

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

PART III-DISTRICT WIDE ISSUES-SECTION 16-SUBDIVISION

ORGN NAME AND NO	ORIGINAL SUBMSN PAGE NO/ SUMMARY SUBMSN POINT NO	ORIGINAL SUBMISSION ISSUE FOR CPOA	CPOA REASONS FOR OPPOSITION OR SUPPORT AND REQUESTED OUTCOMES
EDS-320	1244/320.2	No Subdivision- <i>“must be avoided in overlays, Coastal, Rural, significant biodiversity areas, headlands etc.”</i> 16.2.1 – want to delete <i>“poorly planned”</i> subdivision	<ul style="list-style-type: none"> • CPOA considers this to be contrary to S5 (2) and S6 (a) of the RMA. • CPOA considers that this proposal would effectively prevent any development almost anywhere on the Peninsula. • CPOA understands that S6 (a) RMA and Policy 13 (1) and Policy 15 NZCPS allows for appropriate subdivision. • CPOA considers that subdivision can but will not necessarily always cause adverse effects; it may also bring positive benefits. • CPOA notes the Staff Report-paras 10 and 12 – recommends deleting a number of clauses in this section where they are duplicated in other sections of the Plan, particularly overlay sections. Accordingly, the Staff Report suggests deleting Issue 1. • CPOA concurs with this approach. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1245/320.2	Objective 1 – Wants subdivision to be limited to urban zones and Rural Lifestyle.	<ul style="list-style-type: none"> • CPOA considers that the Proposed District Plan development rules do not allow for suggested objectives /policies (intensification). • There is therefore no need to add this objective which is unworkable and too restrictive.

			<ul style="list-style-type: none"> • The RMA, NZCPS OR PRPS do not limit subdivision in this way, and it is contrary to S5 (2) of the RMA. • CPOA notes that the Staff Report– para 18 – does not support this EDS submission point. • CPOA concurs with this. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1245/320.2	Policy 3a –Want to change the context and reverse the presumption of the provision of public reserves.	<ul style="list-style-type: none"> • CPOA supports well planned subdivision with integrated reserves. • CPOA notes the Staff Report– para 27 and 28 – suggests deleting Objective 3 and its policies and relying on S13 Financial Contributions and the Council’s Development Contributions policy. • CPOA concurs with the approach of avoiding duplication. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1246/320.2	Objective 5 Amend to require avoidance of subdivision on headlands and ridgelines	<ul style="list-style-type: none"> • CPOA would ask what part does EDS want to avoid? Where is the boundary? • CPOA believe that it should not be a blanket “avoid” because S6 (a) RMA allows for subdivision, use and development provided that it is not inappropriate. • Similarly the NZCPS Policies 13 and 15 give effects-based guidelines for subdivision in relation to headlands and ridgelines. “Avoid” is linked to “adverse effects” and “outstanding natural character”. Beyond this the “avoid, remedy or mitigate” approach is applied. CPOA considers this to be a more appropriate approach. • CPOA notes that the Staff Report – para 30 – does not support the EDS submission for Objective 5 due to it being addressed in Policy 5b. • CPOA concurs with this approach for Obj 5, however our concerns remain with respect to the same point in P5b. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1246/320.2	Objective 5b After the words “visually prominent”	<ul style="list-style-type: none"> • CPOA asks If public can’t see it, why would the Proposed

		wants to delete the words “from public places”	<p>District Plan restrict it based on public interest/amenity?</p> <ul style="list-style-type: none"> • CPOA notes the Staff Report – para 32 – does not accept this submission point and retains the words “from public places. “ • CPOA concurs. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1246/320.2	Objective 6-Wants to amend as follows: “Transferable development rights incentivise additional enhancement and protection of indigenous vegetation.”	<ul style="list-style-type: none"> • CPOA considers that transferable rights could be good idea, but there is no ability to alter Proposed District Plan from this submission (plan change required). • CPOA notes that the Staff Report suggests deleting Objective 6 and its policies (except Policy 6e) due to duplication with Section 6 Biodiversity. • CPOA concurs. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1246-1247/320.2	Policy 6a – Wants transferable development rights – “receiver” areas not to be in “special areas” e.g. Coastal etc.	<ul style="list-style-type: none"> • CPOA’s immediate previous comments relating to transferable rights applies here. • Further, to the best of CPOA’s knowledge, EDS has not identified how this could work. • It seems to CPOA that the suggested scheme would be Impossible to administer. • CPOA notes that the Staff Report suggests deleting Objective 6 and its policies (except P6e) due to duplication with Section 6 Biodiversity. • CPOA concurs. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1247/320.2	Policy 6e– Wants to prohibit subdivision in the Coastal Environment	<ul style="list-style-type: none"> • CPOA’s understanding is that appropriate subdivision is allowed under S6 (a) RMA and Policy 13 (1) and Policy 15 NZCPS. • CPOA believes that Policy 6e should remain. • CPOA notes that the Staff Report – para 34 – does not support prohibition of subdivision in the coastal environment. • CPOA concurs. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>

