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Proposed District Plan Hearing Panel  
Thames-Coromandel District Council  
Private Bag  
Thames  
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New Zealand

To the Hearings Panel - Proposed District Plan

**31 March 2015**

Please find attached for pre-circulation the Waikato Regional Council Statement of Evidence on the sections Coastal Environment and Settlement Development and Growth.

Waikato Regional Council thanks for the opportunity to provide this statement of Evidence on its submission of the Proposed District Plan.

Regards

Ursula Lehr  
Policy Advisor - Science and Strategy Directorate

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of a hearing by Thames  
Coromandel District Council of  
the submission by Waikato  
Regional Council to the  
Thames Coromandel Proposed  
District Plan: Settlement  
Development and Growth;  
Coastal Environment.

**DISTRICT:** Thames Coromandel District

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**STATEMENT OF URSULA LEHR**  
ON BEHALF OF  
WAIKATO REGIONAL COUNCIL

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## **1. INTRODUCTION**

- 1.1 My name is Ursula Lehr. I hold the position of Policy Advisor within the Science and Strategy Directorate of Waikato Regional Council. I have held this position since November 2007. My responsibilities include submissions on statutory processes run by other agencies; and assisting with the development of policy and plans for the Waikato region.
- 1.2 I hold a Master of Regional and Resource Planning and a Bachelor of Science from the University of Otago. I have nine years experience as policy advisor on district and regional level local government.
- 1.3 The purpose of this statement is to set out the position of Waikato Regional Council, and I am authorised to provide this statement on behalf.

## **2. OVERVIEW**

- 2.1 This statement of evidence says that all of Waikato Regional Council's submission points were addressed to satisfaction by the Hearing Report recommendations. The original submission contained:

### **For Settlement Development and Growth - Section 15**

- 4 points in full support
- 3 points partly in support with amendments requested

The points were all addressed satisfactorily by the hearing report.

### **For the Coastal Environment – Section 7**

- 1 point partly in support

The point has been addressed in full by the hearing report.

- 2.2 This statement discusses the details in the sections:

Section 3 - Background

Section 4 – Settlement development and growth: submission and hearing report

Section 5 – Coastal Environment: submission and hearing report

Section 6 - Recommendation

Appendix 1 – Submission table with hearing report recommendations added

Appendix 2 – Section 32AA Evaluation as requested.

### **3. BACKGROUND**

- 3.1 Waikato Regional Council made a submission in general support of the Proposed Thames Coromandel District Plan (Proposed Plan). The submission requested a variety of amendments which were primarily focussed on ensuring that the provisions are aligned with the Proposed Waikato Regional Policy Statement (RPS).
- 3.2 Waikato Regional Council has a particular interest in parts of the Proposed Plan, as these parts of the plan interrelate with parts of the RPS. Under Section 75(3)(c) of the Resource Management Act, District Councils must give effect to regional policy statements, and under Section 74(2)(i) have regard to proposed regional policy statements. Waikato Regional Council sees the Proposed Plan as an opportunity to give effect to relevant parts of the RPS which are now substantively beyond challenge or 'agreed in principle' through the appeal resolution process.
- 3.3 Waikato Regional Council appreciates the opportunity to submit to the Proposed Thames Coromandel District Plan and supports it in general. Our submission points addressed those proposed provisions that interlink with areas where the regional council has obligations in its functions under the Resource Management Act, particularly through the RPS.

### **4. SETTLEMENT DEVELOPMENT AND GROWTH: SUBMISSION AND HEARING REPORT**

#### **4.1 Matters raised for Settlement Development and Growth**

The key relationships of the Proposed Plan provisions of Section 15 - Settlement Development and Growth with the Proposed RPS have been identified in the submission as follows:

- 15.3 Objective 10 and its policies q, r and t with PWRPS 6.9 b), now a) ii), regarding the focus of future development on the three main centres.
- 15.3 Policy 3c with PWRPS 13.2, with regard to avoiding new development's dependence on installation of new hazard defences.
- Other matters raised are related to the consideration of elevations of tsunami at the eastern seaboard and stormwater matters including low impact design.

#### 4.2 Key submission points and hearing report

The Regional Council is overall in support of the Proposed Thames Coromandel District Plan Settlement Development and Growth provisions. The key submission point related to the implementation of *Coromandel Peninsula Blueprint Framework for Our Future 2009* (Coromandel Blueprint).

The Regional Council submission stated that Policy 6.9 of the RPS addresses the implementation of the Coromandel Blueprint. In clause b) the policy identifies the desired settlement pattern, in which the three identified main centres of Thames, Whitianga and Whangamata may develop beyond their existing urban limits. The aim is to encourage a concentration of development, through intensification and consolidation, in and around these existing centres. Clause b) has now been put under Clause a), but has not changed in wording through the RPS appeal resolution process.

