

Submission on the Thames-Coromandel District Council

Proposed Thames-Coromandel District Plan 2014

By: Name/Organisation

Kale Webster

Postal Address

325 Kuatunu-Wharetaka Rd
Whitianga

Email

ocean_angelbaby06@yahoo.co.nz

Telephone

0221952918



I am concerned that the Thames Coromandel District Council Proposed District Plan (PDP) **does not** adequately protect the Districts intrinsic values; these values, environmental, social and economic, are appreciated and enjoyed by residents and visitors alike.

As this plan is likely to have duration of in excess of 10 years, I think that it is **vital** that it provide appropriate protection of these values for future generations, and the Council is charged with this responsibility under the Resource Management Act 1991.

Specific points that I oppose in the plan:	Changes Sought:
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Additional comments:

I truly believe that there is NO place on the Coromandel for Mining. This is a very special place in many peoples hearts, here & afar for its Natural beauty, environment & outstanding landscape. The future is not in digging up & destroying this beautiful land but to nurture & care for it, because we need to think of our future generations, where & how will they ~~be~~ grow & be healthy - NOT IN A TOXIC HAZARD WASTE LAND!!

Please complete:

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



DATE:

11/3/14

Please post to: Thames-Coromandel District Council Proposed Thames-Coromandel District Plan Private Bag, Thames 3540 Attention: District Plan Manager **Don't forget - Submissions close 5pm March 14, 2014**

Submission on the Thames-Coromandel District Council

Proposed Thames-Coromandel District Plan 2014

By: Name/Organisation

Stefanie Obermayer

Postal Address

21 Seavill Park Rd, Kuaotunu

Email

stefcrystalmission@hotmail.com

Telephone

0211581526



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Additional comments:

There are so many other ways to make the Coromandel prosperous, but mining is NOT one of them.

Please complete:

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SIGNED:

[Signature]

DATE: 2 March 2014

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Submission on the Thames-Coromandel District Council

Proposed Thames-Coromandel District Plan 2014

By: Name/Organisation

Shannon Duncan

Postal Address

282 Lees Rd

R.O.I. Whitianga 3591

Email

smduncansgd5@yahoo.co.nz

Telephone

0275868872



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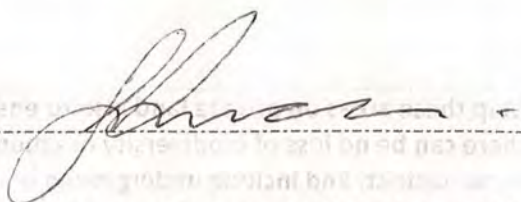
Additional comments:

our tourist industry is booming
people from all over the world
Sign our "No Mining" petition
because they all have a story of mining
to tell and can't believe mining would even
be considered here in the Coromandel Peninsula
we have too many important waterways
amazing Nature life and attractions.
please become conscious of your decisions
Coromandel NO MINING

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Submission on the Thames-Coromandel District Council

Proposed Thames-Coromandel District Plan 2014

By: Name/Organisation Jessica LockhartPostal Address 140 Rangihau RdWhitiangaEmail jesslock@orcon.net.nzTelephone 07 8663983

I am concerned that the Thames Coromandel District Council Proposed District Plan (PDP) **does not** adequately protect the Districts intrinsic values; these values, environmental, social and economic, are appreciated and enjoyed by residents and visitors alike.

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Additional comments:

Mining sux the life out of the land and leaves a toxic mess. We need the land to live on not to be wasted

Please complete:

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SIGNED:

J. Laebert

DATE:

13 March 2014

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Submission on the Thames-Coromandel District Council

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By: Name/Organisation

LLOYD TUARAI MCQUEEN

Postal Address

10 HANNANS RD.
WHITIANGA AOTEAROA

Email

Telephone

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Additional comments:

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OUR COUNTRY MUCH
MORE IMPORTANT
THAN MONEY.

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SIGNED:

L. McQueen

DATE:

14/3/2014

Proposed Thames-Coromandel District Plan



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)

To CTS
Received
14 MAR 2014
Thames-Coromandel District Council
Coromandel
File No:

Submitter Details

Full Name(s)	Stephanie McKee (Secretary)	
or Organisation (if relevant)	Karuna Falls Co-operative Society Ltd.	
Email Address	smckee@gmail.com	
Postal Address	233 Waikare Valley Rd, Waikare Bay RD Coromandel 3584	
Phone no. include area code	()	Mobile no. 021-517749

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 3. Section 15 Objective 4
Policies 4a 4d 4e

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 attached document

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 Serry Lee Date 14-3-14

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:

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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 2

SUPPORT

We strongly support the following objectives of the proposed plan:

Part 3 Section 15 Objective 4:

Settlement development and growth provides for a diverse range of land uses and living choices.

We support Policies 4a, 4d & 4e

Policy 4a

Consistent with existing residential character and potential environmental constraints, a range of residential densities and dwelling forms shall provide for a variety of living choices.

Policy 4d

Rural lifestyle development on the fringes of settlements or in areas with lower quality soils shall provide opportunities to enjoy rural living while enhancing existing or degraded biodiversity.

Policy 4e

Mixed land use should be encouraged where it supports vibrant settlements and does not result in undue reverse sensitivity effects.

- 2.1 We support these policies because they are culturally inclusive and encourage a variety of lifestyles and "living choices".
- 2.2 There are a significant number of co-operative groups and intentional communities on the Coromandel Peninsula and they are now acknowledged as part of the cultural heritage of the region.
- 2.3 These groups have contributed to the cultural and economic wellbeing of the region by involvement in local employment, the creative arts and biodiversity management and ecosystem restoration over 3 – 4 decades.

Proposed Thames-Coromandel District Plan

THAMES
COROMANDEL
DISTRICT COUNCIL

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File No:

Submitter Details

Full Name(s)

Stephanie C. McKee Secretary

or Organisation (if relevant)

Karuna Falls Co-operative Society Ltd

Email Address

scmckee@gmail.com

Postal Address

233 Waikarane Valley Rd, Waikaway Bay
RD4 Coromandel. 3584

Phone no.
include area code

Mobile no.

021-517749

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Natural Character overlay map 7

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SUBMISSION TO TCDC ON PROPOSED DISTRICT PLAN 2014

Submission by Karuna Falls Co-operative Society Ltd
233 Waikanae Valley Road
Waikawau Bay
RD4 Coromandel

Contact: The Secretary, Stephanie McKee, ph 021-517749.

Legal description Sec 2 Blk VI Harataunga SD

Introduction

Karuna Falls is a 296.447 hectare block currently zoned Rural Production, proposed zoning Rural. Part of the property, the more remote higher hills at the south end, is covered by the proposed Outstanding Landscape overlay. Most of the property is covered by the proposed Natural Character overlay.

History of settlement

The property was milled for kauri, later burnt, cleared and farmed by the Baker family from about the 1920's until purchased by the Waikanae Community Ltd in 1975. Before purchase, the land had been badly degraded by poor farming practices, such that on most of the property the vegetation was less than two metres high. The Karuna Falls Co-operative Society, established in 1981, now has ecological guardianship of the land enshrined in its Aims and Objectives and many native species have regenerated over the last 38 years.

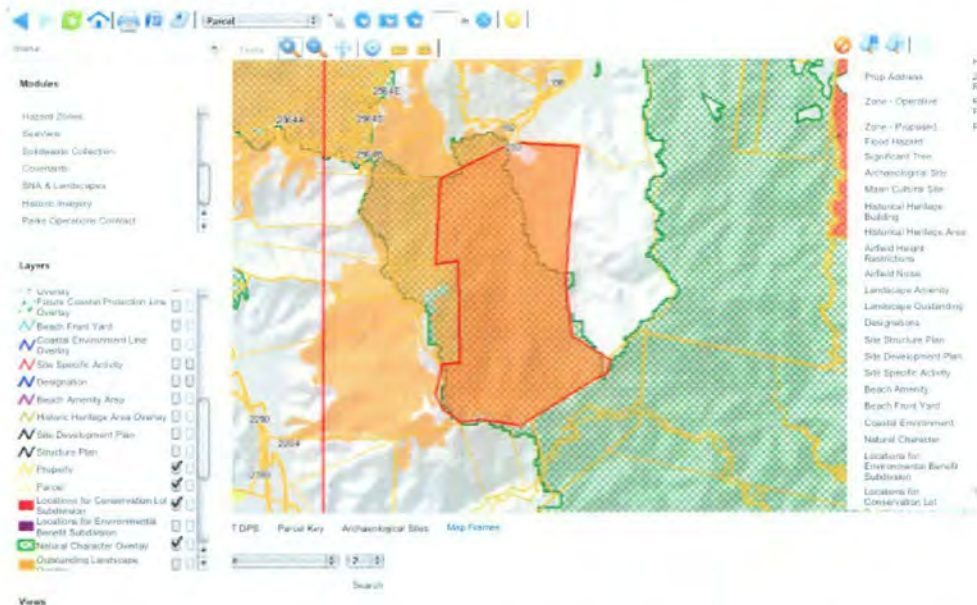
Development

A number of houses, accessory buildings and community facilities have been built, largely with permits issued before 1991, guided by Management Plans. After 38 years, the intentional community is at the stage of development requiring further residential building, to enable second generation members and offspring to join the settlement.

SUBMISSION 1

OPPOSE

1.1 We strongly object to the current position and boundaries of the Natural Character overlay as shown below:



1.2 The effect of this overlay as currently drawn, would be to severely restrict residents' ability to carry out established activities without the onerous need for extra consents. This would include restrictions on earthworks, firewood harvesting, farm forestry, location of buildings and extent of residential activity (Table 5, Section 32.8).

1.3 As stated above, our aim as a Co-operative has always been the careful management of the natural character and landscape, including thorough pest management, and it has been successful over 38 years.

1.4 We have no objection to the overlay in principle for the majority of the property but we object strongly to it covering the settlement area of approximately 50 -60 acres (easily identified from aerial photos).

1.5 As we understand that the overlays are at the moment provisional, we request that the TCDC also carry out "ground truthing" of the landscape on this property before finalising the boundaries of the Natural Character overlay.

Proposed Thames-Coromandel District Plan



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)

To CTS
Received
14 MAR 2014
Thames-Coromandel District Council
Coromandel
File No:

Submitter Details

Full Name(s)		
or Organisation (if relevant)	Karuna Falls Co-operative Society Ltd	
Email Address	c/o Secretary. samckee@gmail.com	
Postal Address	233 Waikaranga Valley Rd, Waikawau Bay, RD4 Coromandel. 3584	
Phone no. include area code	()	Mobile no. 021-517749

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)

Rural Lifestyle Zone

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 attached document

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

Retained ☐ Deleted ☐ Amended ☒ as follows:

Our land to have a zone change from Rural Production to Rural lifestyle. See document

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 Serrif Date 14-3-14

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 ☐ Y ☐ N
- 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 3

RURAL LIFESTYLE ZONE SUPPORT

3.1 After 39 years of successful settlement on a degraded rural property, we are approaching the density limit for rural land. The property is not "farmed" in the conventional sense. It is an area of poor soils and regenerating natural vegetation, supported by pest management, ecosystem protection and management of rural activities.

3.2 We have permanent road access, a reliable independent water supply system, a non-renewable power supply and are self-sufficient in terms of water, wastewater and stormwater services.

3.3 Karuna Falls Co-operative Society Ltd wishes to apply for a zone change to Rural Lifestyle Zone under the proposed district plan.

3.4 This would more accurately reflect the existing nature of the settlement pattern and land use and would allow us to continue a successful settlement based on multiple occupancy and a stewardship ethic of land management without subdivision and at a density slightly higher than that traditionally associated with rural land.

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

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

To CTS

Received

14 MAR 2014

Thames-Coromandel District Council
Coromandel

File No:

Submitter Details

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or Organisation (if relevant) Koruna Falls Co-operative Society Ltd

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Postal Address 233 Waikanae Valley Rd, Waikawa Bay
RD4 Coromandel. 3584

Phone no.
include area code

Mobile no. 021-517749

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)

Name of area is an error.
Policy 10 b.

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:

Council drafting error

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

Retained ☐ Deleted ☐ Amended ☒ as follows:

Define + name area correctly.

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. McKee Date 14-3-14

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
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SUBMISSION 4

OPPOSE

The naming of the northern Coromandel Peninsula region as "*Moehau Peninsula*" in Policy 10b is erroneous. No such geographic term exists.

14 March 2014

David Hammond

Chief Executive Officer

Thames Coromandel District Council

To

CTS

Received

14 MAR 2014

Thames-Coromandel District Council
Coromandel

File No:

Please find below a submission to the Proposed District Plan by the representatives of Lillian Adams who is the owner of the land situated at 57 Te Punga Road, Whangapoua and 2332 Tiki Road Coromandel. This submission is also on behalf of the owners of the Mangakahia property adjacent to 57 Te Punga Road.

Introduction

Thank you for the opportunity to submit to the Proposed District Plan (the Plan). The owner of the properties at 57 Te Punga Road Whangapoua and 2332 Tiki Road Coromandel strongly opposes the Natural Character and Amenity Landscape overlay designations or any other restriction placed on these properties through the Proposed District Plan.

The owners concerns are: 1) the land subject to these overlays does not meet the New Zealand Coastal Policy Statement or the Waikato Regional Policy Statement criteria for Natural Character and Amenity Landscape and therefore the overlays should not have been placed on it; and 2) the introduction of restrictions on the use of land is removing property rights of the owners of that land against their will; and 3) that landowners have not been informed that these restrictions have been placed on their property thereby denying them natural justice; and 4) the Proposed Plan does not align with the Resource management Act; and 5) the proposed plan is in conflict with the Treaty of Waitangi; and 6) a perceived or real conflict of interest by the consultants assessing the Natural Character of the land.

The Resource Management Act (RMA)

The purpose of the RMA is to promote the sustainable management of the natural and physical resources. This includes providing for the cultural well-being of communities [Section 5(2)]. Section 6(e) requires that in achieving the purpose of this Act, all persons exercising functions and powers under it shall recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as matters of national importance. Section 7(a) also requires them to have particular regard to kaitiakitanga and section 8, the Treaty of Waitangi.

The land situated at 57 Te Punga Road is Māori ancestral land. By placing Natural Character and Coastal Environment overlays or any other restriction on this land, Council is failing to recognise and provide for the relationship of these Māori owners and their culture and traditions with their ancestral lands as required by the RMA. It is also denying the owners of

Māori ancestral land the ability to practice kaitiakitanga by effectively placing that Kaitiakitanga in the hands of Council and the community. Council is essentially saying, "we, not you, will determine what is best for your land".

Relief sought: *The removal of any overlays, particularly Natural Character, Amenity Landscape and Coastal Environment and any other restriction.*

Treaty of Waitangi Considerations

The District Plan defines Māori land in accordance with the Te Ture Whenua Māori Act 1993. The RMA however does not define Māori land and simply refers to "ancestral land". By restricting the definition of Māori owned land to that of the Te Ture Whenua Māori Act 1993, Council is not giving effect to the RMA because it is restricting the meaning of "ancestral land". This in turn discriminates between Māori owners of ancestral land and affords certain rights to some owners but not others because of criteria that are inconsistent with the RMA.

Relief sought: *All ancestral land owned by Maori should have the same status in the Plan, regardless of other statutory definitions.*

Article 2 of the Treaty affords Māori the right to the full exclusive and undisturbed possession of their Lands and Estates Forests and Fisheries. The dictionary defines disturb as "intrude on". The dictionary also describes possess as having "complete control of". Placing designations over ancestral land owned by Māori is in effect disturbing (intruding on) that possession (complete control) by placing restrictions on the use of their land, estates, forests and fisheries that Māori do not necessarily agree to. Māori never intended to have communities dictate to them what they could do on their ancestral land.

One could also argue that as the community wish to retain certain areas of private Māori ancestral land for its own benefit then the land is not being used exclusively by the Māori owners as the treaty requires. We submit therefore that the use of any restriction on Māori ancestral land is both a Treaty breach and a failure to comply with the RMA.

