

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

THAMES-COROMANDEL
DISTRICT COUNCIL

11 MAR 2014

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16:01

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) Pohutukawa Slopes Ltd, c/- Thames Environmental Consultancy
or Organisation (if relevant) _____

Email Address das2@clear.net.nz

Postal Address PO Box 342 Thames 3540

Phone no. (07) 868 3079
include area code

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)

Map 24D Zones

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:

See attachment

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

Retained ☐ Deleted ☐ Amended ☒ as follows:

Change zoning of lot 1 DP 3866 22 (42 Ocean Beach Rd, Taiva)
from Rural to Coastal Living.

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

Donald Long

Date

11/3/14

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

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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)

Section 25 of the Plan

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:

Support the plan as written with additional provision for Site Development Plan of 42 Ocean Beach Road, Tairua. See attachment

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

Retained ☐ Deleted ☐ Amended ☒ as follows:

Include an additional Site Development Plan into section 25, as attached.

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

[Handwritten Signature]

Date

11/3/14

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

Trade Competition

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

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Your Submission

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(please specify the Objective, Policy, Rule, Map or other reference your submission relates to)

Section 38 Rule 8

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 rule does not support the aims of conservation.

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

Retained ☐ Deleted ☐ Amended ☒ as follows:

See attachment for amendments to section 38 rule 8

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

Donald Long

Date

11/3/14

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

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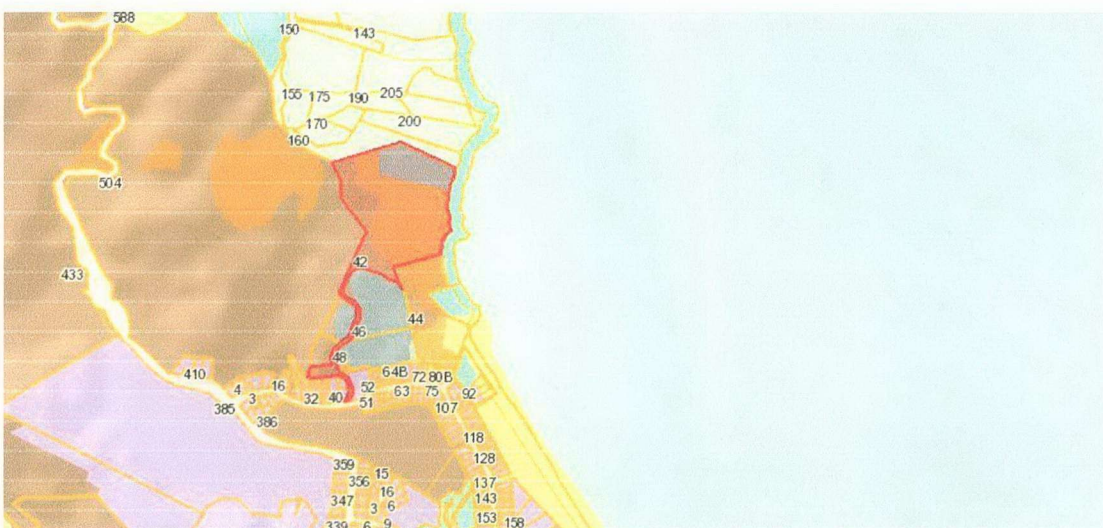
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Natural Character Overlay



Section 38 Rule 8 Table 1 – Priority Areas for Protection Overlay.

Note in this overlay the orange equates to “internationally to regionally significant of medium high or medium priority”. The blue areas on the map are areas already protected by covenant.

Although the property lies partially within the Council’s Coastal Environment overlay, the property is not listed within the Waikato Regional Policy Statement as being part of an outstanding natural feature and landscape of regional significance.



Excerpt from Over Map 24D Overlays

All of the mapped areas equate closely to the long term existing situation on the ground.

The current owners, Pohutukawa Slopes Limited, have spent the last five years undertaking a major rehabilitation and planting programme of the site and in particular the parts of the site covered by the overlays, and also additional planting within areas to the west of the areas recognised in the maps between the western property boundary and existing indigenous forested areas.

It is proposed for the long term to subdivide the land into four lots, two of which would lie within the Coastal Environment ("CE"), and two outside. Those in the CE would be to the east of the ridge line that equates to the CE line. The northern-most of the others would be

below the ridge line facing towards the south, and the southern-most would be in the small rectangular area immediately behind the houses along Ocean Beach Road.

Access within the property would be via an existing farm road that needs upgrading and is largely behind significant plantings along the south face.

