: District Plan Manager (or to the Area Offices in Coromandel, Whangamata or Whitianga)

Submitter Details

Full Name(s) _____

or Organisation *(if relevant)* McDonald's Restaurants (NZ) Limited

Email Address c/- mattn@barker.co.nz

Postal Address PO Box 1986 Shortland Street, Auckland 1142

Phone no. *include area code* 09-375-0900

Mobile no. 029-850-2780

Submissions must be received no later than 5 pm Friday 14 March 2014

If you need more writing space, just attach additional pages to this form.

PRIVACY ACT 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to make this information available under the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Thames-Coromandel District Council. You have the right to access the information and request its correction.

Your Submission

The specific provisions of the Proposed District Plan that my submission relates to are:
(please specify the Objective, Policy, Rule, Map or other reference your submission relates to)

Please refer attached submission

My submission is:
(clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your view)

I ☐ *support* ☐ *oppose* *the above plan provision.*

Reasons for my views:

Please refer attached submission

The decision I seek from the Council is that the provision above be:

Retained ☐ *Deleted* ☐ *Amended* ☐ *as follows:*

Please refer attached submission

Proposed District Plan Hearing

I wish to be heard in support of my submission. ☒ *Y* ☐ *N*

If others make a similar submission, I will consider presenting a joint case with them at a hearing. ☒ *Y* ☐ *N*

Signature of submitter c/- Barker and Associates *Date* 14 March 2014

Person making the submission, or authorised to sign on behalf of an organisation making the submission.

Trade Competition

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

I could gain an advantage in trade competition through this submission. ☐ *Y* ☒ *N*

If you could gain an advantage in trade competition through this submission please complete the following:

I am directly affected by an effect of the subject matter of the submission that –

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition. ☐ *Y* ☐ *N*

If you require further information about the Proposed District Plan please visit the Council website ***www.tcdc.govt.nz/dpr***

THAMES-COROMANDEL DISTRICT COUNCIL
Private Bag, 515 Mackay Street, Thames 3540
phone: 07 868 0200 | fax: 07 868 0234
customer.services@tcdc.govt.nz | www.tcdc.govt.nz

SUBMISSION TO THAMES-COROMANDEL DISTRICT COUNCIL'S PROPOSED DISTRICT PLAN

Clause 6 of First Schedule, Resource Management Act 1991

To: Thames-Coromandel District Council
Private Bag
THAMES 3540

Submission on: Proposed District Plan

1. **McDonald's Restaurants (New Zealand) Ltd ("McDonald's"),** c/o Barker & Associates Limited at the address for service set out below, makes this submission as follows.

2. **McDonald's** operates many family restaurants throughout New Zealand, and specifically within the Thames-Coromandel District, McDonald's has one drive-through restaurant at the Goldfields Shopping Centre at 100 Mary Street, Thames. Further, within the life time of the Proposed District Plan ("PDP"), McDonald's may be seeking to expand their presence in the Thames-Coromandel District with additional drive-through restaurants.

3. This submission is primarily in relation to the existing drive-through restaurant that McDonald's operate, and is also intended to relate to any future drive-through restaurants that may be developed. These activities involve sites that incorporate buildings with drive-through facilities and car parking. Food and beverages are prepared, served and sold to the public for consumption on or off the premises. In addition, the sites may include ancillary cafes, playgrounds, and other amenities. Typically, the sites operate on a 24 hour, 7 day per week basis.

4. **Grounds for the submission:**

4.1 In the absence of the relief sought in this submission being granted, the Proposed District Plan:

(a) Will not promote the sustainable management of natural and physical resources;

(b) Will otherwise be inconsistent with the purpose and principles of the Resource Management Act 1991 ("RMA").

(c) Will enable the generation of significant adverse effects on the environment;

(d) Will not warrant approval in terms of the tests in section 32 of the RMA; and

(e) Will be contrary to sound resource management practice.

5. **The specific provisions of the Proposed District Plan that the submission relates to are as follows:**

Without limiting the generality of this submission, the following particular provisions are supported/opposed as set out below.

i. **Part 1 Section 1 – Background and How to Use the Plan; Part 1 Section 3 - Definitions**

The submission is that:

- For the reasons outlined in 3. above, McDonald's consider that their business is generally covered by a term or category being "Restaurant" that is included within the PDP Definitions. In terms of the PDP's definitions, the definition of "Restaurant" includes "*the sale of ready-to-eat food and drink is the principal activity on-site*", which is the principal activity of McDonald's restaurants.
- Notwithstanding this, numerous McDonald's restaurants, including the Thames restaurant at the Goldfields Shopping Centre, also include a drive-through facility which is not specifically provided for within the definition of "Restaurant".
- McDonald's considers that the scope of this definition does not sufficiently provide for "drive-through restaurant" activities, and through lack of specific provision, McDonald's are concerned that a drive-through restaurant activity may be considered as a discretionary activity under Rule 1.5.
- Further, the omission of "drive-through facility" from the "Restaurant" definition also incites a discrepancy when it comes to applying the parking ratio in Table 5 of Rule 39.2.6 where specific provision is provided in the PDP for restaurants with a drive-through, a matter further discussed below.

The following decision is sought from the local authority:

- Amend the definition of "restaurant" at Part 1 Section 3 Definitions to include "drive-through" within the definition of "restaurant", as follows (changes underlined):

  "Restaurant

  means a site where the sale of ready-to-eat food and drink is the principal activity on-site. This includes 'take-away' food outlets <u>and may include an associated drive-through facility</u>."

ii. **Part 1 Section 1 – Background and How to Use the Plan**

The submission is that:

- Section 1.5 of the PDP provides an activity status for activities that are not included within the zone activity tables in each chapter, and for activities that are not included within the Activity Summary Table at Rule 1.8 of the PDP.
- In this case, no specific provision for "development" has been included within either the Activity Summary Table at Rule 1.8 or in the zone activity tables.
- McDonald's are concerned that without specific provision for 'development' activities within either activity table, the activity of constructing a building associated with a land use activity, or undertaking additions/alterations or demolition, may be subject to discretionary activity consents (particularly for demolition, which is not always associated with a land use activity).

The following decision is sought from the local authority:

- Amend the Activity Summary Table at Rule 1.8 and in each of the relevant zones to provide for "development" activities. An example of the relief sought for the Activity Summary Table at Rule 1.8 is as follows:

ACTIVITY SUMMARY TABLE
DEVELOPMENT
Construction of a building(s)
External additions or alterations to a building(s)
Internal additions or alterations to a building(s)
Demolition of a building(s)

iii. **Part 8 Section 42 - Commercial Zone**

The submission is that:

- McDonald's agree with the Permitted activity status afforded to "Restaurant" set out in Rule 42.4.2[1].

- McDonald's seek that "development" (the construction of buildings, internal/external additions and alterations to buildings, and demolition of buildings) be specifically provided for as Permitted activities within the activity table at Rule 42.2 and provided for in the Activity Summary Table at Rule 1.8.

  McDonald's are concerned that the omission of these "development" activities will result in a discretionary activity status per Rule 1.5, as "not an activity that the Plan has contemplated".

The following decision is sought from the local authority:

- Maintain the Permitted activity status for "Restaurant" in the activity table and Rule 42.4.2.

- Include "development" being the construction of buildings, internal/external additions and alterations to buildings, and demolition of buildings as specific Permitted activities in the Activity Table at Rule 42.4 for the Commercial Zone and in the Activity Summary Table at 1.8 for the District.

iv. **Part 8 Section 46 - Industrial Zone**

The submission is that:

- McDonald's agree with the Permitted activity status afforded to "Restaurant" set out in Rule 46.4.1[2].

- McDonald's seek that "development" (the construction of buildings, internal/external additions and alterations to buildings, and demolition of buildings) be specifically provided for as Permitted activities within the activity table at Rule 46.3 and provided for in the Activity Summary Table at Rule 1.8.

  McDonald's are concerned that the omission of these "development" activities will result in a discretionary activity status per Rule 1.5, as "not an activity that the Plan has contemplated".

[1] Where it is sought that the definition of "restaurant" at Part 1Section 3 include specific provision for a "drive-through" facility associated with the restaurant activity.
[2] Per footnote 1 above.

The following decision is sought from the local authority:

- Maintain the Permitted activity status for "Restaurant" in the activity table and Rule 46.4.1.

- Include "development" being the construction of buildings, internal/external additions and alterations to buildings, and demolition of buildings as specific Permitted activities in the Activity Table at Rule 46.4 for the Commercial Zone and in the Activity Summary Table at 1.8 for the District.

v. **Part 7 Section 39 – Transport**

The submission is that:

- McDonald's supports the specific provision for drive-through restaurants in Table 5 of Rule 39.2.6.
- McDonald's supports the carparking ratio of 1 space per 3 customer seats for restaurants, and supports the requirement for an exclusive drive-through lane of 40m long for drive-through restaurants.
- From McDonald's experience in establishing and operating drive-through restaurants throughout New Zealand, the carparking ratio that best fits the carparking demand of McDonald's drive-through restaurants is 1 carparking space per 3 customer seats and a drive-through lane to accommodate eight cars. McDonald's considers that the PDP adequately reflects actual carparking demand for this activity, and the specific provision for drive-through restaurant lane length is an appropriate method to manage the traffic environment effects of drive-through restaurants.

The following decision is sought from the local authority:

- Retain the carparking provisions at Table 5 of Rule 39.2.6 relating to restaurants and drive-through restaurants.

6. **All consequential or alternative relief to give effect to the specific amendments noted above is also sought.**

7. **McDonald's wish to be heard in support of this submission.**

8. **McDonald's would consider presenting a joint case with any other party seeking similar relief.**

DATED at Auckland this 14th day of March **2014**

McDonald's Restaurants (NZ) Limited

By their duly authorised agent

Barker & Associates Limited
PO Box 1986
Shortland Street
AUCKLAND 1140

Attention: Matt Norwell

RE: Letter in support of my Submission on the TCDC Proposed District Plan

Dear Mayor Leach and TCDC Councilors,

Our names are Robert Keith Roderick & Philippa Ann Roderick and we own a holiday house in Whangamata.

We oppose the various provisions for Visitor Accommodation throughout the Proposed Thames Coromandel District Plan ("Proposed Plan") as they relate to renting out of private dwellings/holiday homes.

There is no proven evidence that the consumption of local resources and the amenity effects on neighbours are any different with holiday rental holiday homes compared to properties used by their owner/family/friends.

The proposed changes will affect existing holiday home owners, as well as those that aspire to holiday home ownership in the Coromandel. In particular we believe the rules:

- Will decrease the income we receive from our holiday home – income we use to offset expenses such as rates and maintenance.
- Could reduce the value of my property as holiday home ownership becomes less desirable in the Coromandel due to the limitations imposed on holiday rental.
- Will mean less choice for tourists wishing to stay in the Coromandel, resulting in fewer visitors to the region, impacting on Coromandel businesses as result.
- Will not change the amenity effects arising from holiday home usage on the Coromandel.

We urge you to reconsider these rules in your Draft Annual Plan for 2013/2014 and look to implement a system more like that used by Queenstown Lakes District Council that provides allowance for holiday houses to better distinguish them from true commercial accommodation.

We seek the following decision from the Thames Coromandel District Council:

As Principal Relief

(i) Amend the definition of "Visitor Accommodation" in the Proposed Plan, such that the rental of holiday homes is specifically excluded from the definition.

Or, in the alternative, if the principal relief in (i) above is not accepted

(ii) Amend all references to the permitted activity conditions for Visitor Accommodation in the various zones throughout the Proposed Plan relating to "6 tariff-paid customers on-site at any one time" instead amending this to "12 tariff-paid customers on-site at any one time", and delete any condition requiring the activity to be undertaken within an existing dwelling, minor unit or accessory building.

And, in relation to both (i) and (ii) above

(iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

We feel that this is making it very difficult for the average person who owns their holiday home, mainly for family but have to rent to cover our rates, insurance and maintenance, which we could do on our wage, and definely if we were retired persons.

I look forward to your response.

Name Robert Keith Roderick and Philippa Ann Roderick
Address 44 Rangatira Road, RD 2 Cambridge
And 206B Sylvia Road, Whangamata.

Proposed Thames-Coromandel
District Plan

THAMES COROMANDEL DISTRICT COUNCIL

Submission Form

Form 5 Clause 6 of the First Schedule to the Resource Management Act 1991

Your submission can be:

Online: **www.tcdc.govt.nz/dpr**
Using our online submissions form

Posted to: **Thames-Coromandel District Council**
Proposed Thames-Coromandel District Plan
Private Bag, Thames 3540
Attention: District Plan Manager

Email to: **customer.services@tcdc.govt.nz**

Delivered to: **Thames-Coromandel District Council, 515 Mackay Street, Thames**
Attention: District Plan Manager (or to the Area Offices in Coromandel, Whangamata or Whitianga)

Submitter Details

Full Name(s) _____

or Organisation *(if relevant)* Surveying Services Ltd

Email Address btrail@surveyingservices.co.nz

Postal Address PO Box 201
Paeroa 3640

Phone no. *include area code* 07 862 8963

Mobile no.

Submissions must be received no later than 5 pm Friday 14 March 2014

If you need more writing space, just attach additional pages to this form.

PRIVACY ACT 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to make this information available under the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Thames-Coromandel District Council. You have the right to access the information and request its correction.

Your Submission

The specific provisions of the Proposed District Plan that my submission relates to are:
(please specify the Objective, Policy, Rule, Map or other reference your submission relates to)

Please see attached pages

My submission is:
(clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your view)

I ***support*** ☐ ***oppose*** ☐ ***the above plan provision.***

Reasons for my views:

The decision I seek from the Council is that the provision above be:

Retained ☐ ***Deleted*** ☐ ***Amended*** ☐ ***as follows:***

Proposed District Plan Hearing

I wish to be heard in support of my submission. ☑ *Y* ☐ *N*

If others make a similar submission, I will consider presenting a joint case with them at a hearing. ☑ *Y* ☐ *N*

Signature of submitter B. Trail ***Date*** 13/3/14

Person making the submission, or authorised to sign on behalf of an organisation making the submission.

Trade Competition

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

I could gain an advantage in trade competition through this submission. ☐ *Y* ☑ *N*

If you could gain an advantage in trade competition through this submission please complete the following:

I am directly affected by an effect of the subject matter of the submission that –

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition. ☐ *Y* ☐ *N*

If you require further information about the Proposed District Plan please visit the Council website ***www.tcdc.govt.nz/dpr***

THAMES-COROMANDEL DISTRICT COUNCIL
Private Bag, 515 Mackay Street, Thames 3540
phone: 07 868 0200 | fax: 07 868 0234
customer.services@tcdc.govt.nz | www.tcdc.govt.nz

THAMES COROMANDEL DISTRICT COUNCIL

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
PART I			
3			
Minor unit	O	The 50m² size does not, in my opinion, allow for a sensible size minor dwelling. I believe that this size needs to be increased by at least 50% to say 80 square metres. This would allow for a decent design, including a separate bedroom or hobby room. This would allow the occupant to enjoy a reasonable amenity and perhaps even accommodate a guest a times.	Increase maximum size to 80m²
PART II			
6			
6.1	A		Support but request that incentives are offered across the District – not just 'priority locations' and Rural Lifestyle zone.
6.2.1	A		Change opening paragraph to “In some subdivision, use and development can contribute to the loss...”
6.2.2	S		
6.2.3	S		
6.3			
Obj 1	S		
Policy 1a & 1b	S		
Policy 1c	S -A		For clarity, after Rural Area add Rural Residential Area
a)	A		Add “and other areas”

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
b) to l)	S		
Policy 1e	S		
Obj 2	S		
Policy 2a & 2b	S		
PART III			
15.3			
Obj 1-9	S		
All Policies re Obj 1-9	S		
16	Support ALL except the following:		
Policy 1c	A		Add "... where appropriate and intensified down to smaller blocks (less than 2ha)"
Policy 8e	A		Add "d) The landowner requires continued access and control of the land with restricted public access allowed only
Policy 11a	A		Change to "Subdivision in the Rural Area shall, where practical, consolidate the high class soils to be available for primary production purposes."
PART IV			
24	Support all objectives and policies		

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
PART VII			
38.3			
RULE 1			
1.	S		
2.	S		
38.4			
RULE 2			
1.	S	Controlled activity status appropriate	Retain as Controlled Activity
a)	O	This is extremely low and as long as other points achieved it is not so relevant	Replace 5% with 20%
b)	S		
c)	S		
d)	A	Boundary adjustments can involve several lots at times.	Amend to " The adjustment involves a common boundary(s) between two or more contiguous lots; and"
e)	S		
2.	S		
3.	S		
Insert a bdy relocation rule		Often we are required to move title and change significantly in size. This produces no more titles but may make the land more 'Productive"	Add Boundary relocation as a controlled activity.
RULE 3			
1.	S		

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
2.	S		
RULE 4			
1.	S - A		Alter as follows:
a)	A	There is not one “requiring authority' especially in the case of telecommunications.	Amend to “The applicant is a bona fide network utility supplier; and”
b)	S		
c)	O	covered in 2. below	Delete
d)	O	not needed – irrelevant with 2. below	Delete
2.	S		
3.	S		
RULE 5			
1.	S		
a)	S		
b)	S		
c)	A		Add “c) or the houses were lawfully established”
2.	A	It is an established use so item 8 in Table 4 is not relevant	Change to “matters 1-7”
3.	S		
RULE 6			
1.	S in part	The rural zone includes formed roads	Perhaps delete road zone
2.	S		
3.	A	No minimum areas shown in table 2 for these zones	Decide minimum areas. Add note: Subdivision that is not controlled …. is a discretionary activity.”

