

COROMANDEL PROPERTY OWNERS ALLIANCE INCORPORATED (CPOA)-PRESENTATION TO PROPOSED DISTRICT PLAN SUBMISSIONS AND FURTHER SUBMISSIONS HEARINGS PANEL-1330-1400-10 FEBRUARY 2015

PART VI-DISTRICTWIDE RULES-SECTION 38-SUBDIVISION

EDS-320	1248/320.3	Subdivision Rules R5- Don't support subdivision around two plus dwellings (current rules –must be more than 40ha to have two plus dwellings)	<ul style="list-style-type: none"> • CPOA considers that business operations (e.g. tourism related and farming operations) need the option of subdivision around two plus dwellings, to accommodate changing needs, future-proofing, and family succession planning. The other requirements around subdivision in the Rural Area ensure that there would be no additional effects, since the dwellings are already in place. CPOA considers a Controlled Activity status is appropriate for this. • CPOA notes that the Staff Report– para 28 – does not support the EDS submission to delete R5. • CPOA concurs with retaining this clause. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1249/320.3	Rule 7 - EDS prohibiting subdivision in overlays, coastal, rural, significant biodiversity, margins of rivers, streams etc.	<ul style="list-style-type: none"> • CPOA understands that S6 (a) RMA, Policy 13 (1) and Policy 15 NZCPS allows for subdivision provided that it is appropriate. • CPOA also believe that S17 RMA confers a duty and therefore allows for adverse effects to be avoided, remedied or mitigated. • CPOA therefore considers that this EDS proposal denies people and communities in the Thames Coromandel District to provide for their social, economic, and cultural well-being. • This proposal therefore breaches S5 (2) RMA • CPOA notes that the Staff Report does not specifically address EDS' submission point, except in relation to the coastal environment in para 9-11, where it is rejected. Other comments in the Staff Report relevant to the EDS request for

			<p>prohibition of subdivision include:</p> <ul style="list-style-type: none"> ○ Para 9 claims that “<i>prevention of land use activity in the Coastal Environment is a common theme of submissions</i>” – CPOA disagrees with this comment, as many submissions have been made for <u>providing for</u> activities also. ○ Para 10 refers to NZCPS Policy 6, pointing out that it does not preclude subdivision in the Coastal Environment. It goes on to claim that Policy 6 “<i>seeks to ensure that activity is consolidated into existing developed areas and ‘sprawling’ or ‘sporadic’ subdivision does not occur</i>”. However the NZCPS Policy 6.1c actually states: “<i>encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth</i>”. CPOA also notes NZCPS Policy 6.1b) which states “<i>consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment</i>”. ○ Para 10 also refers to NZCPS Policies 11, 13, 15 and 17 as requiring consideration in relation to subdivision, however consideration is a lot different from prohibition. ● Other aspects of the Staff Report point out that the overlay sections address these matters. No changes are proposed as a result of this submission point. ● CPOA concurs with this. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
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EDS-320	1249/320.3	Rule 8- want transferable development rights and oppose Conservation lots – further restrictions on subdivision in overlays, including Amenity overlay	<ul style="list-style-type: none"> • CPOA believes that the Proposed District Plan does not allow for transferable rights. • A plan change would therefore be required to put this EDS proposal into effect. • CPOA notes that the Staff Report – para 60-61 – explains that transferable development rights were explored at draft plan stage and discounted due to lack of Council systems and resources. Therefore EDS’ submission point is rejected. • CPOA concurs. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1249/320.3 and .12	Rule 9 and Table 2 Subdivision in Rural Area prohibited	<ul style="list-style-type: none"> • CPOA’s earlier comments (EDS-320/1249/320.3-regarding R7) in this document apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ CPOA understands that S6 (a) RMA, Policy 13 (1) and Policy 15 NZCPS allows for subdivision provided that it is appropriate. ○ CPOA also believes that S17 RMA confers a duty and therefore allows for adverse effects to be avoided, remedied or mitigated. ○ CPOA therefore considers that this EDS proposal denies people and communities in the Thames Coromandel District to provide for their social, economic, and cultural well-being. ○ This proposal therefore breaches S5 (2) RMA • CPOA notes that the Staff Report– para 64-68 – does not support the use of prohibited status in this context, and cites case law and inconsistency with the overall planning framework as that basis for this approach. • CPOA concurs with rejecting the use of prohibited status. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1249/320.3	Rule 10 – Rural Lifestyle Zone -Prohibitions, restrictions and transfer rights similar to those contained in EDS submission on Rules 7,8 and 9	<ul style="list-style-type: none"> • CPOA’s earlier comments (EDS-320/1249/320.3-regarding Rule 7) in this document apply and are repeated here for ease of reference:

			<ul style="list-style-type: none"> ○ CPOA understands that S6 (a) RMA, Policy 13 (1) and Policy 15 NZCPS allows for subdivision provided that it is appropriate. ○ CPOA also believes that S17 RMA confers a duty and therefore allows for adverse effects to be avoided, remedied or mitigated. ○ CPOA therefore considers that this EDS proposal denies people and communities in the Thames Coromandel District to provide for their social, economic, and cultural well-being. ○ This proposal therefore breaches S5 (2) RMA ● Our earlier comments (EDS-320/1249/320.3-regarding Rule 8) in this document apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ CPOA believes that the Proposed District Plan does not allow for transferable rights. ○ A plan change would therefore be required to put this EDS proposal into effect. ● CPOA notes that the Staff Report – para 79 – refers to earlier discussion re transferable development rights and the use of prohibited status. Para 79 also rejects any amendments here in relation to overlays, since these are covered in other sections. ● CPOA concurs with this approach. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1249-1250/320.3	Rule 11a, c – limit option to reduce reserve below 20m.	<ul style="list-style-type: none"> ● CPOA opposes further limiting options to reduce esplanade reserves. ● CPOA’s earlier comments in the document on S16 of the Proposed District Plan (EDS-320/1247-1248/320.2-regarding Policy 8, S16) apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ Who is going to pay for this? ○ Who is going to maintain them?

			<ul style="list-style-type: none"> ○ CPOA’s understanding, as noted in the Hearing on 23 October in our comments on Page 18 of the CPOA presentation (regarding TCDC-397/1538/397.30), is that the RMA allows for an esplanade to be “created” as a result of a subdivision. The RMA allows for other esplanades and strips to be negotiated with the registered proprietor of any land. That is as it should be rather than be “<i>required as a matter of course</i>” ○ CPOA’s understanding is that the RMA gives sound advice regarding the width of such reserves which is also as it should be rather than be “<i>20m in width as a matter of course.</i>” ● CPOA notes that the Staff Report– para 84 – appears to support the sentiment of the EDS submission point and claims that “<i>It is accepted that the ability to waive, reduce or alter esplanade should only be considered in exceptional circumstances</i>” and that this is the reason for its discretionary status. ● CPOA disagrees with this stance, since the RMA S77 allows councils to: apply, not apply, alter the width of, or only apply esplanade reserves in particular locations or circumstances. ● CPOA also notes that the NZCPS Policy 19.2 gives guidance as to where there may be opportunities to <u>enhance or restore</u> public access, while Policy 19.3 gives guidance as to where public access may be restricted, including “...in other exceptional circumstances sufficient to justify the restriction”. Policy 19.3 does not explicitly refer to <u>existing</u> public access, but that is the implication since access cannot be restricted if it does not already exist. ● Therefore CPOA considers that reasonable flexibility is afforded as to how esplanade reserves and strips may be applied, waived or altered at the time of subdivision ● The Staff Report goes on to recommend that the conditions of
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			<p>Rule 11a)-d) be deleted due to duplication with Section 16 Objective 8, and all submissions (of all persuasions) are rejected.</p> <ul style="list-style-type: none"> • CPOA disagrees with this approach. It is consistent with other rules in this section to provide some guidance, which should be consistent with Section 16 Policy 8d. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1258/320.9	38.7 – Subdivision in Coastal Living – Proposed District Plan already Restricted Discretionary, EDS want to make it Discretionary	<ul style="list-style-type: none"> • CPOA considers that Restricted Discretionary is already restrictive enough. It does not, in our view, need to be tightened further. • CPOA notes that the Staff Report – para 14 – rejects this submission point. • CPOA concurs. <p><i>CPOA request that this EDS submission point be disallowed.</i></p>
EDS-320	1258/320.9	Table 2 – Subdivision in Coastal Living-minimum lot sizes of 800m2 and 1200m2 proposed	<ul style="list-style-type: none"> • CPOA consider that this proposal is more onerous than the existing Plan. Doesn't allow for intensification in the coastal living area. • CPOA does not consider this to be a reasonable use of land. It only encourages a more spread-out built area. • CPOA notes that the Staff Report – para 85-87 – supports the increase in minimum lot size as per the EDS submission. The rationale given is partly due to the merging of the current Coastal Residential and Village areas, where the average lot size is 600-800m2, and partly an apparent desire to make it appear different from the residential zone. CPOA considers these to be poor justification for increasing the spread of development. • CPOA also considers that, while it is important to ensure adequate area is available for the functioning of septic tank systems, there is no evidence given that 1200m2 is required as opposed to 1000m2. • CPOA therefore disagrees with the Staff Report on this point. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>