The work undertaken on site to date by Pohutukawa Slopes Limited in rehabilitating this property has been assessed as per recommendations made historically by Bernard Brown, Landscape Architect, as follows:

Materials, Contractor Engagement	\$
Rabbit Vermin Possum Control	2000
Removal of Wilding Pines	36000
Control of Canadian Scotch Thistles	2500
Mulching of Pine Residue	5000
Gorse Privet Wattle Control	18000
Repairs/Renew Boundary Fence	5000
Erosion and Slip Control Mitigation	25000
Lawn Mowing to Suppress Weeds	10000
Spraying /Removing Pampas	1000
Species Tress to Boundary	4000
Trees Plants Ground Cover Flax (10000)	50000
TOTAL	158500
Labour	
20 hours per week	1000 hours per annum
2009-2013	5 years
Total Hours	5000 hours of labour

The critical aspects of the Environmental Court findings and the original PROPOSED LANDSCAPE PLAN prepared by Bernard Brown can be summarised as follows;

Task 1 Peripheral Fencing

Ensure the entire property has secure peripheral fencing particularly where the adjoining properties could run stock.

100% COMPLETE

Task 2 Pine Tree Removal

Fell or poison all Pine Trees and hand pull all Pine Seedlings on the property.

100% COMPLETE

Task 3 Define all Building Sites, Curtilage Zones and Future Drive Way Access

To be developed when a sub-division application is made.

Task 4 Provide revegetation planting of all existing pasture areas outside of all building sites and curtilage zones

Cleared of all gorse privet pines blackberry and weed.

To be completed when a sub-division application is made

Please note requirements

- 1 900 meter squared
- 2 3960 root trainers
- 3 Planting mix
 - 990 Kanuka
 - 990 Manuka
 - 990 Karamu
 - 990 Flax
- 4 Spot Spraying
- 5 Monitor establishment and release all plantings 3 times per year until canopy is covered.

0% COMPLETE

Task 5 Provide backdrop and screen plantings around curtilage zones for each building site

Please note requirements

- 1 4300 meter squared
- 2 488 specimen trees
- 3 Plant Species
 - Kauri
 - Pohutukawa
 - Cabbage trees
 - Northern Rata
 - Karo
 - Ngaio
 - Rewarewa

- 4 Spot Spray

10% COMPLETE

Site work is on-going in respect to task 5. Task 4 is undertaken when subdivision approved.

Before and after panoramic photographs are attached showing the changes that have been achieved within the property over the last few years. The previous photograph was taken by Hugh Forsyth, Landscape Architect in 2008.¹ The 2014 photograph was taken by Donald Sangster. Both photographs are 50mm equivalent horizontal photographs as joined panoramas. Note: all pines visible in the 2014 photograph are within land owned by others. The comparison of the two photographs shows substantial changes with weed removal, pine removal, plantings in pasture areas and along each side of the ridge line. Long term thickening of these plantings is intended under Tasks 4 and 5.

CONCERNS WITH CONSERVATION LOT PROVISIONS

Section 38 rule 8 provides for conservation lot subdivision in the Rural Zone in certain circumstances. These include that the site has not previously been subdivided under the rule, and that the land include “an area identified on Figure 1 Priority Locations for Indigenous Ecosystem Restoration and Enhancement”. A list “Table 1” then sets out allowances for differing levels of significance.

¹ EC ENV-2007-WLG-000088: Te Whakaruru Ltd, Evidence of Hugh Forsyth, 30 April 2008.

The proposed rule also restricts to two lots only as a restricted discretionary activity where land not previously subdivided under it. It is noted also that there is some confusion as to the meaning of Rule 8.3 in respect to non-complying activities, where it says “*Subdivision creating up to two conservation lots that does not meet the standards in Rule 8.1 a), b), d) or e) is a non-complying activity.*” As e) states that no more than two conservation lots can be created as a restricted discretionary activity, there is no need to refer to e) in Rule 8.3 as this rule is already limited to two lots.

The site includes approximately 7 hectares apart from an area of approximately 2.5 hectares already covenanted, that is shown Orange in Figure 1 and Table 1. The enrichment plantings can easily extend this to 8 hectares.

