



Minutes

of the

Proposed District Plan Hearings Panel

Date	21 October 2014
Venue	Council Chamber 515 Mackay Street Thames

Present

M Farnsworth (Chairperson)	T Fox
	I Munro

In Attendance

Name	Item(s)
Peter French (Deputy Mayor)	All
Leigh Robcke (District Plan Manager)	All
Andrew Wharton (Senior Policy Planner)	All
Kirsten Williamson (Senior Policy Planner)	All
Faith O'Sullivan-Babe (Contract Planner)	All
Lisa Madgwick (District Plan Co ordinator)	All

Meeting Commenced 09:08

Adjournments and Absences

Adjournment	Start	Finish	Reason
Chairperson	10:10	10:18	Morning Tea
Chairperson	11:45	13:00	Lunch
Chairperson	15:07	15:21	Afternoon Tea

Absences	Start	Finish	Item
Peter French	11:00		

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1 Conduct of Hearing

1.1 Apologies

All members were present.

1.2 Conflict of Interest

The Chairperson invited notice from members of:

1. Any interests that may create a conflict with their role as an elected member relating to the minutes item(s) for the meeting; and
2. Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

No interests were declared.

1.3 Minutes for Confirmation

No minutes for confirmation.

2 Hearings of Proposed District Plan

2.1 Section 42A & Section 32AA Report - Section 22 Recreation

1 Purpose of Report

The purpose of this report is to provide information to the Hearings Panel to assist in making recommended decisions in respect of submissions and furthers submissions received on the following sections of the Proposed District Plan 2013:

- Section 22 - Recreation Area

2.2 Section 42A & Section 32AA Report - Section 52 and 53 - Recreation

1 Purpose of Report

The purpose of this report is to provide information to the Hearings Panel to assist in making recommended decisions in respect of submissions and furthers submissions received on the following sections of the Proposed District Plan 2013:

- Section 52 - Recreation Active Zone
- Section 53 - Recreation Passive Zone

2.3 Section 42A & Section 32AA Report - Section 12, 26 and 36 Contaminated Land

1 Purpose of Report

The purpose of this report is to provide information to the Hearings Panel to assist in making recommended decisions in respect of submissions and furthers submissions received on the following sections of the Proposed District Plan 2013:

- Section 12 - Contaminated Land and Hazardous Substances (District-wide Issues, Objectives and Policies)
- Section 26 - Site Specific Activities
- Section 36 - Contaminated Land and Hazardous Substances (District-wide Rules)

2.4 Section 42A & 32AA Report - Section 20, 42, 45 and 51 Commercial

1 Purpose of Report

The purpose of this report is to provide information to the Hearings Panel to assist in making recommended decisions in respect of submissions and furthers submissions received on the following sections of the Proposed District Plan 2013:

- Section 20 - Commercial Area
- Section 42 - Commercial Zone
- Section 45 - Gateway Zone
- Section 51 - Pedestrian Core Zone

2.5 Section 42A & Section 32AA Report - Section 21, 46, 47 and 49 Industrial

1 Purpose of Report

The purpose of this report is to provide information to the Hearings Panel to assist in making recommended decisions in respect of submissions and furthers submissions received on the following sections of the Proposed District Plan 2013:

- Section 21 - Industrial Area
- Section 46 - Industrial Zone
- Section 47 - Light Industrial Zone
- Section 49 - Marine Service Zone

2.6 Section 42A & Section 32AA Report - Section 24 - Rural Area

1 Purpose of Report

The purpose of this report is to provide information to the Hearings Panel to assist in making recommended decisions in respect of submissions and furthers submissions received on the following sections of the Proposed District Plan 2013:

- Section 24 - Rural Area

2.7 Section 42A & Section 3AA Report - Section 56 - Rural Zone

1 Purpose of Report

The purpose of this report is to provide information to the Hearings Panel to assist in making recommended decisions in respect of submissions and furthers submissions received on the following sections of the Proposed District Plan 2013:

- Section 56 - Rural Zone

2.8 Section 42A & 32AA - Section 57 - Rural Lifestyle Zone

1 Purpose of Report

The purpose of this report is to provide information to the Hearings Panel to assist in making recommended decisions in respect of submissions and furthers submissions received on the following sections of the Proposed District Plan 2013:

- Section 57 - Rural Lifestyle Zone

2 Suggested Resolution(s)

That the Proposed District Plan Hearings Panel:

1. Receives the reports.
2. Confirms that it has considered all submissions and further submissions made to the Proposed District Plan on the section/matter being considered.
3. Receives and considers any additional information or evidence tabled at the hearings by submitters.
4. Makes interim recommended decisions in regards to the matters raised in the submissions and further submissions received, and notes its reasons for the decisions.
5. Instructs staff to make changes arising from decisions made relating to the Proposed District Plan and take a recommended Decisions version of the Proposed District Plan to Council in 2015.

Moved/Seconded By: Ian Munro/Tony Fox

Coromandel Property Owners (Submitter 1357)

Tabled document L and M

Key discussion points

- EDS320 1260/320.11 - Page 5 – Panel want to traverse the word ‘avoid’. Avoid is tied to Significant Adverse Effects. Growing interpretation means do not allow? Avoid means ‘do not allow’. In light of King Salmon, avoid means avoid.
- EDS submission avoiding development outside of existing settlements. Rezone land north of Thames, at what point is something at the edge of town, no more growth anywhere. Take on EDS submission is that the current boundaries is not to be transgressed. Specifically said no development.
- Anticipated growth in the District – average projections. Growth in dwellings but doesn’t translate to people. Households probably 200 additional dwellings/annum.
- Have any EDS submissions, talking about where growth can or can’t go? 3 growth hubs of Thames, Whitianga and Whangamata. EDS doesn’t see Coastal environment as encompassing that area. Ferry to Whitianga, did they include Cooks Beach lumped in with Whitianga. EDS strong subscribers to the Blueprint document.
- Panel honing in on the literal meaning of words.
- EDS320 1262/320.11 Policy 5a – honing in on the word ‘significant’. Policy 22 vs policy 23.1a
- 1262/320.11 – Panel comment, give effect to the RPS? NZCPS requirement meets the needs.
- Page 10 – Policy 11b1 – Section 17 of the Act. Trying to avoid saying what the Act says, put aside avoid, remedy, mitigate as it says this anyway. Page 11 – last bullet point – could put full stop after ‘avoid adverse effects’. Don’t keep quoting. Issue is what is ‘significant’. Point of view from farmer who has manuka encroaching. Clearing that is not a significant adverse effect. Not defined. Significant could mean clearing more land for an acre of land.
- Panel want to define term ‘significant’.
- Submitter would be comfortable with where the full stop goes depending on what ‘significant’ means.
- EDS320 1262/320.11 – If avoid means avoid, would that stop Council protecting people downstream in a storm event. There may be some aspects of movement in this? ‘Protection’ allows more flexibility. Allows you to consider a lot of options that ‘avoid’ doesn’t.
- ‘Adverse Effects’ – what is this? What is ‘adverse effect on the value attached to that landscape’ – RPS – not precluding any subdivision use, but values of the landscape.
- Panel are getting some clear definitions.
- Section 6 of the RMA – If we’re being asked to apply this, should the Panel think about the values of individual landscapes? Values of individual landscapes are sufficiently different? Need for clarity. No delineation of high natural character, normal natural character and outstanding.
- Need to define what is meant by ‘outstanding’, ‘significant’.
- 1263/320.11 – page 15. What does ‘ribbon development’ mean. Submitters understanding, Thames Coast, geographically no other option, line of house in beach front, number of settlements have gone deeper. Is ribbon about the proportion of gaps between houses? Ribbon development is that it’s an unbroken line of buildings in its’ worst sense. Not Tapu, that’s not ribbon development.
- Panel request – by email, example of where in a District that would be a ‘ribbon development’. Doesn’t have to be around this area.
- To Staff – is there an official definition of ‘ribbon development’? RPS uses it, we may have to define it. Staff to put definition together.
- Point 4 page 15 - What is ‘very appropriate’ and ‘beneficial’. Give something back, not just build stuff.