EDS-320	1247/320.2	Objective 7-Want to require Subdivision to enhance water quantity and quality	<ul style="list-style-type: none"> • CPOA considers this proposal to be potentially unworkable. • CPOA considers “maintain” is appropriate, not “enhance.” • CPOA also believes that it would be impossible to enhance water quantity. Quantity depends on source. • CPOA notes that the Staff Report does not support the EDS submission point. • CPOA concurs. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1247/320.2	Policy 7a-Wants the word “encouraged” replaced with “required”	<ul style="list-style-type: none"> • CPOA opposes this proposal. • CPOA considers that “Encouraged” infers options that can be considered and judgements that can be made appropriate to the circumstances. • CPOA notes that the Staff Report– para 35 – does not specifically address Policy 7a and does not suggest any changes, but clarifies that in this section Council is seeking to ensure that subdivision design “gives consideration to water quality”. • In this context, CPOA believes that the term “encourage” is appropriate. <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1247-1248/320.2	Policy 8 a-e-Esplanade Reserves-Want: <ol style="list-style-type: none"> 1. Lots of less than 4 ha in area and in other cases may be required 2. Esplanade reserves established as a matter of course 3. 20m esplanade width required as a matter of course 4. Support Policy 8c and want to retain. 5. Remoteness is no reason to have a strip rather than a reserve 	<ul style="list-style-type: none"> • CPOA would ask: <ul style="list-style-type: none"> ○ Who’s going to pay for this? ○ Who’s going to maintain them? ○ Why is it required in remote areas? ○ What would remote area reserves be used for? • CPOA considers that it is necessary to provide for flexibility around when it is appropriate to take esplanade reserves and what size these should be. CPOA also considers there are circumstances by which it is <u>not</u> appropriate to establish an esplanade reserve. • CPOA’s understanding too is that the RMA gives sound advice regarding the width of such reserves which is also as it should

			<p>be rather than be “20m in width as a matter of course.”</p> <ul style="list-style-type: none"> • CPOA oppose Policy 8c – reserves may be greater than 20m in some circumstances – this would require ratepayers funding this (compensation payable). CPOA consider that if this policy was to be retained it should be at no cost to ratepayers, i.e. Compensated for through another means e.g. Subdivision concession. • CPOA notes that the Staff Report – para 36-38, 40, 42-44 rejects/accepts the EDS submission in part as follows: <ul style="list-style-type: none"> ○ Policy 8a – rejects EDS’ request to require esplanade reserves (<4ha lots) as a matter of course. CPOA concurs with the staff report. ○ Policy 8b – supports EDS’ position regarding not requiring a 20m width as a matter of course. The Staff Report suggests wording changes to severely reduce situations where a smaller width may be considered. CPOA opposes these changes, specifically because: <ul style="list-style-type: none"> ▪ Replacing “or” with “and” at the end of 8b a) means that the presence of a lawfully established structure becomes an absolute requirement, and this <u>only</u> when it is combined with one or more of the other conditions listed in b)-e). CPOA contends that “or” is the appropriate word in this context. ▪ The deletion of b) “<i>The topography limits the effectiveness of the reserve</i>”. CPOA considers that there are many locations on the Peninsula where the topography is unsuitable for public access within an esplanade reserve/strip, and requests retention of this policy. ○ Policy 8c – para 42 – acknowledges EDS’ support for this policy. CPOA disagrees with this point. ○ Policy 8d – does not support esplanade reserves being
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			<p>taken as a matter of course. CPOA concurs with this.</p> <ul style="list-style-type: none"> ○ Policy 8e b) – supports the EDS submission in part, but rather than delete “remote” as a reason for taking a strip rather than a reserve, the Staff Report suggests tightening it by adding “remote and inaccessible”. CPOA disagrees with the Staff Report here. If an area is “inaccessible”, one would ask what would be the point of establishing an esplanade strip at all? <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
EDS-320	1248/320.2	Policy 11b- Wants subdivision in rural areas only if it is confined to achieving ecological restoration/enhancement	<ul style="list-style-type: none"> ● CPOA considers that this proposal changes the whole context of Policy 11 in the Proposed District Plan and effectively restricts the criteria for allowing subdivision down to one of the four that were originally listed in this Policy. ● CPOA therefore considers that this proposal is a clear breach of S5 (2) and S6 (a) of the RMA. ● CPOA notes that the Staff Report– para 49-53 – does not support confining rural subdivision to biodiversity restoration/enhancement only, however does suggest deleting policy 11b, and adding a restoration provision into 11a. ● CPOA concurs with the Staff Report’s deletion of Policy 11b but addresses Policy 11a later in this document (RNZFB-780-3327/780.7). <p><i>CPOA requests that this EDS submission point be disallowed.</i></p>
TCDC-397	1537/397.25	Subdivision Objective 8 – “ <i>Subdivision provides for...and public access to <u>and along</u>, the District’s water bodies</i> ”	<ul style="list-style-type: none"> ● CPOA considers that this objective needs “<i>where appropriate</i>” added to it. ● CPOA considers that some subdivision would have nothing to do with the District’s water bodies; some may not be in appropriate locations for public recreation and access. ● CPOA consider that TCDC can meet the needs of the RMA without confiscating all of the margins of rivers and sea. ● CPOA also believe that this proposal would place far too much cost on ratepayers for compensation payable, and