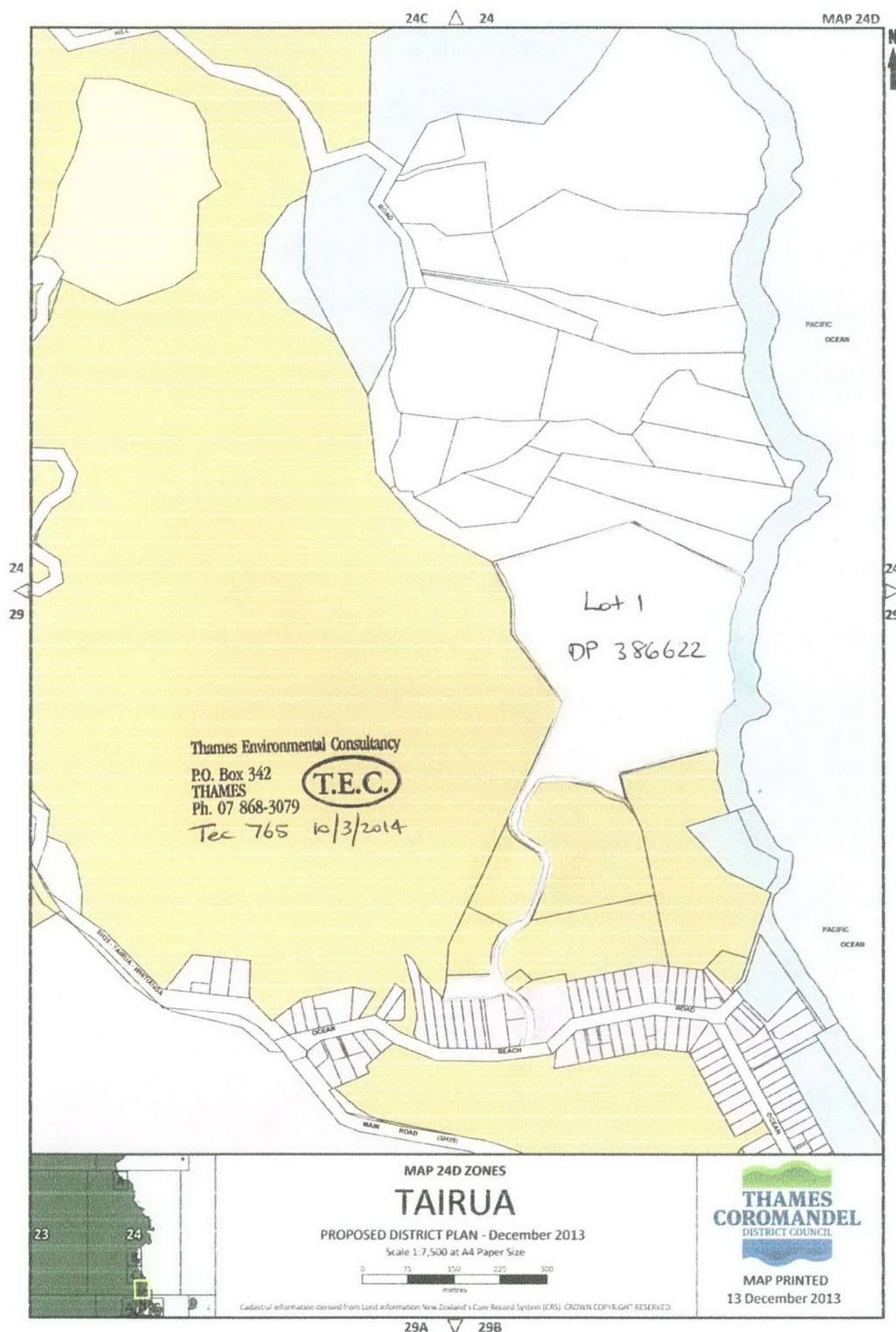
The proposed rule makes any such application a non-complying activity where covenant subdivision has been undertaken in the past. This effectively says that the significant area shown in the Outstanding Landscape and Natural Character Overlays, as well as Figure 1, cannot be subdivided unless the gateway tests under section 104B of the RMA are met. Although this is likely to be the case, the test is a difficult one, and it is submitted that situations and opportunities for protection such as these deserve an easier track to consent.

The ODP rule equivalent rule provided for one lot in the Rural Zone as a controlled activity, and two lots as a discretionary activity, whilst in the Coastal Zone, all such subdivision of up to two lots was discretionary. It appears that the criteria are now considerably tighter but these criteria include areas that are deemed Priority for Protection. The rules as notified will act as a counter to these priorities.