Relief sought: *All ancestral Māori land should be free from any restriction imposed through the District Plan.*

Natural Character

The Natural Character overlay on the land at 57 Te Punga Road does not comply with the definitions of Natural Character in the New Zealand Coastal Policy Statement and the Waikato Regional Policy Statement. It does not meet the criteria of the Waikato Regional Policy Statement for Significant Indigenous Vegetation or Significant Habitats of Indigenous Fauna. It contains wilding pines and is not special in any particular aspect when compared to other areas of bush in the adjacent properties that do not have overlays. Only a portion of

the land is visible from the Whangapoua village or the sea. An Environment Court Consent Order, which protects only the southwestern end of the block, confirms this. The experts who assessed the land at that time considered this was the only piece of the land visible or worth protecting.

A possible cause of the overlay being placed on this land is that it borders the land owned by Meg Graeme and Hamish Kendall, owners of Natural Solutions Ltd, the consultants engaged by Council to assess the peninsula for areas of Natural Character. They may see an opportunity, through their input into the District Plan, to prevent a neighbouring property from future subdivision thereby securing their privacy. It is a potential conflict of interest.

The Land situated at 2332 Tiki Road Coromandel also does not meet the definition of Natural Character or Amenity Landscape. It is low-lying swampy farmland. It is not visible from the sea or the road. It is only visible from a couple of houses situated on Preece Point Road. The land adjacent to this farmland may qualify as Natural Character and Amenity Landscape but it is in complete contrast to this farmland and is therefore not cohesive with this land or is there any cultural or recreational appeal. There is no indigenous vegetation on the land. It cannot be considered Natural Character or Amenity Landscape and these overlays should be removed from the land.

Relief sought: Remove all overlays and other restrictions from the land situated at 57 Te Punga Road Whangapoua and 2332 Tiki Road Coromandel.

Note: Table 1 on page 273 and the legend on figure 1 on page 282 lists the "Minimum area to be set aside for protection". This appears to be the opposite of what logic would suggest. For example, if an area is internationally or nationally significant of high or medium high priority, the minimum area to be set aside for protection is 2ha. However if an area is only regionally or locally significant of medium high to medium priority the minimum is 14ha. Surely if something is internationally significant the area to be set aside for protection would be larger than if the area is only locally significant. Figure 1 is of such small scale that it is not useful to identify if one's property is affected and therefore cannot be considered consultative. In any event we submit that we strongly oppose any area of the land at 57 Te Punga Road being identified for protection.

Land Owner Property Rights

Section 27 (1) of the Bill of Rights Act 1990 affords every New Zealander the right to natural justice:

27 Right to justice

- (1) Every person has the right to the observance of the principles of natural justice by any tribunal or other public authority which has the power to make a determination in respect of that person's rights, obligations, or interests protected or recognised by law.

It is a reasonable expectation that, in order for Council to observe the principle of natural justice, every person whose property will be affected by changes to the District Plan would be notified of those changes. This would allow them to seek professional advice. Due to the complexity of the Plan it is not reasonable to expect that a layperson could look at the Proposed District Plan and be able to ascertain whether their property is affected, or the manner in which it may be affected. We were not informed of any changes to our properties under the Proposed Plan and we understand that a significant number of other affected landowners also were not informed and are unaware of changes to their use rights.

Page 5 of the Proposed District Plan states that overlays are "*used to identify the special values of the District, which the Council and community most want to retain*". Our view is that if the Council and the community wish to retain these "*special values*" then they should be prepared to compensate the landowner for the loss suffered as a result of restrictions applied to that land. If the landowner wishes to do something with the land that contravenes the overlay rules, and is permitted by council to do so, then the landowner is required to compensate the community. This is contrary to the Principle of "equality before the law". It appears that some ratepayers in the Thames Coromandel District are more equal than others as they are allowed to dictate to other landowners what those landowners can and cannot do with their land.

The Council is arbitrarily confiscating private land for the benefit of the community with no compensation awarded to the landowner. It appears however, that Council has not sought the opinion of the general public on whether or not they wish to retain certain areas of natural character, amenity landscape or outstanding landscape etc. The decision to designate land with these overlays is at the recommendation of consultants who have chosen their profession due to their passion to see their perception of the natural quality of the land retained. Their views can be considered to be more extreme and not representative of the community generally. For Council to rely on these views is to adopt an unbalanced position.

The Privy Council (*Pennsylvania Coal Co v Mahon*) determined that if regulation goes too far it would be recognised as a "taking". When the Council applies overlays or designations in a Plan over a property it is a Regulatory taking. A Regulatory taking of property destroys or limits the use rights as distinct from the occupancy rights. It is an attack on the property rights of the landowner and should only be done with the free, prior and informed consent of the landowner. To apply these overlays for the benefit of the community against the will of the landowner and without compensation equivalent to the loss is "state theft".

The test for excess regulation has been described by the Privy Council as "constructive deprivation" when by "lack of any provision for compensation [statutory restrictions] do not achieve a fair balance between the interests of the community and the rights of the individuals whose property interests are adversely affected".

Relief sought: *Restrictions on property rights should only be applied to land with the express permission of the landowner.*

International Human Rights instruments

Article 17 of the Universal Declaration of Human Rights 1947:

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Council is depriving people of the full use of their property so that others may enjoy it. This is a form of arbitrary deprivation of their property.

Footnote:

Lillian Adams was born at 57 Te Punga Road in 1923. The land on which she was born is ancestral land that has been in the ownership of her descendents since earliest Māori inhabitation. Lillian inherited the land from her mother, who in turn inherited from her parents Hamiora and Meri Te Tai Mangakahia. Hamiora was the first Premiere of the Kotahitanga (Māori Parliament). The focus of the parliament was legal validation from the New Zealand Parliament and retention of Māori land. Hamiora spent much of his time fighting the confiscation of much of his own land and also assisting other Māori in their Land issues. Hamiora's mother, Riria, was renowned for cutting logging booms and setting fire to her forests, which logging companies were taking timber from without her permission. Through her militant action she was eventually written into contracts for the milling of this timber.

Along with Kate Shepard, Meri Te Tai was one of the five suffragettes who achieved the right for women to vote in New Zealand general elections. On 18 May 1893 Meri Mangakahia placed a motion before the Kotahitanga requesting that women be given the right to participate in the selection of members. Later that day she addressed the parliament – the first woman recorded to have done so. She requested not only that Maori women be given the vote, but also that they be eligible to sit in the Maori parliament, thus going a step further than the contemporary aims of the European suffrage movement. She argued on the grounds that many Maori women owned and administered their own lands, either because they had no male relatives or because the women were more competent.

It seems ironic that Riria, Hamiora and Meri's descendents are still in conflict over the retention of their land. In this instance it is the confiscation of their land through overlays and designations that, if allowed to remain in the District Plan, will remove their property rights in favour of the general public. It is from this perspective that much of this submission is written.

We wish to be heard. MB

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19 March 2014

David Hammond
 Chief Executive Officer
 Thames Coromandel District Council

To CTS

Received

19 MAR 2014

Thames-Coromandel District Council
 Coromandel

File No:

Addendum to Submission

This is an addendum to our submission to the Proposed District Plan. It is to request the inclusion in the District planning maps several sites which are significant to Ngati Huarere ki Whangapoua. There are many sites of significance to our People but these are the only ones that we would like to make public at this time.

We are also writing to the District Planning team to see if these sites can be included in the current district plan or if this submission to the proposed plan is the correct process.

The sites we would like registered are:

- 1) Motukopu Island - Sentinel Pa
- 2) Wainuiototo Beach - Entire beach and foreshore - Scene of historic battle
- 3) Motuto Point - Sentinel Pa
- 4) Opera Point - Entire - Raukawa and Matawera Pa
- 5) Rautavata Pa

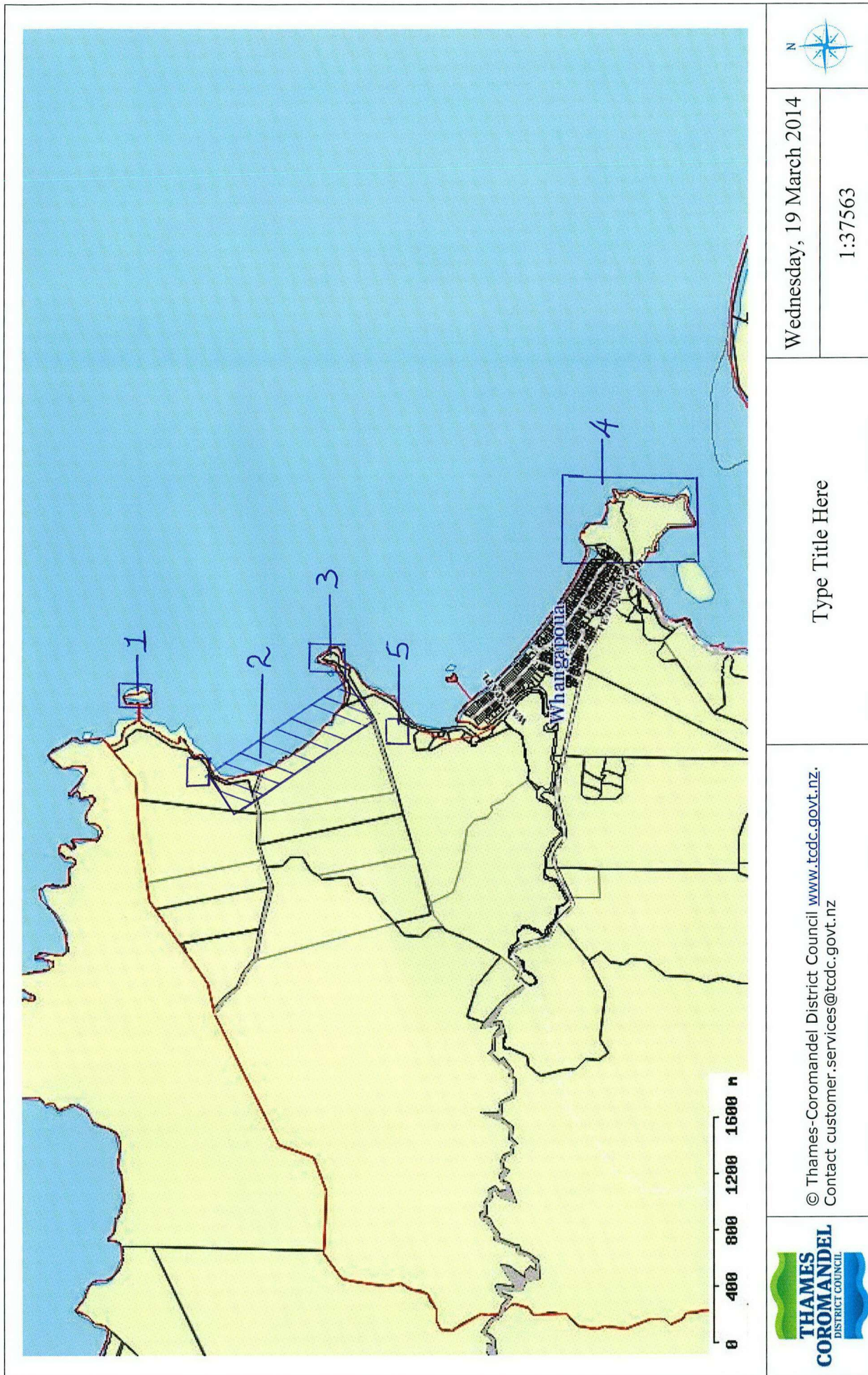
Please see attached aerial photograph for locations.

Nga mihi,

Wanda Brljevic

Administrator

Ngati Huarere ki Whangapoua Trust



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Contact customer.services@tcdc.govt.nz

Type Title Here

Wednesday, 19 March 2014
1:37563



NGATI HUAREIE PDP SUBMISSION 07 866 7731



**NGATI HUARERE KI
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David Hammond
Chief Executive Officer
Thames Coromandel District Council

To CTS

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14 MAR 2014

Thames-Coromandel District Council
Coromandel

File No:

Submission to the Proposed District Plan

1. The Ngāti Huarere ki Whangapoua Trust (the Trust) welcomes the opportunity to submit to the Thames Coromandel District Council's (TCDC) Proposed District Plan. The Trust commends the TCDC for its approach to reviewing the Operative Plan. The only exception to this being tangata whenua consultation of the District Plan, which is addressed in the "Note to Commissioners" section at the end of this submission. The Trust looks forward to a closer working relationship with the Council on RMA issues.
2. Ngāti Huarere ki Whangapoua has held mana whenua and mana moana status over the Whangapoua basin, including the Whangapoua harbour, for the last 700 years. The Huarere people have a special affinity with the land in this area, which stretches from Motukopu island at the northern end of New Chums Beach (Wainuiatoto) in the north to Kuaotunu in the south and inland to the ridge of the Coromandel ranges.
3. The Trust is a TCDC recognised Iwi Authority and places great importance on kaitiakitanga and it is this perspective that forms the basis of most of the points raised in this submission.

General comments

4. This submission is made on a "without prejudice" basis.
5. The Trust has intentionally not compared the Proposed Plan (the Plan) with the Operative Plan as the Proposed Plan should be assessed on its own merits and not assessed by comparison with the current Plan. Having said that, the Proposed District Plan format is an improvement on the Operative Plan. The Trust believes there will be further improvement as a result of the submission process and have included some suggestions below.
6. Some suggested improvements on the functionality of the Plan are:

- The Section headings would be easier to identify if they were in the same size font as the "Background", "Issues" and "Objectives and Policies" headings. Currently the Section headings tend to get lost and are dominated by the "Background" heading.
- The Trust believes that as far as practicable the Plan should group Objectives, Issues, Policies and Rules that cover a zone or an area together. For example: *each of the Part III District Wide Issues, Objectives and Policies could be incorporated into its respective area in Part VII District Wide Rules.* This helps the user by ensuring that as much information as possible is in one place in the Plan.
- *The same can be said for Part II Overlay Issues, Objectives and Policies and Part VI Overlay Rules.* The Trust does not understand why these are separated. It requires the user to move back and forth from one to the other instead of having as much of the information as possible grouped in one section.

Landowner Property Rights

7. Although Part 2 of the RMA requires TCDC to protect things such as the natural character of the coastal environment, outstanding natural features and areas of significant indigenous vegetation, this must be weighed against landowner property rights. Page 5 of the Plan, under the bullet point "Overlays" states:

"Overlays – sit above all district-wide and zone rules and are used to identify the special values of the District, which the Council and the community most want to retain. The overlays also include the matters of national importance in the RMA."

The Trust acknowledges the statutory requirement for these overlays but submits that the use and rules of these overlays must be balanced against landowner property rights. The key point here is the wording *"which the Council and the community most want to retain"*. This is an important issue for the Trust as many members of the Trust own land in general title that is ancestral land that has been in family ownership for over seven hundred years. If the Council chooses to place restrictions on the use of private land then there must be compensation in favour of the landowner for that restriction. To do otherwise is allowing the community to dictate what individual landowners can do with their land for the benefit of the community without any requirement for compensation.

8. The Trust views the overlays as "confiscation through designation". Over time the rules and landowner obligations will be ramped up until the landowner will have no rights and will most likely carry all the cost for the maintenance and enhancement of their land for the communities benefit. The RMA is a result of New Zealand's commitment to the United Nations Agenda 21, which is a legally non-binding statement of intent on environmental sustainability. Agenda 21 is ultimately a mechanism by which Governments will gain full

control of private land. There is a move overseas to reject Agenda 21. For example, Alabama became the first state in the US to prohibit government participation in Agenda 21. The same should happen in New Zealand.