			<p>maintenance of the reserves.</p> <ul style="list-style-type: none"> • Further, CPOA considers that TCDC should be very reserved about how much it takes on behalf of ratepayers. • The RMA allows for flexibility and CPOA believe that to be sound. • CPOA notes that the Staff Report – para 37 – supports the TCDC submission point and recommends adding the words “or along” to objective 8. CPOA considers the wording of Objective 8 would then leave no option but to take esplanade reserves in all cases, and this is inappropriate, as discussed already. • CPOA therefore recommends the addition of “where appropriate” at the beginning of the sentence in order rectify this. <p><i>CPOA requests that this TCDC submission point be disallowed.</i></p>
TCDC-397	1537/397.26	New policy 8f – <i>“an esplanade reserve/strip shall be established at time of subdivision in the Rural area where it creates an allotment of <u>any size</u>, along ...mean high water...”</i>	<ul style="list-style-type: none"> • CPOA’s previous immediate comments apply here. • CPOA understands that compensation has to be paid if lot size is over 4ha. CPOA opposes this cost to ratepayers. • CPOA therefore considers that the requirement for over 4ha should be deleted. • CPOA believe that “shall” needs to be changed to “should” or could provide for an alternative e.g. Just providing access to coast where appropriate without necessarily taking a strip along the whole length. • CPOA notes that the Staff Report – para 45 – supports the TCDC submission point and suggests inserting a new policy 8aa to this effect, with only limited situations where an exception may be made. • CPOA disagrees with the Staff Report on this point. RMA S77 states that councils <u>may</u> include a rule providing for reserves, but there is certainly no compulsion to do so. The way Policy 8aa and 8d are worded presumably puts the onus on consent applicants to prove any of the exclusions, and this would

			<p>create huge uncertainty. For example, in whose opinion would public access be “not desirable”?</p> <p><i>CPOA requests that this TCDC submission point be disallowed.</i></p>
HNZ-531	2190-2191/531.23	<p>16.1</p> <p>Seeks to amend:</p> <p><i>“Matters of national importance (S 6 of the RMA) are provided for in this Plan through the use of overlays and district-wide rules that afford targeted protection for <u>all areas</u> with high landscape, natural character, biodiversity, historic heritage and <u>cultural values</u>.”</i></p>	<ul style="list-style-type: none"> • CPOA objects to the words “<u>all areas</u>.” The proposal ensures that the text is all encompassing and overly restrictive. • CPOA also opposes the term “<u>cultural values</u>” being added in here when the Proposed District Plan uses the term “values” as it applies to heritage. • CPOA considers that the text in the Proposed District Plan is adequate: <i>“Matters of national importance (Section 6 of the RMA) are provided for in this Plan through the use of overlays and districtwide rules that afford targeted protection for areas with high landscape, natural character, biodiversity and heritage values.”</i> • CPOA notes that the Staff Report– para 11 – appears to accept the submission point in part. It does not add in “all areas”, but does add in “<u>historic heritage and cultural values</u>”. <p><i>CPOA requests that this HNZ submission point be disallowed.</i></p>
HNZ-531	2191/531.24	<p>16.2.5</p> <p>Seeks to add new text:</p> <p>That 16.2.5 be added to as follows:</p> <p><i>“h) <u>compromise historic heritage, including coastal archaeological sites</u></i></p> <p><i>i) <u>adversely affect cultural values</u>”</i></p>	<ul style="list-style-type: none"> • CPOA notes that this amendment is out of context with section 16.2.5 which states: <i>“Adhoc subdivision that does not make use of and connect with existing and planned infrastructure can:</i> <i>a) Reduce pedestrian safety;</i> <i>b) Create barriers to convenient vehicle and pedestrian travel;</i> <i>c) Impose greater infrastructure costs;</i> <i>d) Offer fewer land choices;</i> <i>e) Reduce or remove walking or cycling as viable transport options;</i> <i>f) Provide low levels of onsite privacy and amenity.”</i> • The above notwithstanding CPOA opposes the amendment on the following basis:

			<ul style="list-style-type: none"> ○ CPOA does not understand the need to specifically mention <i>“coastal archaeological sites”</i> when the RMA term historic heritage covers <i>“archaeological sites”</i> which CPOA takes to mean all archaeological sites; coastal or otherwise. The proposal seeks to elevate the importance of coastal sites above others; contrary to the RMA definition. ○ It is not readily clear to CPOA how <i>“ad hoc subdivision that does not make use of and connect with existing and planned infrastructure”</i> can affect cultural values. The comment appears to be subjective with no supporting criteria offered. ○ CPOA notes that the Staff Report – para 16 – does not support this submission point, and states that the issue is best dealt with through the overlay section. ○ CPOA concurs. <p><i>CPOA requests that this HNZ submission point be disallowed.</i></p>
HNZ-531	2191/531.25	16.3 Objective 1. Seeks to amend text: <i>“Subdivision benefits the District by being the ‘right thing in the right place, maintains, <u>protects and enhances</u> amenity, biodiversity, natural character, <u>and historic heritage</u>, and fits within its landscape and surroundings.”</i>	<ul style="list-style-type: none"> ● CPOA opposes the addition of the words “protects and enhances” as that is not necessarily required in all cases. ● CPOA further believes that this is unnecessary as it is well catered for in the overlay sections. ● CPOA notes that the Staff Report– para 18 – does not support the submission point, and in fact proposes that the related Policy 1a be deleted as it is a repetition of overlay sections. ● CPOA concurs. <p><i>CPOA requests that this HNZ submission point be disallowed.</i></p>
HNZ-531	2191/531.26	Seeks to add new policy: <i>“Significant archaeological and cultural sites <u>shall be protected from damage and fragmentation through subdivision.</u>”</i>	<ul style="list-style-type: none"> ● CPOA objects to this proposal as it is overly prescriptive and is directive (“shall”) oriented. ● Further, CPOA considers “fragmentation” to be a subjective term. How and by whom is this judged? ● CPOA believes that families and communities are entitled to have certainty regarding any rules that may affect reasonable use. Policies therefore must be objectively sound.