- Appropriate or beneficial – Looking at Auckland, government has indicated very important benefit of thinking about development is affordability. Passed a unique law to get on with it, would you include that in your list of potential benefits? Submitter doesn't think we have an affordability issue, it's about attracting people to live here. East coast property can be quite expensive. Reasonably affordable compared to Auckland.
- Section 5 of the Act, people want to come here etc, attracting people here with lifestyle. How do we attract people here in regards to residential development. How would you provide opportunities for their houses? Submitter thought that different people have different needs regarding houses. Who trying to attract and into which areas? Big attractions in talking to people, many people move up here for the self-sufficient lifestyle.
- Variety of opportunity, could this be provided for if the Panel were to agree with EDS regarding existing settlements. Submitter thinks not. Proper planning to allow settlements to expand into acceptable areas. Got to be flexible.
- TCDC397 1538/397.29 – page 16 – Matters of Section 6 and 7 are bottom lines, when 6D talks about maintenance and enhancement. National importance to have access to the Coast. Does not say 'maintain existing public access'. Public access may be enhanced through subdivision, appropriate time to negotiate that access. Not appropriate for normal use or development. Would not expect to give up some land for public access if I want to build a house.
- Intention in respect of bigger picture, Coastal Walkway project and other walkways proposed in the District. Want to look at any opportunity to access. No new objectives to be brought in. No specific policy for public walkway in terms for a public walkway.
- Subdivision consents, proposed by staff, might try to negotiate through land use consents as well.
- Grubb 568 2418/568.26 page 29 - Ridgelines and hilltops: Avoid means just that, can't build anywhere on top of the ridgeline. Ways and means of building into a landform so that it doesn't project along the ridgeline. No possible options when you use avoid. Needs to have flexibility.
- Is a 15,000 water tank a building. Definition of building excludes water tanks because we need to promote self-sufficiency. Just buildings that have colour controls.

Christine Vickerman (Submitter 578)

Tabled document O

Gloria and Greame Ready (Submitter 799)

Tabled document N

Key discussion points

- Panel to staff – what is your view? Section 32 doesn't cover cost benefit in a suitable manner.
- Provisions relating to firewood. Cost to individuals.
- Biodiversity submissions of the Plan. Will be thoroughly addressed in the February report.
- Perceived tension, no one even the most ardent tree lover could think that trees live forever and don't change. Lifecycle of the tree. Average lifespan of tree, someone could cut 1% of that down a year and well within maintenance of that vegetation. Over the course of 100 years you'd still be within regenerative potential.
- Removal of some appropriate amount of vegetation can still maintain that vegetation.
- Panel struggles with 'predominately indigenous vegetation' – not defined anywhere. What does it mean? No percentage on it. Look at an area of vegetation, what it's

composition is. Not prevent from clearing exotic vegetation. This is about areas of an indigenous ecosystem, not an individual species. Current Plan introduced where encroachment you could clear. Concept that regeneration is sacrosanct is not the case.

- Cost to clear 5m³ of manuka would be? Controlled activity is about 1000m², cost of cubic metre of manuka – around \$150. The Panel believe it is fundamentally flawed.
- DPRC agreed it should be controlled. Would have to look at how to minimise the cost. Will look at what is reasonable.
- Member Munro – recalls DPRC. Agreement with principles of allowing wholesale clearance, what is reasonableness.
- Difference between commercial firewood and cutting for their own reasonable use.
- Setting a threshold, what effects are there after that.
- RPS was very restrictive on what permitted uses could be. New methods have been introduced through mediation for reasonable use.
- A number of court cases looking at vegetation, fundamental of portion of loss. Courts consistently found between 1-5% per year.
- WRC has changed its stance from no net loss and aiming at a Regional level of no net loss.

Sue Edens and Brian Sharp (Submitter 755)

Tabled document P (3 pieces)

Key discussion points – Commercial Zone

- Section 20 and 42 – would like to see zoning and rules put in place for bulk retail that is in a sensible location.
- Objective 3, Policy 3b – to remove the right for onsite stormwater disposal as a Policy.
- Section 42 – Remove having a maximum fence height of 1.2m in the Commercial zone. Reasonable height – above 2.4m becomes fairly imposing. Need higher than 2m to stop someone scaling it.
- Rebel sport, Harvey Norman, supermarkets are bulk retail.
- Fence standard – not overly clear. Not restricting height, but solid fencing can't be over 1.2m. Certain circumstances very desirable to have 2m high. Standard applies to the front yard only. Most commercial properties have two road frontages.