EDS-320	1258/320.9	Table 5 – Wants the addition of effects on indigenous vegetation, natural character, amenity values and landscape values	<ul style="list-style-type: none"> • CPOA considers this proposal to be unnecessary as such effects are a natural consequence of the zoning. • CPOA notes that the Staff Report– para 106 – does not support this submission point since it would be unnecessary duplication with overlay sections of the plan. • CPOA supports the approach of reducing duplication. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1264/Nil	Sect 38 Table 2 – Does not support 20ha minimum lot size. Consequently wants to prohibit subdivision in Rural environment	<ul style="list-style-type: none"> • CPOA’s earlier comments (EDS-320/1249/320.3-regarding Rule 7) in this document apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ CPOA understands that S6 (a) RMA, Policy 13 (1) and Policy 15 NZCPS allows for subdivision provided that it is appropriate. ○ We also believe that S17 RMA confers a duty and therefore allows for adverse effects to be avoided, remedied or mitigated. ○ CPOA therefore considers that this EDS proposal denies people and communities in the Thames Coromandel District to provide for their social, economic, and cultural well-being. ○ This proposal therefore breaches S5 (2) RMA • CPOA notes that the Staff Report– para 64-68 – does not support the use of prohibited status in this context, and cites case law and inconsistency with the overall planning framework as that basis for this approach. • CPOA concurs with rejecting the use of prohibited status. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1236/NIL	EDS point 3.2 re Subdivision – overview of concerns	<ul style="list-style-type: none"> • CPOA has been independently advised that: <ul style="list-style-type: none"> ○ One of the largest property development periods (i.e. early 2000s to 2007) occurred on the Coromandel Peninsula. A Coromandel Coastal Review undertaken by Site Environmental Consultants on behalf of TCDC confirms the following:

			<p><i>“The majority of the Coromandel coastline remains characterised by rural activity, or coastal forest. The present coastal settlement pattern does not appear to have changed significantly since the set of Council aerial photographs that were flown in 2002, and most subsequent development is located in the areas designated in the current District Plan” (Section 4.3 - page 17)</i></p> <p><i>“The seaview images indicate that a large extent of the Coromandel shoreline remains in rural land use or contains emerging coastal forest. The pattern of land use also indicates that coastal settlement is concentrated in areas of the shoreline, rather than evenly spread throughout. In this sense the visual evidence of the Seaview images does not support the view that development is spreading significantly within the wider coastline, other than areas anticipated by the current District Plan. However there are coastal subdivisions that are prominent and which have been consented subsequent to the current District Plan.” Section 4.3 – page 18</i></p> <ul style="list-style-type: none"> ○ The independent Coastal Zone review undertaken in December 2010 provides reasonable assurance that further subdivision restrictions are not needed and that the current District Plan subdivision rules have worked during a period of high growth. ● Requiring subdivision in the rural zone to be prohibited is unbalanced and unrealistic. The subdivision process in the rural zone is already a very difficult and costly process.
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			<i>CPOA therefore requests that this EDS submission point be disallowed</i>
TCDC-397	1543/397.55	<p>Subdivision</p> <p>Add new section 38.1A re the Plan will require esplanade reserves/strips to be established where lots are greater than 4ha, as well as those less than.</p>	<ul style="list-style-type: none"> • CPOA understands that compensation is required to be paid to owners if over 4ha • It is also CPOA's understanding that the RMA allows for an esplanade to be "created" as a result of a subdivision, and also allows for it not to be required. The RMA allows for other esplanades and strips to be negotiated with the registered proprietor of any land. That is as it should be. • CPOA considers that a prescriptive addition to a Proposed District Plan to potentially force private property owners to accept creation of an esplanade reserve /strip on their land regardless of whether the lot is greater than 4ha or less than that is not only unacceptable, in our view, it is also questionable. • The issue of the maintenance of isolated reserves/strips is also raised by the addition of this new section. • CPOA does not consider this to be a minor change to the Proposed District Plan. • CPOA believe that, in fact, it is a major amendment requiring sufficient time to be allocated for analysis and consultation. The 10 day period, set down by the regulatory process under the RMA, whereby all 1236 submissions have to be assessed in that period so that people of this District can decide which submissions they may wish to Further Submit against is certainly not sufficient time for such a major change as this to be assessed by the people. • CPOA believe that this proposal should have gone through the District Plan Review process leading up to the notification of the Proposed District Plan on 13 December 2013. • Given, these comments, CPOA would seriously question just how many citizens are aware of this change and its ramifications?