9. The District Plan submission process is one of the only opportunities to limit the effects of Agenda 21 on privately owned land in the Thames Coromandel district. The Trust therefore opposes overlays on private land without landowner permission. If the areas identified by overlays are important to the community, Council or Central Government then they should purchase the property, provided there is a willing seller, or compensate the landowner for the loss of landowner property rights.
10. **Relief sought:** *Restrictions on private property are only included in the Plan with the free, prior and informed consent of the property owner.*

The Treaty

11. Section 8 of the RMA requires that TCDC take into account the principles of the Treaty of Waitangi. Article 2 of the Treaty affords Māori the right to the full exclusive and undisturbed possession of their Lands and Estates Forests and Fisheries. The dictionary defines disturb as "intrude on". Placing designations over ancestral land owned by Māori is in effect disturbing (intruding on) that ownership by placing restrictions on the use of their land, estates, forests and fisheries that Māori do not necessarily agree to. The Trust therefore considers this a breach of the Treaty. In recent times the High Court has ruled that Territorial Authorities are agents of the Crown in regard to Treaty issues.
12. There are areas identified as Priority Locations for Indigenous Ecosystem Restoration and Enhancement shown in the Whangapoua basin that may affect some Trust members who own land in the area. Unfortunately Figure 1 on page 282 of the Plan is in such a small scale that it is useless other than as a guide. Consultation on this issue is therefore at a "principle" level only. The Trust opposes any such designation without the express permission of the landowner. These designations are subjective at best and determined by people passionate about protecting the environment and so their view should be considered as being at the extreme end of the scale and not representative of the community generally.
13. A number of principles of the Treaty of Waitangi have been defined through the findings of the Crown, the Waitangi Tribunal and the Court of Appeal. These findings and decisions can give local authorities guidance as to what the principles of the Treaty are. One principle is the active protection of resources of importance to Māori, in accord with Māori cultural and spiritual values. The problem is that many of the objectives and rules in the Plan are overriding these principles by actually preventing Māori from using these resources.
14. **Relief sought:** *that the Plan give affect to the principles of the Treaty by not placing any overlays, designations or other restrictions on Māori owned ancestral land.*

Tangata Whenua issues

15. The District Plan defines Māori land in accordance with the Te Ture Whenua Māori Act 1993. The RMA however does not define Māori land and simply refers to "ancestral land". As stated above, many Trust beneficiaries own land in general title that is their ancestral land. By restricting the definition of Māori owned land to that of the Te Ture Whenua Māori Act 1993, Council is not, in the Trusts view, giving affect to the RMA because it is restricting the meaning of "ancestral land". Section 8 of the RMA requires the Council to take into account the principles of the Treaty. A principle of the Treaty is that Māori have the right to the full exclusive and undisturbed possession of their Lands and Estates Forests and Fisheries. The Trust therefore submits that the definition of Māori land in the Plan should include "ancestral land owned by Māori".
16. The District Plan designations are limiting the ability of tangata whenua to exercise kaitiakitanga over their ancestral lands, water, cultural sites, wāhi tapu and other taonga. This is in conflict with the RMA and also Objective 17.3.1 of the Plan. Designations such as "Natural Character" are in fact saying that Council knows better than tangata whenua and does not trust tangata whenua to exercise proper stewardship (according to the community and Council definition of stewardship) of it resources.
17. Section 29.3 – Clearing Indigenous Vegetation. The traditional use of indigenous vegetation goes far beyond mahinga kai. It was utilised in building, firewood, waka, carving etc. Māori also cleared vegetation for other purposes other than to gather timber. Restricting the use of land as is proposed in Section 29 will prevent Māori from realising the traditional use of their land and is in the view of the Trust a breach of the Treaty and the RMA. Māori have developed practices to manage their environment and they should be allowed to do just that.
18. **Relief sought:** *that the Plan give affect to the principles of the Treaty by not placing any overlays, designations or other restrictions on Māori owned ancestral land.*
19. As a result of TCDC's discriminatory Māori consultation (see Note to Commissioners section below) the Trust requests that TCDC clearly states in the Plan, to the satisfaction of the Trust, that there is no hierarchy of tribes or tribal organisations in the district. Also that any tribal organisation or co-governance entity cannot overrule a tribe that holds mana whenua or mana moana status over an area. That Crown recognition for the purpose of Treaty settlement has no status in the Plan and that any governance entity that is established as a result of the Treaty settlement does not speak for all tribes and has no mana whenua or mana moana status in the Plan.

Mining

20. The Trust does not have a set view on mining other than it considers the protection of the environment is paramount. The Trust would therefore assess any mining application on an individual proposal basis. It does however object in the strongest possible terms to

prospecting being permitted on private land without the express permission of the landowner.

21. **Relief sought:** *if possible the Trust would like to see rules that address this situation added to the District Plan.*

Biodiversity and Coastal Environment

22. These overlays are highly subjective and therefore open to abuse. The consultants who define these areas with the associated objectives and policies are, as stated above, passionate and extreme in their views. Their suggestions should be tempered by the submission process. Therefore the trust submits again that where these overlays, objective, policies and rules affect privately owned land, that they are only given affect through the express permission of the landowner. There is a misconception that exists that landowners are environmentally irresponsible. While there may be a few exceptions, most landowners place great importance on the protection and enhancement of the environment, but object to being forced by extremists and rules to use their land according to the desires of those who own little, if any, land.
23. **Relief sought:** *that any overlay, designation or restriction on private property only be included in the plan with the free, prior and informed consent of the landowner.*

GE Free Coromandel

24. As kaitiaki, Māori are opposed to the introduction of genetically engineered (GE) plants and animals into the district. The environmental and economic stability of the district could be negatively impacted if GE crops and livestock were allowed to establish here. This would be in contrast to the benefits of creating a GE free peninsula, which could be many and would also enhance the districts reputation as a clean green tourist destination. With the demand for organic produce increasing, the district could position itself as an organic "island" and this would enable producers to demand a premium for their products and help offset the transport cost associated with the remoteness from the main markets. The Trust submits that the District Plan prohibit the introduction of any GE plant or animal.

Note to the Commissioners

Concerns with process.

25. The Trust wishes to reaffirm its position that it considers the Māori consultation process for the Draft District Plan was clearly discriminatory and has significantly disadvantaged some Māori, including the Trust. This disadvantaged position has flowed into the Proposed Plan.
26. On the 12th of December 2012 the Thames Coromandel District Council (TCDC) resolved to provide \$20,000 to the districts Iwi Authorities to enter "contracts for service" with the Council, to provide comment on the Councils Draft District Plan. Ngati Huarere ki Whangapoua Trust is an Iwi Authority listed in Council's Section 35A list. The Trust applied for a portion of this funding but was informed by the TCDC that this funding is only for Iwi

who are recognised by the Crown for Treaty of Waitangi settlement negotiation purposes. *Note: The Crown's settlement process in Hauraki is also highly discriminatory and is the subject of a number of contemporary Treaty claims.*

27. The Trust views the criteria for this funding was discriminatory because the basis for determining eligibility was unrelated to the purpose of the funding and as a result tangata whenua listed in the District Plan who are not recognized by the Crown for Treaty settlement purposes were disadvantaged over tangata whenua listed in the District Plan who are recognized for Treaty negotiations. This places a greater burden on the non-funded tangata whenua and also has a down stream affect where the District Plan is more likely to encompass the views of the funded tangata whenua over the views of non-funded tangata whenua. Any reasonable mind would conclude that over time the District Plan would favour the funded tangata whenua, as TCDC is likely to give their submissions more weight because council has financed them. The funded Iwi submissions will have more credibility, as they will likely be more comprehensive and better researched due to the funding provided by the council.
28. The Trust also asked to be included in the District Plan meetings between the Crown recognized tangata whenua and TCDC. The Trust was told that it could not participate. Tangata whenua, including the Trust, have been denied the opportunity to be involved in these discussions so their views have not been heard. They were also denied the opportunity to hear the views of other tangata whenua or challenge those views if they disagreed with them.
29. It is the Trusts position that Crown recognition for the purpose of Treaty settlement negotiations is not connected to the Resource Management Act process of reviewing Council's District Plan. Some tangata whenua listed in the District Plan were eligible to receive funding for consultation and attend meetings on a review of that Plan and some were not. This is because eligibility for funding was based on Treaty of Waitangi settlement negotiations, which has no relevance to the Councils District Plan review. The Council used criteria from one process to determine eligibility for an entirely separate and un-associated process thereby causing prejudice to some tangata whenua.
30. Therefore Hauraki iwi now have a "class" system initiated by the Crown and supported by TCDC. The Trust anticipates some Crown recognised iwi will attempt to capitalise on this situation to enforce a hierarchy of tribes that advantages them over other tribes in the district. Tribal rangatiratanga, which encompasses notions of tribal autonomy, authority, control and self-determination, will be destroyed if there are not clear notations in the Plan to prevent this from happening. This situation must be addressed before it becomes entrenched within the culture of the tribes of the district and the policies of TCDC.
31. We trust this error in judgment by Council will be rectified, but in any event the Trust reserves the right to challenge this process.

Naku noa na

The Environmental Team

Ngāti Huarere ki Whangapoua Trust

We wish to be heard. TAB.

Form 5
Submission on Proposed Thames-Coromandel District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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

customer.services@tcdc.govt.nz (subject: Proposed District Plan Submission)



Name of submitter: O.P Columbia
c/- Planners Plus Limited
PO Box 218
WHITIANGA 3542

Phone: (07) 867 1087
Email: info@plannersplus.co.nz

This is a submission on the following proposed district plan:

Proposed Thames-Coromandel District Plan

O.P Columbia's submission relates to the area of land that comprises the seafood factory at the corner of South Highway and State Highway 25, Whitianga. The site is located at 275 South Highway, Whitianga and has the legal description of Lots 2, 3, 4, 5, 6 and 7 DPS 5809 and Lot 2 DPS 73437. The site is located on **Map 17B Zones (Whitianga)** and **Map 17B Overlays (Whitianga)** and are highlighted in the map attached as **Attachment A** to this submission..

O.P Columbia's submission is detailed on the table attached as **Attachment B**.

O.P Columbia seeks the following decision from the Thames-Coromandel District Council:

- the amendments and changes referred to in the attached table (**Attachment B**) are accepted; and
- any consequential amendments necessary as a result of the amendments to grant the relief sought above.

O.P Columbia wishes to be heard in support of its submission.

If others make a similar submission, O.P Columbia will consider presenting a joint case with them at a hearing.



Signature of submitter
(or person authorised to sign
on behalf of submitter)

14/03 / 2014

Date

Address for service of submitter:

Telephone: (07) 867 1087

Fax/email:

info@plannersplus.co.nz

Contact person: David Lamason
(Planners Plus Limited)

ATTACHMENT A

DISTRICT PLAN ZONES AND OVERLAYS MAP



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.

17 17A

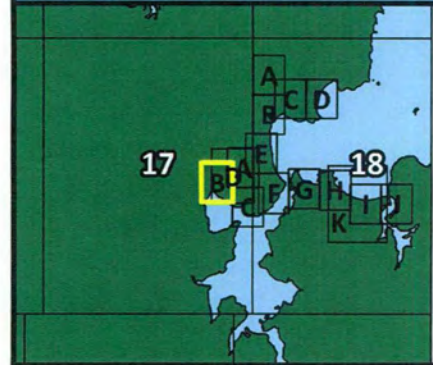
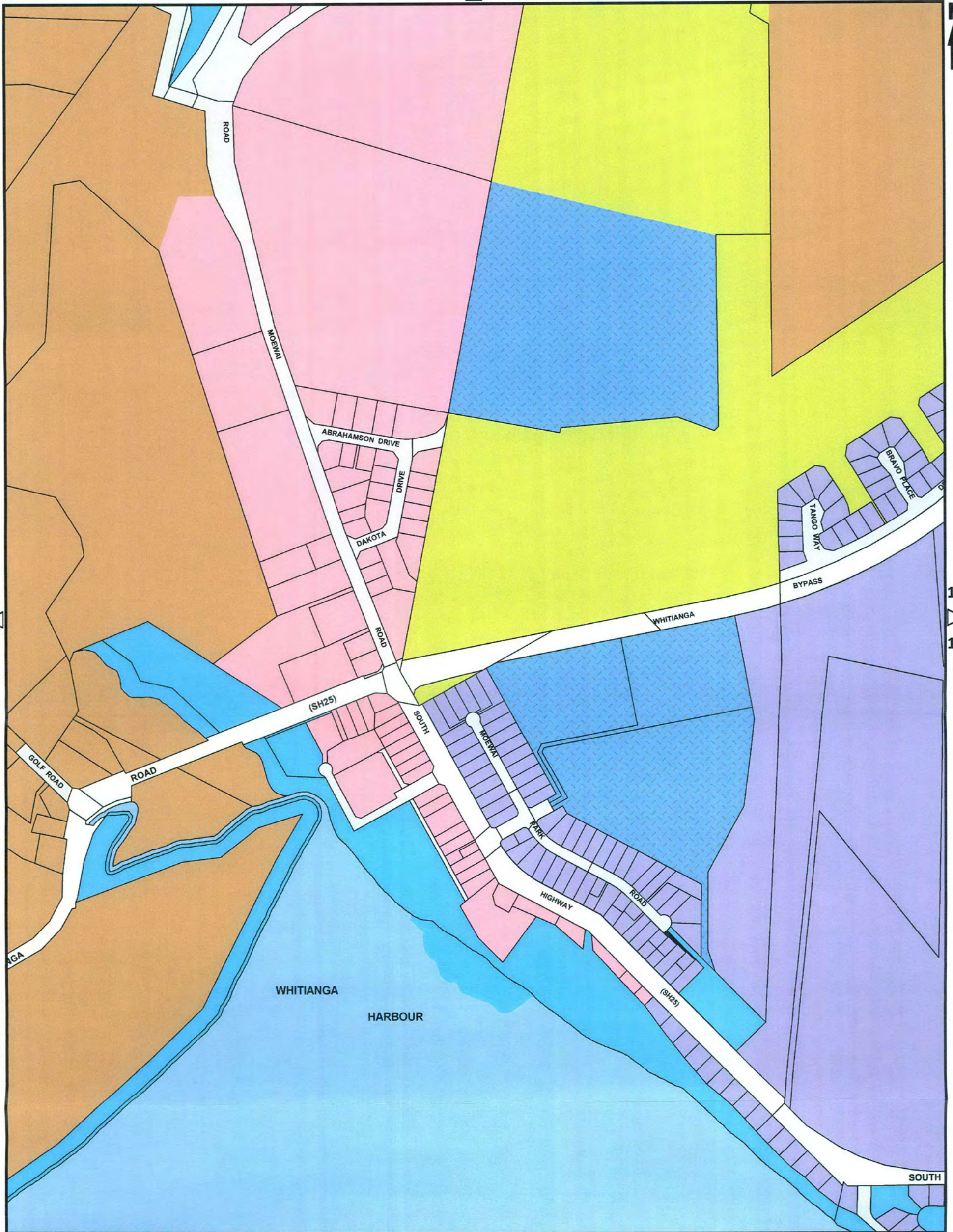
MAP 17B



17

17A

17C

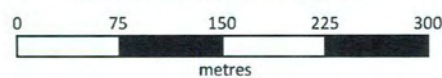


MAP 17B ZONES

WHITIANGA

PROPOSED DISTRICT PLAN - December 2013

Scale 1:7,500 at A4 Paper Size



Cadastral information derived from Land Information New Zealand's Core Record System (CRS). CROWN COPYRIGHT RESERVED.