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
38.5			
RULE 7			
1.	S		
a)	S -A	There needs to be reference to the standards in Table 4.	Add “Also it meets the standards of Table 4 – 1,4,6,7”
b)		No comment	
c)		No comment	
2.	S	Staging, cumulative effects of intensification & SW code of practice	
3.	S		
4.		No comment	
RULE 8	A	This rule is far too limiting. Much benefit is provided to the public in proportion to that gained by the landowner for his trouble and ongoing guardianship of the covenanted areas. Large tracts of bush can be protected under this rule if the true benefits are truly accounted for and recognised. It is plainly obvious, looking around at the regenerating bush and wetlands in the District, that there are huge benefits being reaped by the residents and the Country from this type of development. The cost of protecting this environment is high in terms of fencing, longer term maintenance of same, pest control, loss of value and must be recognised by Council as the communities representative. t is fully re	Widen the range of opportunities by allowing more ecological areas to be protected in exchange for more conservation lots. Allow for conservation lots outside the priority areas as a restricted discretionary activity for up to two allotments then Discretionary for up to and including 10 lots.
1.			
a)	O	There should be no reason for a rule because, if there is an area worth protection it is a win win for the landowner and the community.	Delete clause referencing the date
b)	O	The site may be outside of one of these areas but worthy of protection. If a site is worthy of protection there shouldn't be the added difficulty of a non-complying application to deal with. Perhaps a higher threshold	Delete clause and provide the ability for ecological areas outside these priority areas to be protected in return for subdivision rights. Another set of areas

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
		should be set.	for protection could be used depending on the value of the ecology – say 4ha or similar to that existing now. This could be established on a points system of evaluation such as used by the Waikato District Council under the Franklin District Plan.
c)	A	Areas are generally too large to capture linkages on smaller properties which would cumulatively make a big difference. Therefore, these areas will not be captured with covenants. It could be argued that collectively these are the most vulnerable ecological areas and they really do stack up in the overall picture as 'stepping stone' connections between the larger areas which are more likely to stay anyway.	Review size down – say 1ha, 2ha, 4ha, 6ha
d) i) to viii)	S		
e)	O	This is too restrictive for the larger tracts of land – fencing, maintenance, weed control, pest control costs are high and ongoing forever. To get the best out of this protection for all players there needs to be a reasonable return to the landowner, who is covenanting for the public good for all time. When looking at the long term costs it shows that significantly more economic benefit is needed to justify covenanting ecological features.	Please review the total number of conservation lots available under this rule. Suggest 2 as controlled activity, then up to and including 10 as Discretionary, >10 as Non Complying Allow for ecological areas outside of the priority area to be subdivided as a restricted discretionary activity for two lots then as discretionary for up to and including 5 lots before becoming non-complying.
2.	S		
3.	A	See Explanation above	Replace please with: Subdivision creating up to 10 lots that does not meet the standards in 8.1 c) is a discretionary activity. Subdivision creating up to 10 lots that does not meet the standards in 8.1 a), b), d) or e) is a non-complying activity

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
38.6			
RULE 9			
1.	S		
2.	S		
RULE 10			
1.			Support discretionary status
a) (i) to (vi)			Add “Protection of existing ecosystem”
vi)			Add to end “including estuarine wetland.”
b)	A	There are a variety of means of protection included in a) i-vi.	Delete “set aside for restoration or enhancement and protection” and replace with “protected'.
c)	S		
d)	S		
i)	S		
ii)	A		Add after enhancement “or protection”
iii)	A		Amend to “... the steps to be taken to create, restore or enhance the area/feature **and/or** its ongoing ..... to ensure that the biodiversity **is enhanced or** maintained.”
iv)	S		
e)	S		
f)	O	There should be no limit to the number. This rule is win/win for the owner and community alike. Some real environmental results are seen from these subdivisions and it is often the only way to protect these features.	Delete f) or add a number that will be more effective in protecting all this endangered area. I suggest 10 lots
2.	S	Subject to deletion or amendment of f) above.	Delete or amend f) above

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
RULE 11			
1.	S		
a)	A	There will be cases where the land on a title with ecological assets does not suit subdivision or the owner will not subdivide. Other land titles have potential for good lifestyle properties (on easy land). A deal should be able to be done between landowners to enable the simultaneous protection and subdivision in different properties. Under these rules this could be achieved between adjoining properties but more flexibility is needed to achieve a better outcome.	Provide for transferable rights from another title that provides protection of a feature. Add: "... subdivided or another site in the zone offers..."
b)	S		
c)	S		
d)	A		
i)-iii)	S		
iv)	A	In some cases, due to management practices and Health & Safety, it is not appropriate to have full time access.	Add iv) The landowner requires continued access and control of the land with restricted public access allowed only
38.7			
Table 2	A	No minimum stated for these zones – see Rule 6.	Add Recreation Area or Road Zone
1.a)	S		
2. a)	S		
b)	O	For a long time 800m² has been accepted as a suitable size for treating and soakage of wastewater effluent on a residential site. Today's modern septic tanks and alternative systems allow that minimum to continue.	Reduce from 1000m² back to 800m²
c)	S		
3.a) - c)	S		

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
4.a)	S		
5.a) -b)	S		
6.a) - b)	S		
7a) - b)	S		
8.a) - b)	S		
9.a) - c)	S		
10.a) - b)	S		
11.a)	S		
12.a)	S		
13.a) - d)	S		
14.a)	S		
15.a)	O	The table should recognise the ability to subdivide down to 5000m² in some circumstances.	Add: “or 5000m² with at least 5000m² ecological covenant.”
b)	O	I can't see how this is appropriate - the boundary of a lot has no effect on conservation zone. Perhaps you intend to keep the houses back from the zone boundary.	Delete, or make rule stipulate any building site is 40m from conservation zone.
16.a) -b)	S		
17.a) -c)	S		
Table 3		It would help to reference Table 2 in this list of standards.	Add compliance with Table 2 – Subdivision standards
1.a) - c)	S		
2.a)	O	Several wireless and mobile services, including mobile broadband, exist now. Fixed wire telecommunication is no longer needed by all. This should be deleted. Provided for in Table 5.3(c) - “provided remotely”.	Delete “telecommunications”
3.a) - c)	S		

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
4.a)	S		
Table 4			
1.	S		
2.	O	Several wireless and mobile services, including mobile broadband, exist now. Fixed wire telecommunication is no longer needed by all. This should be deleted. Provided for in Table 5.3(c) - "provided remotely".	Delete "telecommunications"
3. - 12.	S		
Table 5	S		
39.2			
RULE 1-4	S		
Table 1	O	Individual driveways need a specification and the 1:4 or 25% used in operative plan is appropriate for a permitted activity.	Insert a provision for Internal Access for 1 lot to be at a maximum grade of 1:4.
Table 2			
1.	O	Individual driveways need a specification and the 1:4 or 25% used in operative plan is appropriate for a permitted activity.	Insert a provision for Internal Access for 1 lot to be at a maximum grade of 1:4.
2.	O	The area has steep contour and 20% (1:5) grades are needed. This avoids excessive cut/fill batters when contouring around hillsides. A sealed access at this 1:5 grade is accessible by all vehicles including emergency vehicles. Sealing grades steeper that 16.7% should always be required. Sealing of grades 16.7% or flatter should only be required if the written approval of all users cannot be obtained.	Change to the same specifications as for 1. Table 2 – this could be one specification for all privateways 1 to 8 lots. The existing specifications in 1 and 2 Table 2 are so similar except for limit of 16.7% for 5-8 lots.
RULE 5	S		
Table 3	S		

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
Table 4	O S	Whilst this table is generally reasonable I believe that the sight distances for the lower speeds on 'non local' roads could be reduced significantly. These speeds are applicable to narrow roads traversing difficult terrain on the peninsular. What's more the traffic volumes are very low. We find it difficult to comply in many situations and often need to negotiate with Council's to shorten sight distances. This comes at a high cost to citizens wanting to develop in some way, therefore we propose new distances for these speeds. Most of our rural roads are collector or District Arterial Roads so they do not qualify for the 'local road' standard. Due to the difficulty (general lack of visibility) drivers are more alert and aware of the dangers on our roads, therefore a lesser reaction time of say 1.5 seconds should be considered on our roads. To avoid the unnecessary work and cost of having to argue this often we believe that significantly lower distances are warranted similar to districts such as Hauraki where lesser distances are applied eg 100m at 70kph, 80m at 60kph, 60m at 50kph and 40m at 40kph. I support all other dimensions in Table 4	Replace sight distances for non-local roads with the following: 70kph 100m 60kph 80m 50kph 60m 40kph 40m
PART VIII			
40.4			
RULE 8	S		
41.5			
RULE 17	S		
RULE 21	S		
41.9	S		
42.4			

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
RULE 2	O	Add minor dwelling because they can aid Crime prevention/vibrancy. Allows for owner operator in seasonal business or caretaker. Could be above ground floor.	Add minor dwelling
42.8			
Table 3	O	There are two items called 2 at present	Correct the numbering
4.	O O	3m is too high for residential amenity next door. Inconsistent with 5m residential area yard in Whitianga - item 2 in this table. Set a residential area yard in other commercial zones	Replace with 2m & 45° Suggest 5m
44.4			
RULE 10	S		
RULE 12	S		
44.5			
Table 4	Support all except:		
1.g)	O	My suggested amendment allows much improved amenity, particularly when dispensation is granted by (temporary) neighbours to build on a boundary. The effect remains forever. The loss of direct light is significant unless building is to the south. This change would make it consistent with many other District Plans.	Replace with 2m & 45°
44.9			
Table 5	Support all except:		
1.h)	O	My suggested amendment allows much improved amenity, particularly when dispensation is granted by (temporary) neighbours to build on a	Replace with 2m & 45°

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
		boundary. The effect remains forever. The loss of direct light is significant unless building is to the south. This change would make it consistent with many other District Plans.	
48.4			
RULE 6	S		
48.8			
Table 4			
6.	O	I believe that yard dimensions (set back from boundary) should be reassessed in the Low Density and Rural Residential zones. In these zones the lots are larger and a higher degree of amenity is generally desired. I believe that a yard of 5m should be required on all lots over 2000 sq m. This should cover all buildings and only be reduced when the applicants can prove that there will remain 10m between the building on their lot and any adjoining or potential building site on neighbouring land.	Change to 5m
7.	O	Low density implies spaciousness. This is going against objectives, I believe.	Delete
54.5			
Table 4			
1.g)	O	My suggested amendment allows much improved amenity, particularly when dispensation is granted by (temporary) neighbours to build on a boundary. The effect remains forever. The loss of direct light is significant unless building is to the south. This change would make it consistent with many other District Plans.	Replace with 2m & 45°
h)	S		

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
54.8			
Table 5			
1.k)	O	My suggested amendment allows much improved amenity, particularly when dispensation is granted by (temporary) neighbours to build on a boundary. The effect remains forever. The loss of direct light is significant unless building is to the south. This change would make it consistent with many other District Plans.	Replace with 2m & 45°
56.4			
RULE 12	S	No Table 9 as referred to in 1c)	Replace with “Table 7”
RULE 23 1.a)	O	Two dwellings should be allowed	Remove
56.8			
Table 6	S - A	To provide amenity and for fire protection	Add other yard 5m
57.4			
RULE 12	S		
RULE 18	S		
57.8	S		
58.4			
RULE 9	S		

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
RULE 20	S		
58.8			
Table 4			
1-6.	S		
8-12.	S		
7.	O	My suggested amendment allows much improved amenity, particularly when dispensation is granted by (temporary) neighbours to build on a boundary. The effect remains forever. The loss of direct light is significant unless building is to the south. This change would make it consistent with many other District Plans.	Replace with 2m & 45°
59.4			
RULE 13	S		
RULE 14	S		
59.8			
Table 5	A	No number 10	Correct numbering to add 10.
1-8.	S		
11-15.	S		
9.	O	My suggested amendment allows much improved amenity, particularly when dispensation is granted by (temporary) neighbours to build on a boundary. The effect remains forever. The loss of direct light is significant unless building is to the south. This change would make it consistent with many other District Plans.	Replace with 2m & 45°

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
OTHER ISSUES			
WALKWAY	O	I believe that preliminary work should be carried out in relation to the proposed Coromandel Walkway or cycleways in order that incentives can be included in the Plan to encourage landowners to vest land for the purpose. This has been established recently in the Western Bay for the Minden Lifestyle Zone and is proposed in Waipa for the Waikato Cycleway/walkway. Benefit lots are allowed in return for vesting a certain amount of land. If landowners are given subdivision incentives to donate land it can provide a win/win and economically feasible way of Council obtaining the access required. Any resulting subdivision can provide for those people keen to service the route with camping, eating and homestay facilities.	
ZONING – Coastal and Rural Production zones	S	We support the delineation of these zones, being long established following consultation in the past. We understand that these largely reflect the existing zoning and have been well established over time.	
ZONING – Natural Character, Outstanding and Amenity Landscape	O	Recognition of existing approved land uses is required within these overlay areas. Also accurate assessment of the boundaries should be undertaken. The effect of these overlays on private property is significant indeed and will lead to significant cost when any building or development takes place. Careful consideration should be given to limiting these areas to those viewed from public spaces – not blanket areas just because they are in bush. Otherwise the additional cost placed on owners will be prohibitive.	
FESTIVALS AND	S	I support Council in pursuing a regime that makes these events permissible without adjoining owners or other authorities being able to	Retain in current form. Add: “No requirement to notify the application if

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
EVENTS 56.4 RULE 5		'take control' and hold the applicants to ransom. These events can be the lifeblood of this area and are much needed for economic prosperity. I strongly support Council's Permitted activity status. It should be further stated that if it becomes Restricted Discretionary, there is no requirement for Council to notify the applications, full or limited.	Restricted Discretionary."
57.4 RULE 5	S	I support Council in pursuing a regime that makes these events permissible without adjoining owners or other authorities being able to 'take control' and hold the applicants to ransom. These events can be the lifeblood of this area and are much needed for economic prosperity. I strongly support Council's Permitted activity status. It should be further stated that if it becomes Restricted Discretionary, there is no requirement for Council to notify the applications, full or limited. Limited notification shall be required for a discretionary application.	Retain in current form. Add: "No requirement to notify the application if Restricted Discretionary."

W I L L I A M S O M E R V I L L E

5 Russell St. Freemans Bay, Auckland 1011
phone (09) 378 9644 mobile (021) 610 078
somcon@xtra .co.nz

SUBMISSION ON THAMES COROMANDEL PROPOSED DISTRICT PLAN

Background

This submission relates to the land zoned *Rural Lifestyle* on Map 19A Hahei

Change sought

That:

- all the land zoned *Rural Lifestyle* on Map 19A Hahei and lying to the west of Hahei Road be zoned *Low Density Residential,* or:

- that the separate title at 122A Hahei Road and comprising Lot 2 DP 460494 be rezoned *Low Density Residential*

Alternatively that:

- Subdivision Standard 9 contained in Table 2 in Section 38.7 of Part VIII be altered by adding further subparagraphs (c), (d) and (e) stating respectively:

    - Minimum net lot area for lots at Hahei 2,500m2

    - Minimum lot density at Hahei 1 per 3,000m2

    - Minimum shape circle diameter at Hahei 25m

Reasons

Background

Hahei is a small coastal settlement comprising an attractive bay facing north east and contained within two prominent headlands. It is backed by a deep plain contained by hills on either side formed by the inland continuation of the headlands.

It is popular with a mixture of local residents, and visitors owning holiday homes, and the current zoning of *Coastal Living* is substantially filled with existing housing.

However there is continued demand partly reflecting continual population growth in its catchment areas

New Zealand Coastal policy

Objective 6 of the New Zealand National Policy Statement recognises that, within a broad framework of protecting natural resources, it is necessary:

> *To enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through subdivision, use, and development*

Proposed District Plan

The Proposed Plan essentially creates two buffer zones of *Rural Lifestyle* or *Low Density Residential* and these necessarily look to either the adjacent rural or residential land for their colouring.