The submission stated that Thames Coromandel Proposed District Plan Chapter 15 on Settlement Development and Growth should reflect the 6.9 provision with more clarity. There is no overarching statement referring to these main centres as adopting this particular growth pattern. The submission sought that the objectives and policies of the Proposed Plan be amended to provide an overarching, clear alignment with the policy direction of the PWRPS. This has now been addressed through the recommended changes to Objective 10 and its policies.

#### 4.3 On the whole, four Regional Council submission points are in full support of the particular provisions and seek to have these retained.

They relate to:

- The development of Whangamata, Whitianga and Thames (Table Ref 4)
- On-site water tanks and stormwater minimisation and retention (Table Ref 5)
- Policy in relation to stormwater infrastructure (Table Ref 6)
- Promoting the implementation of Low Impact Design (Table Ref 7)

It is considered that the hearing report and track-changed provisions address all these points satisfactorily.

#### 4.4 Three submission points are in support in part and seek amendment. They pertain to:

- Settlement growth in areas not allowed in hazard areas where it would depend on natural hazard defences (Table Ref 2)
- Change consideration of the implications where tsunami risk from 5 m elevation to 10 m, when rezoning rural land on eastern seaboard (Table Ref 3)
- Amendment of Objective 10 on the unique characteristics of each settlement (Table Ref 4)

It is considered that the hearing report and track-changed provisions address all these points satisfactorily.

- 4.5 As a result, the Settlement Development and Growth provisions as recommended by the hearing report do no longer raise any Regional Council concern. This is, unless there are potential additional changes.

## **5 COASTAL ENVIRONMENT: SUBMISSION AND HEARING REPORT**

### **5.1 Regional matters raised for Coastal Environment**

The key relationship of the Proposed Plan approach on the Coastal Environment with the Proposed RPS are identified as follows:

- RPS 4.1.8 ba) i) and ii), that the district plan shall map or otherwise identify the landward extent of the coastal environment as the area identified in the RPS maps or determined by further detailed investigation.
- RPS 6.2 and 6.2.1, that local authorities shall give effect to Policy 6.2 through provisions in plans. Policy 6.2 has a raft of clauses determining the way in which development of built environment in the coastal environment is to occur.

### **5.2 Key submission point and hearing report**

The submission point states the following: The mapping of the Coastal Environment Overlay defines the landward extent of the Coastal Environment. In accordance with PWRPS Method 4.1.8 ba) ii) TCDC have taken the option of mapping the landward extent “determined by further detailed investigation”. The Proposed Plan’s mapping has based its mapping on a 2008 assessment of ‘Natural Character of the Coastal Environment’ from a landscape perspective (Stephen Brown) and a 2010 ecological assessment of natural character (Natural Solutions). Combined, this has produced a Coastal Environment overlay which excludes the towns and major settlements along

the coast. This raises the question for WRC as to how the Proposed Plan intends to address urban coastal matters and natural resource management in built-up areas.

The submission text further states that WRC understood that the intention for the Proposed Plan would be to address urban areas without the Coastal Environment Overlay. The intention was to use instead the area policies and zone rules in the towns. WRC considered that these provisions would not adequately give effect to PWRPS Section 6.2 Planning for Development in the Coastal Environment, as required through Method 6.2.1. The submission therefore sought that if the extension of the Coastal Environment mapping into the townships and settlements would not be chosen, the matter could be addressed through additional area policies and zone rules.

5.3 Accordingly, the submission point supports the Background section's paragraphs 7.1.3 "How was the Coastal Environment defined" only in part. The process of determining the coastal environment, built solely on landscape and ecological natural character, has ignored other components such as natural hazard other than coastal erosion and built up areas at the coast, as required by NZCPS Policy 1d. and i. The suggested amendment through either adjusting the coastal environment line accordingly, or amending the insufficient zone rules in these areas to address to reflect RPS policy 6.2 and Method 6.2.1 was sought.

5.4 The hearing report and particularly the Revised Coastal Environment mapping of Appendix 3 have addressed the above matters. Waikato Regional Council requests to have the Revised Coastal Environment (27 March 2015) mapping fully retained.

## **6 RECOMMENDATION**

Waikato Regional Council recommends that the contents of Sections 7 Coastal Environment (including revised map) and 15 Settlement Development and Growth are accepted as per the Hearing Report's recommendations.

A handwritten signature in black ink, appearing to read 'U. Lehr', with a stylized flourish at the end.