			<ul style="list-style-type: none"> • CPOA considers that there are other policies/rules that sufficiently protect these sites. • CPOA notes that the Staff Report does not appear to address this point specifically, but presumably is included in the “avoid repetition” approach, as no addition is recommended. • CPOA concurs. <p><i>CPOA requests that this HNZ submission point be disallowed.</i></p>
HNZ-531	2192/531.28	<p>Policy 5a Seeks that Policy 5a d) is amended as follows: <i>“d) Historic heritage sites (including Maori Cultural sites and archaeological sites).”</i></p>	<ul style="list-style-type: none"> • CPOA opposes this amendment as the RMA defined term “historic heritage” includes “Archaeological sites” and “Sites of Significance to Maori.” The proposal therefore does not need to specify these items out as it tends to give them an importance above other items that are included in the RMA term— <i>“historic heritage—</i> <i>(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:</i> <i>(i) archaeological:</i> <i>(ii) architectural:</i> <i>(iii) cultural:</i> <i>(iv) historic:</i> <i>(v) scientific:</i> <i>(vi) technological; and</i> <i>(b) includes—</i> <i>(i) historic sites, structures, places, and areas; and</i> <i>(ii) archaeological sites; and</i> <i>(iii) sites of significance to Māori, including wāhi tapu; and</i> <i>(iv) surroundings associated with the natural and physical resources”</i> • CPOA notes that the Staff Report – para 31 – accepts this submission point in part, but suggests deleting the policy since it duplicates overlay sections.

			<ul style="list-style-type: none"> • CPOA concurs. <i>CPOA requests that this HNZ submission point be disallowed.</i>
HNZ-531	2192/531.29	<p>Policy 8a. Seeks that policy 8a be amended as follows: <i>“c) Maintain, protect and <u>enhance aquatic habitats and, ecosystem and <u>historic heritage</u>; or...</u></i> <i>f) Protect the natural character, <u>historic heritage</u>, and/or amenity values associated with a riparian area.”</i></p>	<ul style="list-style-type: none"> • CPOA objects to the inclusion of historic heritage into the text of 8a c) or f) because it would potentially prevent an esplanade reserve/strip being established at time of subdivision unless this prescriptive criteria was met when the existing Policy 1a text covered off in this document (HNZ-531/2191/531.25) adequately addresses the protection of historic heritage. • Further, the addition of the prescriptive term “<i>enhance</i>” around Historic heritage in the proposed amendment to Para c) is also opposed by CPOA as it infers additional costs for affected owners to “<i>improve</i>” such items. This is contrary to the Historic Places Act which states; <i>“An Act— (a) to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand;”</i> • The words “<i>preservation and conservation</i>” in the Act imply “<i>maintenance</i>” not “<i>improvement.</i>” • CPOA therefore categorically opposes this amendment for the reasons above but also because the amendment is out of context with the existing text in the Proposed District Plan which is about linkages, access and natural things:- <i>“An esplanade reserve/strip shall be established at the time of subdivision where it will: a) Enhance linkages and connectivity to existing esplanade areas; or b) Provide public access to, or recreational use of, the District's water bodies and the Coastal Environment; or c) Maintain or enhance aquatic habitats and ecosystems; or d) Mitigate natural hazards; or e) Maintain or enhance water quality; or</i>

			<p><i>f) Protect the natural character and/or amenity values associated with a riparian area.”</i></p> <ul style="list-style-type: none"> • CPOA notes that the Staff Report– para 39 – does not support the submission point stating the concern is addressed through other clauses both here and in the overlays. No change is recommended. • CPOA concurs. <p><i>CPOA requests that this HNZ submission point be disallowed.</i></p>
HNZ-531	2192/531.30	<p>Policy 8c Seeks that Policy 8c be amended as follows: <i>“a) the area has special values (including historic heritage) that require protection greater than a 20 m reserve /strip can provide; or...”</i></p>	<ul style="list-style-type: none"> • CPOA opposes this amendment as it seeks to prescribe historic heritage as a special value that must always be a driver for such an expansion of any strip, when the location, extent, and actual value of the particular item may not justify such blanket consideration every time. • CPOA therefore considers that the following existing text in the Proposed District Plan is adequate: <i>“Policy 8c An esplanade reserve/strip may be greater than 20 m when: a) The area has special values that require protection greater than a 20 m reserve/strip can provide; or b) The topography requires a larger area for it to be effective to enable public access, recreational opportunities and protection of conservation values; or c) It will assist with the management of natural hazards.”</i> • CPOA notes that the Staff Report – para 42 – does not accept this submission point, as Policy 8c a) provides for “special values”, and there is no merit in mentioning only one of many. • CPOA concurs. <p><i>CPOA requests that this HNZ submission point be disallowed.</i></p>
WRC-534	2250/534.7	<p>Subdivision 16.3 Objective 1. Seeks to add more requirements into the text- <i>“Subdivision benefits the district by being</i></p>	<ul style="list-style-type: none"> • CPOA considers that TCDC’s existing text in the PDP - <i>“Subdivision benefits the District by being the 'right thing in the right place', maintains and enhances amenity, biodiversity and natural character and fits within its landscape and</i>