			<ul style="list-style-type: none"> • CPOA notes that the Staff Report– para 16 – does not support adding further explanation under 38.1, but does recommend an added paragraph under 38.2, referencing Section 16 and stating that esplanade reserves “shall” be set aside or created for lots of <4ha and >4ha. • CPOA supports reference to the appropriate policy section, as this enables users to understand the background and requirements. However CPOA opposes the use of the word “shall” in such a definitive way, for reasons outlined above, and proposes the following alternative wording: - “...esplanade reserves/strips may be set aside.” <p><i>CPOA requests that this TCDC submission point be disallowed.</i></p>
TCDC-397	1544-1545/397.112	Rule 2.1 – amend, requires esplanade reserves/strips next to sea, for boundary adjustments.	<ul style="list-style-type: none"> • CPOA’s immediate previous comments (TCDC-397/1543/397.55 regarding the addition of Section 38.1A) in this document apply, in part, and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ It is CPOA’s understanding that the RMA allows for an esplanade to be “created” as a result of a subdivision, and also allows for it not to be required. The RMA allows for other esplanades and strips to be negotiated with the registered proprietor of any land. That is as it should be. ○ CPOA does not consider this to be a minor change to the Proposed District Plan ○ CPOA believes that, in fact, it is a major amendment requiring sufficient time to be allocated for analysis and consultation. The 10 day period, set down by the regulatory process under the RMA, whereby all 1236 submissions have to be assessed in that period so that people of this District can decide which submissions they may wish to Further Submit against is certainly not sufficient time for such a major change as this to be assessed by the people.

			<ul style="list-style-type: none"> ○ CPOA believe that it should have gone through the District Plan Review process leading up to the notification of the Proposed District Plan on 13 December 2013. ○ Given, these comments, CPOA would seriously question just how many citizens are aware of this change and its ramifications? ● Finally, a prescriptive addition to a Proposed District Plan to potentially force private property owners to accept creation of an esplanade reserve /strip on their land for a simple boundary adjustment if it is <i>“adjoining the mark of mean high water springs of the sea,”</i> is not only unacceptable, in CPOA’s view, it is also questionable. ● CPOA notes the Staff Report– para 17 – supports this submission point. Para 17 explains that, for Council to be able to take esplanade reserves on lots >4ha, the RMA requires that a district plan contains a rule requiring this. Hence, Appendix 2 of the staff report includes added wording in a new R2.1e). This wording only mentions lots >4ha, relying on the presumption in the RMA that a reserve <u>will</u> be taken (unless waived by resource consent) for lots <4ha. ● CPOA disagrees with the Staff Report on this point. We consider that for lots >4ha, there is an unquantifiable cost to ratepayers for compensation, and it would be more appropriate to negotiate esplanade reserves with owners at the time of subdivision through another means. <p><i>CPOA requests that this TCDC submission point be disallowed.</i></p>
TCDC-397	1545/397.63	Rule 8.1 – add requirement to take esplanade reserve...	<ul style="list-style-type: none"> ● CPOA’s immediate previous comments (TCDC 397/1544-1545/397.112 regarding Rule 2.1) in this document apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ It is CPOA’s understanding that the RMA allows for an esplanade to be “created” as a result of a subdivision, and also allows for it not to be required. The RMA

			<p>allows for other esplanades and strips to be negotiated with the registered proprietor of any land. That is as it should be.</p> <ul style="list-style-type: none"> ○ CPOA does not consider this to be a minor change to the Proposed District Plan ○ CPOA believes that, in fact, it is a major amendment requiring sufficient time to be allocated for analysis and consultation. The 10 day period, set down by the regulatory process under the RMA, whereby all 1236 submissions have to be assessed in that period so that people of this District can decide which submissions they may wish to Further Submit against is certainly not sufficient time for such a major change as this to be assessed by the people. ○ CPOA believes that it should have gone through the District Plan Review process leading up to the notification of the Proposed District Plan on 13 December 2013. ○ Given, these comments, CPOA would seriously question just how many citizens are aware of this change and its ramifications? ○ Finally, a prescriptive addition to a Proposed District Plan to potentially force private property owners to accept creation of an esplanade reserve /strip on their land if it is “<i>adjoining the mark of mean high water springs of the sea,</i>” is not only unacceptable, in CPOA’s view, it is also questionable. ● CPOA notes that the Staff Report – para 17 – supports this submission point. Para 17 explains that, for Council to be able to take esplanade reserves on lots >4ha, the RMA requires that a district plan contains a rule requiring this. Hence, Appendix 2 of the staff report includes added wording in a new R2.1e). This wording only mentions lots >4ha, relying on
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			<p>the presumption in the RMA that a reserve will be taken (unless waived by resource consent) for lots <4ha.</p> <ul style="list-style-type: none"> • CPOA disagrees with the Staff Report on this point for the reasons outlined above. We consider that for lots >4ha, there is an unquantifiable cost to ratepayers for compensation, and it would be more appropriate to negotiate esplanade reserves with owners at the time of subdivision through another means. <p><i>CPOA requests that this TCDC submission point be disallowed.</i></p>
TCDC-397	1546/397.67	Rule 9.1 – additional standards requiring esplanade reserves/strips	<ul style="list-style-type: none"> • CPOA’s earlier comments in this document (TCDC 397/1544-1545/397.112 regarding Rule 2.1 and TCDC-397/1545/397.63 regarding Rule 8.1) apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ▪ It is CPOA’s understanding that the RMA allows for an esplanade to be “created” as a result of a subdivision, and also allows for it not to be required. The RMA allows for other esplanades and strips to be negotiated with the registered proprietor of any land. That is as it should be. ▪ CPOA does not consider this to be a minor change to the Proposed District Plan ▪ CPOA believes that, in fact, it is a major amendment requiring sufficient time to be allocated for analysis and consultation. The 10 day period, set down by the regulatory process under the RMA, whereby all 1236 submissions have to be assessed in that period so that people of this District can decide which submissions they may wish to Further Submit against is certainly not sufficient time for such a major change as this to be assessed by the people.