RELIEF SOUGHT IN THE SUBMISSIONS:

The following changes to the Proposed District Plan are sought:

SUBMISSION 1: Change the zoning of Lot 1 DP 386622 from the notified zoning of Rural to Coastal Living as per the following map:



SUBMISSION 2: Insert a “Site Development Plan” into section 25 as follows:**25.? - 42 Ocean Beach Road Site**

Development Plan Planning Map

24D

Legal Description Lot 1 DP 386622

Location 42 Ocean Beach Road, Tairua

Area 13.2000 hectares

Zone and Overlay Coastal Living Zone, Coastal Environment, Outstanding Landscape Overlay, Natural Character Overlay

25.?1 USER INFORMATION

All subdivision and development within the Site Development Plan area must be in accordance with the purpose and rules of the Site Development Plan and be in general accordance with the Site Development Plan diagrams. The purpose of the Site Development Plan sets the policy framework for all subdivision and development within the Site Development Plan area and will be used when assessing all applications for resource consent. The Rule Hierarchy set out in Section 1 Background and How to Use the Plan applies to this site development plan.

25.?2 PURPOSE

The purpose of this site development plan is to provide for low density residential subdivision whilst ensuring that the natural character of the Coastal Environment and its associated landscape, amenity and ecological values are protected and enhanced.

To achieve this purpose:

- a) Development intensity will be controlled by limiting the number of additional lots created and the number of dwelling sites permitted; and
- b) Existing indigenous coastal forest will be protected and enhanced; and
- c) The ecological and landscape values of the site will be protected and enhanced.

25.?3 RULES**RULE 1 Dwelling**

1 A dwelling:

- a) That is permitted in the underlying zone, district-wide and overlay rules is a **controlled activity**; or
- b) That is controlled or restricted discretionary in the underlying zone, district-wide and overlay rules retains its activity status.

Provided:

- c) There is only one dwelling (including any accessory buildings) per lot; and
- d) Where a subdivision has not been completed, a Landscape Management Plan for the entire lot that includes the information set out in Rule 2.1 f) i) - xiii) is included with the consent application.

2 The Council reserves its control and restricts its discretion over all the matters in Table 1.

3 A dwelling that is not a controlled or restricted discretionary activity under Rule 1.1 is a **discretionary activity**.

RULE 2 Subdivision

- 1 Subdivision is a controlled activity provided:
 - a) It meets the standards in Section 38 Subdivision Table 3; and
 - b) The site development plan area contains no more than four lots; and
 - c) The subdivision lines are generally consistent with Diagram A; and
 - d) One shared access is achieved; and
 - e) A defined building area is identified on each additional lot to be used for one dwelling and accessory buildings; and
 - f) A Landscape Management Plan is included in the subdivision application to give effect to the purpose of the Site Development Plan. The Landscape Management Plan must:
 - i) Identify existing areas and types of indigenous vegetation within the site; and
 - ii) Specify the areas, numbers and plant species to be established within the site; and
 - iii) Specify how ecological corridors will be established throughout the site to ensure the ecological integrity and ongoing regeneration of the site; and
 - iv) State the means by which the on-going protection and maintenance of the new and established plantings will be ensured; and
 - v) Set out methods and timeframes for the removal of the pine trees and ongoing management; and
 - vi) Set out methods for habitat enhancement for kiwi; and
 - vii) Ensure the protection of all coastal climax trees including Pohutukawa, Karaka, Kowhai, Kohekohe, Nikau, Totara, and Puriri; and
 - viii) Require advice to be taken from a qualified arborist where any activity may threaten the species referred to in vii) above; and
 - ix) Assist the natural regeneration of all the primary species such as Kanuka, Manuka, Karamu, Karo, Mahoe, and Kawakawa; and
 - x) Allow only such selective removal of primary species located within the newly created lots to accommodate one dwelling site, accessory buildings, vehicle access and manoeuvring areas, fire protection and limited domestic garden on each lot (all of which shall be located wholly within the 'defined building area' and their associated vehicle access); and
 - xi) Ban the keeping of any cats or dogs on any lot unless in the case of dogs they have current proof of having successfully completed an annual kiwi aversion training programme; and
 - xii) Include measures for the eradication and on-going control of weed and plant pest species; and
 - xiii) Identify the location and size of the defined building area within each lot; and
 - xiv) Provide recommendations for building height, bulk, colours and materials; and
 - xv) Include ongoing monitoring and management in the form of a covenant or other suitable legal mechanism that ensures the purpose of the Site Development Plan is upheld in perpetuity.
2. The Council restricts its control to all the matters in Table 1 below, Section 38 Subdivision Table 4 and Section 25.2.2 Purpose.
3. Subdivision that is not a controlled activity under Rule 2.1 is a **non-complying activity**.