Key discussion points – Section 24.2

- Thanks submitter for putting some costs into their submission.

Key discussion points – Section 56

- How does 12 vs 6 guests in a visitor accommodation come into effect.
- How did the Section 32 come up with that figure? – did originally have 12, Bylaw around 'pan' limits. 12 people per 'pan'. Six is what is in the current Plan. We don't monitor or enforce. Draft Plan was set at 6, various sources in the commercial sector who wanted a 'level playing field'. Residents in areas where the 'book-a-back' style, have amenity concerns.
- The Panel sought clarification, 12 per property, is that 12 in one dwelling or 6 huts with 2 in each? Submitter thinks a more flexible approach would be better. 12 people maximum can be either way as long as no more than 12.
- Opinion on same topic in residential? 12 guests is pushing the limits for the neighbours. Imposing an amenity value burden on adjoining properties.

Sue and Murray Edens (Submitter 1192)

Tabled document Q

Key discussion points

- .17 – Reading Section 6 of the RMA to get the context.
- Panel to staff – ‘avoid on outstanding that are only according to Policy 13a of the NZCPS – don’t apply to outstanding landscapes not in that area.
- Staff point: Rural report – EDS made 21 submissions 4 were accepted, 8 were accepted in part and the balance rejected. Have not ‘cherry picked’.
- Policy 6a – building penetrating the skyline. One house, broke the skyline on the flat. Huge repercussions to what it was meant for originally.
- Panel – ribbon development – examples what it might be – Asking submitter for ridgeline, give examples of development that does break ridgelines etc but is successful, how development can work with ridgelines or hills.
- Preeces point – look for the house.
- Concerned about the terminology in the Planners reports. Is ‘accept in part’ a nice way of saying ‘reject’. Not turning it down, but accepting intent.
- Panel can’t second-guess the officers. Panel direction to officers - sit down with submitter to explain what they accepted in part etc. as the submitter would like to understand the process.

Marilyn Dodds on behalf of Mapbar and Rabarts (Submitter 760)

Tabled document R

Key discussion points

- 2.2 – 2.4 – commercial zone and industrial activities could go there. Should be some sort of comparison between the two. Flexibility to establish commercial activity in light industrial zone.

On behalf of Kaye Rabarts

- Further submission into 320.8 – What is the Policy 1d – what it means?
- Esplanade reserve, would there need to be public access through her property?
- The intention behind it is that it uses the word ‘should’ is it appropriate or desirable for that to occur. Not an absolute.
- Reflection of Councils desire to establish the Coromandel Great Walk.

Peter Grant (Submitter 212) supported by Chris Costello

Tabled document S

Key discussion points

- Zone status change or specific rules for Lyons Park – Albert Street, Whitianga.
- Submitter 212 – summarised it, gifted land.
- Lyons Park was formed, centennial of 100 years of the Treaty of Waitangi.
- Mercury Bay Rugby Club lease – verbally worked through it from February 2013 with Area Manager and Mayor.
- .26 of lease, crossed out. Rugby club crossed it out and initialled it.
- Council posted another copy without the changes in it.
- Land itself – 1977 Reserve Act, land was Counties Act 1956, repealed 1974, then reserve act 1977. Comes under Section 17 of the Reserves Act 1977. Does not take into account as to why it was gifted to the Community.
- RMA 10 (1) – Wording of that is what he is getting back. Wants to go back to 1940 and 1960, specific rules that were around when the land was gifted.