The land subject to this submission lies between a residential and rural zone and a choice must therefore be made as to which is more appropriate.

The Proposed Plan has adopted a *Rural Lifestyle* zone but it is submitted it is the latter *Low Density Residential* zoning that is more appropriate in this location.

The key differences in these zonings are in the way they take their colour from the primary zone they are thought most associated with but, more specifically:

- The *Rural Lifestyle* zone includes farming, and animal breeding and sale, as permitted activities as well as residential and community activities

- The *Rural Lifestyle* zone has a minimum lot size of 10,000m^2 as opposed to 2,500m^2 and resource consents within and without these limits are *discretionary* and *non complying* as opposed to *restricted discretionary* and *discretionary*

Reasons for preferring Low Density Residential Zoning

The following reasons justify the requested change in zoning:

- There is continued demand arising from population growth for additional housing at Hahei, and the available land for building is small. This has the effect of driving up the price artificially and undermining an accepted policy objective of a diverse community.

- Contrary wise there is minimal to non existent demand for agricultural or horticultural use on this land despite these activities being available as of right.

- The land in question is of low fertility and in small lot sizes. It has been abandoned for any economic rural use. It comprises rough pasture with no significant natural or heritage assets and is not included in any overlays in the Proposed Plan

- The land lies on the western slopes of the natural valley lying behind Hahei beach and is ideally suited to low density subdivision where lot sizes would absorb housing into planting that in turn would blend into the trees on the ridgelines

- More generally this is the appropriate, indeed only, direction for further housing in order to protect the headlands and coastal views. At the same time the gentle slope would afford residents discreet sea views.

- The land is adjacent to the main road into Hahei and would not require any additional infrastructure.

- A *Rural Lifestyle* zoning is unlikely to attract any uses beyond residential but a large lot size subdivision will have the disadvantages of:

    - Over restricting any expansion of Hahei when this is not a sought policy objective, and;

    - Creating lots that are too large to manage for the average resident typically leading to the kind of scruffy, patchy planting and development that a more controlled subdivision would avoid

    - Creating lots that will be expensive, impractical and alien to the qualities of small coastal settlements that are an important policy objective

Given that the natural thrust of any development will overwhelmingly come outwards from the residential zone rather than inwards from the rural zone a *Rural Lifestyle* zoning seems a perverse choice that, in the long run, will lock in an inappropriate pattern of use that will then be difficult and fragmented to undo.

By email before 5pm Fri 14/3/14 to customer.services@tcdc.govt.nz

Provisions I want to change	Support or Oppose	Reason for decision sought	Changes sought
Zoning Map15A; No Zone on the map for Coromandel's Sugarloaf Landing ie the reclamation with Wharf and Ramps	Oppose	Need to recognise and provide for Marine Farming port operations now operating in this area	Provide for suitable Zone for all of the Sugarloaf Landing in Coromandel Harbour
Zoning Map11E; No Zone on the map for Coromandel Town Wharf	Oppose	Need to recognise and provide for Marine Activity now operating in this area	Provide for suitable Zone eg as Marine Activity Zone, for all of the Coromandel Town Wharf
Zoning Map11E; No Zone on the map for some of the land at mouth of Furey's Creek, eg south of Wharf Road, at Coromandel Harbour	Oppose	Need to recognise and provide for Marine Activity to continue and develop in this area	Provide for Marine Activity Zone for all land at Furey's creek mouth, west of Coromandel Town
Zoning Map11E; The Proposed Zone on the map for some of the land south of Wharf Road and at mouth of Furey's Creek, at Coromandel Harbour, is Proposed as Recreation Active Zone	Oppose	Need to recognise and provide for Marine Activity to continue and develop in this area. A Recreation Active Zone does not recognise some existing uses of the area nor allow for its reasonable development for Marine Activity	Provide for Marine Activity Zone for all land at Furey's creek mouth, west of Coromandel Town
Overlay Map11E; The Proposed labelling of some 4 areas south and west of the mouth of Furey's Creek as areas of Natural Character	Oppose	The natural character overlay should be removed because this area is already substantially modified and is not natural. Rather it is relatively recently human-made shoreline that is often mobile mud-dominated and with some mangroves or grassy land and does not have significant intrinsic natural character	Remove the Natural Character overlay from these areas.

I could not gain an advantage in trade competition through this submission.

I do not seek the opportunity to be heard.

Signed: 

My Name & Phone & Postal Address & email is: Malcolm R Stone, 505, Tiki Road, Coromandel Town 3506. Tel. 07 866 7303 m.stone@slingshot.co.nz

SUBMISSION ON PROPOSED THAMES COROMANDEL DISTRICT PLAN UNDER CLAUSE 6 OF SCHEDULE 1 TO THE RESOURCE MANAGEMENT ACT 1991

To Thames Coromandel District Council
Private Bag,
Thames 3540
Attention: District Plan Manager

Name of submitter: Peter Vela Family Trust and Philip Vela Family Trust ("the Vela Trust")

Address for service: See Below

1.0 Introduction

The Vela Trust has a significant land holding, being a 449 hectare property at Opito Bay and Matapaua Bay. Currently the property is in pasture and forestry with some limited development on the site (being a private lodge with associated outbuildings, together with the historic homestead with associated outbuildings). In addition the Vela Trust has instigated a native plant regeneration and kiwi protection programme together with the protection of recorded archaeological heritage sites on the property.

A range of options and opportunities for the further development of the property have been considered by the Vela Trust over a number of years. The Vela Trust continues to have no firm views on the future use and development pattern over the entire property at this time.

Accordingly, the Vela Trust is seeking that the Proposed Thames Coromandel District Plan provides flexibility and does not foreclose appropriate future development opportunities on the property.

2.0 Area to which this submission relates

2.1 This submission relates to the property owned by the Vela Trust. This land consists of the following property:

- Section 1 Blk III Otama SD (SA1103/131)
- Pt Section 3 Blk III Otama SD (SA53D/86)
- Section 4 Blk III Otama SD (SA421/149)
- Section 9 Blk III Otama SD (SA10B/179
- Section 7 Blk III Otama SD (SA288/286)
- Section 13 Blk III Otama SD (SA22C/1414)
- Lot 2 DPS 22237 (SA21C/1456)
- Lot 2 DPS 86355 (SA62C/467)

- Pt Allot 6 Waitaia Parish (SA33D/86)
- Lot 62 DPS 66561 (SA53D/84)
- Lot 1 DP 16181 (SA16B/28)

2.2 The Proposed Plan applies Rural zoning to all of this land and the following overlays:

- Natural Character;
- Amenity Landscape;
- Outstanding Landscape;
- Coastal Environment.

3.0 Specific provisions of the Proposed District Plan this submission relates to

3.1 Part II – Overlay Issues, Objectives and Policies

i. Section 6 – Bio-diversity

ii. Section 7 – Coastal Environment

iii. Section 9 – Landscape and Natural Character

3.2 Part III - District-wide Issues, Objectives and Policies

i. Section 15 – Settlement Development and Growth

ii. Section 16 – Subdivision

3.3 Area Issues Objectives and Policies

i. Section 24 – Rural Area

3.4 Part VI – Overlay Rules

i. Section 32 – Landscape and Natural Character Overlay

3.5 Part VII – District-wide Rules:

i. Section 38 – Subdivision

3.6 Part VIII – Zone Rules:

i. Section 56 –Rural Zone

4.0 Submission details and reasons for decision

<u>Objectives and Policies</u>

4.1 Vela Trust is generally supportive of those objectives and policies that recognise and provide for appropriate subdivision, use and development across the rural zone and additional overlays, including areas of Outstanding Landscape, Amenity Landscape, Natural Character, and the Coastal Environment.

4.2 These include:

i. Objective 1, Section 7 which relates to the Coastal Environment, recognises that subdivision, use and development can be carried out in certain ways in the coastal environment.

ii. Objective 1, Section 6, which relates to biodiversity, seeks the maintenance, restoration or enhancement of indigenous biodiversity at the time of subdivision, use or development.

iii. Policy 1c, Section 6 provides for the restoration or enhancement of indigenous biodiversity through subdivision.

iv. Objective 1, Section 9 also requires that Outstanding Landscapes remain outstanding and protected from *"inappropriate"* development, use and development.

v. Policies 1a-e, Section 9 clarifies how the values and characteristics could be maintained, as well as how permanent buildings and structures could be designed and located in these landscapes to reduce their visual impact.

4.3 Vela Trust supports such objectives and policies that recognise the outstanding landscapes and natural character of the property, whilst acknowledging potential appropriate use, subdivision and development.

4.4 Policy 3d, Section 9 seeks to promote the enhancement of the Natural Character Overlay in the Coastal Environment through various means, including the legal protection of indigenous ecosystems and stock exclusion. Vela Trust seeks however, that recognition of conservation lot subdivisions be provided in this policy to align with those set out above.

4.5 In the same vain, Policy 1c, Section 24 of the Plan is also supported. The policy acknowledges that appropriate subdivision shall be provided for where priority areas of indigenous vegetation are restored or enhanced and legally protected.

4.6 Other objectives, policies and methods do not support the outcomes sought by the objectives and policies set out above. They will significantly limit the opportunities to effect land use change on the property and thereby enable the benefits discussed above.

4.7 Policy 3a, Section 15 states that "Growth in the Coastal Environment should be clustered in, around or adjacent to existing settlements and shall retain the existing character, scale and density of that settlement. Development in the Coastal Environment outside existing settlements and existing and planned infrastructure shall be discouraged." This policy does not differentiate between appropriate or inappropriate forms of development, and runs contrary to the wider approach of the Proposed Plan of enabling appropriate subdivision, use and development that protects and enhances landscape and natural character values. Changes to Policy 3a, Section 15 are sought to allow for appropriate in the Coastal Environment.

4.8 Accordingly, this submission seeks changes to Policy 3a, Section 15 to allow for "appropriate" subdivision, use and development in the Coastal Environment. With a conservation subdivision approach it is possible to protect and enhance the values of the land through *appropriate* subdivision.

4.9 Policy 7a, Section 24 also directs residential development in the Coastal Environment to existing settlements, without acknowledging that certain forms of residential development may be appropriate when considered on a site by site basis. Vela Trust seek amendments to allow for appropriate development, including where such subdivision brings environmental benefit.

Rules

Section 32- Landscape and Natural Character Overlay

Earthworks

4.10 Rule 2, Section 32 covers earthworks in the Outstanding Landscape Overlay. Under this rule, earthworks within the overlay retain the activity status of the underlying zone unless condition 1 a) to c) are breached. Condition 1 c) requires a maximum volume of 10m3 per site per calendar year, as a permitted activity. Condition 2 goes on to clarify that up to a maximum of 200m3 per site per calendar year is a restricted discretionary activity, beyond which earthworks are a non-complying activity.

4.11 These same earthwork limitations also apply in the Natural Character Overlay under Rule 15, Section 32.

4.12 Ancillary earthworks are expected, and required, in relation to established ongoing rural activities on the sites, as well as for future potential activities, that are provided for under the provisions elsewhere in the Proposed Plan. Allowing for only 10m3 of earthworks on an annual basis as a permitted activity is not considered adequate to allow for these activities, nor is the non-complying activity status for earthworks over 200m3. Particularly, as specific assessment criteria have been included in Tables 2 and 5, Section 32 to address earthworks.

4.13 Vela Trust requests that the rules be amended to allow for up to 200m3 per site per calendar year as a permitted activity and above that as a restricted discretionary activity, removing the non-complying activity status for earthworks.

Subdivision

4.14 Rule 7, Section 32 classifies all subdivision activities within an Outstanding Landscape Overlay as a non-complying activity. As noted above, the property that is the subject of this submission is within an outstanding landscape.

4.15 As noted in the discussion above, the objectives and policy directives in Section 9 (including Objective 1 and Policies 1a, 1b, 1d and 1e) recognise and provide for appropriate subdivision within Outstanding Landscape Overlay. Policy 1a in particular acknowledges that subdivision can avoid adverse effects on Outstanding Landscapes and maintain their values and characteristics through sensitive design and location.

4.16 Rule 7, Section 32 is a 'blanket' rule covering all types of subdivision and is at disconnect from the outcomes sought in this objectives and policies. In Section 32 RMA 1991 terms, it is not the most appropriate way to give effect to these objectives and policies.

4.17 The presumption of the non-complying activity status would appear to be prevent all subdivision from occurring in the Outstanding Landscape Overlay. This will not lead to integrated land management outcomes and may lead to undesirable and arbitrary subdivisions patterns elsewhere, whereby boundaries will occur along the Outstanding Landscape Overlay, rather than to a logical point that provides for the best land management outcomes for the property.

4.18 The presumption against subdivision in the Outstanding Landscape Overlay is incorrect. Subdivision provides for the pattern of ownership and therefore land management. Integrated land management should be able to occur irrespective of Outstanding Landscape

Overlay. Rather the focus of that overlay should be on the design and position of built form and other land development outcomes such as earthworks. These methods are included elsewhere in the Proposed Plan. By way of example, even permitted activities would need to be assessed against standards addressing visual impact, reflectivity, glazing and water body setbacks.

4.19 It is acknowledged that the subdivision of land within the Outstanding Landscape Overlay requires some form of control; however the activity class should be no different from subdivision in other zones. Accordingly, this submission seeks that subdivision in the Outstanding Landscape Overlay should be a restricted discretionary activity, and accordingly seeks amendments to the rule in the relief below, to allow for this. This would enable any subdivision to be assessed against the specific restricted discretionary matters contained in Table 2, Section 32, addressing activities that would result in a discernable impact on the landscape, i.e. earthworks (including site access), building/structure visibility and contract with its surroundings, alternative locations of buildings/structures and vegetation planting

4.20 It is noted further that matters of design and layout should be assessed against the Residential Subdivision Design Principles in Appendix 4. The Appendix provides design principles to assist people undertaking subdivision and building within the Rural Area generally, including the Coastal Environment. Many of these principles address landscape matters that should apply equally to areas with the Outstanding Landscape Overlay.

Dwellings

4.21 Vela Trust notes that one dwelling per lot within the Outstanding Landscape Overlay is a restricted discretionary activity, under rule 5, Section 32.

4.22 However, this activity status is limited to a maximum gross floor area of 250m^2, dwellings in excess of this size default to a non-complying status.

4.23 It is inappropriate to apply a non-complying activity status to the construction of a dwelling beyond the arbitrary gross floor area limit. Such a dwelling would not necessarily result in great adverse effects. The magnitude of effects on the landscape would be a function of the building design, location within the landscape and any specific measures taken to avoid, remedy or mitigate such effects. Vela Trust requests the deletion of the 250m^2 limit at condition 1. a) of Rule 5, Section 32.

4.24 It is further noted that there are specific criteria contained in in Table 2, Section 32: Outstanding Landscape Restricted Discretionary Matters that could be used to assess the impact of any dwelling on the landscape – irrespective of size. In particular Criteria 2. c): *Whether the building or structure is designed and sited so that adverse effects on the Outstanding Landscape are avoided remedied or mitigated.*

Section 38 – Subdivision

Conservation Lots

4.25 Vela Trust supports the broad approach of Rule 8, Section 38 which provides for subdivision creating one or more of conservation lots in the Rural Zone as a restricted discretionary activity. This rule is generally consistent with the objectives and policies discussed above which seek to promote subdivision that protects and enhances natural values of the District.

As discussed below however, there are various aspects of this rule which render it unworkable and mean these outcomes will not be met.

4.26 The Rule limits the application to conservation lot subdivision to the Figure 1 Priority Locations for Indigenous Ecosystem Restoration and Enhancement. A sliding scale of 'benefit' is applied, depending on priority.

4.27 Based on the scale of the map in Figure 1 it is unclear whether the priority location areas on the sites include all areas of native bush worthy of protection. Vela Trust considers that there should be provision for the assessment of such areas, at the time of any subdivision consent application, to identify such areas through a rigorous ecological assessment as required under clause 1 d) of Rule 8.

4.28 Vela Trust considers that the Proposed Plan should provide for both methods to ensure that all the values of all potentially qualifying native bush and other features of value are assessed. Therefore, in addition to the relief sought above, Vela Trust seeks that as an alternative to the priority areas identified in the Proposed Plan, the assessment method in rule 1d) also be used to allow areas not yet identified in the Proposed Plan to be assessed at time of subdivision consent application. This could be achieved by amending the conjunction 'and' between 1c) and 1d) to an 'or'.

4.29 Vela Trust is concerned that rule 1 e) limits the number of conservation lots so created to two per site. This limit will not achieve the purpose of the rule, or the higher order objectives and policies above which are discussed above. This is particularly so, when for example the minimum of priority area to be protected is 4ha. On sites with large tracts of native bush, the protection of 2x4ha will not achieve the conservation outcomes sought.

4.30 In order to achieve the objectives of the Proposed Plan, the limit of 2 lots should be removed and replaced with an assessment criterion relating to the appropriateness of lots above a 2 lot minimum (rather than maximum) or other such appropriate method.