MAP PRINTED
13 December 2013

17

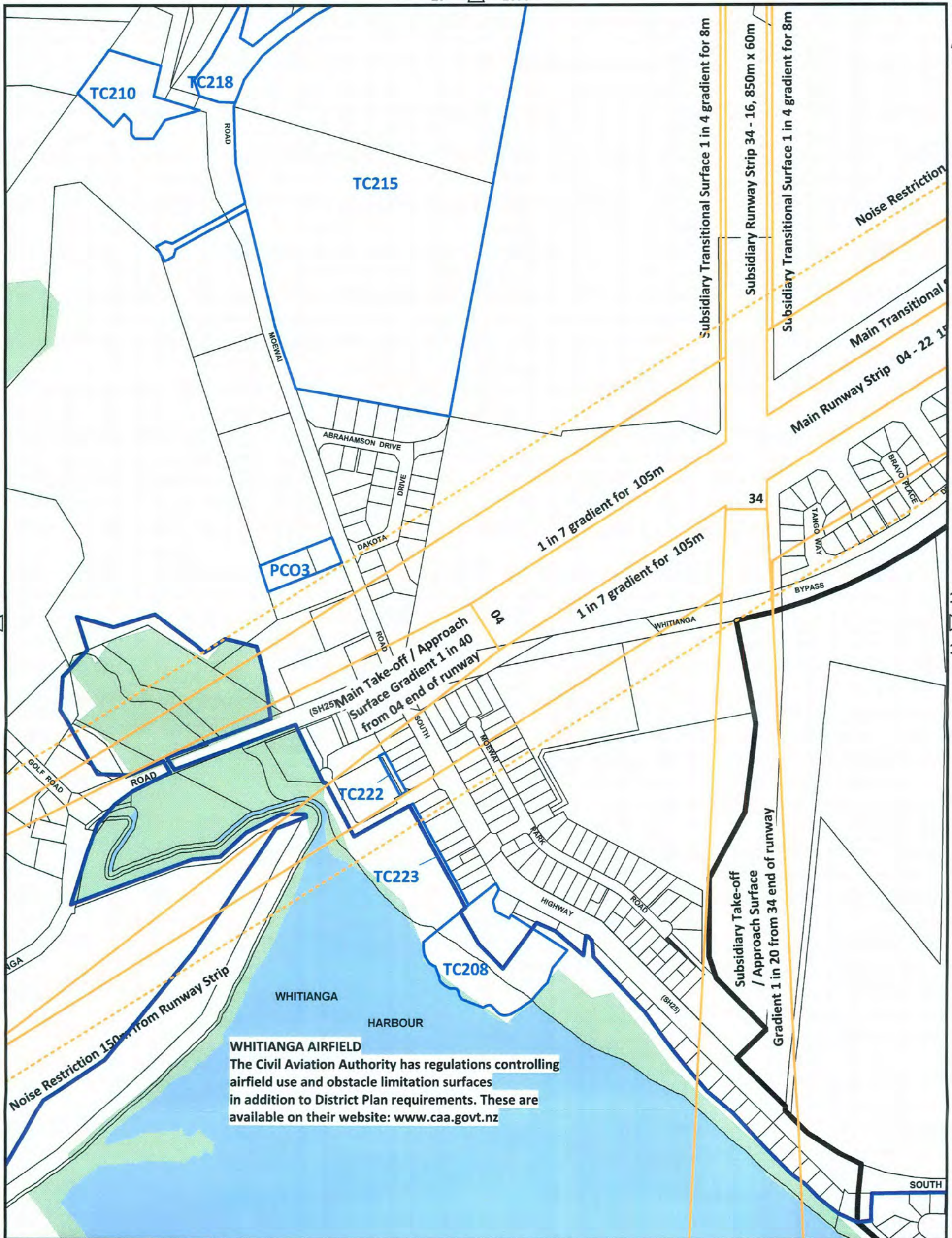
17 17A

MAP 17B

17

17A

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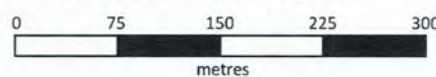
WHITIANGA AIRFIELD
The Civil Aviation Authority has regulations controlling airfield use and obstacle limitation surfaces in addition to District Plan requirements. These are available on their website: www.caa.govt.nz

MAP 17B OVERLAYS

WHITIANGA

PROPOSED DISTRICT PLAN - December 2013

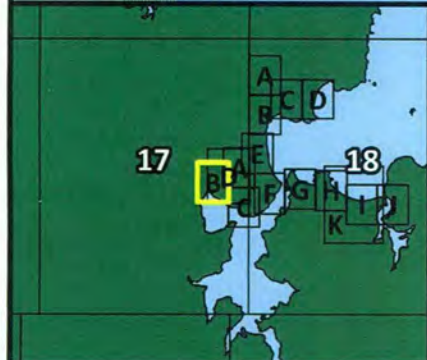
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MAP PRINTED
13 December 2013



ATTACHMENT B

SUBMISSION TABLE



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.

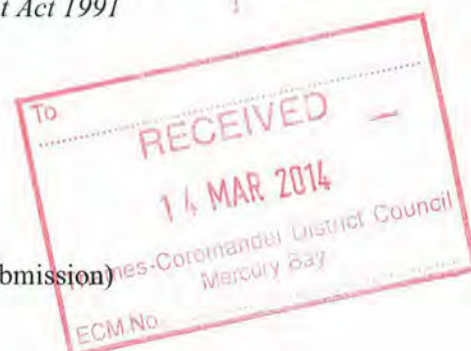
SECTION	PROVISION	OPPOSE/ SUPPORT	DECISION SOUGHT	DISCUSSION
Part I – Section 3 Definitions				
Section 3 Definitions	Industrial	Support	That the definition of Industrial be retained.	O.P. Columbia supports the definition of Industrial as it includes the processing and storage of products. An office accessory to an industrial activity is also supported as part of this definition.
Part VII – Section 39 Transport				
Section 39 Transport	Table 5 Vehicle and Loading Standards (C. Industrial Activities)	Oppose in part	Amend row 16 of Table 5 to include industrial buildings where they do not result in an increase in staff numbers.	O.P. Columbia supports the requirement for 1 car parking space for every 100m ² of gross floor area but considers it unnecessary to require additional parking spaces where the purpose of the building is solely for the storage of finished products (e.g. a coolstore), where the activity does not result in a need for extra staff (and therefore no need for additional carparking).
Part VIII – Section 46 Industrial Zone				
Section 46 Industrial Zone	46.4 Permitted Activities (Rule 6) Industrial	Support	That the permitted activity status of complying industrial activities be retained.	O.P. Columbia supports the permitted activity status of Industrial activities within the Industrial Zone.
Section 46 Industrial Zone	46.4 (Rule 6.2)	Support	That the restricted discretionary activity status of industrial activities that do not meet the permitted activity standards be retained.	O.P. Columbia supports the restricted discretionary activity status of Industrial activities within the Industrial Zone that do not comply with the permitted standards.
Section 46 Industrial Zone	46.4 Permitted Activities (Rule 8) Retail accessory to an industrial activity	Support	That the permitted activity status of complying be retained.	O.P. Columbia supports the permitted activity status of retail activities accessory to an industrial activity within the Industrial Zone.
Section 46 Industrial Zone	46.4 (Rule 8.2)	Support	That the restricted discretionary activity status of retail activities accessory to an industrial activity that do not meet the permitted activity standards be retained.	O.P. Columbia supports the restricted discretionary activity status of retail activities accessory to an industrial activity within the Industrial Zone that do not comply with the permitted standards.

Form 5 Submission on Proposed Thames-Coromandel District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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

customer.services@tcdc.govt.nz (subject: Proposed District Plan Submission)



Name of submitter: Bellagio at Pauanui Limited
c/- Planners Plus Limited
PO Box 218
WHITIANGA 3542

Phone: (07) 867 1087
Email: info@plannersplus.co.nz

This is a submission on the following proposed district plan:

Proposed Thames-Coromandel District Plan

Bellagio at Pauanui Limited's submission relates to the area of land located at 671 Hikuai Settlement Road, Pauanui, with the legal description of Sec II Blk III Tairua SD. The 24.192 hectare property is located on **Map 29 Zones (Tairua/Pauanui)** and **Map 29 Overlays (Tairua/Pauanui)**.

Bellagio at Pauanui Limited's submission is as follows:

1) Rezone 671 Hikuai Settlement Road, Pauanui (Sec II Blk III Tairua SD) from Rural Zone to Low Density Residential Zone

- 1.1 The Proposed District Plan identifies 671 Hikuai Settlement Road, Pauanui as being located within the Rural Zone. The submitter requests that the Council take account of future growth opportunities as the Proposed District Plan is the key planning document for the next 15 years (based on how long it took for the current District Plan to become Operative). A zoning of Low Density Residential will provide for allotments with a minimum net lot area of 2,500m² and a minimum average lot density of 1 per 3,000m².
- 1.2 A preliminary landscape, natural character and amenity assessment of 671 Hikuai Settlement Road, Pauanui has been undertaken by DJ Scott Landscape Architect and is attached as **Attachment A**. The landscape architect considers it important to note that broad density/calculation/applications are the 'nemesi' of good and appropriate designed land use development and management solutions. Land type, landscape character, bio-physical realities and fundamental interactions between land use capability of 'developable' to 'protection' spatial outcomes can only be determined at the site specific level.

- 1.3 This submission, therefore requests the 'Low Density Residential' density outcome. However, this submission also recommends a design-led land use capability programme for the future destiny of both the subject land and the surrounding contextual environment/landscape. The submitter seeks to potentially establish tourism related activities within the development in a site specific area that will link with the Pauanui to Tairua Walkway (eg. Café/art gallery).
- 1.4 The subject site is located between the Pauanui Lakes Resort Development and Pauanui. Other properties in close vicinity to the subject site are currently undergoing development changes and subdivisions and it is a natural progression that low density residential type development will extend out from Pauanui Settlement. The Council should encourage future growth that is consistent with the built character and amenity of the Pauanui Settlement rather than dealing with non-complying activity rural development (i.e. subdivision).
- 1.5 Section 24.1 (Rural Area) of the Proposed District Plan states:
- "The Rural Zone is a place where most of the District's **primary production and rural industry** is located. It is an active work area that contributes to the social and economic wellbeing of the District but is also a place where people live and use for recreation. The wide uses of the Rural Area can lead to 'reverse sensitivity' effects where largely **residential activities conflict with traditional rural activities** that generate noise, smell, dust and other effects that should be expected in the Rural Area."*
- *Bold for emphasis
- 1.6 It is highly unlikely that the subject site, due to its size constraints and wetland areas would revert to a productive rural unit. Secondly, the residential expansion that is occurring in the vicinity of the subject site would be a deterrent for primary production and rural industry to occur due to 'reverse sensitivity' issues. The subject site just does not fit the 'Rural Area' Background section of the Proposed District Plan and therefore the Rural Zone is unsuitable for this particular site.
- 1.7 The assessment of the landscape architect concludes that *it is recommended, that consistent with emerging land use patterns and trends on adjacent land and within the immediate contextual surrounds of the subject property, that consideration be given to amending the current proposed Rural Zone to that of Low Density Residential.*
- 1.8 The outcome of changing the subject site from Rural Zone to Low Density Residential Zone has a number of positives such as:
- (i) Minimal loss in primary production;
 - (ii) An efficient use of unproductive land resource;
 - (iii) The subject site has the potential to accommodate future growth at Pauanui whilst maintaining the built character and amenity of the Pauanui village;
 - (iv) A low density residential subdivision design of the subject site will be able to accommodate wetland and vegetation areas, as well as provide a proposed cycle/walkway through the site (Please refer to Plan Attachment 5 in the accompanying assessment prepared by DJ Scott Landscape Architect);

- (v) The rezoning of the subject site takes into account the existing natural environment and the proposal would not compromise the site and surrounding area's visual amenity; and
 - (vi) The subject site is able to utilise existing roading infrastructure, which is an efficient use of existing facilities;
- 1.9 In terms of good planning practice, utilising 'unsuitable' land for rural production and rural industry is exactly the type of land that should be utilised for residential activities that are closely linked to the Pauanui Settlement.
- 1.10 The zone description for Low Density Residential Zone in the Proposed District Plan (Section 48.1) describes this zone as follows:
- Most dwellings are low-rise detached dwellings on individual titles with larger lots sizes. The Zone also acts as a graduation from the settlement to the Rural Area.*
- 1.11 The rezoning of the subject site to Low Density Residential will not be contrary to the Residential Area (Section 23 of the Proposed District Plan) objectives and policies. The proposed rezoning would be an efficient use of the land resource without compromising the existing character and amenity of the Pauanui Settlement and surrounding area.
- 1.12 Furthermore Section 15 – Settlement Development and Growth identifies the following two issues in respect of the development and growth of settlements:
- (2) *Balancing settlement development and growth in the Coastal Environment with protecting its natural character, historic heritage, ecology, landscape, access to amenity values.*
 - (3) *A lack of diversity in the built environment and limited lifestyle options for both current and future generations.*
- The proposed development of the subject site as a Low Density Residential development successfully addresses both these issues and would not be contrary to the objectives and policies for Settlement Development and Growth in the Proposed District Plan, particularly Policies 1e, 1h, Objective 2, Objective 4, Policy 4a and Objective 5.

Bellagio at Pauanui Limited seeks the following decision from the Thames-Coromandel District Council:

- Rezone 671 Hikuai Settlement Road, Pauanui (Sec II Blk III Tairua SD) from Rural Zone to Low Density Residential Zone;
- Consider site specific overlay to provide for tourism/small scale commercial activities to support the rezoning and the Pauanui-Tairua walkway.

Bellagio at Pauanui Limited wishes to be heard in support of its submission.

If others make a similar submission, Bellagio at Pauanui Limited will consider presenting a joint case with them at a hearing.



Signature of submitter
(or person authorised to sign
on behalf of submitter)

14/03/2014

Date

Address for service of submitter:

Telephone: (07) 867 1087

Fax/email:

info@plannersplus.co.nz

Contact person: David Lamason
(Planners Plus Limited)

ATTACHMENT A

PRELIMINARY LANDSCAPE, NATURAL CHARACTER AND AMENITY ASSESSMENT



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.

**A Preliminary Landscape, Natural Character and Amenity
Assessment**

For

**671 Hikuai Settlement Road
Pauanui**

**To Accompany a Submission
to the**

Proposed Thames Coromandel District Plan



14th March 2014

Part 1: Overview and Background Report

In support of a Submission to the Proposed Thames Coromandel District Plan:

To seek review and amendment to the Operative and Proposed **Rural Zone** in favour of the Proposed District Plan **Low Density Residential Zone** for a property located at 671 Hikuai Settlement Road, Pauanui.

The Sections of the Proposed Thames Coromandel District Plan that this submission relates to are:

- Section 7 Coastal Environment
- Section 9 Landscape and Natural Character
- Section 32 Landscape and Natural Character Overlay
- Section 48 Low Density Residential Zone
- Section 56 Rural Zone
- Planning Map 29 Overlays (Tairua/Pauanui)
- Planning Map 29 Zones (Tairua/Pauanui)

See also the Primary Submission Document (**Planner's Plus Ltd**)

Overview and Background Description

The property is located at 671 Hikuai Settlement Road. It is bounded to the southeast by Hikuai Settlement Road, to the north by the Tairua River, and to the northwest by Duck Creek and its associated estuarine wetland. **Attachment 1**

The topography comprises an elevated undulating terrace land topography (up to some 120 ASL) that slopes generally towards a northerly/northwesterly aspect. Coastal slopes fall relatively steeply to the river and estuarine margins, where a complex series of short sharp ridge and gulley patterns also drain the property to the coastline.

The dominant woody vegetation comprises coastal broadleaf association interspersed with aged *pinus radiata*. Undergrowth is of poor quality and regenerative cycles have been severely interrupted by grazing regimes over time. While indigenous shrubland reversion (mainly manuka is occurring on the bush patch edge, gorse is the dominant reestablishing woody shrubland species.

The above described vegetation and bush patch is generally confined to the steeper slopes of the property. Gorse is reverting relatively rapidly into the coarse pasture of the elevated terrace land, particularly in the upper drainage pattern swale gulley heads.

The Tairua Harbour and Catchment Management Plan (Waikato Regional Council Technical Report 2011/40) at Section 5.5 records the following: *"The Duck Creek wetland near Pauanui provides one of*

the best and most intact sequences of freshwater to estuarine wetland vegetation.”

It is also important to note that the subject property and the associated hill complex to the north (the existing forestry plantation) is the only elevated land to the west of Hikuai Settlement Road. The balance of the landward continuum adjacent to the Tairua Harbour and Tairua River is down land coastal terrace. The subject property is physically part of the steep hill complex to the west that also comprises the dominant topography of the Pauanui peninsula landscape.

In addition, the complexity, direction and diversity of the existing land use pattern that has emerged over time is a powerful indication of the appropriate future land use destiny of this upper Tairua River, water edge/land continuum and community settlement area. See **Attachment 1**

The area already exhibits a low density settlement character. This is also consistent with potential future land use transformations associated with the Hikuai Settlement Road corridor and Tairua River coastal margins. These relationships act as a transitional settlement density both in contrast and in relation to the high density Pauanui settlement pattern. This appropriate expansion of settlement pattern recognizes the recommended **Extra Density Zone** (Structure Plan Applies) south of the Pauanui Waterways and immediately north of the forestry land adjacent to the subject property.

Planning Matters

The relevant planning matters to be addressed as part of this brief assessment report are:

- The Natural Character overlay
- The Amenity Overlay
- The Zoning

A brief assessment of these matters is as follows:

Natural Character Overlay.

Section 9 Landscape and Natural Character and Section 32 Landscape and Natural Character Overlay address the Natural Character matter in some detail.