			<ul style="list-style-type: none"> ▪ CPOA believes that it should have gone through the District Plan Review process leading up to the notification of the Proposed District Plan on 13 December 2013. ▪ Given, these comments, CPOA would seriously question just how many citizens are aware of this change and its ramifications? ○ Finally, a prescriptive addition to a Proposed District Plan to potentially force private property owners to accept creation of an esplanade reserve /strip on their land if it is “<i>adjoining the mark of mean high water springs of the sea,</i>” is not only unacceptable, in CPOA’s view, it is also questionable. • CPOA notes that the Staff Report– para 17 – supports this submission point. Para 17 explains that, for Council to be able to take esplanade reserves on lots >4ha, the RMA requires that a district plan contains a rule requiring this. Hence, Appendix 2 of the staff report includes added wording in a new R2.1e). This wording only mentions lots >4ha, relying on the presumption in the RMA that a reserve will be taken (unless waived by resource consent) for lots <4ha. • CPOA disagrees with the Staff Report on this point for the reasons outlined above. We consider that for lots >4ha, there is an unquantifiable cost to ratepayers for compensation, and it would be more appropriate to negotiate esplanade reserves with owners at the time of subdivision through another means. <p><i>CPOA requests that this TCDC submission point be disallowed.</i></p>
TCDC-397	1547/397.74	Table 3.4a) – lot created must be large enough for a 200m2 dwelling without intruding into front yard or Conservation Zone yard (“buffer” 5m for Residential Area, 25m for Rural Area)	<ul style="list-style-type: none"> • CPOA opposes the need for buffer/conservation zone yard, especially in relation to Rural Area. • CPOA would ask why should a 5m buffer be okay in one area and then be required to increase to 25m in another? • CPOA notes that the Staff Report – para 94 – proposes

			<p>removing the conservation zone “buffer” from subdivision requirements, and relying on the conservation zone “yard” distances as laid out in Rural Area rules. Thus, the Staff Report proposes deleting 3.4 in Table 3.</p> <ul style="list-style-type: none"> • CPOA concurs with deleting this from Table 3. • However, CPOA’s concerns remain regarding the above bullet points. <p><i>CPOA requests that this TCDC submission point be disallowed.</i></p>
TCDC-397	1547/397.75	Table 5 – add extra Restricted Discretionary matter and criteria regarding esplanade reserves/strips.	<ul style="list-style-type: none"> • CPOA considers that this may be appropriate as a “<i>where appropriate</i>” matter, however our previous comments in this document regarding esplanade reserves/strips on lots “<i>adjoining the mark of mean high water springs of the sea,</i>” (TCDC 397/1544-1545/397.112 regarding Rule 2.1, TCDC-397/1545/397.63 regarding Rule 8.1 and TCDC-397/1546/397.67 regarding Rule 9.1) apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ▪ It is CPOA’s understanding that the RMA allows for an esplanade to be “created” as a result of a subdivision, and also allows for it not to be required. The RMA allows for other esplanades and strips to be negotiated with the registered proprietor of any land. That is as it should be. ▪ CPOA does not consider this to be a minor change to the Proposed District Plan ▪ CPOA believes that, in fact, it is a major amendment requiring sufficient time to be allocated for analysis and consultation. The 10 day period, set down by the regulatory process under the RMA, whereby all 1236 submissions have to be assessed in that period so that people of this District can decide which submissions they may wish to