4.31 Finally, Rule 8 1 a) limits the application of conservation lot subdivision only to where "the site" has not been subject to a previous subdivision under the rule or 'any previous conservation lot provision since the date of the Proposed District Plan Decision Version dated 7 October 1998". While the intent of this rule to avoid "double dipping" is understood it fails to provide for circumstances where the Proposed Plan provides for greater conservation lot potential than that previously claimed, or where not all of the eligible native bush on a "site" has yet to be claimed. This rule effectively prevents later take up of unallocated eligible native bush and should be deleted.

5.0 Decision Sought

5.1 Vela Trust seeks the following decisions from Thames Coromandel District Council:

<u>Part II – Overlay Issues, Objectives and Policies</u>

5.2 **Retain** Objective 1, Section 6.

5.3 **Retain** Policy 1c, Section 6.

5.4 **Retain** Objective 1, Section7.

5.5 **Retain** Objective 1, Section 9.

5.6 **Retain** Policies 1a-e, Section 9.

5.7 **Retain** Objective 2, Section 9.

5.8 **Retain** Policies 2a and 2b

5.9 **Retain** Objectives 3 and 4, Section 9.

5.10 **Retain** Policies 3a and 3b, Section 9.

5.11 **Amend** Policy 3c, Section 9 to read *'without adverse effects'* rather than *'with adverse effects.'*

5.12 **Amend** Policy 3d, Section 9 to acknowledge that the enhancement of the Natural Character Overlay in the Coastal Environment could be promoted through the creation of Conservation Lots and other subdivisions.

Part III – District-wide Issues, Objectives and Policies

5.13 **Amend** Policy 3a, Section 15 to recognise that only inappropriate development in the Coastal Environment, outside of existing settlements, should be discouraged.

5.14 **Retain** Objective 1 and Objective 6, Section 16.

5.15 **Retain** Policy 1e and Policies 6a-6e, Section 16.

5.16 **Retain** Policy 1c, Section 24.

Part IV – Area Issues, Objectives and Policies

5.17 **Amend** Policy 7a, Section 24 to apply to *'inappropriate'* residential development only.

Part VI – Overlay Rules

5.18 **Amend** Rules 2 and 15, Section 32 to allow for up to 200m3 per site per calendar year as a permitted activity and any earthworks over that as a restricted discretionary activity, removing the non-complying activity status in the rule.

5.19 **Amend** Rule 5, Section 32 to remove the maximum gross floor area condition relating to the restricted discretionary activity: Condition 1. a).

5.20 **Amend** Rule 7, Section 32 to change the activity status for *"all subdivision activities"* to a restricted discretionary activity.

5.21 **Retain** Rules 10, 15, 16 and 19, Section 32

5.22 **Amend** the Outstanding Landscape Restricted Discretionary Matters contained in Table 2, Section 32 to include subdivision design, as a matter, and the extent to which the proposal is consistent with the relevant residential subdivision design principles (see Appendix 4.2), as an assessment criteria.

Part VI – District-wide Rules

5.23 **Amend** Rule 8, Section 38 by deleting clause 1 a) relating to previous conservation lot subdivisions; replacing the conjunction 'and' with or between clause 1c) and 1d) to allow site by site assessment of priority areas for protection; and deleting clause 1e) to remove two conservation lot maximum.

General relief

5.24 Such other or consequential relief to address the matters outlined in this submission and to give full effect to sections 5, 6, 7 and 8 of the RMA 1991 and otherwise achieve sustainable management.

6.0 Trade Competition

6.1 Vela Trust could not gain an advantage in trade competition through this submission.

7.0 Closure

7.1 Vela Trust wishes to be heard in support of its submission.

7.2 If others make a similar submission, Vela Trust will consider presenting a joint case with them at a hearing.

Date: 14th March 2014

*Signature:

Donald Hamish McIlraith LLB

Authorised Signatory

Contact details

Address for service of submitter: The Vela Trusts
c/- Boffa Miskell Limited
PO Box 91 250
Auckland 1142

Telephone: 09 357 4414

Fax: 09 359 5300

Email: richard.forbes@boffamiskell.co.nz

Contact person: Richard Forbes

Proposed Thames-Coromandel
District Plan

THAMES COROMANDEL DISTRICT COUNCIL

Submission Form

Form 5 Clause 6 of the First Schedule to the Resource Management Act 1991

Your submission can be:

Online: **www.tcdc.govt.nz/dpr**
Using our online submissions form

Posted to: **Thames-Coromandel District Council**
Proposed Thames-Coromandel District Plan
Private Bag, Thames 3540
Attention: District Plan Manager

Email to: **customer.services@tcdc.govt.nz**

Delivered to: **Thames-Coromandel District Council, 515 Mackay Street, Thames**
Attention: District Plan Manager (or to the Area Offices in Coromandel, Whangamata or Whitianga)

Submitter Details

Full Name(s) Judith and Rick Kramer

or Organisation *(if relevant)*

Email Address kramac@clear.net.nz

Postal Address 123 Kings Avenue, Matua, Tauranga

Phone no. *include area code* 07-576-1986

Mobile no. 021-401-570

Submissions must be received no later than 5 pm Friday 14 March 2014

If you need more writing space, just attach additional pages to this form.

PRIVACY ACT 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to make this information available under the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Thames-Coromandel District Council. You have the right to access the information and request its correction.

Your Submission

The specific provisions of the Proposed District Plan that my submission relates to are:
(please specify the Objective, Policy, Rule, Map or other reference your submission relates to)

Part 1 Section 3 - Definitions: Visitor accommodation

My submission is:
(clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your view)

I ***support*** ☐ ***oppose*** ☑ ***the above plan provision.***

Reasons for my views:

This definition is too broad, and should be amended to specifically exclude the rental of private homes to any number of persons. Requiring a resource consent for this activity is not warranted as the adverse character and amenity effects are not of scale or duration to require consent.

The decision I seek from the Council is that the provision above be:

Retained ☐ ***Deleted*** ☐ ***Amended*** ☑ ***as follows:***

"Visitor accommodation: means [current wording]. To avoid doubt, the rental of private dwellings for a tariff does not constitute visitor accommodation."

Proposed District Plan Hearing

I wish to be heard in support of my submission. ☑ *Y* ☐ *N*

If others make a similar submission, I will consider presenting a joint case with them at a hearing. ☑ *Y* ☐ *N*

Signature of submitter Judith and Rick Kramer ***Date*** 14 March 2014

Person making the submission, or authorised to sign on behalf of an organisation making the submission.

Trade Competition

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

I could gain an advantage in trade competition through this submission. ☐ *Y* ☑ *N*

If you could gain an advantage in trade competition through this submission please complete the following:

I am directly affected by an effect of the subject matter of the submission that –

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition. ☐ *Y* ☐ *N*

If you require further information about the Proposed District Plan please visit the Council website ***www.tcdc.govt.nz/dpr***

THAMES-COROMANDEL DISTRICT COUNCIL
Private Bag, 515 Mackay Street, Thames 3540
phone: 07 868 0200 | fax: 07 868 0234
customer.services@tcdc.govt.nz | www.tcdc.govt.nz

SUBMISSION TO THE THAMES COROMANDEL DISTRICT COUNCIL ON THE PROPOSED DISTRICT PLAN 13 DECEMBER 2013 AND THE THAMES COROMANDEL DISTRICT COUNCIL'S SECTION 32 REPORT ON THE PROPOSED DISTRICT PLAN 2013

We thank the Thames Coromandel District Council (TCDC) for allowing us the opportunity to provide comments on the Proposed District Plan (PDP).

We have also studied the Council's Section 32 (S32) Report that has been ostensibly completed in parallel with the Proposed District Plan. We consider that there are serious shortcomings in the S32 Report to the extent that we have also submitted comments on that document. We consider that this is an appropriate step considering the significance of the relationship of the S32 Report to the PDP.

Accordingly, this submission is in two parts as follows:

- Part I-Comments on the TCDC PDP.
- Part 2-Comments on the TCDC S32 Report on the TCDC PDP.

PART 1-COMMENTS ON THE TCDC PDP

General Comments

We note the use of the terms "will" and "shall" throughout this PDP. These are very prescriptive terms.

We would recommend that these be replaced with less prescriptive language please

We note that the Significant Natural Area (SNA) , biodiversity and indigenous vegetation rules in the PDP have been considerably re-drafted from the Draft District Plan 2012. We further note that this was confirmed separately in writing to us by a member of the TCDC Planning Staff.

The re-drafting of the SNA, biodiversity and indigenous vegetation rules has resulted in considerable additional restrictions being imposed on us, as private property owners, without consultation with us, which renders the permitted use of our property being seriously and markedly changed from that which applied at the time of purchase.

We are left with the impression that Council has set aside a golden opportunity to work collaboratively with private property owners to maintain biodiversity and landscapes in this District in favour of imposing rules by regulation. It would appear that this has been done without realising that many, if not most, private property owners in the District also value the environment that they live and work in and have taken active steps to improve biodiversity and indigenous landscape features on their land. These steps include noxious weed and pest management as well as additional plantings of indigenous vegetation or allowing the re-generation of indigenous vegetation with all the advantages that this provides for biodiversity and landscape protection and enhancement.

PART I

Section 3-Definitions

We request that the following terms, which appear within the PDP, be defined please:

- ***Ecosystem***
- ***Use and Development***
- ***Values***

Section 4 Information Requirements for a Resource Consent Application

4.2 General Requirements

Certificate of Title

Sub-paragraph 3

We note that a Certificate of Title that is no more than three months old with attached diagrams is required to be submitted with each application for a resource consent. A Certificate of Title is just that; it remains valid unless it is legally changed and if it is legally changed the new Certificate of Title becomes valid. If there is a rational reason why a Certificate of Title should be no more than three months old, then please insert that reason in the PDP so that ratepayers understand why it is necessary.

We request please that this requirement be amended as follows:

"A currently valid Certificate of Title with attached diagrams."

<u>OR:</u>

That the reason why a Certificate of Title must be no more than three months old be inserted in the PDP.

PART II-OVERLAY ISSUES, OBJECTIVES AND POLICIES

Section 6 Biodiversity

6.1 Background

It is our considered view that the significant potential restrictions implied in this section will potentially seriously impose on the ability for anyone to build a house as of right almost anywhere in the district. We query the rationale for these restrictions when the Council states in its S32 Report (Part IVA Consultation, Section 6-Biodiversity) on the PDP that:

"*Indigenous biodiversity in the District is improving, but largely because of the goodwill of landowners and community groups who replant and let regenerate, remove pests from land and help indigenous flora and fauna to thrive."*

So, if the above statement by Council is correct, then surely the best way forward is to build on that achievement by adopting the approach outlined in the National Biosecurity Strategy 2000 which under the Heading of Protection of Ecosystems and Habitats in The New Zealand National Biosecurity Strategy 2000 states, inter alia, that:

"Regulation alone is not a preferred option to protect remnant natural areas on private land. Many landowners actively manage remnant habitats now and want to be acknowledged for, and assisted in, what they are doing. Landowners generally don't react positively to being

told what to do on their land, therefore regulation is likely to be counterproductive and also risks losing many private "conservators" across the country. Nor is it possible to monitor and enforce a regulation-based regime on the scale that would be necessary. Securing the willing and active participation of landowners is therefore pivotal to sustaining indigenous biodiversity on private land."

We therefore request please that the PDP be amended to reflect the importance of a collaborative approach being taken by Council in partnership with private property owners, as a preferred first step.

6.2 Issues

We consider that the negative effects listed are general and lack scientific robustness. The specific ecological/scientific analysis that was carried out, and, over what time period needs to be stated. Using generalisations such as are contained in this list are not considered to be sufficient evidence, particularly where it leads to regulation affecting "reasonable use."

Further, to imply that all these "people" type activities will always have the negative effects that are listed is, at best, disingenuous.

We request that the PDP be amended accordingly.

6.3 Objectives and Policies

Policy 1a

Subparagraph d)

It is not clear what is meant by the term "buffer", as it is being used within this subparagraph. What does it consist of and how is it perceived as providing some sort of division between land use activities and areas of indigenous vegetation?

We request please that the PDP be amended to more accurately describe a buffer's make-up, its purpose and what it would contain.

Policy 1d

The designation "sustainable use" of indigenous vegetation in this policy has been confirmed (from the definitions in Section 3 and under Section 29 of the PDP) as requiring a resource consent to be lodged by the affected private property owner as well as arranging to have an assessment completed by a suitably qualified ecologist. In addition, private property owners will have to meet pest measures, regrowth/regeneration, monitoring, mitigation and nationally threatened or at risk species protection measures criteria outlined in Section 29 of the PDP. These regulatory and cost impositions on private property owners are considered to be in breach of Section 62 of the Biosecurity Act which states, inter alia, that:

"..each proposed rule would not trespass unduly on the rights of individuals."

This policy is also in breach of Principle 5 of the New Zealand National Biosecurity Strategy 2000 which states, inter alia, that:

"Respect for property rights, as well as their scope and associated responsibilities is essential to ensure a collaborative partnership is developed between resource owners and users and public agencies to sustain and conserve biodiversity."

We do not believe that it is reasonable for Council to ostensibly treat private property as if it was Council Reserve Land or Covenanted Land and, by so doing, shut down any "reasonable use" activity, particularly where areas affecting it have been judged as having high biodiversity value when no proper "on the ground" assessment (i.e. "evidence") of biodiversity gain or loss has taken place. The cutting of small amounts of manuka/kanuka firewood, permitted in the old operative plan and the draft plan of 2012 which is now revoked in the PDP is a very good example, in our view, of where "reasonable use" has been taken away from our property. Further, this "reasonable use" provision has been removed without any prior warning or consultation.

We also consider that it is very unfair for Council to be quoting various sections of the New Zealand Resource Management Act 1991(RMA) to justify the restrictions that Council are placing on our property whilst they appear to be ignoring the provisions of S85 of the same Act which states, inter alia, that:

"the term reasonable use in relation to any land includes the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person other than the applicant would not be significant."

We therefore request please that the text in Policy 1d, in its entirety, be deleted or amended to reflect the concerns outlined above.

Section 7 Coastal Environment

7.3 Objectives and Policies

We have serious concerns over the seemingly arbitrary nature that the coastal environment line has been placed onto the maps generally. In the case of our property, the line is well beyond (by hundreds of metres) behind our back boundary. Further, we would not have discovered this fact had it not been for another member of the community pointing out to us where to find this particular coastal "boundary line" for our area. The potential ramifications of this are extensive when one takes into account the objectives in this section; in particular Objective 1, bullet point 3. We do not believe that even Tangata Whenua would consider that their special relationship with the coast would extend kilometres inland.

We therefore request please that the rationale for the placement of this coastal environment line on all relevant maps for the District be objectively and independently reviewed with the aim of actually getting an accurate environmental line that is truly coastal as opposed to subjectively encompassing rural land that may be kilometres from the actual coastline.

It is also our considered view that there is a serious omission in the objectives of this section in that the importance of economic development in relation to the use of the coastal environment has not been included. We are aware that S5 of the RMA states, inter alia that;

"In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and

communities to provide for their social, economic, and cultural well-being and for their health and safety while……"

Surely that section of the RMA applies here?

We therefore request please that a provision for economic development should be included within objective 1.

Section 8 Historic Heritage

8.1.1

Paragraph Two

We note the reference to the New Zealand Archaeological Association (NZAA) in this paragraph.

To the best of our knowledge NZAA is a private entity whose objective is to promote and foster research into the archaeology of New Zealand. We are not aware whether the Association has any official standing at central government level nor are we aware whether any of its collated data on archaeological sites has been subject to valid independent analysis or verification. Further, we understand from the Association's website that "it lobbies central and local government entities for the protection of cultural heritage."

The PDP, by its nature is prescriptive. It is therefore critical that information being inserted into the PDP has a statutory basis. We therefore consider that archaeological guidelines and/or data from a private lobby group should not be included in the PDP unless the data has been independently validated or officially sanctioned.

It is therefore requested please that all reference to the NZAA be deleted from the PDP unless proof is included in the PDP that NZAA's data has been subject to independent validation or has been officially sanctioned.

8.3 Archaeological sites; Maori Cultural Sites

We consider that the term "Maori Cultural Site" does not adequately reflect the intent of the RMA.

We therefore request please that the term "Maori Cultural Sites" be replaced throughout the PDP with the term "Sites of Significance to Maori" as it is defined under Historic Heritage in the RMA.

Further we consider that all such "sites" must be of such significance that they are clearly identifiable as such. Once identified, all such significant sites must be included in the PDP so that all owners throughout all our communities have transparency. The record of these sites cannot be held anywhere outside the PDP as this would "hide" their location from affected property owners. Transparency is a fundamental democratic entitlement.

It is therefore requested that the PDP be amended to reflect our concerns above please.