		<i>appropriately located and designed to maintain and enhance amenity, biodiversity, natural character, <u>landscape and ecosystems</u> and fits within its landscape and surroundings.”</i>	<p><i>surroundings.” -adequately meets 16.2 Issues, insomuch that “landscape” is already mentioned as is biodiversity (which is defined in the RMA as including ecosystems) so there is no need to mention “ecosystems” separately.</i></p> <ul style="list-style-type: none"> • <i>CPOA notes that the Staff Report– para 18 – accepts this submission point in part, and recommends some wording change. However, CPOA notes that the addition of “to provide for activities <u>anticipated</u> in the zone...” appears to introduce a new concept that is not related to the WRC or other submissions. CPOA questions the relevance of “anticipated” activities, unless these are already established through zoning.</i> • <i>CPOA suggests the following wording as being more in keeping with the policies under Objective 1: “.....located and designed to maintain the character and amenity values of the surrounding area” (nb. Landscape is addressed in overlays).</i> <p><i>CPOA requests that this WRC submission point be disallowed.</i></p>
WRC-534	2250-2251/534.7	Objective 5 and associated policies Seeks to rewrite Objective 5-“ <i>Protect and <u>enhance</u> the district’s natural environment by maintaining its natural functioning, natural character, natural features and landscapes, and indigenous biodiversity.”</i> to better meet Sections 6, 8 and 9 of the Proposed District Plan.	<ul style="list-style-type: none"> • <i>CPOA considers that WRC is aiming at a very restrictive solution that virtually makes any subdivision plan difficult to implement and places an additional requirement for “<u>enhancement.</u>”</i> • <i>CPOA considers that the existing text in the Proposed District Plan-“<u>Subdivision does not unnecessarily or inappropriately alter contours and the existing landform continues to dominate the environment.</u>” -is appropriate and that the matters raised in the WRC re-write are adequately addressed in Policy 5a.</i> • <i>Further, CPOA is unsure why Section 8 (Historic Heritage) has been quoted by WRC to support their proposed change.</i> • <i>CPOA notes that the Staff Report does not specifically address the WRC submission point, though indicates that a number of submissions were accepted in part. No changes are recommended.</i> • <i>CPOA concurs with this.</i> <p><i>CPOA requests that this WRC submission point be disallowed</i></p>

WRC-534	2251/534.7	<p>Policy 5a Seeks to rewrite-<i>“Maintain and enhance the natural environment by ensuring that existing landform, indigenous vegetation and waterways are retained within the design and layout of the subdivision and development.”</i></p>	<ul style="list-style-type: none"> • CPOA considers that the existing text in the PDP - <i>“Recontouring of the natural landform associated with subdivision shall protect important landscape features and incorporate them into the development, including:</i> <i>a) Streams, rivers and wetlands; and</i> <i>b) Areas of indigenous vegetation; and</i> <i>c) Significant landscapes and landforms; and</i> <i>d) Maori cultural sites or other historic heritage sites.”</i> is adequate and properly recognises that subdivision will result in some changes to landform and stipulates what criteria must be applied. • The WRC amendment is therefore considered by CPOA to be too restrictive. • CPOA notes that the Staff Report – para 31 - indicates this and a number of other submissions were accepted in part. The staff report actually recommends deleting Policy 5a however, due to duplication with overlay sections. • CPOA concurs with this approach. <p><i>CPOA requests that this WRC submission point be disallowed</i></p>
WRC-534	2251/534.7	<p>New Policy <i>“Maintain and enhance the values of the identified landscapes and natural character areas of this plan by avoiding subdivision patterns that would lead to inappropriate siting of buildings, associated infrastructure, driveways and road configuration.”</i></p>	<ul style="list-style-type: none"> • CPOA notes that the WRC amendment incorporates the wide ranging all-encompassing term of <i>“values.”</i> CPOA considers that it is a subjective term; who applies it and how is it defined? • CPOA opposes this WRC proposal which appears to have the effect of tightening this section of the Proposed District Plan. • CPOA believes that the existing Objective 5 and its policies are adequate. • CPOA notes that the Staff Report does not appear to address this specific point, but no changes are recommended. • CPOA concurs. <p><i>CPOA requests that this WRC submission point be disallowed</i></p>
WRC-534	2252/534.7	<p>Policy 8a and 8b – wish to amend to reference the need for recreational use of esplanade</p>	<ul style="list-style-type: none"> • CPOA notes that it is a requirement in the RMA S229 for any recreational use to be compatible with <i>“conservation values”</i>.