Table 1 - Controlled and Restricted Discretionary Activity Matters

Matter		Assessment Criteria	
1.	Landscape management and ecosystem enhancement and protection	a)	<p>The extent to which the proposed management plan will achieve the purpose of the Site Development Plan including ensuring that:</p> <ul style="list-style-type: none"> i) Development intensity is limited to three additional lots, each with a defined building site; and ii) The landscape and ecological values of the land are protected and enhanced.
2.	Subdivision layout, including building platforms, vehicle access and indigenous vegetation	a)	<p>Whether the subdivision configuration is appropriate ensuring that:</p> <ul style="list-style-type: none"> i) Useable building platforms are defined and situated below ridge and / or tree lines and headlands; and ii) Appropriate access is constructed; and iii) Indigenous vegetation removal for building platforms and vehicle access is minimal.
3.	Legal mechanisms	a)	<p>Whether the legal mechanism ensures that the purpose of the Site Development Plan is achieved in perpetuity and the Site Development Plan content will be effectively implemented.</p>

SUBMISSION 3: Change Section 38 Rule 8 as follows:

- Option 1: Either: delete rule 8.1(a) ie *“The site has not been the subject of a previous subdivision under this rule or any previous conservation lot provision since the date of the Proposed District Plan Decision Version dated 7 October 1998; and”*.
- Option 2: Or, replace it with: *“The site has not been the subject of a previous subdivision under this rule; and”*.
- If Option 1 is taken, subsequently re-letter Rule 8.1 b) to e) as a) to d), and change Section 38 Rule 8.3 to read *“... Subdivision creating up to two conservation lots that does not meet the standards in Rule 8.1 a) or c)”*.
- If Option 2 is taken, change Section 38 Rule 8.3 to read *“... Subdivision creating up to two conservation lots that does not meet the standards in Rule 8.1 a), b) or d)”*.

THE REASONS FOR THE RELIEFS SOUGHT

Note: All reliefs can be seen together or as separate elements.

SUBMISSION 1: Zone Change to Map 24D.

The land in the title is not suitable for rural activities such as grazing, farming or forestry. The majority of the land has been identified as being an Area of internationally or regionally significant Location for Indigenous Ecosystem Restoration and Enhancement of medium high or medium priority. A zone change to allow more owners to actively be involved in the planting programme by increase in equity in the property is going to enhance the ability to achieve the outcomes anticipated by its status.

A zone change to Coastal Living Zone would still restrict the ability to use the site for residential purposes to very small areas and curtilages. For this reason, it is considered that the Site Development Plan would overlay the zone change.

SUBMISSION 2: Inclusion of a new Site Development Plan in Section 25.

This layout is proposed as the mechanism for ensuring all amenity values are preserved or enhanced. The three requested upper house sites are in the process of being obscured from public views to the south, and the southern-most is just on the edge of Tairua township and properly relates to that location. The southern-most site is orphaned if not used for residential purposes. If the zone change is not accepted, the Site Development Plan can be applied to the existing Rural Zoning to similar effect.

SUBMISSION 3: Change to Section 38 Rule 8.

The change to the conservation lot rules is sought on the basis that the rule as notified is a discouragement to protection of land that has been identified as being particularly suitable for doing so, with high priorities attached to it. In effect, the rule the way it is written leaves land such as this having no more real status than all other areas outside of the Priority Areas. The ability to create two lots on the basis of the "orange" status in section 38 rule 8c), without going through a non-complying activity status, would provide recognition for the ecosystem status of the site and the work undertaken by the submitters to enhance this status.

STATUTORY SUPPORT FOR RELIEF SOUGHT

The attached provisions from the RMA, New Zealand Coastal Policy Statement 2010 and the Waikato Regional Policy Statement Decisions Version November 2012 are supported by the three reliefs sought.

Part II RMA

Section 5

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) 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 wellbeing and for their health and safety while—
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 6(a) and (c)

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

Section 7(b), (c), (d), (f), and (g).

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (b) The efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity values;
- (d) Intrinsic values of ecosystems;
- (f) Maintenance and enhancement of the quality of the environment;
- (g) Any finite characteristics of natural and physical resources;

The New Zealand Coastal Policy Statement 2010 (Appendix 1)

Objective 1(bullet points 1 and 2) and Objective 2 in regard to the coastal environment and its natural character, natural features and landscape values.

With the work that has been done in the site to reinforce the above, some development is reasonably provided for under objective 6.