Section 9 Landscape and Natural Character

9.1 Background

We note that the designations "Amenity Landscape," Outstanding Landscape" and "Natural Character" within the District Plan have been have been applied as a result of "people's perceptions," irrespective of the views of the private property owner. Who is to say that our view of an outstanding landscape (e.g. Cathedral Cove, the central forested spine of the Coromandel, Moehau) is any less reliable than that of any other person? The methodology for arriving at Amenity, Outstanding and Natural Character landscapes has not been transparent and it needs to be. Any process in a democracy that potentially imposes restrictions and costs on owners of property has to be transparent so that a meaningful assessment and debate by those most affected can take place. It is not sufficient to say this assessment was done by….. and it was reviewed by….etc.

We consider, from examining the Natural Character overlay on our property that it generally follows that of the original SNA overlay that was applied by Council, via a letter, in November 2011. We understand that Council is obliged to place a note in the Land Information Memorandum (LIM) for our property regarding any SNA or other Landscape overlay for the benefit of potential buyers. There will be consequences for owners. A potential section of the buyer market may be put off a property because of the restrictions that may flow from the overlay. In addition, the value of the property may drop. This does not appear to have been factored in by Council. It should be because it has adverse effects on our social and economic wellbeing.

Again, because of the desktop exercise nature of the process that was used to assess these SNA (which preceded these overlays), it is considered that their accuracy is suspect. Indeed, the Natural Character overlay in the PDP on our own property, where areas of cleared or grassed ground (historical) have been included in the overlay supports this view. This not acceptable for what is supposed to be a scaled overlay map; particularly when potential restrictions and rules may flow from it.

We therefore request please that, given the apparent subjective and arbitrary nature of the Amenity, Outstanding Landscape and Natural Character Overlay process and the inaccuracy of the Natural Character Overlay for our property that the Overlay be removed.

We further request please that an objective and independent review of the overall Landscape designation process in the PDP be undertaken and that such a review, its recommendations and eventual decisions by Council be totally transparent to the ratepayers of the District.

9.2 Issues

1. The statement "*Subdivision, use and development can degrade the values and characteristics of the District's outstanding and amenity landscapes by:……"* is a generality that implies that these activities will <u>always</u> cause degradation. That is simply not true.

2. The statement "*Subdivision, use and development can degrade natural character values of the Coastal Environment, wetlands, lakes and rivers and their margins by:……"* is a generality that implies that these activities will <u>always</u> cause degradation. That is simply not true.

Please amend the PDP accordingly

9.3 Objectives and Policies

Policy 1b (a)

The statement *"Are inconspicuous when viewed from public land;"* requires amendment as roads are public land. Surely we are not stipulating that nothing should be seen from any part of a road?

Please amend the PDP accordingly

Policy 1d

The statement "*Subdivision, use and development shall not contribute to cumulative adverse effects (including minor effects) that would result in degradation to the values and characteristics of the Outstanding Landscape."* leaves no room for any sort of compromise solution to be applied.

The words "including minor effects" should be deleted.

Please amend the PDP accordingly

Policy 3a

This policy appears to potentially preclude any sort of "people" activity. Further, it seems to potentially exclude any consideration of remedial or protective work such as seawalls, and, any land modification after slips that may be required to prevent a reoccurrence

Please delete Policy 3a in its entirety or amend the PDP accordingly

Section 10 Natural Hazards

10.3 Objectives and Policies

Policy 4b

In the event of a substantial tsunami, a natural barrier such as a sand bank or dune will not be resilient.

Please delete this policy from the PDP or amend it accordingly

Policy 4e

In the event of a substantial tsunami, a "soft" coastal defence will not be resilient.

Please delete this policy from the PDP or amend it accordingly

PART III –DISTRICT WIDE ISSUES

Section 15 Settlement Development and Growth

15.3 Objectives and Policies

Policy 6a

Apart from the words, *"potentially erodible slopes, and high class soils,"* this statement is similar to the statement in Policy 6b.

Please amend Policy 6b accordingly and delete Policy 6a in the PDP

Policy 7b

The statement *"Development should be 'future proofed' to allow retreat and/or relocation of structures and buildings where there is a potential future hazard risk."* does not make sense. What does it mean; buildings on wheels?

Please delete Policy 7b in the PDP or rewrite it so that it can be understood

Policy 7c

The statement "*Settlement growth in areas subject to natural hazards should not be justified on the basis that 'hard' engineering structures will be installed to lower the risk to a tolerable level."* precludes the possibility that such structures may well be installed to ensure such growth should that be necessary in the future. Is that the intent of this policy? If not, what is the intent; the text is not clear?

Please delete Policy 7c in the PDP or amend it so that it can be understood

Objective 8

Policy 8b

This policy potentially implies that the normal Council consent process could be "duplicated" for requests for development in these areas. The policy therefore needs to be carefully reworded to avoid such implications being drawn or subsequently acted upon.

Please amend Policy 8b to reflect our concerns with the current text.

Objective 10

Policies 10a to 10j

These policies appear to unreasonably restrict the recreational, business and social activities of residents/potential residents to the extent that one is left with the impression that generally no growth at all is going to be permitted in the specified areas. Is that the intent? If it is then the economy of the district is going to be potentially affected.

How does one measure against the statement *"Development and growth should not occur where it increases demand for additional water, wastewater, storm water and roading network infrastructure.?"* that appears in 11 of the policies? Is there a guideline for potential residents to access before they commit to purchasing land and building in these areas?

Further, are there not sufficient checks outlined elsewhere in the PDP?

We request please that these policy directives be objectively and independently validated with a view to amending the PDP accordingly.

Section 17 Tangata Whenua

Our comments regarding Policy 8b under Section 15 Settlement Development and Growth above apply here. Section 17 should not allow a dual-consent process to be set up with all the associated bureaucratic processes and potential additional costs that such a process would entail. Some of the wording (e.g. *"Tāngata Whenua should be involved with resource management matters…..")* implies that such a dual consent process could be imposed.

We understand and respect Treaty of Waitangi and Waitangi Tribunal processes but consider that the cultural and traditional rights of all those that make up our various communities need to be respected, notwithstanding the special relationship that exists, through the medium of the Treaty, between Maori and Pakeha.

We understand too that there is a general provision within the Waitangi Tribunal process that precludes individual privately held land under a valid Certificate of Title, from being considered as part of any compensation process. Further, successive central governments have gone to great lengths to assure the New Zealand public that privately held land will not, in any way, be affected by any process put in place for Tangata Whenua.

We therefore request please that the text in this complete Section 17 be carefully and sensitively independently reviewed to ensure that there is no ambiguity between the rights and requirements of Tangata Whenua and those of other private property owners throughout the community.

PART IV AREA ISSUES

Section 23 Residential Area

23.3 Objectives and Policies

Policy 1e

The statement *"Comprehensive residential development in the Residential Zone should be located within a reasonable walking distance from a Commercial Area." n*eeds to be modified. Why should development be restricted to just this criteria?

Please amend this policy accordingly or delete it from the PDP

Objective 2

The statement *"Buildings in the Residential Area are at a scale and form consistent with surrounding buildings and landforms."* implies that new buildings should be "the same" as existing buildings; is that correct? Could there not be some sort of compromise to ensure that prospective residents could apply a little originality to designs and build?

Please amend this objective accordingly or delete it from the PDP

Policy 2a

The statement *"Development should be of a similar scale to neighbouring buildings, except where they are visually offset by hills behind or beside them." is too restrictive and will add to consent costs/deliberations.* How is "visually offset" judged?

Policy 2b

The statement *"Larger scale, non-residential buildings should provide architectural interest through design features such as: windows, breaks and articulation recessions in the facade, balconies, landscaping buffers, and other details to reduce bulk and maintain the character of the Residential Area."* is unrealistic as it potentially adds unacceptable escalation to design and construction costs.

Policy 2c

The statement *"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."* is too restrictive and will stifle innovation and, potentially, investment. As with Policies 2a and 2b, Policy 3 seems to be ordering "conformity."

Please amend Policies 2a, 2b and 2c accordingly or delete them from the PDP

Policy 4b

The statement *"The design of a comprehensive residential development should acknowledge the site's context, adjacent public space, adjacent buildings and the character of the surrounding environment."* is too prescriptive and would place unacceptable cost escalations into both design and build. Again; why is that the PDP in this section is so intent on achieving "conformity" as opposed to allowing reasonable originality?

Please amend Policy 4b accordingly or delete it from the PDP

Objective 8

The statement *"Buildings in the Extra Density Residential Zone and the Waterfront Zone interact with the streetscape to create safe, pleasant and interesting public spaces and enhance the existing character of the locality."* is too prescriptive and will potentially escalate design and build costs.

Policy 8a

The statement *"Buildings in the Extra Density Residential Zone and the Waterfront Zone should front public spaces (including reserves and streets) through design features such as: windows (particularly on the ground floor), breaks and articulation recessions in the facade, balconies, and the main pedestrian entrances directly from the street."* is too prescriptive and will potentially escalate design and build costs.

Policy 8b

The statement *"Medium and long term vehicle parking, goods storage and other cluttering activities in the Extra Density Residential Zone and the Waterfront Zone should occur to the side or rear of the main building."* is too prescriptive and will potentially escalate design and build costs.

Policy 8c

The statement "*Development in the Waterfront Zone should enhance pedestrian and visual links and spaces between buildings and public spaces and the water's edge, where practicable."* is too prescriptive and will potentially escalate design and build costs.

Please amend Objective 8 and Policies 8a, 8b and 8c or delete them from the PDP

PART IV AREA ISSUES

Section 24 Rural Area

24.3

Objective 5

Policy 5b

We consider that property owners should be able to cut kanuka/manuka for their personal firewood use as well as see to indigenous vegetation that is threatening the safety of people and buildings (both as permitted activities) in the Coastal Environment.

Please amend Policy 5b accordingly or delete it from the PDP.

PART VI-OVERLAY RULES

Section 29 Biodiversity

29.4 Controlled Activities

Rule 4 Sustainable Use

The term "Sustainable Use" in the PDP means *"the removal of indigenous vegetation while retaining the biodiversity resilience of an indigenous ecosystem on the site over the long term (e.g. Ministry of Primary Industries harvesting permit, tea tree oil, manuka/kanuka firewood, tree fern harvesting)."*

The rule in the old operative District Plan and transferred to the Draft District Plan October 2012, which permitted the owners of privately owned land to cut up to 5cu/m of Tea Tree (Manuka/Kanuka) firewood annually has been removed from the PDP. This has been done without providing any evidence in the PDP of where and how the cutting of up to 5cu/m of firewood has damaged biodiversity in the Coromandel to the extent that a rule change was necessary.

Evidence is important; it is a responsibility that has to be discharged by citizens when providing submissions to the PDP but also by Council Planners when putting the PDP together. Quoting sections of the RMA, The New Zealand Coastal Policy (NZCP), the Biosecurity Act 1993, and the New Zealand Biosecurity Strategy 2000 is not, on its own, evidence. There must be concrete proof of a loss in biodiversity to lead to a regulation that strikes at the very heart of a cultural and traditional right, in particular. This is particularly so given Council's statement in the S32 Report (Part IVA Consultation, Section 6-Biodiversity) that:

"Indigenous biodiversity in the District is improving……"

For Maori, their cultural right to cut tea tree for their personal use goes back many hundreds of years; for Pakeha and others it is a traditional right that can be traced back some 200 hundred years.

Rule 4 now requires a resource consent (costing $1100) to be lodged, whenever a private property owner wishes to cut small amounts of tea tree firewood for personal use. In addition there will be fees for an assessment by a suitably qualified ecologist as well as for actions required to meet other criteria set in the table 1 at section 29.5 following Rule 4. within the PDP. In applying this Rule, Council has breached S62 of the New Zealand Biosecurity Act which states, inter alia, that "..each proposed rule would not trespass unduly on the rights of individuals"

S85 of the RMA, which allows for "reasonable use" of a resource by the owner, appears to also have been ignored. We consider that the cutting of small amounts of tea tree firewood on privately owned land for cooking food, heating water and keeping our home warm is, by any measure, "reasonable."

We therefore request please that the words "Manuka/Kanuka firewood" be removed from the term "Sustainable Use" in the Definitions Section of Part 1 of the PDP

Please insert the phrase "the cutting of up to 5cu/m of Manuka/Kanuka firewood annually" into the Permitted Activity list at Rule 3, Section 29.3 of the PDP

Notwithstanding our personal request, we do accept that there may well be a case for a graduated allowance to be considered against a number of factors pertaining to a particular block of land.

We would therefore recommend that consideration be given please to a graduated permitted activity kanuka/manuka firewood allowance based on number of dwellings or accommodations areas, cultural needs, dependency for all cooking and heating as a result of not been connected to electricity, size of the block and percentage of block covered in manuka/kanuka etc.

We are aware that a number of other previous permitted activities under Indigenous Vegetation rules in the old operative District Plan have been removed out of the PDP. These include (not exhaustive):

- The provision of a farm track 50m long and 2m wide
- The provision of 2m wide track either side of a fenceline

These sorts of rule changes affect an owner's ability to actively farm and maintain their properties. Specifically it denies tractor access when such a machine is required to get heavy equipment and materials to where it is needed.

We would therefore request that these two provisions be re-instated as permitted activities in Section 29 of the PDP

We further note that under Rule 3 of Section 29, Power companies, as well as notifying customers when line vegetation is required, can now also do the job using their own contractors or those commissioned by the power company. This could incur additional costs for the property owner. We consider that Councils should not be giving such licence to power companies in a PDP. Owners, as they have now, should be able to retain the right to go out to arborists and obtain the best quote themselves for the line clearance work that has to be done.

We therefore request that the PDP be amended accordingly to remove the text that gives power companies the right to use their contracted or commissioned tree cutters to do the work at the cost of the owner without recourse.

Section 31 Historic Heritage

31.4.2 Accidental site discovery protocol

General Comment on This Section

By its very nature, the PDP is prescriptive. Council therefore needs to be very careful when placing "policies or rules" in the PDP, that they follow from statutory requirements. This is particularly so in this section where we are expecting owners of affected land to act in good faith in accordance with the Historic Places Act. It is reasonable to expect Council to ensure that the owner is not saddled with additional unnecessary costs.

Subparagraph (c)

Notification to the Police and the Iwi representative for the area is sufficient to meet the requirements of the Historic Places Act.

Please delete the words "Notify the NZHPT Area Archaeologist" from (c)

Subparagraph (d)

The Police and the Iwi representative, in consultation with the land owner, are well able to confirm the nature of the discovery to meet the requirements of the Historic Places Act.

Please delete the words "the NZHPT Area Archaeologist" from (d) and amend the text accordingly

Subparagraph (e)

The Police and the Iwi representative for the area are well able to advise the owner of the land on the next steps to be taken once the nature of the discovery has been confirmed.

To the best of our knowledge there is nothing in the Historic Places trust Act which justifies the statement *"… an archaeological assessment must be carried out by a qualified archaeologist, and if necessary, an archaeological authority must be obtained from NZHPT before work resumes."* Indeed, this statement breaches S18 (3) of the Historic Places Act which states, inter alia, that *"No archaeological investigation shall be carried out under this section except with the consent of the owner and occupier of the land on which the site is situated."*

Please delete or modify the text in (e) accordingly

Subparagraph (g)

The Police and the Iwi representative for the area are well able to advise the owner of the land, on what must occur at the site, how it is to be processed, and when the owner is able to recommence project work at the site. Comments on Subparagraph (e) above, relating to an NZHPT archaeologist apply here.

Please delete or modify the text in (g) accordingly

31.4.4 Assessment of environmental effects to include

Our general comments made under Section 31.4.2 apply here.

Subparagraph (a)-(b)

Insufficient guidance is given here. What are the specific points of measurement? “Values” is too broad a word in this context.

Please delete or modify the text in (a) and (b) accordingly

Subparagraph (c)

Why is it necessary to offer a discussion of alternatives? How much time will this take? What are the costs of this?

Please delete the text in (c)

Subparagraph (d)

Insufficient guidance is given here. This section needs to clearly state the “subject” of the specialist report, why it is required and the criteria for the “suitably qualified specialist”

Please delete or modify the text in (d) accordingly

Subparagraph (e)

Previous comments apply in relation to an NZHPT archaeologist. This is not required. Where a known/listed Site of Significance to Maori is on or immediately adjacent to the affected site then the need for Tangata Whenua involvement is considered to be valid.

Please amend text of (e) to read “Where a known/listed Site of Significance to Maori is on or is immediately adjacent to the site, details of any consultation or engagement with Tāngata Whenua including any cultural impact assessment, measures to provide for the relationship of Tāngata Whenua to the area, or integration of Tangata Whenua culture and traditions into the development.”

Section 31.8

Table 2 Assessment Matters and Criteria

Subdivision

1 a) (v)

Previous comments relating to NZHPT refer.