			<p>Further Submit against is certainly not sufficient time for such a major change as this to be assessed by the people.</p> <ul style="list-style-type: none"> ▪ We believe that it should have gone through the District Plan Review process leading up to the notification of the Proposed District Plan on 13 December 2013. ▪ Given, these comments, we would seriously question just how many citizens are aware of this change and its ramifications? <ul style="list-style-type: none"> ○ Finally, a prescriptive addition to a Proposed District Plan to potentially force private property owners to accept creation of an esplanade reserve /strip on their land if it is “adjoining the mark of mean high water springs of the sea,” is not only unacceptable, in CPOA’s view, it is also questionable. <ul style="list-style-type: none"> • CPOA notes that the Staff Report– para 110 – does not support TCDC’s submission point, since the plan requires esplanade reserves as a matter of course, and requires a discretionary resource consent to waive/reduce or alter. Therefore it is thought to be not required in Table 5 (Restricted Discretionary matter). • CPOA concurs with not including this in Table 5. • However, CPOA’s concerns remain regarding the above bullet points. <p><i>CPOA request that this TCDC submission point be disallowed.</i></p>
TCDC-397	1548/397.79	<p>Figure 1 and figure 2 - Alter priority areas for ecosystem protection etc., as response to submission points accepted, where there are zone changes.</p> <p>Reasons given specifically seek to exclude “Moehau Peninsula” from land that could be included in Figures 1 and 2.</p>	<ul style="list-style-type: none"> • CPOA opposes the term “Moehau Peninsula.” • CPOA understands that there is a Moehau Range and a Mount Moehau and those names, in CPOA’s view, are the ones which should apply. This would be in accord with treating the area no differently than other Rural/Rural lifestyle land. • No explanation or justification is given about why this area should be excluded from Figures 1 and 2, which would have

			<p>the effect of preventing opportunities for restoration or enhancement (and protection) in this area.</p> <ul style="list-style-type: none"> • CPOA cannot understand why Council would want to lose this opportunity. • CPOA notes that the Staff Report– para 59 – supports making amendments to Figure 1 and presumably Figure 2, due to zone changes. No mention is made of why “Moehau Peninsula” area should be excluded from these provisions. CPOA concurs regarding zone changes and ensuring the maps are accurate. • However, CPOA requests further information regarding this (Moehau) area and disagrees with excluding it from the “priority areas” provision. <p><i>CPOA request that this TCDC submission point be disallowed.</i></p>
GRUBB-568	2421/568.11	<p>Subdivision 38.5 Restricted Discretionary Matters Rule 8.1 “Subdivision creating one or more conservation lots in the Rural Zone is a Restricted Discretionary activity...” <u>Grubbs wish to change to “discretionary activity that will be publicly notified”</u></p> <p><u>...and add further provisions:-</u> <i>“that the site is not already subject to a QEII covenant etc.”</i> <i>“That the area/feature/biodiversity is not already reasonably protected by other provisions of the Regional or District Plans”</i> <i>“That the biodiversity of the area is not already being managed by any agency or community group”.</i></p>	<ul style="list-style-type: none"> • CPOA considers that Restricted Discretionary is sufficient, and there are plenty of requirements in the Proposed District Plan to control this activity, including specifying which areas could be set aside for protection via a conservation lot. • CPOA considers that it is the Local Authority’s role, under the RMA provisions, to make a decision on non-notification, limited or public notification. • CPOA do not therefore believe that it requires public notification with its excessive costs (\$15000.00 plus) and unnecessary delays for which the benefit is not clear from the proposal. • CPOA believes that the sites have already been identified in the Proposed District Plan as priority sites for protection, so these added clauses are unnecessary and would only be adding more bureaucracy. • CPOA notes that the Staff Report – para 78 - does not support

		<p><i>“That the area is not capable of a reasonable level of self restoration without intervention”.</i></p> <p><i>“That subdivision is the only practical means of achieving significant ecological gain.”</i></p>	<p>this submission point, on the basis that the selection of these priority areas has addressed the Grubbs concerns. No changes are proposed as a result.</p> <ul style="list-style-type: none"> • CPOA concurs. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed.</i></p>
GRUBB-568	2421/568.12	<p>38.6 Discretionary Matters</p> <p>Rule 10 – <i>“Subdivision for environmental benefit lots in the Rural Lifestyle Zone is a discretionary activity provided:”</i></p> <p>1a) – <u>wish to add further provisions as above in 8.1</u></p>	<ul style="list-style-type: none"> • CPOA considers this to be unnecessary as existing provisions are sufficient. • This is already Discretionary, so Council already has the ability to direct the process. • CPOA do not believe that there is justification for tightening this further through the addition of extra provisions. • CPOA notes that the Staff Report– para 78 - does not support this submission point, on the basis that the selection of these priority areas has addressed the Grubbs concerns. No changes are proposed as a result. • CPOA concurs. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed.</i></p>
GRUBB-568	2421/568.13	<p>Wants priority locations as per figure 1 (page 282 of S38) shown as overlays on all planning maps</p>	<ul style="list-style-type: none"> • CPOA opposes this proposal as the scientifically researched basis, independent expert justification, process, ground truthing status, purpose, consequences and therefore validity is not known. • It is CPOA’s considered view that anything being inserted into a prescriptive document such as a District Plan must be soundly based and provide certainty for those affected by it. • In addition, since the priority locations are only relevant for subdivision activities, they are not in themselves overlays. • CPOA notes that the Staff Report– para 50 – supports this submission point in principle, however expresses doubt as to how or whether these areas could/should be shown on the Planning Maps. The Staff Report, however, then proposes that the <u>planning maps should be amended.</u>