In support of the objectives, the following policies are relevant to the reliefs sought:

- Policy 1 Extent and characteristics of the coastal environment, particularly (1) and (2)(f).
- Policy 13 Preservation of natural character.
- Policy 14 Restoration of natural character, particularly (a) and (c)(i) – (iii).
- Policy 15 Natural features and natural landscapes.

Waikato Regional Policy Statement (Appendix 2).

The site is not listed amongst the Outstanding Natural Feature and Landscapes of Regional Significance (ONFL) section 12A. Therefore policy in regard to such matters is not listed.

A considerable amount of the relevant policy is subject to appeal. The policies most particularly regarded as relevant are:

- 6.2 Planning for development in the coastal environment (subject to appeal),
- 12.3 Preserve natural character (subject to appeal), and
- 12C Natural character of the coastal environment: assessment criteria.

All of the reliefs sought by the submitters support the outcomes anticipated in Part II of the Act, and these policies from the NZCPS and RPS.

For and on behalf of Pohutukawa Slopes Limited

**Donald Sangster
Planner MNZPI**

APPENDIX 1: NZCPS 2010 PROVISIONS

OBJECTIVES

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Particularly objective 1 bullet points 1 and 2, and all of objective 2.

Objective 6

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

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;

POLICIES

Policy 1 Extent and characteristics of the coastal environment

- (1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.
- (2) Recognise that the coastal environment includes:
 - (f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;

Policy 13 Preservation of natural character

- (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;
 including by:
 - (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
- (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - (a) natural elements, processes and patterns;
 - (b) biophysical, ecological, geological and geomorphological aspects;
 - (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - (d) the natural movement of water and sediment;
 - (e) the natural darkness of the night sky;
 - (f) places or areas that are wild or scenic;
 - (g) a range of natural character from pristine to modified;
 - (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by :

- (a) identifying areas and opportunities for restoration or rehabilitation
- (c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:

- (i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or
- (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or
- (iii) creating or enhancing habitat for indigenous species; or

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

including by:

- (c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - (i) natural science factors, including geological, topographical, ecological and dynamic components;
 - (ii) the presence of water including in seas, lakes, rivers and streams;
 - (iii) legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - (iv) aesthetic values including memorability and naturalness;
 - (v) vegetation (native and exotic);
 - (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
 - (vii) whether the values are shared and recognised;
 - (viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - (ix) historical and heritage associations; and
 - (x) wild or scenic values;
- (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules;
- (e) including the objectives, policies and rules required by (d) in plans.

APPENDIX 2: WAIKATO RPS 2010 PROVISIONS FROM 2013 APPEALS VERSION

BUILT ENVIRONMENT

Policy 6.2 Planning for development in the coastal environment

Development of the built environment in the coastal environment occurs in a way that:

- a) ensures sufficient development setbacks to protect coastal natural character, public access, indigenous biodiversity, natural physical processes, amenity and natural hazard mitigation functions of the coast;
- b) protects hydrological processes and natural functions of back dune areas;
- c) has regard to local coastal character;
- d) allows for the potential effects of sea level rise, including allowing for sufficient coastal habitat inland migration opportunities;
- e) protects the valued characteristics of remaining undeveloped, or largely undeveloped coastal environments;
- f) ensures adequate water, stormwater and wastewater services will be provided for the development;
- g) avoids increasing natural hazard risk associated with coastal erosion and inundation;
- h) has regard to the potential effects of a tsunami event, and takes appropriate steps to avoid, remedy or mitigate that risk;
- i) avoids ribbon development along coastal margins;
- j) does not compromise the function or operation of existing or planned coastal infrastructure; and
- k) provides for safe and efficient connectivity between activities occurring in the coastal marine area and associated land-based infrastructure.

The relevant objectives are:

- 3.1 Integrated management
- 3.1A Resource use and development
- 3.2 Decision making
- 3.4 Energy
- 3.5 Adapting to climate change
- 3.6 Coastal environment
- 3.7 Ecosystem services
- 3.11 Built environment
- 3.12 Marine water quality
- 3.15 Riparian areas and wetlands
- 3.18 Ecological integrity and indigenous biodiversity
- 3.20 Amenity
- 3.21 Natural character
- 3.22 Public access
- 3.23 Natural hazards
- 3.24 Values of soil

Comment [k71]: Environmental Defence Society Inc ENV-2012-AKL-000247, new clauses requested

Note: Appeal seeks further provisions.

12 Landscape (including seascape), natural character and amenity

Policy 12.3 Preserve natural character

Ensure that activities within the coastal environment, wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character:

- a) where pristine or outstanding, activities should only be allowed when there would be no loss of natural character;
- b) where natural elements/influences are dominant, activities should be undertaken in such a way that natural character is maintained or enhanced; and
- c) where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered.