Please delete (v) in its entirety

Section 32 Landscape and Natural Character Overlay

General Comment On This Section

The respective tables for assessment matters, standards and criteria under each of the three (Outstanding, Amenity and Natural Character) Overlay sections (commented on separately below) are very restrictive. They have flowed from the original Significant Natural Character designations that were placed, without warning, onto various private properties in the Coromandel, including our own in 2011.

The Natural Character Overlay that is designated for our property markedly and irreversibly changes the ability for us to enjoy the "reasonable use" of the resources of the land that applied when we first purchased the Title to it.

As alluded to earlier in this submission, we are not "wholesale destroyers" of our landscape. We purchased this property because of its setting and the environment which it shares with nearby properties. We have engaged in a systematic and ongoing campaign against pests and noxious weeds. We protect indigenous vegetation and encourage re-growth where we can consistent with "reasonable use" principles outlined in the RMA. We expect Council to recognise that we do this, and encourage us and assist us and not to resort to regulation as a first course.

The restrictions that they have applied to our property are a covenant by any other name. Covenants are supposed to be agreements between two or more parties not applied as they have been by Council. Council, in so doing, has taken away our "reasonable use" of our resources on the land in our Title. Council, in our view, has therefore breached S85 of the RMA.

32.3 Outstanding Landscape Overlay Rules

Rule 5

Subparagraph 1.

The statement "*One dwelling per lot that is a permitted, controlled or restricted discretionary activity in the underlying zone or districtwide rules is a restricted discretionary activity…."* needs to be deleted as one dwelling per an existing titled lot should be a permitted activity as of right surely?

Please delete Rule 5 1. In its entirety

Subparagraph 1. (a)

(a) What is the rationale for the statement *"The maximum gross floor area is 250 m2"?*

Please delete Rule 5 1. (a) in its entirety

Rule 5

Subparagraph 3.

The comments against Rule 5, 1. Above apply here.

Please delete Rule 5 3. in its entirety

32.4 Outstanding Landscape Overlay Assessment Matters, Standards and Criteria

Table 1

1. What is the rationale for restricting building heights to 5m?

Please amend or delete the text at Table 1, 1. accordingly

Table 2

Why have all the activities in this table been designated as “Restricted Discretionary”? Where is the evidence justifying council to exercise discretion? “Controlled Activity” designations permit council to “impose conditions relating to matters of control” This should be sufficient.

Please amend all “Restricted Discretionary” activities in Table 2 to read “Controlled “

32.5 Amenity Landscape Overlay Rules

Rule 10

One dwelling per an existing lot should be a permitted activity as of right surely?

Please amend Rule 10 accordingly

32.6 Amenity Landscape Overlay Assessment Matters, Standards and Criteria

Table 4

Why have all the activities in this table been designated as “Restricted Discretionary”? Where is the evidence justifying council to exercise discretion? “Controlled Activity” designations permit council to “impose conditions relating to matters of control” This should be sufficient.

Please amend all “Restricted Discretionary” activities in Table 4 to read “Controlled”

32.8 Natural Character Overlay Assessment Matters and Criteria

Table 5

Why have all the activities in this table been designated as “Restricted Discretionary”? Where is the evidence justifying council to exercise discretion? “Controlled Activity” designations permit council to “impose conditions relating to matters of control” This should be sufficient.

Please amend all “Restricted Discretionary” activities in Table 5 to read “Controlled”

Section 33 Maori Land Overlay

33.1 Background

Paragraph 3, which states that *“A number of papakāinga management plans developed under previous district plans are not carried into this Plan as site development plans the rules in this Section provide for the same development rights.”* is confusing as there appear to be words missing from the statement.

Please amend paragraph 3 accordingly to provide clarity and certainty.

The statement in the first sentence of Paragraph 4 *" The overlay rules in this Section operate differently to other overlay rules in that they enable activities rather than imposing greater restriction."* is confusing as it appears to conflict with the statement at Note 1 to Rule 2 in Section 33.3 which states *"Under the Rule Hierarchy in Section 1 Background and How to Use the Plan, if another overlay also applies to the Māori land, the more restrictive rules apply to the extent of any conflict."*

Please amend the first sentence of paragraph 4 so that it removes any ambiguity and aligns with the statement at Note 1 to Rule 2 of section 33.3

33.3 Permitted Activities

Rule 2

NOTE 1.

The statement *"Under the Rule Hierarchy in Section 1 Background and How to Use the Plan, if another overlay also applies to the Māori land, the more restrictive rules apply to the extent of any conflict."* has been interpreted by us to mean that if an Amenity Landscape, Outstanding Landscape or Natural Character Overlay falls across Maori owned land, then the greater restrictions under those three overlays apply. Is that correct? If so, the note needs to be more clearly written to avoid ambiguity.

Please amend Note 1. to ensure that the meaning is clear and provides certainty as to what does and does not apply

PART V11 DISTRICT WIDE RULES

38.6 Discretionary Activities

Rule 9

The statement " *Subdivision creating one or more additional lots within the Open Space Zone or Rural Area is a discretionary activity provided it meets the standards in Tables 2 and 3 at the end of Section 38."* appears to be overly prescriptive for these areas. Under "Restricted Discretionary" Council has the option to grant or refuse consent and impose conditions over the matters to which it restricted its discretion. This should be sufficient.

Please change Rule 9 from discretionary to restricted discretionary activity.

Rule 10

The statement "*Subdivision for environmental benefit lots in the Rural Lifestyle Zone is a discretionary activity provided:……..."* appears to be overly prescriptive for this zone. Under "Restricted Discretionary" Council has the option to grant or refuse consent and impose conditions over the matters to which it restricted its discretion. This should be sufficient.

Please change Rule 10 from discretionary to restricted discretionary activity.

38.7 Assessment Standards, Matters and Criteria

Table 2

Serial 11 Open Space Zone

What is the reason for the entry *"non-applicable"* against Open Space Zone?

Please amend Serial 11 accordingly

Serial 14 Rural Zone

Lots less than 20 Hectares in size may be more appropriate in some locations. There should be flexibility in the PDP to allow this.

Please amend Serial 14 accordingly

Serial 15 b) Rural Lifestyle Zone

The statement *"Minimum distance of any new lot boundary lines from the Conservation Zone….40m"* is considered to be excessive. What is the justification for this? Surely a buffer of lesser distance would be sufficient?

Please amend Serial 15 b) accordingly

Table 3

Serial 4 a) Conservation Zone Yard

The reference to the size of the buffer area between Rural Areas and the Conservation Zone in the statement "*A buffer area from the Conservation Zone that excludes buildings, decks and patios must be established as a consent notice on all new titles that adjoin the Conservation Zone. This buffer must be 5 m wide in Residential Areas and 25 m in Rural Areas from the Conservation Zone boundary."* is considered to be excessive. What is the justification for this? Surely a buffer of lesser distance would be sufficient?

PART VIII ZONE RULES

Section 41 Coastal Living Zone

41.2 Zone Purpose

Bullet Point 4

The statement *"Constraints on future growth, including infrastructure constraints;"* is not a characteristic it is a planning constraint which has been imposed.

Please delete Bullet Point 4 from this list of characteristics

41.4 Permitted Activities

Rule 7 Solar Panel

1 b)

The statement *"The maximum area of the building does not exceed 20 m²." appears to be excessively restrictive. Council should be encouraging the use of such devices to reduce dependency on other forms of power.*

Please delete Rule 7, 1 b)

41.9 Assessment Standards, Matters and Criteria

Table 5

Serial 8

The statement "*Maximum height in relation to boundary of the lot….2 m"* is overly restrictive; there should be an allowance for a greater height.

Please amend Serial 8 accordingly

Serial 9

The statement *"Maximum site coverage…..30 %"* is overly restrictive; there should be an allowance for greater site coverage.

Please amend Serial 9 accordingly

Serial 11

The statement *"Maximum solid fence height in a front yard, or a side yard within 10 m from the front boundary that adjoins a public walkway or Recreation Area…1.2m."* is overly restrictive; why cannot a usual standard height of 2m apply?

Please amend Serial 11 accordingly

Table 6

Serial 6 a)

The statement "The extent to which building design breaks up large buildings into smaller, visually interesting components that reduce the appearance of building bulk." is restricting functionality of design to enable intended use to be met. It is an unrealistic and potentially costly expectation to impose upon any owner.

Delete Serial 6 a)

Section 44 Extra Density Residential Zone

44.4 Permitted Activities

Rule 1 a)

The statement *"There are no more than 6 tariff paid visitors staying onsite at any one time"* is overly restrictive and the rationale for it is not stated. Surely, the key driver should be the extent of the accommodation that exists.

Please amend Rule 1 a) accordingly

44.9 Assessment Standards, Matters and Criteria

Table 5

1 l)

The statement "*"Maximum solid fence height in a front yard, or a side yard within 10 m from the front boundary that adjoins a public walkway or Recreation Area……1.2m"* is overly restrictive; why cannot a usual standard height of 2m apply?

Please amend Serial 1, l) accordingly

Table 6

Serial 6

The statement "*Building bulk and design: visually breaking up buildings into smaller, visually interesting components."* is restricting functionality of design to enable intended use to be met. It is an unrealistic and potentially costly expectation to impose upon any owner.

Delete Serial 6

Serial 7

The statement "*Garages not visually dominating the street frontage."* is overly restrictive and difficult to achieve when owners will usually want to place their garages in a position facing the street for ease of access/egress.

Please delete Serial 7

Table 7

Serial 5 b)

The statement *" The extent to which landscaping, urban design and onsite activities provide for passive surveillance of publicly accessible areas "* is overly prescriptive .

Please delete Serial 5 b)

Serial 6 a)

The statement *"The extent to which building design breaks up large buildings into smaller, visually interesting components that reduce the appearance of building bulk."* is overly prescriptive; previous comments apply.

Please delete Serial 6a)

Serial 6 d)

The statement "*The level of passive surveillance provided through the use of adequate and well sited windows, doors and balconies opening onto and/or overlooking the road and public spaces."* is overly prescriptive.

Please delete 6 d)

Section 48 Low Density Housing

48.4 Permitted Activities

Rule 1.

1

a)

The statement *"There are no more than 6 tariff paid visitors staying onsite at any one time "*is overly restrictive and the rationale for it is not stated. Surely, the key driver should be the extent of the accommodation that exists.

Please amend Rule 1. 1 a) accordingly

48.8 Assessment Standards, Matters and Criteria

Table 4

Serial 10

The statement "*Maximum site coverage 15 %"* is considered to be extremely restrictive; there should be an allowance for greater site coverage.

Please amend Serial 10 accordingly

Serial 12

The statement "*Maximum solid fence height in a front yard, or a side yard within 10 m from the front boundary that adjoins a public walkway or Recreation Are 1.2m"* is overly restrictive; why cannot a usual standard height of 2m apply?

Please amend Serial 12 accordingly

Section 51 Pedestrian Core Zone

51.4 Permitted Activities

Rule 5

1 a)

The statement "*There are no more than 6 tariff paid visitors staying onsite at any one time;"* is overly restrictive and the rationale for it is not stated. Surely, the key driver should be the extent of the accommodation that exists.

Please amend 1 a) accordingly

Section 54 Residential Zone

54.4 Permitted Activities

Rule 1

1 a)

The statement "*There are no more than 6 tariff paid visitors staying onsite at any one time;"* is overly restrictive and the rationale for it is not stated. Surely, the key driver should be the extent of the accommodation that exists.

Please amend Rule 1, 1 a) accordingly

Table 4 Comprehensive Residential Development Standards

Serial 1 l)

The statement *"Maximum solid fence height in a front yard, or a side yard within 10 m from the front boundary that adjoins a public walkway or Recreation Area 1.2 m*" is overly restrictive; why cannot a usual standard height of 2m apply?

Please amend 1 l) accordingly

Serial 2

This complete section is extremely restrictive. It potentially cramps creativity as well as placing real constraints on internal design to meet the stipulated space requirements around the structure.

Please delete this Serial in its entirety

Section 56 Rural Zone

56.4 Permitted Activities

Rule 3

1 a)

The statement *"There are no more than 6 tariff paid visitors staying onsite at any one time;"* is overly restrictive and the rationale for it is not stated. Surely, the key driver should be the extent of the accommodation that exists.

Please amend 1 a) accordingly

56.8 Assessment Standards, Matters and Criteria

Table 6 Standards

Serial 5

The statement *"Maximum site coverage 10 %"* is considered to be extremely restrictive; there should be an allowance for greater site coverage.

Please amend Serial 5 accordingly

Serial 6

The statement *"Maximum height in relation to boundary of the lot 2 m and 45°"* °" is overly restrictive; there should be an allowance for a greater height.

Please amend Serial 6 accordingly

Table 8 Restricted Discretionary Matters

Serial 4c

The statement "*Whether the activity is not located on high class soils unless the activity relies on these soils."* is overly prescriptive. How is such a characteristic ascertained across a lot? What happens if there are varying soil types across a lot?

Please delete Serial 4 c

Serial 4 h

The statement "*The extent to which the activity maintains rural vistas from the ocean or public places/viewpoints."* is potentially unrealistic. Roads are public places. Are we really stating that we are going to measure vistas from throughout the length of the roads in our District? What part of the ocean are we measuring vistas from and to? What ***are*** the specific criteria for measuring vistas?

Please delete Serial 4h

PART 2-COMMENTS ON THE S32 REPORT ON THE TCDC PDP

General Comments

We thank Thames Coromandel District Council for the opportunity to provide a submission to their Section 32 Report on the Proposed District Plan.

It is considered that there is frequent repetition of information between the "Consultation" parts of the Report and the Appendices.

There appear to be very few references to key decisions made by Review Committees in 2012 and 2013. Most references appear to be drawn from 2011 meetings. We would have expected there to be more references from 2012 and 2013 given our understanding (admittedly as laypersons) that the S32 Report is supposed to be a continuous process paralleling the transition from Operative District Plan to Draft District Plan (October 2012) to Proposed District Plan (December 2013).

There is insufficient discussion of the benefits of working with private property owners on biodiversity and landscape protection/enhancement measures. There is an apparent propensity for quoting references to key documents that support a regulatory approach whilst references within these same documents that appear to support "reasonable use" and a "collaborative approach with owners" have been omitted.

Particular concerns are outlined in the paragraphs below.

Part II Statutory and Policy

4.4 District Policies and Plans

4.4.1 Coromandel Peninsula Blueprint

We note the extensive reference to the Coromandel Peninsula Blueprint. We understand that this document has, in the main, been prepared by a small group of planners and other organizations. We are not aware that this document has been subjected to a statutory consultative process. Until such a process has been completed, it does not have any validity in terms of the wider community.

We therefore submit that because the Coromandel Peninsula Blueprint has not been subject to a statutory consultative process, it should not be included as a statutory or policy document within the Section 32 Report

Part III A Consultation

4.2 Comments Received Table

Serial 1

We note the comment *"Blueprint consultation"* in the "*staff comments"* section of the table at serial 1.

We submit that there was no community wide statutory consultative process applied to the Coromandel Peninsula Blueprint

Serial 8

We note the comment at Serial 8 of the table *"Dislike of the Blueprint, its content, and the follow-on policies in this section. Preference for more demand-led, ad-hoc development."*

We note too the parallel staff comments that *"This is part of a wider desire to remove restrictions on private land that has special values: landscape, biodiversity, natural character, achieving efficient use of infrastructure and services. Most of the community, and the District Plan's superior documents, support identifying and applying these values on land use to protect what makes Coromandel special."*

Where is the evidence supporting the conjecture that there is a *"preference for more demand-led ad-hoc development?"*

Where is the evidence supporting the conjecture that *"this is a part of a wider desire to remove restrictions on private land that has special values…..?"*

Where is the numerical and documented evidence supporting the statement *"Most of the community….."*

What are the *"District Plan's superior documents"* and what is it that makes them so?

We therefore submit that the comments at Serial 8 are seriously subjective and are not supported by any tangible evidence

We further submit that no policies should "follow on" from the Blue print (Coromandel Peninsula Blueprint) because it has not been subject to a statutory consultative process.

Serial 9

We refer to the references to the Coromandel Peninsula Blueprint.

We submit that there should be no references to the Blue print (Coromandel Peninsula Blueprint) because it has not been subject to a statutory community consultative process.

4.3 Key Questions and DPRC recommendations (20 March 2013)

References to the Coromandel Peninsula are noted; particularly that it is now part of the Regional Policy Statement.

We submit that there should be no references to the Blue print (Coromandel Peninsula Blueprint) because it has not been subject to a statutory community consultative process. The fact that Waikato Regional Council has made it part of their Regional Policy Statement does not morally legitimise the fact that the wider community were never consulted on it in the first place.

Part III B Consultation

2.3.2 Draft District Plan - Volume 3

Appendix 1 Archaeology Register

ICOMOS Charter

We note the reference to the ICOMOS (International Council on Monuments and Sites) in this section.