			<ul style="list-style-type: none"> CPOA disagrees with the Staff Report on this point. CPOA suggests that the maps could sit outside the Plan, but must be accompanied by full information regarding our first bullet point above. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed.</i></p>
RNZFB-780	3330/Nil	<p>38 Subdivision Rule 8 Table 1</p> <p>Seeks to reword lead-in texts and amend table: “Reword as follows: 1. Subdivision creating one or more conservation lots in the Rural Zone is a restricted discretionary activity provided: ...”</p> <p>“Table 1 – redo the maps and calculations to ensure Priority Areas encompass Threatened Environments 1-2. SNAs that lie within Threatened Environments 1 and 2 will be extra important as they have existing vegetation and so will not need to be restored from scratch. The minimum areas need to reflect the rarity but also the sustainable functioning of the ecosystem. For example 2 ha might be a suitable minimum size for wetlands and floodplain forest, however coastal [dryland] forest is more sustainable in larger lots and a minimum lot size of 5 ha may be more suitable. This however needs to be backed up by analysis. Table 1 - Identification of Priority Areas for Protection Key</p>	<ul style="list-style-type: none"> CPOA objects to the removal from 1. of the words “<i>in the Rural Zone</i>” from the original text in the Proposed District Plan because “<i>in the Rural Zone</i>” was the intended qualifier. The amendment seeks to broaden the criteria to “everywhere” which is not what was intended. The amendment is therefore unreasonable. CPOA opposes the proposed changes to the “rationale for areas” text in Table 1 as it replaces international, national, regional and locally significant gradings with Threatened Environment criteria which encompass wetlands, floodplains, coastal forest and priority corridors. How are threatened Environments judged? Where is the criteria? CPOA objects to the term SNAs (Desktop exercise; 10% evaluated from roadsides only) being quoted to support the “rationale” amendments. CPOA respects the comment that analysis will be needed to back-up the amended increase from 4ha to 5ha for ORANGE areas but submits that the evidence for this increase should be included in the request for change. CPOA objects to the proposed increase from 14ha to 20ha for the BLUE area. No evidence justifying this change has been provided. Further, as an amended “rationale” text has not

		<p>from Map Minimum area to be set aside for protection Rationale for area RED 2 ha Threatened Environment 1 - wetlands and floodplains ORANGE 5 ha Threatened Environment 1/2? - coastal forest, priority corridors YELLOW 10 ha Threatened Environment 3 BLUE 20 ha</p>	<p>been provided against the BLUE designation, CPOA has no way of understanding the purpose of the proposed change.</p> <ul style="list-style-type: none"> • CPOA further notes that in this proposal there is a continuing trend for ecosystems to be shown throughout the submission as being separate from biodiversity. The RMA defines biological diversity as follows: <i>“biological diversity means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, <u>and of ecosystems.</u>”</i> • CPOA considers that this definition adequately reinforces that ecosystems are part of biological diversity. • CPOA therefore considers that the existing text in the PDP is adequate- <i>“RULE 8 Subdivision creating one or more conservation lots 1. Subdivision creating one or more conservation lots in the Rural Zone is a restricted discretionary activity provided: a) The site has not been the subject or result of a previous subdivision under this rule or any previous conservation lot provision since the date of the Proposed District Plan Decision Version dated 7 October 1998; and b) The site to be subdivided is within an area identified on Figure 1 Priority Locations for Indigenous Ecosystem Restoration and Enhancement; and c) The priority area identified on Map 1 to be set aside for protection meets the following standards; and</i> <p><i>Table 1 - Identification of Priority Areas for Protection Key from map Minimum area to be set aside for protection Rationale for the area RED-2 ha Internationally or nationally significant of high or medium high priority</i></p>
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RNZFB-780	3331/Nil	38.6 Rule 10 Seeks to delete Rule 10 on the basis that their new Rule 8 supersedes the requirement	<ul style="list-style-type: none"> • CPOA opposes these changes suggested for Rule 8 and Table 1 for the reasons outlined in the submission point (RNZFB/3330/Nil) immediately preceding this point in this document and does not therefore support the deletion of Rule 10. • CPOA therefore considers that the existing text in the PDP is adequate: <p><i>“Subdivision creating one or more additional lots</i> <i>1. Subdivision creating one or more additional lots within the Open Space Zone or Rural Area is a discretionary activity provided it meets the standards in Tables 2 and 3 at the end of Section 38.</i> <i>2. Subdivision creating one or more additional lots that is not a discretionary activity under Rule 9.1 is a noncomplying activity.</i> <i>RULE</i> <i>10</i> <i>Subdivision for environmental benefit lots</i></p>