The relevant objectives are:

- 3.3 Health and wellbeing of the Waikato River
- 3.6 Coastal environment
- 3.21 Natural character

Implementation methods

Comment [k232]:

- Genesis ENV-2012-AKL-000243
- Mighty River Power Ltd ENV-2012-AKL-000235
- Taupo Tourism Holdings Ltd ENV-2012-AKL-000237

Implementation methods

12.3.1 District and regional plans

Regional and district plans shall:

- a) recognise that different levels of natural character exist within the coastal environment and inland **water bodies** and their margins;
- ab) map or otherwise identify areas of high natural character in the coastal environment using the criteria in section 12C (Table 12-3);
- b) ensure activities are appropriate with respect to the level of natural character, including particularly those activities that:
 - i) alter the natural appearance and functioning of beach and dune systems, or wetlands, lakes or rivers (and their margins);
 - ii) damage or remove areas of indigenous vegetation;
 - iii) introduce man-made elements/structures where none were previously present or obvious; or
 - iv) introduce man-made elements/structures into a modified area which results in a significant change to natural character; and
- c) have particular regard to the following:
 - i) protecting the special values of inland water bodies, estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them;
 - ii) safeguarding the life-supporting capacity of fresh water aquatic, coastal and marine ecosystems;
 - iii) maintaining or enhancing indigenous biodiversity and the functioning of ecosystems;
 - iv) location, design and form of the man-made elements/structures and any mitigation measures necessary or proposed;

- v) protecting natural functioning of physical processes over a 100-year timeframe;
- vi) protecting geological features; and
- vii) protecting surf breaks of national significance for surfing.

Comment [k233]:

• Federated Farmers of New Zealand ENV-2012-AKL-000255
 • Mighty River Power Ltd ENV-2012-AKL-000235, add 2 new clauses to (c)

12.3.2 Enhance natural character where compromised

Local authorities should identify opportunities to enhance, restore or rehabilitate the natural character of the coastal environment, wetlands, and lakes and rivers and their margins where it has been compromised, including when undertaking works and services or preparing or reviewing growth strategies, structure plans, or regional and district plans. In particular, opportunities to achieve the following should be considered:

- a) the removal of derelict or unnecessary structures;
- b) restoration or enhancement of natural elements;
- c) enhancement of water quality;
- d) modification of existing development to be less intrusive; and
- e) de-reclamation of redundant reclaimed land.

Explanation

Preserving the natural character of the coastal environment, wetlands and lakes and rivers and their margins is a matter of national importance under the Resource Management Act. This will be achieved by directing development to areas where natural character is already compromised. This recognises that the intent of the legislation is not to preserve natural character everywhere, and that the higher the level of modification, the more appropriate development will be in a given situation.

Comment [k234]: Taupo Tourism Holdings Ltd ENV-2012-AKL-000237

Many of our coastal and riparian areas have been modified so it is intended that modification not be allowed in those few places where the natural character is unmodified (that is, pristine). In areas that are highly modified, there may be opportunities for local authorities to achieve the enhancement of natural character, such as when undertaking works and services or authorising activities and using simple measures such as planting appropriate native species as part of landscaping activities.

Criteria are provided in 12C (Table 12-3) to guide plans in identifying areas of high and outstanding natural character in the coastal environment. The criteria provide consistency and give effect to Policy 13 of the NZCPS.

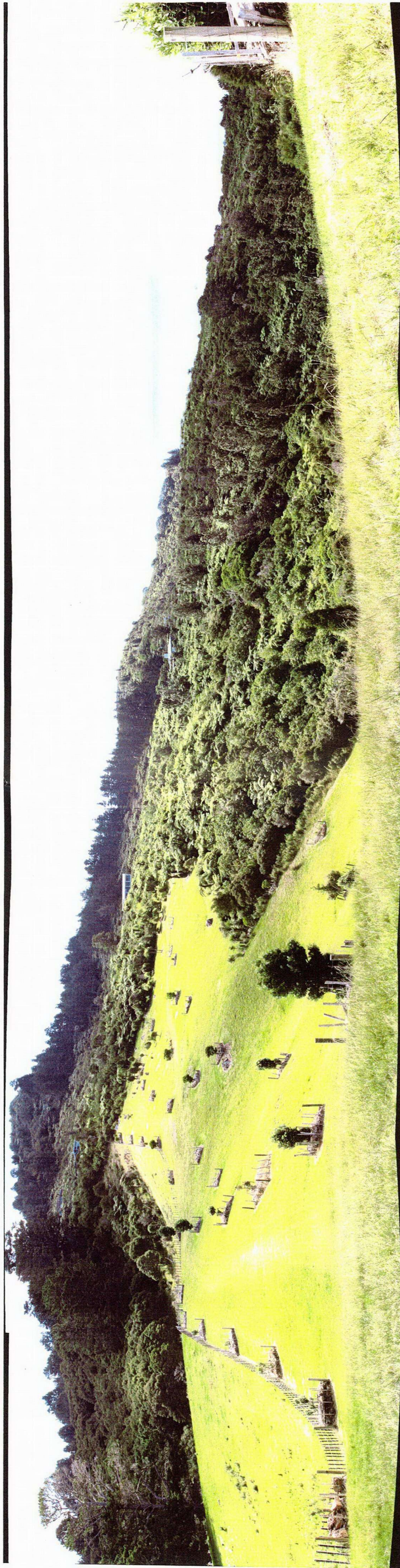
Note: Most of section 12.3 is appealed except for 12.3.2 a) – e).