		reserves/strips to be compatible with conservation values.	<p>Therefore CPOA supports this addition to Policy 8a.</p> <ul style="list-style-type: none"> • CPOA opposes the inclusion in Policy 8b, since it is talking about criteria for when a reserve/strip may be reduced in width. The requirement for recreation to be compatible with conservation values is made clear in Policy 8a and does not need repeating here. • CPOA notes that the Staff Report– para 38 – supports the WRC submission since it is consistent with the RMA. <p><i>CPOA requests that the submission point be allowed/disallowed, as outlined above.</i></p>
WRC-534	2252/534.7	<p>Policy 8d – wish to add “<u>only</u>” be waived when: ...</p> <p>Wish to amend policy 8d d) to read “...the area is remote and public access is not desirable <u>and conservation values can still be maintained or enhanced without a reserve</u>”.</p>	<ul style="list-style-type: none"> • CPOA opposes the insertion of the word “only”. Currently the policy is clear about conditions under which a reserve may be waived. “only” is unnecessary and does not add any extra meaning. • CPOA opposes the insertion of reference to conservation values in this context. Policy 8d d) provides for waiving an esplanade reserve if “the area is remote and public access is not desirable” and this needs to be an option regardless of the impact on conservation values. • CPOA notes that the RMA does not require esplanade reserves or strips in every situation, but gives councils flexibility. So the protection of conservation values in this context is not a “must do”. • CPOA notes that the Staff Report – para 43 – supports the WRC submission on both points and suggests extra wording accordingly. • The Staff Report considers that “exceptional circumstances” are required for an esplanade reserve to be waived. 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 enhance or restore

			<p>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 existing public access, but that is the implication since access cannot be restricted if it does not already exist.</p> <ul style="list-style-type: none"> • CPOA disagrees with the Staff Report on this point and consider that this approach is overly restrictive, for the reasons outlined above. <p><i>CPOA requests that this submission point be disallowed.</i></p>
GRUBB-568	2415/568.37	<p>Subdivision</p> <p>Grubbs believe that the Proposed District Plan is justifying the provision of subdivision and development as necessary for achieving environmental gains, and they object to this stance.</p>	<ul style="list-style-type: none"> • CPOA considers that the Proposed District Plan is making provision for appropriate subdivision and development, not just for environmental gain but also for economic and social gain. Council is aiming to use this as an opportunity to make environmental gains as a by-product of this activity, and this is compatible with the RMA. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed.</i></p>
GRUBB-568	2416/568.37	<p>Policy 6a – “<i>Subdivision for restoration or enhancement of indigenous biodiversity shall be provided for in the Rural Area provided it is consistent with Section 6 Biodiversity - Policy 1d.</i>”</p> <p><u>Grubbs wish to delete this policy.</u></p>	<ul style="list-style-type: none"> • CPOA considers that this is an option available to Council for promoting biodiversity gains in the District and should be allowed for. It should be promoted where it does not remove good quality farmland. It should be promoted where there are environmental gains associated with waterways and coastal protection. The policy needs to be reinforced with rules that allow it. • CPOA notes that the Staff Report– para 34 – does not address the Grubb’s submission point directly, but recommends that the bulk of the Objective and its policies be deleted, as they are repetition of Section 6 Biodiversity. • CPOA concurs. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>

GRUBB-568	2416/568.38	<p>Policy 6b – <i>“Subdivision for restoration or enhancement of indigenous biodiversity in the Rural Area shall ensure that the area identified for protection:</i></p> <p><i>a) Is significant in terms of the criteria determining significance of indigenous biodiversity contained in the Waikato Regional Policy Statement; and</i></p> <p><i>b) Is able to be successfully managed, function ecologically and be self-sustaining; and</i></p> <p><i>c) Will protect the best biodiversity values of the site; and</i></p> <p><i>d) Provide the greatest biodiversity gains for the site.</i></p> <p><u>Grubbs wish to rewrite this policy, beginning with: “Subdivision in the Rural Area that includes any area that is significant in terms of...the WRPS shall;</u></p> <p><u>a)- as b) above but add “in perpetuity” after “self-sustaining.</u></p> <p><u>Add new clause d) Ensure building platforms and on-site access is located outside the area/s of significant biodiversity and has no negative effect on that biodiversity.</u></p> <p><u>Add new clause e) – Ensure the area of significant biodiversity is legally defined and protected in perpetuity by a QEII National Trust covenant, Council covenant or Nqa Whenua Rahui kawenta.</u></p>	<ul style="list-style-type: none"> • CPOA considers that to “<u>be self-sustaining in perpetuity</u>” is an unachievable goal, as no one can guarantee the functioning of a particular area in 100, 1000 or more years, let alone “<u>in perpetuity</u>”. • Some properties are completely covered by SNA’s (desktop exercise... have not been verified...), so may not be realistic for building platforms and driveways to locate outside. • These forms of legal protection may not be available, and not necessary as there are plenty of other constraints within the District rules to ensure these areas will continue to grow their biodiversity. • Nga Whenua Rahui kawenta may not necessarily ensure protection in perpetuity, and requires the approval of a Minister of the Crown. • CPOA notes that the Staff Report - para 34 – as outlined in the
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			<p>immediately preceding submission point, recommends that this policy be deleted, as it is repetition of Section 6 Biodiversity.</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	2416/568.39	Streams, Rivers and Harbours Grubbs wish to add objectives and policies for this. Water quality, communities' use and enjoyment of streams, rivers and harbours. Specific mention of nutrient runoff from farming and intensive farming, and soil disturbance/siltation from harvesting forests.	<ul style="list-style-type: none"> • CPOA considers that these issues are the responsibility of WRC and are addressed at Regional level in all respects. • Further, there is extensive coverage of public access issues under Objective 8. • CPOA notes that the Staff Report does not address this submission point therefore no changes are recommended. CPOA concurs. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
RNZFB-780	3319-3320	RNZFB seeks to prohibit subdivision in the rural zone, coastal environment, outstanding natural landscapes, amenity landscapes, natural character areas, areas with significant biodiversity, and sensitive landforms (including ridgelines and headlands)	<ul style="list-style-type: none"> • CPOA understands that the RMA is about managing the effects of activities through avoidance, remedying and mitigation rather than just prohibiting activities altogether through the application of rules. • Further CPOA understands that Policy 13 (1) NZCPS, 15 NZCPS and S6 (a) of the RMA is about achieving protection from inappropriate subdivision not banning it altogether. This implies that subdivision can be appropriate. • CPOA therefore considers that RNZFB's proposal in this case breaches S5 (2) and S85 of the RMA • CPOA notes that the Staff Report does not address this specific submission point, but rejects similar ones. It also recommends deleting clauses where there is repetition with overlay section, including Objective 6. • CPOA concurs. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>