While the landscape values of the Coromandel in general and the coast in particular is recognized as one of two 'special values', the PTCDP does not preference the subject property with an Outstanding Natural Features and Landscapes overlay. It is therefore inferred here that the RMAs6(b)/NZCPS2010 Policy 15 matters are satisfied as part of the PTCDP provisions.

The above assessment is also consistent with the findings of the following sequence of documents:

- The Waikato Regional Landscape Assessment (Environmental Technical Report 1020/12) prepared by Mary C. Buckland, Landscape Architect, O'Connor Planning Consultants Limited, Chow: Hill and GHD2
- The District Landscape Assessment 2004, LA4 Landscape Architects August 2006.
- A peer review by Stephen Brown of Stephen Brown Environments Ltd 2008
- The amended District Landscape Assessment 16 September 2008 (which includes both the LA4 and Stephen Brown Environments Ltd report and maps) and landowner and community consultation to be initiated once the "preferred future" from the Coromandel Peninsula Blueprint project is known (scheduled for March 2009).

The subject property is identified on the Amended Map 7 Coromandel Landscape Category and Unit Maps Sheet 7 of 9, August 08 as **P** - Plantation Forest.

The ecological assessment of high natural character was described in the report: Graeme, J., Dham, J., Kendal, H. January 2010: *Coromandel Peninsula Ecological Assessment of Natural Character*. That report identifies the Coastal Wetland, Inland Wetland and Coastal Forest areas that have Natural Character values within the Tairua Harbour, Tairua River and Duck Creek Wetland and the associated Forested Hillslopes of the subject property together with other inland Forest areas within the identified Coastal Environment Line.

This assessment concurs with those findings and notes that Tairua/Pauanui Map 29 Zone and Overlay Plans denote the above elements. **See Attachment 2**

It is important to note that while the Proposed TCDP recognizes NZCPS2010, the above Natural Character study is somewhat 'out of sync' with recent RMA6(a)/NZCPS Policy 13 relationships and interpretations.

In addressing the subject land against Part 2 of NZCPS Policy 13:

(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; and
 (h) experiential attributes, including the sounds and smell of the sea; and their context or setting: or.... this assessment response recognizes that while of high Natural Character, the Tairua River and surrounding environs is not considered to be of Outstanding (and/or significant) Natural Character.

To support this assessment it is considered that the Tairua Harbour and River and the associated terrestrial environment area simply does not contain a combination of indigenous elements, patterns and processes that are exceptional in their intactness, integrity and lack of built structures and other modifications when compared with other areas of the Coromandel Peninsula.

Further, It is here that NZCPS Policy 14 provides the land management incentive and promise as follows:

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;*
- (b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;*
- (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*
 - (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or*
 - (v) restoring and protecting riparian and intertidal margins; or*
 - (vi) reducing or eliminating discharges of contaminants; or.....*

The implementation of Policy 14 can be achieved as part of a comprehensive low density residential settlement pattern that incentivizes the enhancement and protection of the Natural Character elements of the environment and landscape.

As an inherent outcome, natural landscape (s6(b)) and amenity (s7(c)) values will be enhanced and protected.

The provisions of The Proposed TCDP Section matters and objectives and policies at Section 9.3 can all be met by a high quality comprehensive design-led settlement pattern underpinned by enhanced and protected environmental outcomes. These will result from and be reinforced by the implementation of associated high-end landscape management and protection strategies.

See Attachments 3, 4 and 5

Amenity Overlay

The Waikato Regional Landscape Assessment (Environmental Technical Report 1020/12): Prepared by: Mary C. Buckland, Landscape Architect, O'Connor Planning Consultants Limited, Chow: Hill and GHD2 identifies the Tairua Harbour as **High Value Amenity Natural Features and Landscapes s7(c)** and **Section 4.14 Eastern Coastline - River Mouths, Harbours and Islands (HVANFL 14)** of that report states:

"The river mouths and harbours on the Eastern Coastline are a focus for recreation including deep sea fishing, sailing, swimming, kayaking, and tramping and walking and holiday homes.

These landscapes retain high natural character in some places. The main factors contributing to their identification as a high value amenity landscape are the variety of landscape character including inlets, harbours, white sand beaches, the visibility of these water areas, and their value to tangata whenua.

Activities that could threaten those values would include extensive coastal residential development, exotic forestry, aquaculture and marina developments."

Similarly, Amended Map 7 Coromandel Landscape Category and Unit Maps Sheet 7 of 9, August 08 Identifies the Tairua River as an Amenity Landscape. **See Attachment 2**

The RMA addresses amenity s7(c) the maintenance and enhancement of amenity values:

Amenity Values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

In response, **Attachments 4 and 5** illustrate and demonstrate the intent of this submission to promote a high quality natural and amenity outcome as part of the recommended zone amendment.

It is also noted that the proposed Pauanui – Lakes Resort coastal cycle-walkway traverse the eastern boundary of the subject land. **Attachment 5**

Conclusion

It is recommended, that consistent with emerging land use patterns and trends on adjacent land and within the immediate contextual surrounds of the subject property, that consideration be given to amending the current proposed Rural Zone to that of Low Density Residential.

See Attachments 3 and 4

A Preliminary Landscape, Natural Character and Amenity
Assessment

For

671 Hikuai Settlement Road
Pauanui

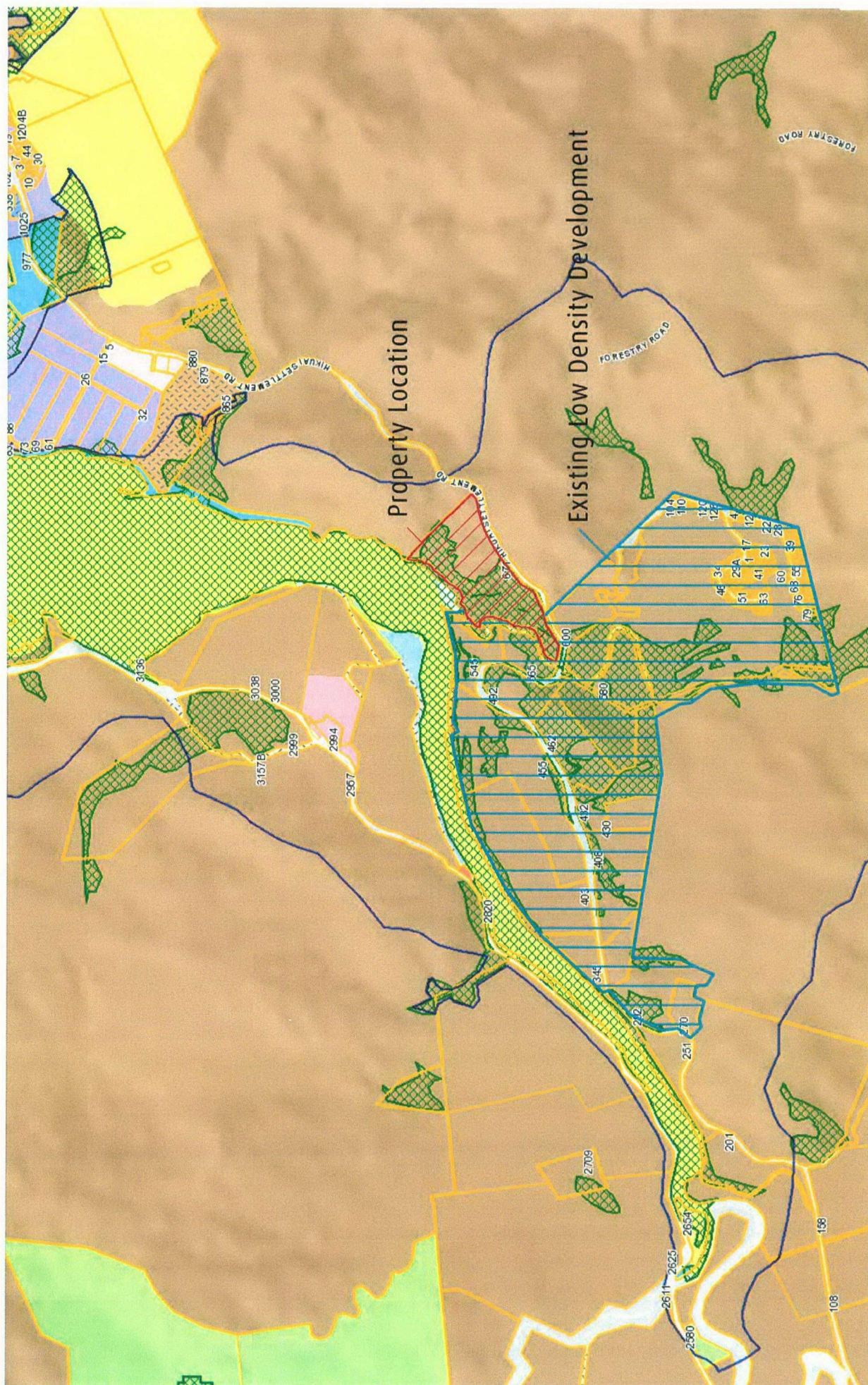
To Accompany a Submission
to the

Proposed Thames Coromandel District Plan



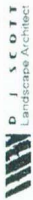
14th March 2014

Part 2: Plan Attachments





671 Hikuai Settlement Road, Pauanui - Existing Proposed Zoning Map
Plan Attachment 2
March 2014



Scale: 1:20000@A3 Only
Base plan sourced from Thames-Coromandel
District Council's GIS Website.





671 Hikua Settlement Road, Pauanui - Proposed Zoning (Relief Sought)
Plan Attachment 3

March 2014



Scale: 1:20000@ A3 Only
Base plan sourced from Thames-Coromandel
District Council's GIS Website.





671 Hikui Settlement Road, Pauanui - Vegetation Analysis
Plan Attachment 4

March 2014

D J SCOTT
Landscape Architect

Scale: 1:4000 @ A3 Only
Base aerial photography and data sourced from
Thames-Coromandel District Council's GIS Website.





671 Hikuai Settlement Road, Pauanui - Proposed Land Use Management Analysis
March 2014 - Revision 1
Plan Attachment 5



Scale: 1:4000 @ A3 Only
Base aerial photography and data sourced from
Thames-Coromandel District Council's GIS Website.



Form 5
Submission on Proposed Thames-Coromandel District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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



customer.services@tcdc.govt.nz (subject: Proposed District Plan Submission)

Name of submitter: Whitianga Waterways Limited
c/- Planners Plus Limited
PO Box 218
WHITIANGA 3542

Phone: (07) 867 1087
Email: info@plannersplus.co.nz

This is a submission on the following proposed district plan:

Proposed Thames-Coromandel District Plan

1. Whitianga Waterways Limited's submission relates to the area of land located within the Whitianga Waterways Structure Plan (Section 27.5 of the Proposed District Plan). The property is located on **Map 17A and 17B Zones (Whitianga)** and **Map 17A and 17B Overlays (Whitianga)**.
2. Whitianga Waterways Limited is considered to be one of the major developers of the Whitianga Settlement, where they have undertaken an integrated approach to land development including canals; proposed retirement villages and a Gateway zone (i.e. large scale commercial activities).
3. Whitianga Waterways Limited acknowledges the support of the Council in terms of identifying key planning matters that have been incorporated within the Whitianga Waterways Structure Plan Diagram. However, Whitianga Waterways Limited would like to amend certain parts of the Structure Plan to provide for greater flexibility; decrease the uncertainty and costs associated with the resource consent process; and enable flexibility for future projects.
4. Whitianga Waterways Limited has prepared a master plan for growth and future opportunities. After close inspection of the Whitianga Waterways Structure Plan, the various forward thinking opportunities for Whitianga Waterways Limited is not reflected within the Structure Plan Diagram. To provide for future opportunities requires appropriately zoned land for the activities to occur without the uncertainty of non-complying and most likely publicly notified resource consent applications.
5. The purpose of the Structure Plan not only provides for comprehensive housing development, but also confirms that there are opportunities for the establishment of commercial activities including visitor accommodation, marine and retail functions. However, all of the Whitianga Waterways Structure Plan area is zoned Residential apart from several areas for future reserves. The Structure Plan diagram loosely details areas where Retail/Craft and Commercial Activities are to be located, but the underlying zone is Residential. The problem is that the Residential Zone does not provide for retail

and commercial activities including visitor accommodation without progressing through an uncertain resource consent process. Whitianga Waterways Limited would like to obtain greater certainty and alter parts of the Whitianga Waterways Structure Plan to include appropriate zoned land. Flexibility for Whitianga Waterways Limited is very important.

6. It is acknowledged that not all activities proposed by Whitianga Waterways is able to fit comfortably within certain zones within the Proposed District Plan, but there are certainly some activities contained within the Whitianga Waterways Master Plan than can be better incorporated into the Whitianga Waterways Structure Plan Diagram. I have attached for your information a copy of the Whitianga Waterways Limited Master Plan (**Attachment A**).
7. Please refer to **Attachment B** to view sections of the Whitianga Waterways Structure Plan diagram zones to be altered to reflect the activities to be undertaken within the Structure Plan. The key changes are the following:
 - (i) The area labelled 'Retail and Craft Area' on the Structure Plan diagram to be zoned Pedestrian Core Zone. The pedestrian core zone reflects the type of activities to be undertaken within this portion of the Structure Plan.
 - (ii) To the west of the Marlin Waters retirement village, it is proposed to rezone this area to also be located within the Pedestrian Core Zone, which allows for the potential tourist hotel development; and
 - (iii) Include additional Extra Density Residential Zones to provide more market choice. At present the subdivision allotment size rules are similar for the entire 178 hectares of the Structure Plan. Where comprehensive developments have occurred or are proposed, lengthy publicly notified resource consent applications and/or written approval requirements are the end result. The submitter requires certainty that comprehensive developments are able to occur without the need for publicly notified applications and/or written approval requirements. At the end of the day, market choice and greater flexibility is needed for the ongoing success of Whitianga Waterways. Section 27.5.5 (Table 1 – point 7) even supports the idea of a “variety of residential housing forms”.
 - (iv) Remove from the Structure Plan diagram the ‘reserve indicated’ to the north of Joan Gaskell Drive. The applicant confirms that this reserve is a mistake and is part of a future subdivision of the site. The location of the reserve holds minimal value for the community.
8. In the submitters opinion, the flexibility of the zone provisions better reflect the type of development and choice expected for 21st Century living. The proposed zones are a better reflection of the Whitianga Waterways Structure Plan’s objectives and policies. In particular, Section 27.5.4 - Policy 1b requiring a ‘*variety of housing forms, including retirement villages and comprehensive housing...*’. To achieve Policy 1b a variety of zones is needed to provide a variety of housing forms and choice.
9. The Resource Management Act has been discussed as being the ‘enabling Act’. The proposed changes enable Whitianga Waterways Limited to achieve the objectives and policies of the Structure Plan in a managed way.
10. Other matters that are of a concern for Whitianga Waterways Limited are listed within the attached table (**Attachment C**).

Whitianga Waterways Limited seeks the following decision from the Thames-Coromandel District Council:

- To amend the Whitianga Waterways Structure Plan as per the plan attached to the submission (**Attachment “B”**) and other matters listed within the attached table (**Attachment C**);
- To change the activity status of a complying residential subdivision to that of a controlled activity; and

- Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

Whitianga Waterways Limited wishes to be heard in support of its submission.

If others make a similar submission, Whitianga Waterways Limited will consider presenting a joint case with them at a hearing.