To the best of our knowledge, ICOMOS (internationally and here in New Zealand) is a Non-Government Organization. We are not aware whether ICOMOS has any official standing at central government level nor are we aware whether any of its principles in its charter have been independently validated or given official sanction.

Paragraph 2 of the Preamble in the Charter includes the following statement:

"….this charter sets out principles to guide the conservation of places of cultural heritage value in New Zealand. It is a statement of professional principles for members of ICOMOS New Zealand."

Paragraph 4 of the Preamble in the Charter includes the following statement:

"This charter should be made an integral part of statutory or regulatory heritage management policies or plans, and should provide support for decision makers in statutory or regulatory processes."

The statement at Paragraph 4 incorrectly implies that ICOMOS "principles" (for members of ICOMOS) can become legal "rules" and "regulations" for everyone else which they clearly cannot be without being subject to due process.

The danger of including such "principles" for the purpose of referral as contained in this section of the Section 32 Report which states *"The Charter can be referred to in the*

assessment of resource consent applications if considered relevant and reasonably necessary to make a decision on a resource consent application." is clearly illustrated in the last sentence of the following statement from the ICOMOS Charter (Paragraph 2, Section 3, Indigenous Cultural Heritage):

"The Treaty of Waitangi is the founding document of our nation. Article 2 of the Treaty recognises and guarantees the protection of tino rangatiratanga, and so empowers kaitiakitanga as customary trusteeship to be exercised by tangata whenua. This customary trusteeship is exercised over their taonga, such as sacred and traditional places, built heritage, traditional practices, and other cultural heritage resources. This obligation extends beyond current legal ownership wherever such cultural heritage exists."

It is our view that the last sentence of this statement would be in serious conflict with present New Zealand law.

We therefore submit that the ICMOS CHARTER should not be referred to in this document as a pretext for using it to decide on resource consent applications, as it has no statutory legal basis

New Zealand Archaeological Association (NZAA)

We note that New Zealand Archaeological Association (NZAA) material has been included in this appendix.

To the best of our knowledge NZAA is a private entity whose objective is to promote and foster research into the archaeology of New Zealand. We are not aware whether the Association has any official standing at central government level nor are we aware whether any of its collated data on archaeological sites has been subject to valid independent analysis or verification.

Further, we understand from the Association's website that "*it lobbies central and local government entities for the protection of cultural heritage."*

We support the contention that the Association does useful work regarding archaeological sites in New Zealand. However, we consider that archaeological guidelines and/or data from a private lobby group should not be included in the District Plan unless the data has been independently validated or officially sanctioned.

We therefore submit that "prescriptive requirements" should not follow through to the Proposed District Plan unless proof is included in the Draft District Plan that NZAA's Guidelines and Data have been subject to independent validation or have been officially sanctioned.

Section 5 Background

We note the comment in paragraph 1 of this section:

"Biodiversity" is not a byword for "areas of native bush." Instead, it is the variety of genetics, species and ecosystem types and their interactions"

The first sentence is misleading because the preservation of indigenous vegetation cover is essential to the maintenance of ecosystems. If this were not so, then the question could

reasonably be asked as to why so much emphasis is being placed on the *"preservation of indigenous vegetation"* in Council's documents.

We therefore submit that whilst accepting that biodiversity is not indeed "areas of native bush" those same "areas of native bush" assist the recovery of biodiversity. If this premise is accepted then New Zealand is doing reasonably well in maintaining its indigenous vegetation cover. In this regard, the 2007 State of the Environment Report stated that there had only been a 0.15% drop in such cover throughout New Zealand between 1997 and 2002. Further, we understand that all forest cover for the Coromandel is about 52% against the national average of about 20-25%. The statement "Biodiversity" is not a byword for "areas of native bush." therefore requires to be clarified or deleted.

We note too, the comment in paragraph 2. of this section:

"The 2007 State of the Environment report confirms that the task of halting indigenous biodiversity loss is still a challenge."

We submit that this statement is a "given" in that, in a modern world, halting indigenous biodiversity loss is always a challenge but that this, in itself, is not "evidence" that should lead to rules and regulations alone, as a means to an end. Evidence must be submitted to properly justify changes in rules or increases in restrictions, not "givens."

10.5 Prioritisation of Areas for Protection in the District Plan

10.5.1 The Regional Scale - The Waikato Regional Council Significant Natural Areas Project

We note the comments *"In 2009 Kessels & Associates were contracted by the Waikato Regional Council to prepare a report on Significant Natural Areas in the Thames-Coromandel District. This report used the 11 criteria from the operative Waikato Regional Policy Statement, updated with the latest information on threatened species, to determine significance."*

We note too the table containing the 11 criteria that Waikato Regional Council used to assess the SNAs.

We also note the comment *"The WRC Kessels Report not only determines significance, but also assigns attributes to each site e.g. ecosystem type, land tenure, confidence level, status of protection, potential threats, restoration potential etc."*

Finally we note the comment made under Section 10.5.2 The District Scale – Determining and Managing Natural Values for the District Plan Review that states, inter alia, *"The WRC Kessels Report is the best and most recent available information on natural values in the District. Although a desktop exercise, it drew on all available sources of information including specialist ecological knowledge. The level of confidence for most sites is high."*

We therefore submit that due to the detailed requirements outlined in each of the 11 criteria used by Waikato Regional Council to determine significance, but also assign attributes to each site e.g. ecosystem type, land tenure, confidence level, status of

protection, potential threats, restoration potential etc. that this would not be possible to achieve from a "desktop exercise" no matter how specialised the "ecological knowledge" of the assessor(s) was.

We further submit that, for the same reasons just outlined in our preceding paragraph "the level of confidence for most sites" would be potentially unlikely to be "high"

We further submit that given the level and extent of decision making that has resulted from this "desktop exercise" that it is a serious weakness in this Section 32 Report.

10.6 Identification of Thresholds based on Significance

We note the comment *"A Matrix was presented to the DPRC in the Direction Setting Report on the 29th of May. The matrix is a new tool employed to indicate minimum areas required to adequately protect ecological features based on priority and significance of an area."*

What is this matrix and what is the methodology that has been applied to it to ensure its validation?

We submit that there needs to greater transparency of the methodologies that are being used to categorise privately owned property or indeed any property for assessment and potential activity control purposes

We also note the comment under the heading Step 1:

"Choose sites that:

Are privately owned, unprotected and more than 0.5 ha in size;…."

Where is the rationale for choosing privately owned property and what mechanism has been used to justify the statement that "it is unprotected?" Does this statement mean that it does not have a covenant on it? If this is so, what evidence is being used to demonstrate that all uncovenanted private property is in fact "unprotected" when owners may be vigorously implementing their own protection measures to maintain biodiversity?

We therefore submit that such unsubstantiated statements cannot be used to categorize privately owned property or indeed any property for assessment and potential activity control purposes.

Part IVA Consultation

Section 6 Biodiversity

2.1 Introduction

We note the last sentence in the last paragraph of this section, which states:

"Indigenous biodiversity in the District is improving, but largely because of the goodwill of landowners and community groups who replant and let regenerate, remove pests from land and help indigenous flora and fauna to thrive."

We note too the first sentence under the heading "Operative District Plan Provisions" that *"The biodiversity rules have not been implemented well."*

We submit that if Council consider that "Indigenous biodiversity in the District is improving" in one part of this section then they cannot contend further down the same section that "the biodiversity rules have not been implemented well." Clearly they must have been implemented well otherwise indigenous biodiversity in the District would not have improved. This seemingly repetitive trend of lack of clarity and continuity of argument, and, robust evidence lends itself to potentially calling into account the overall integrity of this complete S32 Report

2.2 Alternatives Considered

It is noted that, in the main, the benefits and costs analysis and alternatives under this section in the tables relate primarily to the regulatory requirements that have been imposed on Council and how best these should be implemented.

We note too that there is significant reference again to the 11 criteria for assessing ecosystems and biodiversity in the Regional Policy Statement and the importance of these criteria to the identification and imposition of SNAs onto public and private land in the District.

Our previous comments on page 27 and 28 of this submission document, relating to the fact that this was a "desktop exercise" apply here.

We note too the staff comment in the table relating to the 11 RPS criteria at the bottom of Page 10 that:

"Potential for challenge from landowners who do not recognise the validity of the 11 criteria although they have gone through Court process and have been confirmed"

We submit that this is a "defensive comment" and misses the point of our concern, as private property owners, that it is not necessarily the validity of the criteria that is the issue, it was the nature of the "desktop exercise" that was applied to use them to designate SNAs on our property, which, in turn has led to new rules and restrictions being applied.

2.6 Regulatory Methods-Section 29-Biodiversity Rules

We note the staff evaluation comment relating to 29.4 Rule 4, and, 29.5 Table 1 (Controlled Activity Matters) on Page 22 that:

"Sustainable Use (which is defined in the 'Definitions Section of the Plan') is the only controlled activity in this section. It provides for well-managed, incremental cutting and planting. The assessment matters include the requirement for an ecological assessment, the consideration of appropriate pest management and the long-term sustainability of the activity."

Given that the application of Rule 4 and its related assessment matters for the cutting of manuka/kanuka firewood off privately owned land will result in a resource consent application (costing $1100), the cost of an ecological assessment and costs related to other assessments, it seems that Council has ignored the requirement to assess the economic, social and cultural effects of this rule on its communities. Iwi have cut manuka and kanuka for self-sufficiency and cultural reasons for hundreds of years and settler populations have

traditionally used kanuka/manuka for cooking and heating for some 200 years. It can therefore be argued that imposing such costs on owners for the privilege of cutting firewood off land that they own, will have an adverse economic, cultural and social effect on them.

Further, whilst community objection to the SNAs and the implications for LIMs is briefly mentioned in the tables, there is no real analysis of community concerns.

We therefore submit that this section of Part IV A of the S32 has not included a detailed assessment of the social, cultural and economic effects and costs and benefits of the proposed objectives and policies to the community. Further, there has been no real assessment of the effects on communities "reasonable use" of the resources on the land that they own. It is our understanding that any S32 Report has to address these matters. It is also our understanding that the imposition of such a rule would breach S85 of the RMA.

We further submit that an ideal opportunity to work with private property owners cooperatively has not been taken up by Council.

We further submit that insufficient respect has been demonstrated and little cognisance has been taken of how private property owners have and can contribute to the maintenance of biodiversity. This runs counter to Principle 5 of the New Zealand National Biosecurity Strategy 2000 which states, inter alia, that:

"Respect for property rights, as well as their scope and associated responsibilities is essential to ensure a collaborative partnership is developed between resource owners and users and public agencies to sustain and conserve biodiversity."

Section 8 Historic Heritage

4.3.1 Alternatives Considered

The continuing reference to the COCMOS Charter and the New Zealand Archaeological Association within the tables in this section on Page 32 of this Part is noted.

Our previous comments on Page 2 and 3 of this submission document apply here.

Section 9 Landscape and Natural Character

District Landscape Assessment

We understand that there were a number of landscape assessments completed by different organisations/individuals over time. In this regard, there is no transparency in this document as to what the results of these different assessments were and why the particular methodology described was the one that was adopted for application to the Proposed District Plan. Statements such as '*following best practice"* and *"the latest case law"* are not in themselves sufficient evidence to allow the reader to fully understand what process was followed and why. This omission of the "detail" is significant given that the end result is application of overlays over privately held property which potentially affects owner's reasonable use of the resources on that property.

We therefore submit that details of all landscape assessments should be included in this part of the S32 Report, together with an analysis of their content, the details of

any review, and the rationale for choosing the particular assessment/methodology that was adopted for the PDP.

Natural Character Assessment

It is considered significant that these landscape overlays have "evolved" from the original SNA Overlays that were applied to selected properties in late 2011. It has already been admitted by Council earlier in the S32 Report that these were applied via a "desktop exercise." It is reasonable to assume therefore that a "robustness of process" has not been followed through to these overlays. This is apparent in the Natural Character overlay on our own property, where areas of cleared or grassed ground (historical) have been included in the overlay. This not acceptable for what is supposed to be a scaled overlay map.

We therefore submit that "a desk top exercise" approach which has led to amenity, outstanding and natural character overlays being applied to selected properties has not been robust enough and that there are inaccuracies (at least in the case of our property).

Alternatives Considered

We note the staff comments under the heading "Efficient and Effective" in the final table on Page 67 of this Part of the S32 Report which states *"The use of the 'Natural Character Overlay' helps target protection and avoids blanket, general that are not location specific"*

The statement, apart from being incomplete, is misleading. The Operative District Plan has a robust resource consent process for anyone, anywhere in the District wanting to do something on their land that is not a permitted activity. Owners are required to take account of their environment and complete detailed assessments as part of the resource consent process. Council planners and inspectors visit the site prior to and during the process. There is adequate oversight of landscape issues, and the potential effects of a proposed project on adjoining properties and landscapes. We know this from our own experience with two separate projects involving resource consent applications where we considered the Council's existing rules to be already tight but fair.

We have not seen any evidence presented in this part of the S32 Report that critically analyses the present process, addresses its weaknesses and strengths then logically leads the reader as to why the process has been replaced by the "overlay" system. To justify this change on the basis that the existing system was "generic" does not, in our view, meet the stringent requirements of S32 of the RMA.

In, summary, this section, similarly to previous sections of this part lists alternatives and the costs and benefits of these in relation to meeting the requirements of the "regulatory" sections of the RMA, the RPS and The NZCPS. There does not seem to be any detailed analysis of the old rule and the rationale for therefore introducing the new. There is also no analysis of the social and economic effects of the various proposals on the community.

We therefore submit that this section of Part IV A of the S32 Report has not included a detailed assessment of the old existing policies and rules, their strengths and weaknesses and the rationale for setting them aside and introducing the new overlay rules. Further, there has been no detailed assessment of the social and economic

effects and costs and benefits of the proposed objectives and policies to the community. In addition, there has been no real assessment of the effects on the communities "reasonable use" of the resources on the land that they own. It is our understanding that any S32 Report has to address these matters.

Part IV B

Section 15 Settlement Development and Growth

The Plan's Settlement Development and Growth Chapter and the Coromandel Blueprint

We note the statements on Page 44 of this Part that:

"The format and nature of how the Plan will implement the Coromandel Blueprint ('the Blueprint') has been widely debated during the development of the Plan." and "The Blueprint project was undertaken as a collaborative venture of key stakeholders in the Thames-Coromandel District and was endorsed by all signatory parties."

The statements are misleading. The Blueprint has not been *"widely debated*" nor has it been *"a collaborative venture"* of ALL *"key Stakeholders in the District."*

As per our earlier comment on Page 24 of this submission, we therefore submit that there should be no references to the Blueprint (Coromandel Peninsula Blueprint) because it has not been subject to a statutory community consultative process.

We note the following comments on Page 46 of this Part regarding the *"guidance type"* use of the Coromandel Blueprint and the supposed *"community support":*

"The Plan has taken guidance from these documents and the 'Settlement Development and Growth' chapter picks up all the important issues, like the efficient use of existing or planned infrastructure, appropriate coordination of infrastructure provision and development, the protection of existing infrastructure and important natural and cultural values, acknowledgement of the special values of the coastal environment and the importance of preserving the District's natural and pristine environment while providing opportunities for economic growth, services and a variety of living options."

"It is also not inconsistent with some of the key matters that communities have expressed in their community plans…"

We submit that no part of the Coromandel Blueprint can be used in any way, including for "guidance," because it has not been subject to a statutory community consultative process. Further, trying to justify its use for "guidance" by stating that "it is not inconsistent with some of the key matters that communities have expressed in their community plans…" is not acceptable; particularly when the nature and extent of that support has not been quantified.

Part IV A Appendix

Section 6 Biodiversity and Significant Natural Areas

2.1.2 Central Government Policy

We note the following statement on Page 7 of this Appendix:

"The key point highlighted in the New Zealand Biodiversity Strategy (p. 126) is that the conservation of all New Zealand's significant indigenous natural vegetation requires protection on both public and private land."

"New Zealand's public conservation land does not contain the full range of our ecosystems. How we manage the ecosystems and indigenous species outside of protected areas, on crown land not managed for conservation purposes, i.e. private land and in freshwater environments is critical to halt the decline of New Zealand's biodiversity. Distinctive habitats and ecosystems in these areas continue to be at risk of declining condition and loss of their indigenous components."

We also note that Council has left off the rest of the qualifying text on page 127 of the New Zealand Biodiversity Strategy immediately following the above extracts that they have quoted. The next paragraph on Page 127 of the New Zealand Biodiversity Strategy, which relates to the quoted text above, reads:

"This Strategy proposes that agencies work together with land managers to ensure that the critical elements of our indigenous biodiversity are sustained. As a preference, land should remain in private ownership but be subject to changed management approaches that are sympathetic to indigenous biodiversity. To be effective, the Strategy requires the assistance of willing and active landowners. While many landowners are receptive to contributing to New Zealand's biodiversity goals, they need assurance that their efforts will contribute to a coherent larger programme. They are looking for partnerships based on mutual respect of their rights and responsibilities along with those of management agencies and other interest groups."