RNZFB-780	3326/780.7I	<p>Subdivision 16.2 Issues Seeks to amend issues 2 and 3-“ ... 2. <i>Subdivision of land can result in fragmentation, the loss ...</i> 3. <i>Opportunities for public access to and along the coast and other water bodies as well as <u>future ecological/hazard planning can be lost ...</u>”</i></p>	<ul style="list-style-type: none"> • CPOA considers that RNZFB are seeking to widen the scope of the text in Para 2 when clearly the intent is to address the Rural Area only. • CPOA opposes the addition of “<i>ecological planning</i>” into the text; it is difficult to quantify. • Further, CPOA believes that “<i>hazard planning</i>” should be considered under Natural Hazards in the Proposed District Plan. • CPOA notes that the Staff Report– Issue 2 - para 13 – does not support removing reference to the Rural Area since “this issue is targeted to the Rural Area”. CPOA concurs. • CPOA also notes that the Staff Report-Issue 3 – para 14 – supports the submission point in part by recommending the addition of the words “water bodies <u>and protection of conservation values</u>” This wording is from RMA S229 and covers ecological management and mitigation of natural hazards. • CPOA accepts the Staff Report recommendation, but recommends there be an explanation about the meaning of “conservation values” since, to the best of our knowledge it is not defined in S3 of the Proposed District Plan nor is it defined in the RMA (Although there is some discussion regarding possible contributions towards the protection of such values under S229 (a) (i) - (v), RMA). <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
RNZFB-780	3326/780.7	<p>16.3 Policy 1c Seeks to amend the text-“<i>Subdivision in the Rural and Rural Lifestyle zones shall protect the <u>species values of the Rural Area and achieve significant biodiversity gains.</u></i>”</p>	<ul style="list-style-type: none"> • CPOA does not support the widening of this policy to include the Rural Area and opposes the changing of the word “<i>special</i>” to “<i>species</i>” as it narrows the whole context of the policy. • CPOA considers that subdivision in the Rural Zone is catered for in Policy 1e of the Proposed District Plan and it is primarily a working production environment. • CPOA notes that the Staff Report proposes deleting Policy 1c due to duplication with overlays.

			<ul style="list-style-type: none"> • CPOA concurs. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
RNZFB-780	3326/780.7	<p>Policy 3a Seeks to add a new point-as an option to c)” ... <i>and topography; or</i></p> <p><i>e) The reserve land is identified as a strategic public investment to allow for future ecological functioning of ecosystems, particularly within the Coastal Environment.”</i></p>	<ul style="list-style-type: none"> • CPOA considers that this goes beyond the normal understanding of what reserves are for. • CPOA would ask how would this be achieved and what criteria would be applied to assess this proposed strategic use? • CPOA’s understanding is that the District has 1/3 of its area as DOC land so we believe that we should not be turning more land into a potentially unusable and unproductive state. • CPOA considers that the existing full text in this section of the Proposed District Plan is sufficient: <i>“Subdivision shall not provide public reserves unless: a) It can be demonstrated that there is a need for quality public open space beyond what is already available in the surrounding settlement; and b) Additional reserve land would significantly enhance amenity and recreation opportunities for existing and future residents in the subdivision and surrounding settlement; and c) The reserve land is easily accessible and usable in terms of physical access and topography.”</i> • CPOA notes that the Staff Report does not directly address this submission point, but proposes that Objective 3 and its policies be deleted due to duplication with Section 13 Financial Contributions. • CPOA concurs. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
RNZFB-780	3326/780.7	<p>Policy 5a Seeks to amend text-“ <i>“... important land scape features <u>and ecosystems</u> and incorporate them into ...”</i></p>	<ul style="list-style-type: none"> • CPOA considers that this proposed amendment widens the context of the policy to include an area that would be difficult to quantify and therefore assess. Further, the RMA considers that ecosystems are part of indigenous biodiversity and this subject is addressed as a separate section of the Proposed District Plan. • CPOA therefore considers that the existing text is adequate-