- 1940, who gave it, reason, intention, and then the tennis club gifting their land.
- Whitianga and Wharekaho Reserve Management Plan – 5.4.2.4 – never been one
- Prohibited activities – how many mistakes Council has made on that land.
- Dr A McEwen says it should be a historical site.
- No one place to get information.
- No record of the tennis club gifting their land. Handed to Council solicitor to deal with in 1960. Transferred as Sport and Recreation. No record of trade off so they don't pay rates. 1960 onwards, no rates to pay. Except for mid-1990's started getting charged rates again. Tennis Club got threatened to take to the court. Pay rates and get reimbursed out of the Community Fund. No reimbursement on the 4th year.
- Tennis Club has tenure of their land. They should maintain the courts and buildings. Make the courts available to the public. Put that in as believe in that.
- Parking – has now been resolved of parking on Lyons Park. Open space in perpetuity, for an event that is held on Lyons Park not for anything else.
- All submissions been rejected. Change of zone, meant a different colour code to recreation reserve heritage or something similar.
- Not a person off the street, and the Panel accepted the credentials of the submitter.
- Management Plan – submitter can't find it.
- Should have a red flag, protocols or rules that have to be established for it.
- From the Panel – is there a gifted land register? Could we put a flag or notation on it for that?
- Councillor Fox/Peter French to take things to Council.
- Heritage status – do you have a copy of that? It's in the statement in the Hauraki Heritage (in his submission).
- Panel to staff – any other reserves would fall into the same kind of circumstances, gifted or otherwise historic. Many gifted for all sorts of reasons. List of things to go back to Council – should be on that list.
- Staff to send copy of Management Plan to submitter.

Ian Johnson on behalf of Hahei Limosin (Submitter 410)

Tabled document T

Key discussion points

- Wants Plan to be more explicit in Rural Area regarding Economic Development.
- Section 32AA consideration – how would it line up. TCDC now a step forward in the process. Evidence behind it. Trying to provide comparison in what is in the PDP and what we've provided. Building on the Section 32.
- Anomaly's wording of objective 2.

Under Standing Order 3.3.7, the Proposed District Plan Hearings Panel agreed to extend the meeting time past the six hour duration until the conclusion of the agenda for 21 October 2014.

Moved/Seconded Ian Munro/Tony Fox

Mervyn Trebes (Submitter 1140)

Key discussion points

- Number 12 – asked for replace 'should' with 'shall' (Policy 1c). No issue with the first 'should'. Second 'should' needs to be 'shall'.
- Residential/commercial noise.
- Has to be strict guidelines with noise reducing properties with mixed use.

- Number 13 – Policy 1e – commercial activities with large parking should be in the Gateway Zone. Hotels/motels etc. Zoned commercial, can have apartments above commercial. Make sure the hotels/motels will still be allowed in Whitianga.
- Thought it might have covered more things than just visitor accommodation.

Tabled Documents

- A Planners Plus on behalf of O P Columbia (submitter 1180)
- B Gill Chappell on behalf of Wilson Hellaby (submitter 429)
- C Barker and Associates on behalf of The National Trading Company (submitter 706)
Hearings Panel recommend to amend Standard 10 Table 5 with an inconsequential change similar to if there is a service lane, it shall be used.
- D Barker and Associates on behalf of Bunnings Ltd (submitter 121)
Page 2 – 4th bullet point – submitter hasn't provided enough details of the effects of these.
- E Thames Environmental consultancy on behalf of Pacific Paradise Ltd (submitter 1398)
- F Transpower – Section 24 (submitter 832)
- G Transpower – Section 12, 26 and 36 (submitter 832). Catered for in the Rule.
- H K Vernon (submitter 182) – letter to go back to the submitter regarding not receiving a copy of further submissions.
The panel sought clarification on points 4 and 5. Clarification was provided that in terms of the original Section 32, no need to do a major new analysis and the results of that stood.
- I Zomac on behalf of Progressive Enterprises Ltd (submitter 114)
- J Aecom on behalf of Waikato District Health Board (submitter 322)
- K Correction to Forestry submission point reference by TCDC Staff.

Resolution for K

That the District plan Hearings Panel:

1. Receives the report
2. Endorse the above corrections to the section 42A Hearing Report – Forestry topic.

Moved/Seconded Ian Munro/Tony Fox

Meeting Closed at 15:30

The minutes from each hearing are only a record of what was heard and discussed at that hearing. The Panel will not be making any recommended decisions to the Council until all the hearings are completed and all submissions and evidence are considered.

The foregoing Minutes were certified as being a true and correct record of the meeting of the Proposed District Plan Hearings Panel held on 21-23 October 2014.



Chairperson

Date 20 November 2014