We therefore submit that any reader of this particular section of this Appendix would be left with the impression that council is only interested in quoting sections of a policy document that supports a "regulatory" approach and ignores or omits sections that support "collaboration" with owners of private property.

We note the statement in the last paragraph of this section on page 8 of this Appendix which states:

"In 2000 a group led by John Kneebone produced the report "BioWhat"10 specifically looking at mechanisms to protect and preserve biodiversity on private land. While the report acknowledged that regulation had a place in biodiversity protection, it was forthrightly suggested that non-regulatory methods should be used first. This was on the basis that non-regulatory methods which encourage and support private landowners and would be more likely to produce better outcomes for biodiversity. However a review of councils has shown that 93% use regulatory methods as the primary means of achieving the requirements of Section 6(c)"

The last sentence of the above paragraph is misleading in that there is no indication of how many councils were reviewed and therefore what number of councils makes up the "93%."

We therefore submit that the council's use of "percentage data" that lacks clarity to justify a regulatory approach to protecting biodiversity on private land rather than work with private property owners, is of concern.

The benefits of working with private owners is emphasized under the Heading of Protecting Ecosystems and Habitats, in The New Zealand National Biosecurity Strategy 2000 which states, inter alia, that:

"Regulation alone is not a preferred option to protect remnant natural areas on private land. Many landowners actively manage remnant habitats now and want to be acknowledged for, and assisted in, what they are doing. Landowners generally don't react positively to being told what to do on their land, therefore regulation is likely to be counterproductive and also risks losing many private "conservators" across the country. Nor is it possible to monitor and enforce a regulation-based regime on the scale that would be necessary. Securing the willing and active participation of landowners is therefore pivotal to sustaining indigenous biodiversity on private land."

We therefore submit that it is of grave concern that Council quote sections of The New Zealand National Biosecurity Strategy 2000 that support their concerns about private land (Please see page 7 of this Appendix) but neglect to acknowledge sections of the same Strategy document that recommend a collaborative approach.

Waikato Regional Council Checklist for Assessing Significant Natural Areas (SNA)

The detailed checklist on Page 18 (updated with revised criteria on Pages 21-24 of this Appendix) is noted. Again, it is considered extraordinary that a detailed assessment such as this could be used to identify SNAs, using a "desktop exercise" approach.

We therefore submit that due to the detailed requirements outlined in each of the 11 criteria used by Waikato Regional Council to determine significance, but also assign attributes to each site e.g. ecosystem type, land tenure, confidence level, status of protection, potential threats, restoration potential etc. that this would not be possible to achieve from a "desktop exercise" no matter how specialised the "ecological knowledge" of the assessor(s) was.

The statement on Page 24 of this Appendix is noted:

"Controls on significant indigenous vegetation and habitat in terms of Section 6 (c) are primarily aimed at the prevention of clearance and disturbance.31 Nearly all district councils have such rules (93%) and 58% also have controls on areas not identified as significant."

The comment in the second sentence is significant. There should be a link or footnote to the evidence supporting it. Where is the survey document and how was it carried out or where is the reference document that these percentages were drawn from?

We therefore submit that the council's use of "percentage data" that lacks evidence of how the percentages were arrived at is of concern.

The statement on page 25 of this Appendix is noted:

"An alternative response by district councils is not to include regulatory methods for the protection of significant indigenous areas and instead rely on education and advocacy to achieve protection. However, only four district councils have adopted this approach. Using non-regulatory methods for the protection of significant indigenous vegetation and habitats has generally been strongly opposed by conservation groups and agencies.32 The Courts, while being sympathetic to non-regulatory methods in achieving landowner support, have held that regulatory methods are required to provide a legal protection backstop.33"

No evidence is provided of the "*four councils"* comment above. Where is the reference to the document or study that produced this figure? The *comment "has generally been strongly opposed by conservation groups and agencies.*" is supported by a footnote reference mentioning just two groups, one of whom (Department of Conservation) is cited by council earlier in the S32 Report as admitting *"that it cannot maintain biodiversity on its own land, let alone advocate for it on private land."* Further, the comment *"The Courts, while being sympathetic to non-regulatory methods in achieving landowner support, have held that regulatory methods are required to provide a legal protection backstop"* is supported by one footnote reference referring to just one court action (dated 1996).

We therefore submit that these footnote references, on their own, do not provide sufficient evidence to support the apparent "widespread generalised" comment that council has made to justify its apparently preferred regulatory approach.

We note the comment on Page 30 of this Appendix:

"The extent of each vegetation type was determined from aerial imagery and ground truthing and compiled in a database by a separate contractor."

This contradicts the comment on Page 6 of the Legal Appendix to this S32 Report which states:

"… SNA's have not been ground truthed. This will occur through resource consents."

We therefore submit that such anomalies in a S32 Report are of concern.

The following comments on Page 37 of the Appendix are noted:

"……..Since this was primarily a desk-top exercise, most of the sites have not been surveyed in the field and little is known of their composition other than that derived from limited and often outdated data and interpretation of aerial photography (Kessels et al 2009)."

"Therefore, during the SNA determination an attribute called "Confidence in Significance" was used to indicate the confidence in the accuracy of the significance allocated to a site. In general, where reports of the site existed, or the site was personally known to staff, the confidence level was considered "high". Where the main vegetation type could be confidently determined, but other aspects such as health or species composition could not, the confidence level was considered "medium". Where the main vegetation type could not be confidently determined (e.g. indigenous vs. exotic scrub), or where indigenous sub canopy tiers could reasonably be expected to be present under an exotic canopy (e.g. willow wetlands) confidence levels were generally considered "low". This attribute is particularly

useful when prioritising sites for further field surveys, where those sites with "high" confidence rankings should be considered lowest in priority for field checks."

These comments underline all the problems that can occur with a "desktop exercise" where apparent subjective assessment takes the place of robust objective analysis.

We therefore submit that this section of the Appendix graphically illustrates the folly of conducting SNA assessments through the medium of a "desktop exercise." It is of particular concern when there is an expectation by owners of private property that processes that may result in additional restrictions being placed upon their land are transparent and robust.

5.5.4 Consolidated Landscape Assessment, Stephen Brown, 2012

I note the comment on Page 68 of this Appendix:

"During the review of the District Plan it became apparent that the information gathered through the previous landscape reports needed to be reviewed, reassessed and pulled together into one consolidated document.

The consolidated landscape assessment reviewed the maps and targeted ground-truthing was undertaken to ensure that the maps were accurate to a level to make them useful for the District Plan Overlay Maps."

What is meant by the phrase *"targeted ground truthing?"* What was the criteria driving this?

We submit that this process has not been robust enough given the inaccuracies that are prevalent on the natural character overlay for our property.

Part IV B Appendix

6.9 Implementing Coromandel Peninsula Blueprint growth strategy

We note the comments on Page 16 of this Appendix:

"The Coromandel Peninsula Blueprint Framework for our Future (2009) provides for the management of future development in the Thames-Coromandel District. This should:

(a) Ensure that development:

(i) is in keeping with the landscape, indigenous biodiversity, natural character and heritage values of the Coromandel Peninsula;

(ii) supports the efficient and effective use of infrastructure; and does not increase the risk from natural hazards;

(b) Focuses future urban development (beyond the existing zoning and infrastructure provision) on the three identified main centres of Thames, Whitianga and Whangamata; and encourages concentrated development through intensification and consolidation in these centres."

We submit that because the Coromandel Peninsula Blueprint has not been subject to a statutory consultative process, it should not be included as a statutory or policy document within the Section 32 Report.

5.3.1 The Coromandel Peninsula Blueprint

We note the comment on page 18 of this Appendix:

"The Coromandel Peninsula Blueprint project and the Framework for our Future document is a collaborative project involving Thames-Coromandel District Council, the Waikato Regional Council, Hauraki Whaanui and the Department of Conservation. Starting in 2006, it has captured the public's interest and attracted thousands of submissions."

Where is the evidence supporting the comment "attracted thousands of submissions?"

We submit that because the Coromandel Peninsula Blueprint has not been subject to a statutory consultative process, it should not be included as a statutory or policy document within the Section 32 Report. Citing the unsupported comment that "thousands of submissions were attracted" does not change this fact.

5.3.2 Local Area Blueprint

We note the comment on Page 20 of this Appendix:

"The Local Area Blueprint (LAB) picks up on the directions signalled in the Coromandel Peninsula Blueprint and looks in more detail at how individual catchments and settlements should be shaped."

Our previous comments regarding the Coromandel Blueprint apply here.

Summary Conclusion

In summary, we submit that the anomalies in this S32 Report, outlined in the preceding pages of Part 2 of this submission are sufficiently serious for us to recommend that both this S32 Report and the PDP it purportedly evaluates be independently reviewed

Request to be Heard

We request to be heard in support of our submission please.

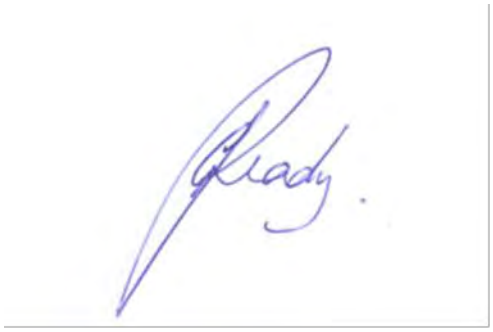
Joint Case for Hearing

We <u>do not wish to present a joint case with other similar submissions</u> please.

Thank you.

Yours sincerely,

Graeme Ready



Gloria Ready

14 March 2014

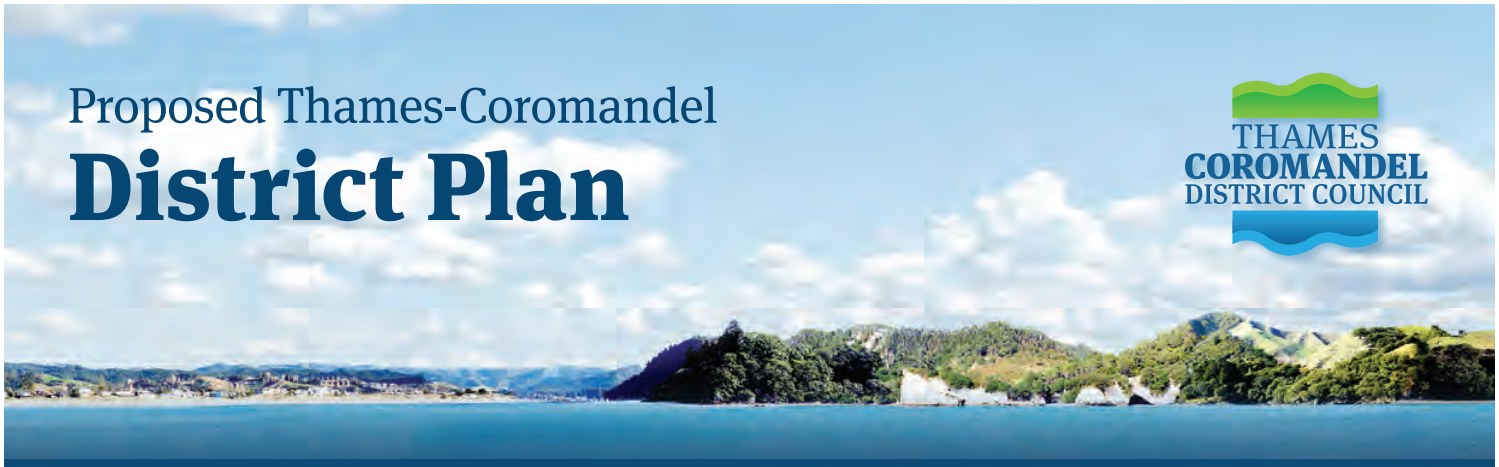
57 Woods Road South

RD4

COROMANDEL 3544

(07-8666-944)

EMAIL-Ready@farmside.co.nz



Proposed Thames-Coromandel
District Plan

THAMES COROMANDEL DISTRICT COUNCIL

Submission Form

Form 5 Clause 6 of the First Schedule to the Resource Management Act 1991

Your submission can be:

Online: **www.tcdc.govt.nz/dpr**
Using our online submissions form

Posted to: **Thames-Coromandel District Council**
Proposed Thames-Coromandel District Plan
Private Bag, Thames 3540
Attention: District Plan Manager

Email to: **customer.services@tcdc.govt.nz**

Delivered to: **Thames-Coromandel District Council, 515 Mackay Street, Thames**
Attention: District Plan Manager (or to the Area Offices in Coromandel, Whangamata or Whitianga)

Submitter Details

Full Name(s) David Wayne Mallowes

or Organisation *(if relevant)*

Email Address epharmacy@xtra.co.nz

Postal Address 316 Beverley Terrace, Whangamata

Phone no. *include area code* 09 5346548

Mobile no. 027 5277667

Submissions must be received no later than 5 pm Friday 14 March 2014

If you need more writing space, just attach additional pages to this form.

PRIVACY ACT 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to make this information available under the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Thames-Coromandel District Council. You have the right to access the information and request its correction.

Your Submission

The specific provisions of the Proposed District Plan that my submission relates to are:
(please specify the Objective, Policy, Rule, Map or other reference your submission relates to)

as detailed in letter attached to thsi submission

My submission is:
(clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your view)

I ☐ *support* ☑ *oppose* *the above plan provision.*

Reasons for my views:

Please refer to the accompanying letter

The decision I seek from the Council is that the provision above be:

Retained ☐ ***Deleted*** ☐ ***Amended*** ☑ ***as follows:***

Please refer to the accompanying letter

Proposed District Plan Hearing

I wish to be heard in support of my submission. ☐ *Y* ☐ *N*

If others make a similar submission, I will consider presenting a joint case with them at a hearing. ☐ *Y* ☐ *N*

Signature of submitter _____ ***Date*** _____

Person making the submission, or authorised to sign on behalf of an organisation making the submission.

Trade Competition

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

I could gain an advantage in trade competition through this submission. ☐ *Y* ☑ *N*

If you could gain an advantage in trade competition through this submission please complete the following:

I am directly affected by an effect of the subject matter of the submission that –

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition. ☑ *Y* ☐ *N*

If you require further information about the Proposed District Plan please visit the Council website ***www.tcdc.govt.nz/dpr***

THAMES-COROMANDEL DISTRICT COUNCIL
Private Bag, 515 Mackay Street, Thames 3540
phone: 07 868 0200 | fax: 07 868 0234
customer.services@tcdc.govt.nz | www.tcdc.govt.nz

THAMES COROMANDEL DISTRICT COUNCIL

14th March 2014

Dear Mayor Leach and TCDC Councillors,

RE: Letter in support of my Submission on the TCDC Proposed District Plan

My name is David Mallowes and I own a holiday home in Whangamata.

I **oppose** the various provisions for Visitor Accommodation throughout the Proposed Thames Coromandel District Plan ("Proposed Plan") as they relate to renting out of private dwellings/holiday homes.

There is no proven evidence that the consumption of local resources and the amenity effects on neighbours are any different with holiday rental holiday homes compared to properties used by their owner/family/friends.

RENTAL HOLIDAY HOMES ARE GENERALLY ONLY OCCUPIED FOR TWO TO THREE MONTHS OF EACH YEAR, AND FOR NINE TO TEN MONTHS OF THE YEAR ARE UNOCCUPIED BUT STILL CONTRIBUTING **FULL RATES** TO TCDC INCOME.

The proposed changes will affect existing holiday home owners, as well as those that aspire to holiday home ownership in the Coromandel. In particular I believe the rules:

- Will decrease the income I receive from my holiday home – income I use to offset expenses such as rates and maintenance.
- Could reduce the value of my property as holiday home ownership becomes less desirable in the Coromandel due to the limitations imposed on holiday rental.
- Will mean less choice for tourists wishing to stay in the Coromandel, resulting in fewer visitors to the region, impacting on Coromandel businesses as result.
- Will not change the amenity effects arising from holiday home usage on the Coromandel

I seek the following decision from the Thames Coromandel District Council:

As Principal Relief

(i) Amend the definition of *"Visitor Accommodation"* in the Proposed Plan, such that the rental of holiday homes is specifically excluded from the definition.

Or, in the alternative, if the principal relief in (i) above is not accepted

(ii) Amend all references to the permitted activity conditions for *Visitor Accommodation* in the various zones throughout the Proposed Plan relating to "*6 tariff-paid customers on-site at any one time*" instead amending this to "*12 tariff-paid customers on-site at any one time*", and delete any condition requiring the activity to be undertaken within an existing dwelling, minor unit or accessory building.

And, in relation to both (i) and (ii) above

(iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

I look forward to your response.

Yours faithfully,

David Mallowes