			<p><i>“Recontouring of the natural landform associated with subdivision shall protect important landscape features and incorporate them into the development”</i></p> <ul style="list-style-type: none"> • CPOA notes that the Staff Report– para 31 – recommends to accept the submission point, but also to delete the policy due to duplication with overlay sections. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
RNZFB-780	3326-3327/780.7	<p>Policy 6b Seeks to reword the text- <i>“Subdivision for restoration or enhancement or indigenous biodiversity in the Rural <u>and Rural Lifestyle Areas</u> shall ensure that the area identified for protection:</i> <i>a) ... Regional Policy Statement <u>or is an identified Threatened Environment; and”</u></i></p>	<ul style="list-style-type: none"> • CPOA notes that the Proposed District Plan, in this policy, is addressing factors pertaining to the Rural <u>Area</u>, which includes both Rural and Rural Lifestyle zones. • CPOA therefore opposes the amendment as it is unnecessary. • CPOA also opposes the addition of the term <i>“<u>or is an Identified Threatened Environment”</u></i> • CPOA would ask who exercises this judgement and what criteria are used to establish these areas and what controls are imposed to ensure objective assessments take place? • CPOA believes that the term is too subjective and is not subject to statutory examination and robustness. • CPOA therefore considers that the existing text in the Proposed District Plan is adequate: <i>“Subdivision for restoration or enhancement of indigenous biodiversity in the Rural Area shall ensure that the area identified for protection:</i> <i>a) Is significant in terms of the criteria determining significance of indigenous biodiversity contained in the Waikato Regional Policy Statement; and</i> <i>b) Is able to be successfully managed, function ecologically and be self-sustaining; and</i> <i>c) Will protect the best biodiversity values of the site; and</i> <i>d) Provide the greatest biodiversity gains for the site.”</i> • CPOA notes that the Staff Report– para 34 – recommends deleting most of Objective 6 and its policies (except 6e) due to

			<p>duplication with Section 6 Biodiversity.</p> <ul style="list-style-type: none"> • CPOA concurs. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
RNZFB-780	3327/780.7	<p>16.3 Policy 6e Seeks to amend text- <i>“... near inter-tidal areas and allow for migration of such ecosystems with a predicted 1 meter sea level rise.”</i></p>	<ul style="list-style-type: none"> • CPOA considers that climate change issues should be discussed under the Natural Hazards section of the Proposed District Plan. • Further, CPOA would ask how would this be assessed and how would planning measures be established? • CPOA therefore considers that the existing text is adequate- <i>“Subdivision in the Coastal Environment shall provide development setbacks to protect natural coastal ecosystems such as those found in dunes and near intertidal areas.”</i> • CPOA notes that the Staff Report– para 34 – suggests moving this policy to Policy 8f, with wording taken from NZCPS Policy 6.1(i) so it is clear what is to be protected. In this regard it does not support using the wording from RNZFB and does not include a possible sea level rise. The Staff Report notes that setbacks may be considered as an alternative to, or in conjunction with esplanade reserves or strips. • CPOA concurs with the Staff Report. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
RNZFB-780	3327/780.7	<p>Policy 11a Seeks to add new text to the policy- <i>“Subdivision in the Rural Area shall not reduce the availability of high class soils to be used for primary productive purposes, <u>except where retirement is for significant ecological benefit</u>”</i></p>	<ul style="list-style-type: none"> • CPOA considers that this change detracts from the policy’s inherent aim of ensuring that the availability of soils crucial to farming operations is maintained. This is important to economic development. • CPOA therefore opposes this amendment and considers that the existing text in the Proposed District Plan is adequate- <i>“Subdivision in the Rural Area shall not reduce the availability of high class soils to be used for primary productive purposes.”</i> • CPOA notes that the Staff Report– para 50 – supports this submission point since the Proposed District Plan specifically provides for “Subdivision for restoration” in Section 6 Biodiversity.

			<ul style="list-style-type: none"> • CPOA considers that the Staff Report could be accepted in part, but recommends alternative wording to be consistent with Section 6.3 Policy 1c, as follows: “primary productive purposes <u>except in the context of restoration or enhancement of indigenous biodiversity in accordance with Section 6.3 Policy 1c</u>” • CPOA requests that this RNZFB submission point be disallowed.
DOC-827	3758/827.19	<p>Subdivision Supports Objectives 6, 7, 8 and related policies.</p> <p>6. Indigenous biodiversity is enhanced or restored, and protected, at the time of subdivision.</p> <p>7. Subdivision maintains water quality and enhances water quantity in wetlands, waterways and groundwater.</p> <p>8. Subdivision provides for the maintenance and enhancement of natural character, ecological functioning, indigenous habitat, recreational use of, and public access to, the District's water bodies. Policies under no.8 are all related to esplanade reserves/strips.</p>	<ul style="list-style-type: none"> • CPOA supports in part – add “<i>where appropriate</i>” or similar at beginning of objective, since a subdivision may not necessarily affect indigenous biodiversity. • CPOA’s previous comments in this document (EDS-320/1247/320.2) apply and are reproduced below for ease of reference: <ul style="list-style-type: none"> ○ “CPOA considers “maintain” is appropriate, not “enhance” ○ CPOA also believe that it would be impossible to enhance water quantity. Quantity depends on source. • CPOA oppose this as it becomes a hurdle for any subdivision and that this test is not always appropriate. Subdivision is primarily to provide for the economic and social wellbeing of the population while not destroying these aspects of the natural environment. • I.e. Esplanade reserves may be part of a subdivision plan where appropriate, but not compulsory in every situation. The existing Policies 8a-e allow some flexibility. • CPOA notes that the Staff Report – para 34-36 – notes DOC’s support of the objectives. We note that the Staff Report proposes deleting Objective 6 due to repetition, and deleting the words “and enhances water quantity” from Objective 7.

			<ul style="list-style-type: none">• CPOA concurs with this. <p><i>CPOA, except where otherwise stated, requests that these DOC submission points be disallowed.</i></p>
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