Signature of submitter
(or person authorised to sign
on behalf of submitter)



Date 14/03/2014

Address for service of submitter:

Telephone: (07) 867 1087

Fax/email:

info@plannersplus.co.nz

Contact person: David Lamason
(Planners Plus Limited)

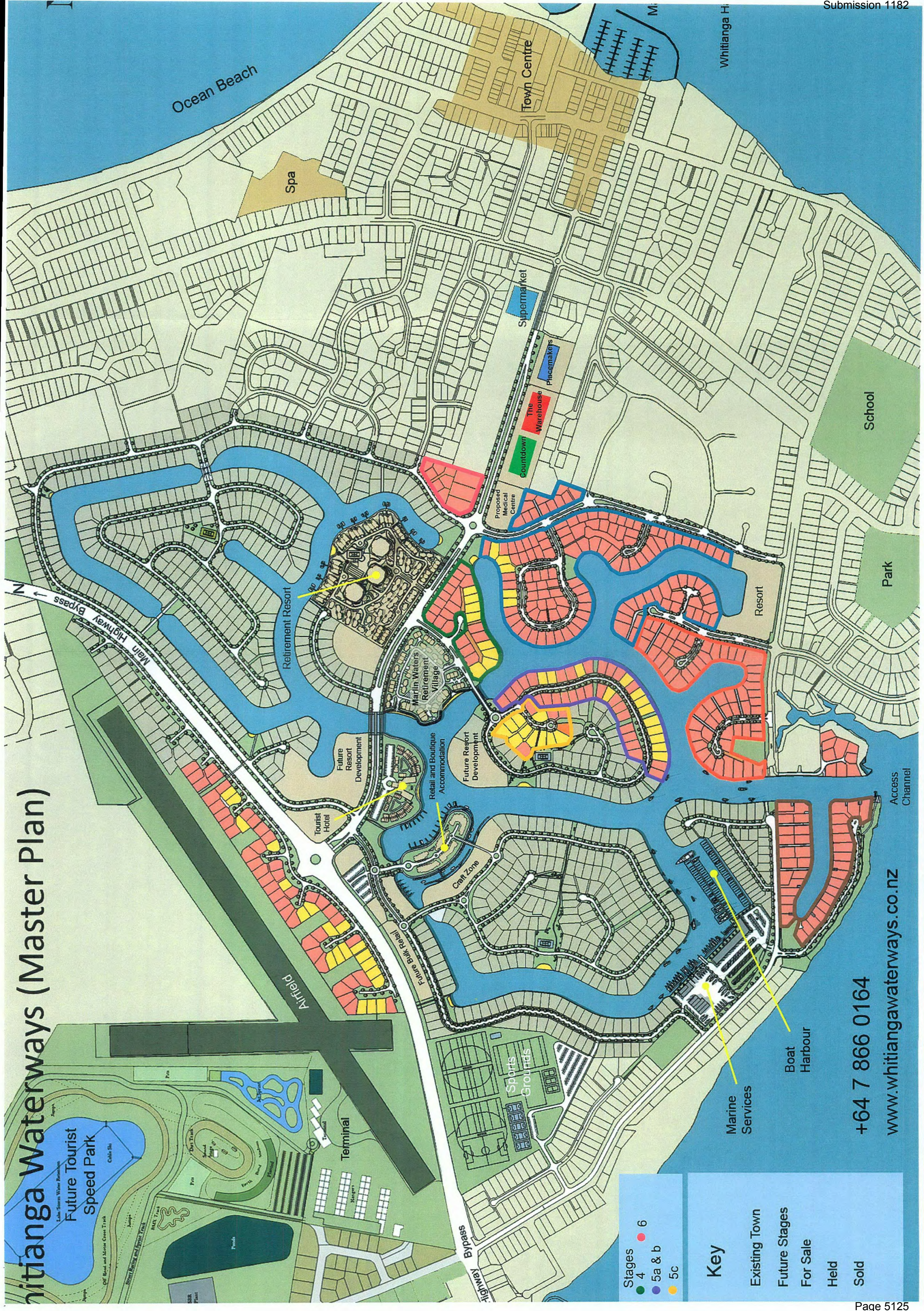
ATTACHMENT A

WHITIANGA WATERWAYS LIMITED MASTER PLAN



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.



Whitianga Waterways (Master Plan)

- Stages
- 4
 - 6
 - 5a & b
 - 5c

Key

- Existing Town
- Future Stages
- For Sale
- Held
- Sold

+64 7 866 0164

www.whitiangawaterways.co.nz

ATTACHMENT B

PROPOSED REZONING OF THE WHITIANGA WATERWAYS STRUCTURE PLAN DIAGRAM



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.

Attachment B

-  Pedestrian Core Zone
-  Extra Density
-  Remove Reserve



Whitanga Waterways
Structure Plan Diagram



ATTACHMENT C

SUBMISSIONS TABLE



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.

SECTION	PROVISION	OPPOSE/ SUPPORT	DECISION SOUGHT	DISCUSSION
Section 3 - Definitions	Comprehensive	Oppose in part	The definition needs to be reworded to allow for residential units to be stand alone and/or attached.	Requiring two of the three units to be attached by a common wall is not flexible enough and the market should decide if people want to be living in a stand-alone unit or a semi-attached dwelling. Based on the older generation preference for stand-alone units, the definition is too restrictive.
Section 27 Structure Plans	27.5 Whitianga Waterways Structure Plan 27.5.5 (Rule 1)	Oppose	Amend so that subdivisions are to be assessed as a Controlled Activity not as a Restricted Discretionary Activity.	The Whitianga Waterways Structure Plan has undertaken lengthy consultation with the community. The proposed activity status means that local authorities are able to grant or refuse the subdivision consent and this brings in a level of uncertainty which is not acceptable to the submitter. There is no certainty that the Council's resource consent processing planners will not be requiring further consultation with neighbours for restricted discretionary activities, which results in delays and costs, which are not acceptable to the submitter. The submitter questions the change to restricted discretionary status when the Structure Plan has led to an 'extraordinary' residential development under the previous controlled activity subdivision consent decisions.
Section 45 Gateway Zone	45.4 Permitted Activities (Rule 7) Noise	Oppose in part	The Gateway Zone noise standard adjacent to a Residential Zone (7am to 10pm) of 50dB L _{Aeq} (15 mins) is too restrictive and should be amended to 55dB.	The recently granted land use consent for the Countdown supermarket condition of consent is 55 dB LA ₁₀ and after reviewing The Warehouse acoustic consultant's report, these 'bulk' commercial activities will be unable to meet the Proposed District Plan's noise levels. The submitter is also very concerned with the noise rule after 6pm on Sunday, which is 40dB L _{Aeq} , which will not be met for any activity within the Gateway Zone. There is an inconsistency between the already granted resource consents and the District Plan noise rules, which needs to be rectified. Two separate specialist acoustic consultants' assessment of noise will mean that the permitted activities for the Gateway Zone are most likely unable to meet the noise rules of the Proposed District Plan, which will create uncertainty; delay; and additional costs in the consenting process for similar developments in the Gateway Zone in the future.
Section 45 Gateway Zone	45.4 Permitted Activities (Rule 7) Noise	Oppose in part	Amend the Gateway noise rules for a Sunday so that they relate to the hours of 7am to 10pm.	The Gateway Zone noise rules for a Sunday are 7am to 6pm, which is inconsistent with the hours of operation for both the Countdown Supermarket and The Warehouse, which is 7am to 10pm - 7 days a week. The Council needs to be aware that Countdown and The Warehouse

SECTION	PROVISION	OPPOSE/ SUPPORT	DECISION SOUGHT	DISCUSSION
				employ approximately 140 people between them and the applicant is very concerned about the Gateway Zone noise rules and how it would affect The Warehouse and Countdown supermarket and other activities to be located within the Gateway Zone.
Section 45 Gateway Zone	45.4 Permitted Activities (Rule 5d) Earthworks	Support in part	Support that earthworks to establish a building platform is permitted, but should also include earthworks associated with establishing the car parking.	Earthworks consent should not be required for establishing the car parking that supports the commercial activity/building within the Gateway Zone.
Section 54 Residential Zone	54.8 Assessment Standards, Matters and Criteria (Standard 1f)	Support	Retain the 8 metre canal frontage yard	The submitter considers it very important for the 8 metre canal front yard to remain for amenity reasons and consistency for already existing canal front housing.
Section 54 Residential Zone	54.8 Assessment Standards, Matters and Criteria (Standard 1f)	Oppose	Increase site coverage from 35% to 40%.	Far too many houses are requiring site coverage dispensations, which are generally all granted consent. Increase the site coverage rule to allow property owners flexibility.
Section 44 Extra Density Zone	44.5 Controlled Activities (Rule 15) Comprehensive residential development	Support	That the controlled activity status be retained for comprehensive residential development.	It makes perfect sense for comprehensive developments within the Extra Density Zone to be controlled activities
Section 44 Extra Density Zone	Table 4 – Comprehensive Residential Development Standards (Standards 1e and 1f)	Oppose	That the 10 metre and 11.5 metre maximum building height rules be increased to 14 metres.	The two height rules need to be simplified and increased in height to allow 4 levels.
Section 44 Extra Density Zone	Table 4 – Comprehensive Residential	Oppose i	That the 8 metre privacy buffer standard be deleted.	The people that live in comprehensive developments understand what they are buying into (i.e. higher density living). The privacy buffer is a restriction on the design and layout of the units.

SECTION	PROVISION	OPPOSE/ SUPPORT	DECISION SOUGHT	DISCUSSION
	Development Standards (Standard 1i)			
Section 44 Extra Density Zone	44.9 Assessment Standards, Matters and Criteria Table 7 – Restricted Discretionary Matters	Oppose in part	Delete matters 10 and 12 from Table 7.	The assessment criteria is too vague and subjective.

Form 5
Submission on Proposed Thames-Coromandel District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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



customer.services@tcdc.govt.nz (subject: Proposed District Plan Submission)

Name of submitter: The Number Eight Trust
c/- Planners Plus Limited
PO Box 218
WHITIANGA 3542

Phone: (07) 867 1087
Email: info@plannersplus.co.nz

This is a submission on the following proposed district plan:

Proposed Thames-Coromandel District Plan

The Number Eight Trust submission relates to the area of land located at 26 Resolution Rise, Cooks Beach, with the legal description of Lot 4 DP 409999. The property is located on **Map 18I Zones (Cooks Beach)** and **Map 18I Overlays (Cooks Beach)**.

The Number Eight Trust's submission is as follows:

1) To amend Planning Map 18I Zones (Cooks Beach) by rezoning 26 Resolution Rise, Cooks Beach (Lot 4 DPS 409999) to Low Density Residential Zone.

- 1.1 The Proposed District Plan identifies 26 Resolution Rise, Cooks Beach as being located within the Rural Zone. In my opinion, the Council needs to take account of future growth opportunities as the Proposed District Plan is the key planning document for the next 15 years (based on how long it took for the current District Plan to become Operative). Low density residential development adjacent to a highly modified built environment is best planning practice. The Council should encourage future growth that is consistent with the built character and amenity of the Cooks Beach Settlement rather than dealing with non-complying activity rural development (i.e. subdivision).
- 1.2 Not just this particular site but several properties have undertaken discretionary or non-complying subdivision and/or land use consents for more than two houses on one allotment. Most (if not all) of these applications have been publicly notified and have been granted consent. You only have to view the planning maps and aerials (**Attachment A**) of the Rural Zoned land that borders the Cooks Beach Settlement to realise that there has been considerable development in this area.

- 1.3 Under the Proposed District Plan provisions, certain properties have been identified as being located within a Natural Character; Amenity Landscape; or Outstanding Landscape overlay (please refer to **Attachment B**). If a property is located within these specific overlays additional rules and regulations are applicable to maintain and protect the environment. The subject site is not affected by any specific overlays and based on the various District Plan landscape assessments, has not been identified as a site requiring special attention. It is reasonable to make the comment that the site is surrounded by residential activities and that the site falls within a modified environment.
- 1.4 When you view the Proposed District Plan planning map for the site (**Attachment C**), the northern properties are all located within the Coastal Living Zone. The surrounding properties have been recently subdivided and a new road (Resolution Rise) constructed. The applicant requests that the entire property be rezoned so that it is located within the Low Density Residential Zone, which is consistent with the surrounding landholdings and type of development that would be appropriate for this location.

- 1.5 Section 24.1 (Rural Area) of the Proposed District Plan states:

*“The Rural Zone is a place where most of the District’s **primary production and rural industry** is located. It is an active work area that contributes to the social and economic wellbeing of the District but is also a place where people live and use for recreation. The wide uses of the Rural Area can lead to ‘reverse sensitivity’ effects where largely **residential activities conflict with traditional rural activities** that generate noise, smell, dust and other effects that should be expected in the Rural Area.”*

*Bold for emphasis

- 1.6 It is highly unlikely that the subject site, due to its size constraints would revert to a productive rural unit. Secondly, the residential development that borders the majority of the subject site would be a deterrent for primary production and rural industry to occur due to ‘reverse sensitivity’ issues. The subject site just does not fit the ‘Rural Area’ Background section of the Proposed District Plan and therefore the Rural Zone is unsuitable for this particular site.
- 1.7 The outcome of changing the subject site from Rural Zone to Low Density Residential Zone has a number of positives such as:
- (i) No loss in primary production;
 - (ii) An efficient use of unproductive land resource;
 - (iii) The subject site has the potential to accommodate future growth at Cooks Beach whilst maintaining the built character and amenity of the Cooks Beach village;
 - (iv) The subdivision design of the subject site will be able to accommodate a vegetative backdrop for the Cooks Beach settlement;
 - (v) The site is able to incorporate residential development that is self-sufficient (i.e. incorporates on-site infrastructure such as water and wastewater) and provides an opportunity to control stormwater disposal from the subject site by use of engineering solutions;
 - (vi) The rezoning of the subject site takes into account the existing built environment and the proposal would not compromise the settlement’s built character or visual amenity;

- (vii) The subject site is able to utilise existing roading infrastructure, which is an efficient use of existing facilities; and
 - (viii) It is good planning practice to locate low density housing adjacent to existing settlements and modified environments and also provides for market choice.
- 1.8 In terms of good planning practice, utilising 'unsuitable' land for rural production and rural industry is exactly the type of land that should be utilised for residential activities that are closely linked to the Cooks Beach Settlement and is part of a modified environment such as the 26 Resolution Rise property.
 - 1.9 Please refer to the attached plan, which illustrates the subject site that in my professional opinion would be suited for the Low Density Residential Zone (**Attachment D**).
 - 1.10 Altering the portion of Rural Zoned land to Low Density Residential Zone is good planning practice; efficient use of a limited land resource; provides for future growth of the Cooks Beach Settlement; and due to the site's location falls inland and behind the existing built environment and does not stretch along the coastline. The proposed rezoning would not be contrary to Section 15.3 – Policies 1e; 3a; and Objectives 4 and 5 of the Proposed District Plan.
 - 1.11 In my professional opinion, the rezoning of the subject site to Low Density Residential will not be contrary to the Residential Area (Section 23 of the Proposed District Plan) objectives and policies. The proposed rezoning would be an efficient use of the land resource without compromising the existing character and amenity of the Cooks Beach Settlement.

2) Oppose in part Section 10.3 - Policy 10a – Cooks Beach and Ferry Landing.

- 2.1 The Number Eight Trust is concerned with the description of Cooks Beach backdrop contained within Section 10.3 - Policy 10a. The Cooks Beach backdrop is not rural or perceived to hold high natural character. The description should confirm that the backdrop to Cooks Beach is moderately modified and contains a number of residential dwellings integrated into the environment. The description in Policy 10a is inaccurate and should be changed to reflect the actual backdrop of Cooks Beach.

The Number Eight Trust seeks the following decision from the Thames-Coromandel District Council:

- To amend Map 18I Zones (Cooks Beach) to Low Density Residential Zone as per the plan attached to the submission (**Attachment "D"**);
- To change the description contained within Section 10.3 - Policy 10a; and
- Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

The Number Eight Trust wishes to be heard in support of his submission.

If others make a similar submission, The Number Eight Trust will consider presenting a joint case with them at a hearing.

Signature of submitter
(or person authorised to sign
on behalf of submitter)

A handwritten signature in blue ink, appearing to read 'D W Lamason', with a long horizontal stroke extending to the right.