			<p><i>1. Subdivision for environmental benefit lots in the Rural Lifestyle Zone is a discretionary activity provided:</i></p> <p><i>a) The site to be subdivided offers the opportunity to achieve at least one of the following:</i></p> <p><i>i) Restoration or enhancement of an identified underrepresented ecosystem (refer Figure 2) ; or</i></p> <p><i>ii) Restoration of indigenous biodiversity; or</i></p> <p><i>iii) Enhancement of indigenous biodiversity; or</i></p> <p><i>iv) Creation of a buffer to an underrepresented or threatened indigenous ecosystem/s; or</i></p> <p><i>v) Creation of an ecological stepping stone or corridor to link indigenous ecosystem/s; or</i></p> <p><i>vi) Restoration or enhancement of a wetland or dune habitat.</i></p> <p><i>b) The area to be set aside for restoration or enhancement and protection is at least equivalent to the total area of new lots created; and</i></p> <p><i>c) The minimum area of each new lot created is 5,000 m²; and</i></p> <p><i>d) The application is accompanied by a report prepared by a suitably qualified ecologist that:</i></p> <p><i>i) Identifies the area/feature to be created, restored or enhanced and protected; and</i></p> <p><i>ii) Confirms that the area/feature, or part of it, (where it forms part of a larger natural area) that has been identified for restoration or enhancement will provide the greatest biodiversity gains for the site; and</i></p> <p><i>iii) Includes a management plan specifying the steps to be taken to create, restore or enhance the area/feature and its ongoing management and monitoring requirements to ensure that the biodiversity gains are maintained;</i></p> <p><i>iv) Specifies how the area/feature will be legally protected in perpetuity; and</i></p> <p><i>e) The new lots created are not dependent upon public water</i></p>
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RNZFB-780	3331/780.12	<p>38.7 Table 4 Seeks to amend para 1.</p> <p>“1. ... subsidence and slippage, taking into account climate change projections. The Council may ...”</p>	<ul style="list-style-type: none"> • CPOA has deduced that even though the words “taking into account climate change” have been crossed out in the submission that the intention is to in fact add these words into the existing text for para 1, in the table. • If this is the case, then CPOA opposes the amendment because “projections” are imprecise. • Thus, the proposal would just about prevent any activity whatsoever taking place because of the impossibility of providing planning data that was certain. • CPOA therefore considers this amendment to be unreasonable. • CPOA notes that the Staff Report– para 104 – supports including consideration of sea level rise, but due to the accidental deletion in the RNZFB submission point, the MBFBPS wording was applied instead in Appendix 2 – “free from inundation (including sea level rise),...”. • CPOA disagrees with the Staff Report on this point, as “inundation” would cover the issue of any sea level rise being evident. <p>CPOA requests that this RNZFB submission point be disallowed.</p>
DOC-827	3764/827.30	Subdivision	<ul style="list-style-type: none"> • CPOA believes that this is perhaps fair enough, e.g.

		Table 3 – standards for subdivision related to Conservation land. DOC wants to add extra clause that any hazards likely to emanate from adjoining Conservation land be identified and remedied/mitigated.	<p>Subdivision should ensure houses are not at risk of rock fall.</p> <ul style="list-style-type: none"> • However, CPOA would ask should adjoining land be responsible for hazards on DOC land? • In this regard, should not DOC maintain their estate to ensure they do not pose a risk to neighbouring land? • CPOA would further ask what about tree-fall over fences and possible livestock damage? • CPOA considers that this proposal appears to be potentially removing any responsibility for maintenance off DOC and requiring adjoining property owners to wear the consequences. • CPOA notes that the Staff Report– para 103 – does not support DOC’s submission point on the basis that DOC should be responsible for any hazards emanating from their land. • CPOA concurs. <p><i>CPOA requests that this DOC submission point be disallowed.</i></p>

APPENDIX 4-SUBDIVISION DESIGN PRINCIPLES

RNZFB-780	3331/780.11	Appendix 4-Subdivision Design Principles 4.6.8 Seeks to add new Sub-para I): “I) Ensure driveways do not fragment remnant ecosystems (e.g. forest or wetland).”	<ul style="list-style-type: none"> • CPOA opposes this amendment as it would potentially prevent any driveway being established through any vegetation to reach a consented building platform or dwelling on a titled lot. • CPOA believes that this proposal contravenes the permitted activity, regarding driveways, stated in Rule 3. 1. I) in S29 of the Proposed District Plan. • CPOA therefore considers this RNZFB proposal to be unequivocally unreasonable. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>