12C Natural character of the coastal environment: assessment criteria

Table 12-3: Natural character assessment criteria

The following criteria are to be used as the basis for identifying areas of high and outstanding natural character within the coastal environment.

BIO-PHYSICAL CHARACTERISTICS:
Land Forms (Geology / Geomorphology): reflecting the degree to which the natural terrain, headlands, coastal slopes, reefs, shoals, dunes, beaches and other natural geomorphic 'systems' remain intact.
Vegetation Cover & Type(s): reflecting both the physical extent of 'native' vegetation cover and the indigenous content and integrity of that cover: a higher proportion of endemic vegetation cover – eg. from salt marsh to mature coastal / podocarp forest – connotes greater naturalness; conversely a preponderance of production forestry, horticultural planting or other 'exotic' vegetation are associated with a modified / developed environment. Similarly, the greater presence and proportion of the coastal environment that is covered by native species the greater its naturalness.
Sea / Estuarine Water Bodies: the greater the presence of the sea and/or estuarine water bodies, and the more intact and unmodified those marine bodies are – including their inter-tidal margins / edges – the more 'natural' a coastal environment is likely to be.
Land Uses / Activities / Structures: reflecting the degree to which human activities, structures, buildings, development and land / bush clearance impose their own values on the coastal environment and modify it: the greater that effect, the less natural a coastal environment will be.
Habitat Value: the greater the ecological / habitat value of any coastal environment, the more likely that the related presence of wildlife (eg. gannets, seals, penguins) will evoke a strong sense of naturalness.
Natural Processes: the clear presence of tidal activity, estuarine flows, vegetative succession, natural (not man-induced) erosion, the greater the feeling that the coastal environment is still largely shaped by natural systems; conversely, man-made structures, developments and activities – such as culverts and coastal defences – are likely to diminish such values.
PERCEPTUAL VALUES:
Wildness / Remoteness: reflecting the degree to which the coastal environment is perceived as being remote from urban / suburban New Zealand and imbued with qualities that make it seem wild and / or connoting 'wilderness'.
Experiential Attributes: related to the sounds, smells and the appreciation of other sensory attributes that contribute to the feeling of being at the seaside, within an area dominated by natural elements and processes.
Context / Setting: reflecting the qualities of, and degree of interaction with, other parts of the coastline and the degree to which that interaction enhances or compromises the naturalness of the more immediate coastal environment.
Transient / Dynamic Attributes: related to seasonal / daily change, weather patterns, the motion of water, surf breaks, waterfalls, tidal flows, the presence of wildlife and the degree to which such exposure enhances the relative naturalness of the coastal environment.
Night-time Values: reflecting the extent to which lights, noise, perceived activities and exposure to the sky's star-field affect the perceived naturalness of the coastal environment.
OVERALL ASSESSMENT:
Overall Evaluation of Natural Character Values: Outstanding / High / Less than High



View of northern part of Lot 1 DP 386622 from localised high point (118 m) to Isle Estate ridgeline houses

Taken 28 February 2014 by Donald Sangster
Panoramic photograph, horizontal format, 50 mm equivalent lens (Canon EOS7D).
Camera height: 1.6 m



Camera height - 1.6 m
Canon EOS 5D 50 mm lens
Approximate angle of photograph - 90 degrees
GPS - E2764194, N6464513

View from Localised High Point (118 m) to Isle Estate ridgeline houses

VIEWPOINT 9 – ISLE ESTATE HOUSES

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