Date 14/03/2014

Address for service of submitter:

Telephone: (07) 867 1087

Fax/email:

info@plannersplus.co.nz

Contact person: David Lamason
(Planners Plus Limited)

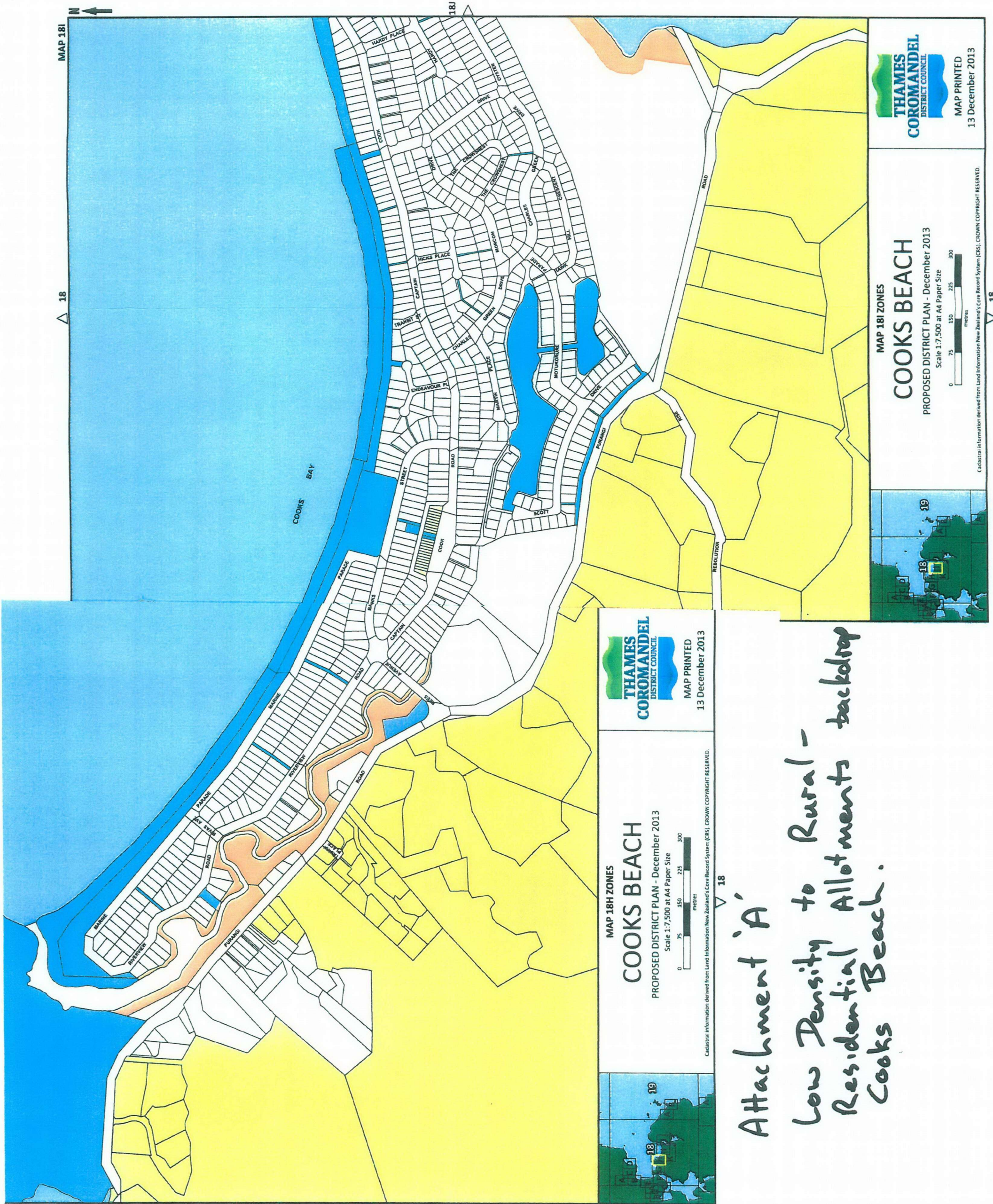
ATTACHMENT A

**LOW DENSITY TO RURAL-RESIDENTIAL ALLOTMENTS
BACKDROP COOKS BEACH**



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.



Attachment 'A'
Low Density to Rural-
Residential Allotments backdrop
Cooks Beach.

ATTACHMENT B

PROPOSED DISTRICT PLAN OVERLAYS MAP



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.

18

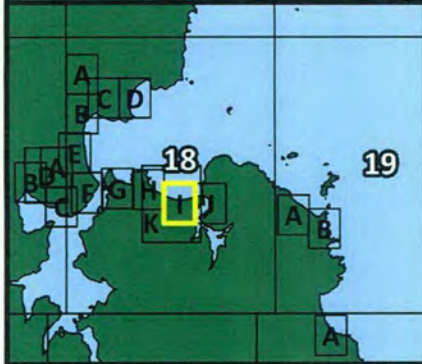
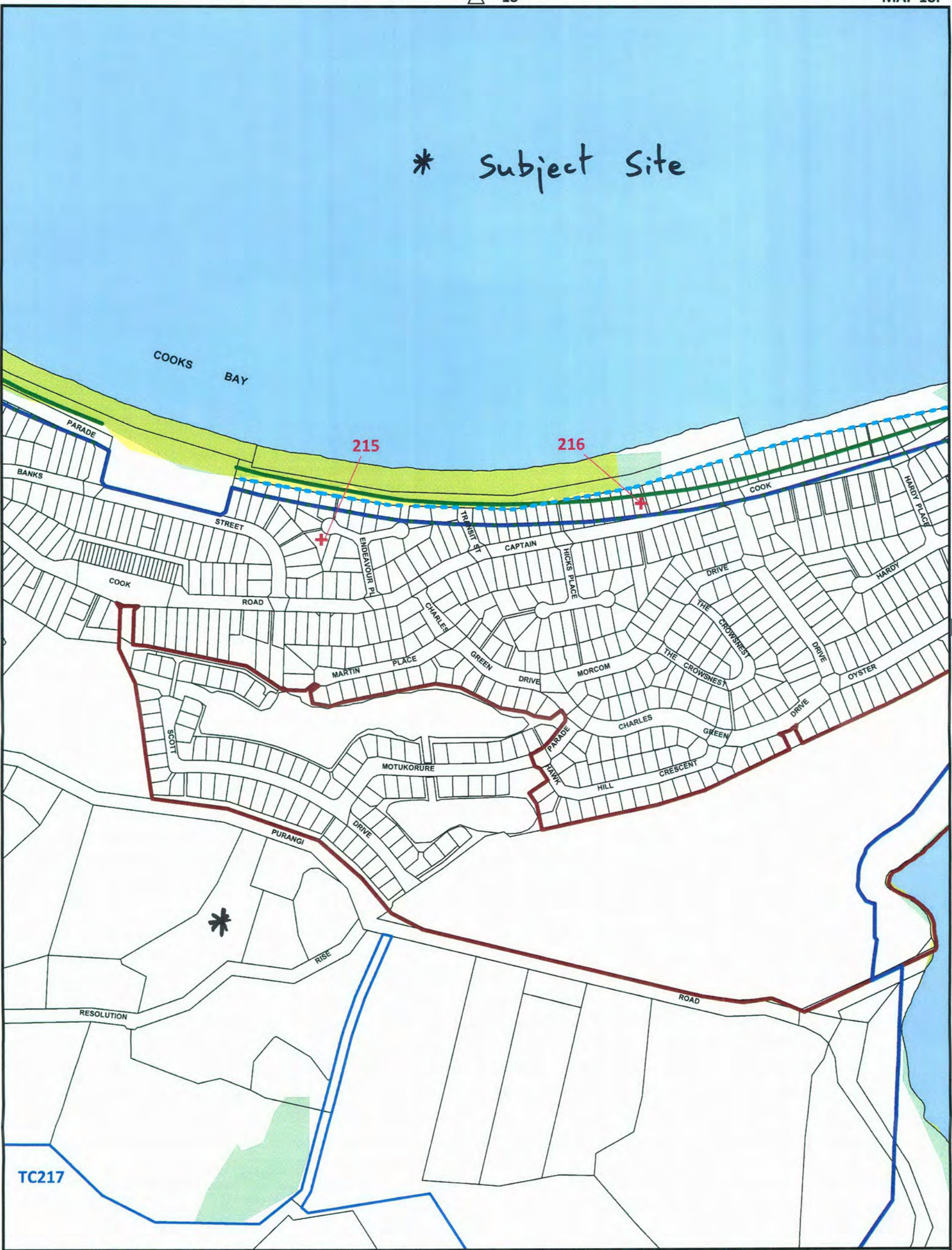
MAP 18I



* Subject Site

18H
18

18J

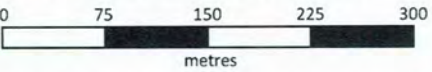


MAP 18I OVERLAYS

COOKS BEACH

PROPOSED DISTRICT PLAN - December 2013

Scale 1:7,500 at A4 Paper Size



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MAP PRINTED
13 December 2013

18

ATTACHMENT C

PROPOSED DISTRICT PLAN ZONES MAP



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.

18

MAP 18I

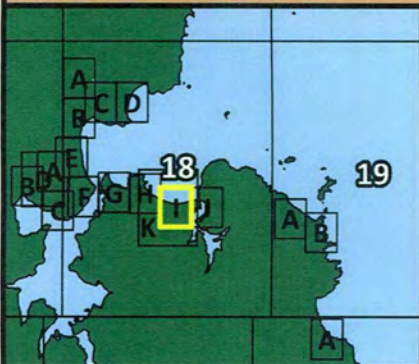
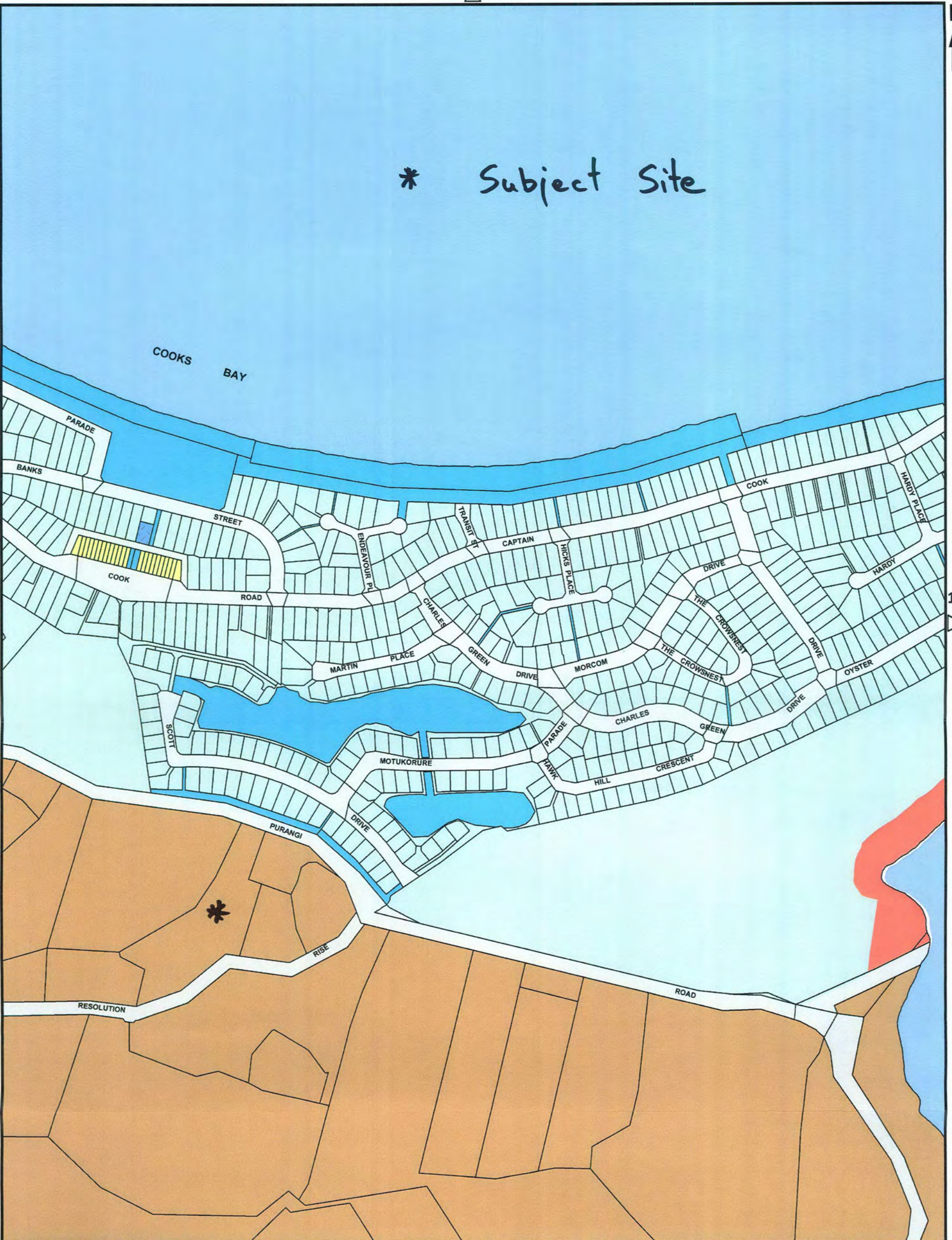


* Subject Site

18H

18

18J

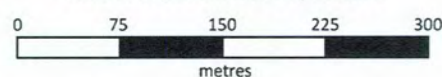


MAP 18I ZONES

COOKS BEACH

PROPOSED DISTRICT PLAN - December 2013

Scale 1:7,500 at A4 Paper Size



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MAP PRINTED
13 December 2013

18

ATTACHMENT D

**SUBJECT SITE TO BE REZONED TO LOW DENSITY
RESIDENTIAL**

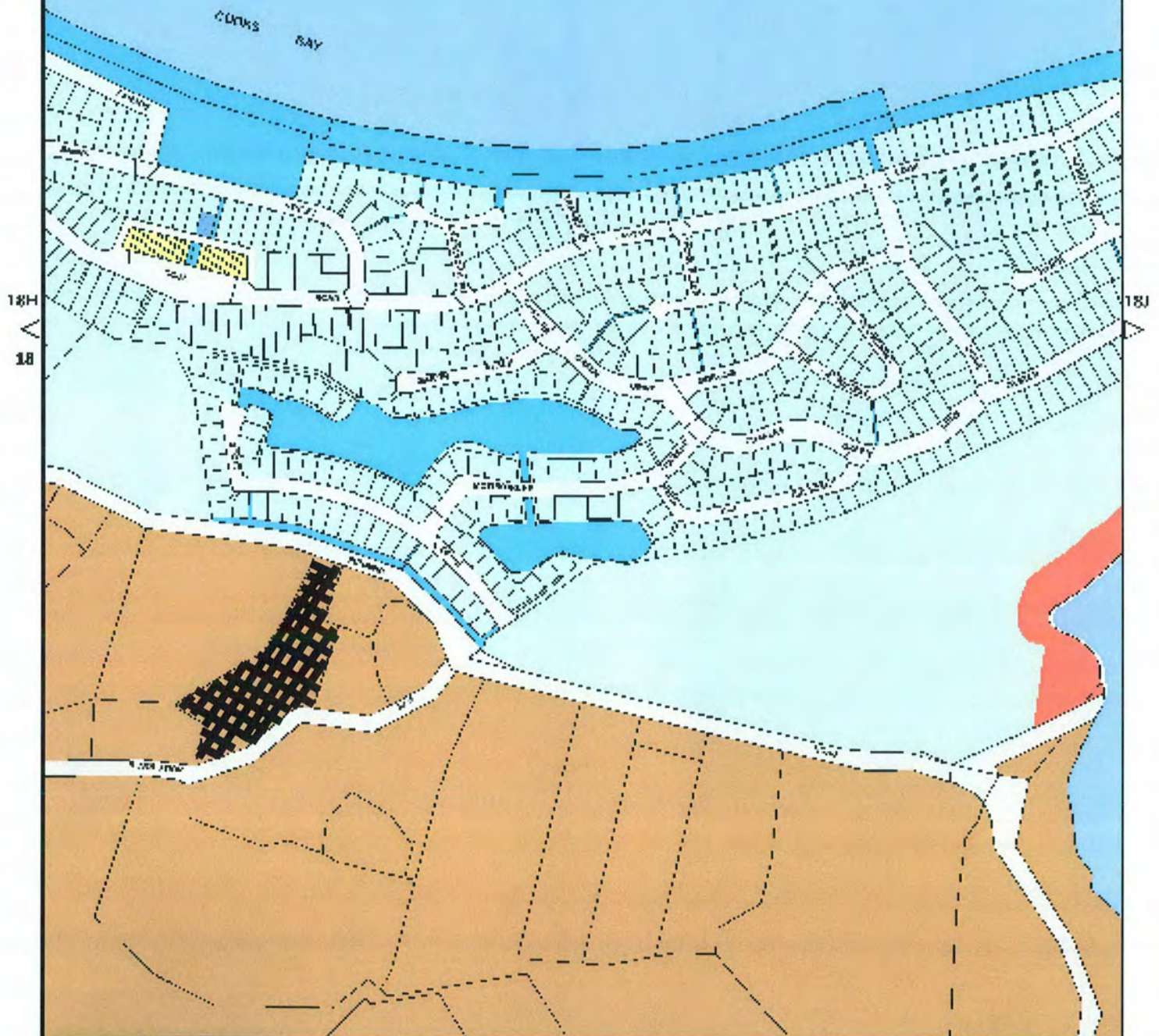


PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.



Rezone to Low Density Residential



MAP 18I ZONES

COOKS BEACH

PROPOSED DISTRICT PLAN December 2013

Scale 1:7,500 at A4 Paper Size



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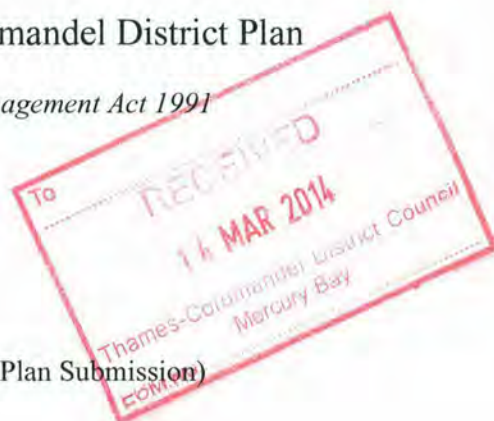


MAP PRINTED
13 December 2013

Form 5 Submission on Proposed Thames-Coromandel District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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



customer.services@tcdc.govt.nz (subject: Proposed District Plan Submission)

Name of submitter: Pauanui Waterways Limited
c/- Planners Plus Limited
PO Box 218
WHITIANGA 3542

Phone: (07) 867 1087
Email: info@plannersplus.co.nz

This is a submission on the following proposed district plan:

Proposed Thames-Coromandel District Plan

1. Pauanui Waterways Limited's submission relates to the area of land located within the Pauanui Canal known as the 'Hammerhead'. The property address is 100 Waterways Parade, Pauanui. The property is located on **Map 29G Zones (Pauanui)** and **Map 29G Overlays (Pauanui) – Attachment A**.
2. Pauanui Waterways Limited acknowledges the support of the Council in terms of identifying key planning matters that has been incorporated within the 'Hammerhead' site at 100 Waterways Parade, Pauanui. However, Pauanui Waterways Limited has a vision for a restaurant; hotel/visitor accommodation; café and boutique shops to be located on the ground floor of the 'Hammerhead' site. Under the Proposed District Plan's Extra Density Residential Zoning, the proposed commercial activities are not provided for.
3. It is certainly good planning practice for the Proposed District Plan to identify upfront the potential use of the site in its entirety. The location of the site and the 'potential' commercial activities to be located on the ground floor not only provide a service for the residents and visitors associated with the subject site, but also the Pauanui Canal property owners. The site is closely linked to the Pauanui/Tairua Community Board's excellent initiative of the Pauanui to Tairua walkway. Walkers/cyclists often meet for a coffee or brunch after their exercise and providing a restaurant and café at the Hammerhead site will add to the experience of those utilising the Pauanui-Tairua walkway.
4. To allow the commercial component for the 'Hammerhead' site, Pauanui Waterways Limited requests that the site be rezoned to the Pedestrian Core Zone. The Proposed District Plan's Pedestrian Core Zone provisions fit perfectly for the 'Hammerhead' site.
5. The Waterfront Zone also has merit and could be considered as an appropriate zone for the site. However, the submitter is concerned with a number of the Waterfront Zone bulk and location and assessment criteria requirements, which are far too restrictive for good designed development to occur.

If the Waterfront Zone was considered more suitable for the site, then the Waterfront Zone's (Section 59.8 – Table 5) maximum permitted height rule would need to be increased to 16 metres to allow for 4 storey buildings. The reasons for the increase in height are that:

- (i) A higher ground floor stud for the commercial component of the building is preferable;
- (ii) The height limit does not take into account the finished floor level of these buildings;
- (iii) Greater height limits allows for underground car parking to be slightly above ground level, which is preferable for ventilation purposes and the costs of the underground car parking;
- (iv) The 10 metre height limit does not allow for varied roof profiles; and
- (v) Economy of scale and the associated costs to develop Waterfront Zoned properties basically require 4 levels to be successful and allow for greater investment in building design and materials, which needs to be a consideration in setting height limits.

There are several factors associated with increasing the height of the Waterfront Zone from 10 metres to 16 metres. Pauanui Waterways Limited is also concerned with Section 59.8 – Table 7 restricted discretionary activity matters and the level of design detail. The Waterfront Zone description (last sentence) referring to coastal erosion and inundation would need to be amended if the Hammerhead site is to be rezoned Waterfront due to the fact that the canal development has been appropriately designed to not be inundated and is not subject to coastal erosion. Other matters of concern with the Waterfront Zone are the earthwork provisions; the commercial gross floor area restriction; and the outdoor space provisions are mostly unworkable for most comprehensive developments. Unless these matters can be resolved including a number of onerous assessment criteria matters, the Waterfront Zone will be difficult to implement.

6. In the submitter's opinion, the flexibility of the zone provisions better reflects the type of development and choice expected for 21st Century living. The proposed Pedestrian Core Zone for the 'Hammerhead' site is a perfect fit for the subject site.
7. Pauanui Waterways Limited also supports the 8 metre canal front yard rule (Residential Zone - Section 54.8 – Table 5) and the 45% site coverage rule (Residential Zone – Section 54.8 – Table 5) for allotments adjoining a canal. The 8 metre canal front rule maintains the amenity of the Pauanui Waterways' canals and is consistent with existing residential dwellings already established. The canal front yard rule and the open space associated with the canals at Pauanui also allows for a higher site coverage, which is supported.

Pauanui Waterways Limited seeks the following decision from the Thames-Coromandel District Council:

- To rezone the 'Hammerhead' site to the Pedestrian Core Zone as per the submission and the amendments to the rules identified above;
- As an alternative, consider the Waterfront Zone for the 'Hammerhead' site, subject to various amendments to the rules and assessment criteria;
- Other matters listed within the attached table (**Attachment B**); and
- Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

Pauanui Waterways Limited wishes to be heard in support of its submission.

If others make a similar submission, Pauanui Waterways Limited will consider presenting a joint case with them at a hearing.

Signature of submitter
(*or* person authorised to sign
on behalf of submitter)

Date

Address for service of submitter:

Telephone: (07) 867 1087

Fax/email:

info@plannersplus.co.nz

Contact person: David Lamason
(Planners Plus Limited)

ATTACHMENT A

PROPOSED DISTRICT PLAN ZONES AND OVERLAYS MAP



PLANNERS PLUS LIMITED

Land Development, Resource Consent and Planning Specialists.

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MAP 29G



* Subject Site

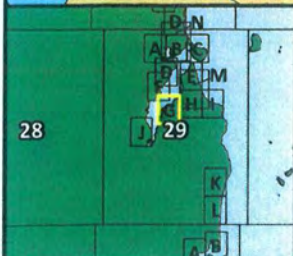
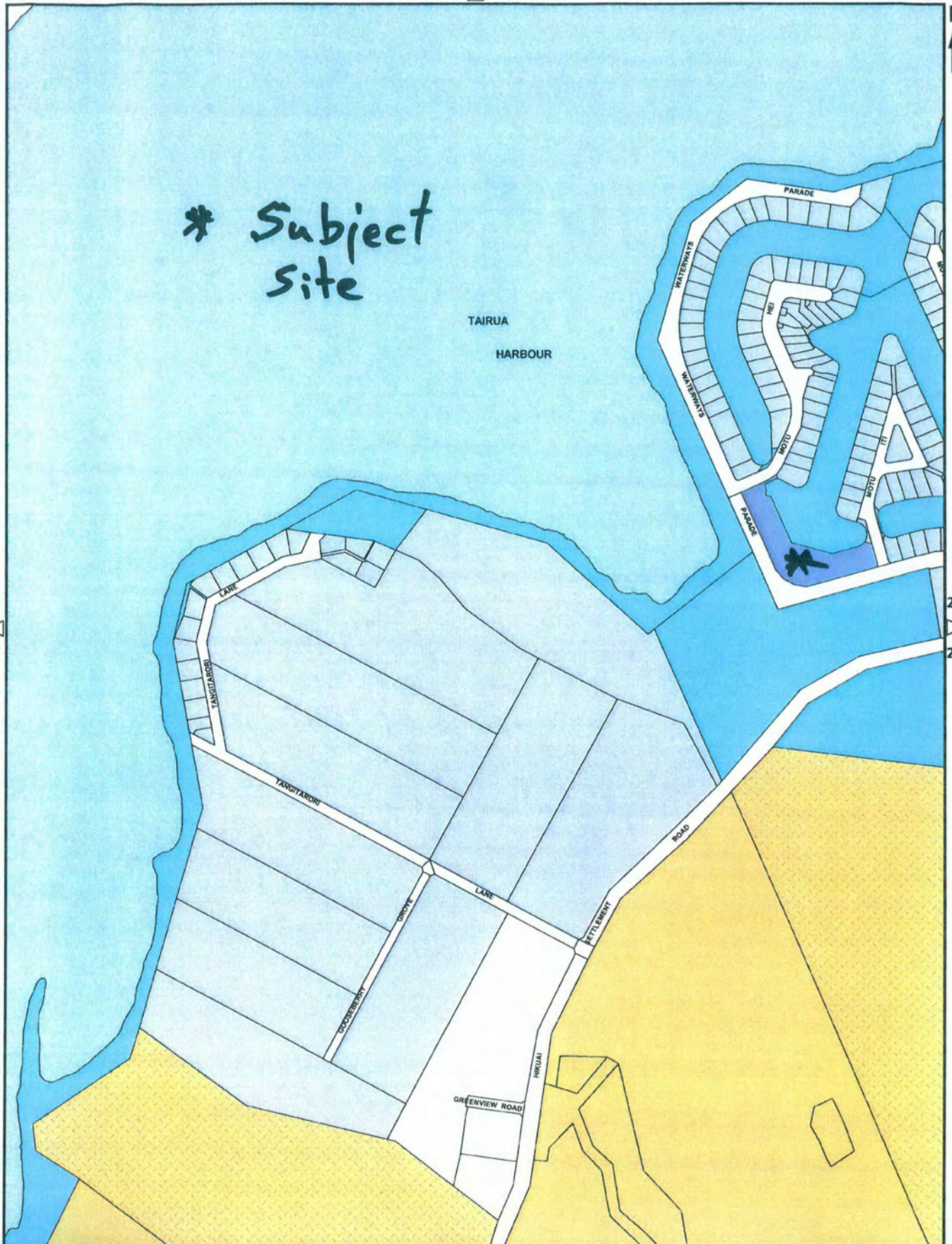
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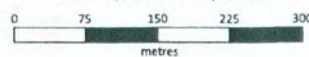


MAP 29G ZONES

PAUANUI

PROPOSED DISTRICT PLAN - December 2013

Scale 1:7,500 at A4 Paper Size

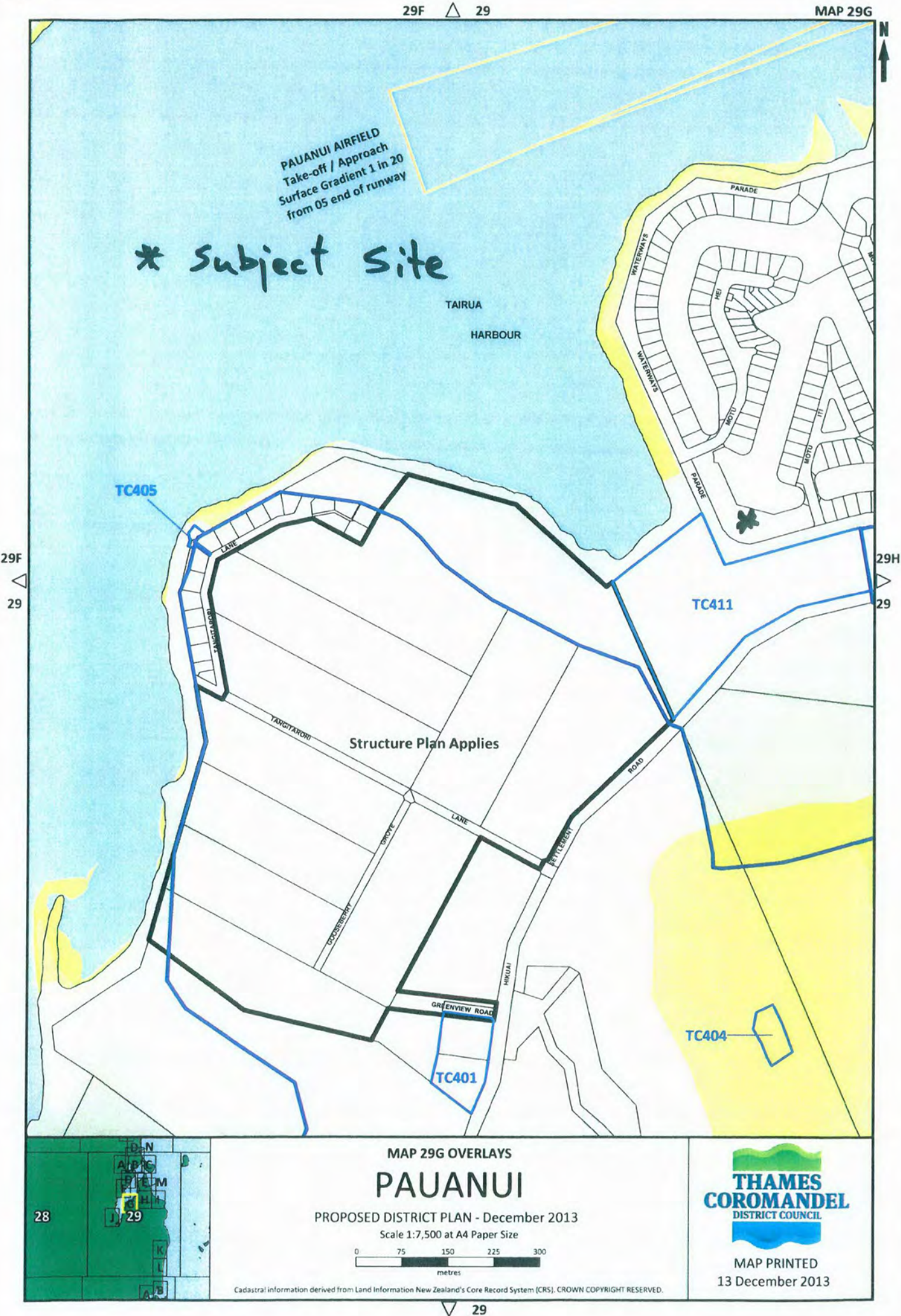


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MAP PRINTED
13 December 2013

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ATTACHMENT B

SUBMISSION TABLE



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SECTION	PROVISION	OPPOSE/ SUPPORT	DECISION SOUGHT	DISCUSSION
Section 44 Extra Density Zone	44.5 Controlled Activities (Rule 15) Comprehensive residential development	Support	That the controlled activity status be retained for comprehensive residential development.	It makes perfect sense for comprehensive developments within the Extra Density Zone to be controlled activities
Section 44 Extra Density Zone	Table 4 – Comprehensive Residential Development Standards (Standards 1e and 1f)	Oppose	That the 10 metre and 11.5 metre maximum building height rules be increased to 14 metres.	The two height rules need to be simplified and increased in height to allow 4 levels.
Section 44 Extra Density Zone	Table 4 – Comprehensive Residential Development Standards (Standard 1i)	Oppose i	That the 8 metre privacy buffer standard be deleted.	The people that live in comprehensive developments understand what they are buying into (i.e. higher density living). The privacy buffer is a restriction on the design and layout of the units.
Section 44 Extra Density Zone	44.9 Assessment Standards, Matters and Criteria Table 7 – Restricted Discretionary Matters	Oppose in part	Delete matters 10 and 12 from Table 7.	The assessment criteria is too vague and subjective.
Section 44 Pedestrian Core Zone	51.7 – Table 6	Oppose 10	Delete 10	This criteria is very subjective and it should be the property owner to decide on the materials to be used.