Ursula Lehr

**31 March 2015**

# Appendix 1

## Submission points, Hearing Report recommendations and Regional Council response

Ref #	Provision / paragraph	Support / oppose	Feedback	Relief sought	Hearing Report recommendation / changes	WRC response
<b>Part II Overlay Issues, Objectives and Policies – 7 Coastal Environment</b>						
1	Section 7 Coastal Environment 7.1.3 How was the coastal environment determined?	Support in part	<p>The Proposed Plan took the option in PWRPS 4.1.8 ba) ii) of detailed investigation to map the land ward extent of the coastal environment 'by the relevant territorial authority'.</p> <p>The Proposed Plan refers in 7.1.3 to six components on which the landward boundary for the Coastal Environment was mapped, and is predominantly natural character based. The mapping has the townships excluded from the Coastal Environment. For the District Council to appropriately undertake its functions it is important that the coastal environment applies in all</p>	<p>Ensure that Section 7 and all other provisions including mapping include all the characteristics in Policy 1 of the NZCPS including clauses d) and i). Consequently amend the Coastal Environment Line in the Planning maps to include all coastal townships and built-up areas which fall within the Coastal Environment.</p> <p>OR alternatively:</p> <p>Amend the policies and rules for all Policy Areas and Zones pertaining to the towns, as submitted under the relevant area policies and zone rules,</p>	<p>Hearing Report paragraph 9 acknowledges that <i>Mapping the Coastal Environment also provides certainty for landowners and clarity for plan users.</i></p> <p>Paragraph 13 states that <i>the full extent of most settlements is now also included.</i></p> <p>In accordance, paragraph 34 recommendation 7.1 states: <i>and amend the Coastal Environment as shown in Appendix 3.</i></p> <p>Appendix 3 Maps of the Hearing Report confirm this.</p> <p>The report's categorised</p>	<p>Waikato Regional Council supports these Hearing report recommendations.</p> <p>Waikato Regional Council strongly supports the revised Coastal Environment mapping of Appendix 3.</p> <p><b>Retain the "Revised Coastal Environment Line" (27 March 2015) as per Hearing Report's Appendix</b></p>

Ref #	Provision / paragraph	Support / oppose	Feedback	Relief sought	Hearing Report recommendation / changes	WRC response
			<p>areas along the coastline and does not stop at towns and built up areas to merge into a coastal erosion line. The extent of the coastal environment should accurately reflect all the characteristics identified in Policy 1 of the NZCPS including clauses d) and i). As an alternative to a re-adjustment of the line to include the townships, the WRC submission seeks to have the Proposed Plan's area policies and zone rules address PWRPS Policy 6.2 "Planning for Development in the Coastal Environment" and give effect to Method 6.2.1.</p>	<p>in order to give effect to PWRPS Policy 6.2, particularly b) c) d) f) h) j) and k):</p> <p><i>6.2 Planning for development in the coastal environment: Development of the built environment in the coastal environment occurs in a way that:</i></p> <ul style="list-style-type: none"> <li><i>b. protects hydrological processes and natural functions of back dune areas;</i></li> <li><i>c. has regard to local coastal character;</i></li> <li><i>d. allows for the potential effects of sea level rise, including allowing for sufficient coastal habitat inland migration opportunities;</i></li> <li><i>f. ensures adequate water, stormwater and wastewater services will be provided for the development;</i></li> <li><i>h. has regard to the potential</i></li> </ul>	<p>submission points 534.24, from the Regional Council to include towns states: <i>Accept.</i></p>	<p><b>3 Map.</b></p>

Ref #	Provision / paragraph	Support / oppose	Feedback	Relief sought	Hearing Report recommendation / changes	WRC response
				<p><i>effects of a tsunami event, and takes appropriate steps to avoid, remedy or mitigate that risk;</i></p> <p><i>j. does not compromise the function or operation of existing or planned coastal infrastructure;</i></p> <p><i>and</i></p> <p><i>k. provides for safe and efficient connectivity between activities occurring in the coastal marine area and associated land-based infrastructure.</i></p>		
<b>Part III district-Wide Issues, Objectives and Policies – 15 Settlement Development and Growth</b>						
2	Section 15.3 Settlement Development and Growth; Policy 7c	Support in part	Policy 7c wording suggests that settlement growth is allowed if the resulting risk is 'acceptable' once defences are installed. This does not fully cover to give effect to the PWRPS Policy 13.2 e) and f).	<p>Amend Policy 7c to:</p> <p><del>Settlement growth in areas subject to natural hazards should not be justified on the basis that 'hard' engineering structures will be installed to lower the risk to a tolerable level.</del></p> <p><u>New subdivision, use and development in the coastal environment shall not occur where it is</u></p>	<p>Hearing Report Section 125 states that the suggested wording has now been generally applied in Policy 7c.</p> <p>Appendix 2: the track-changes accordingly include the new suggested wording. <i>(It is understood that this will be placed in S10 Natural Hazards)</i></p>	<p>Satisfied with changes <i>(It is understood that this will be placed in S10 Natural Hazards)</i></p> <p><b>Retain Hearing Report recommendation</b></p>

Ref #	Provision / paragraph	Support / oppose	Feedback	Relief sought	Hearing Report recommendation / changes	WRC response
				<u>dependent on installation of new defences to make natural hazard risk acceptable or tolerable.</u>		
3	15.3 - Policy 7d	Support in part	Policy 7d identifies any rezoning of Rural land to a Residential Area should consider implications of tsunami risk if the land is below 5m above mean sea level. However, recent modeling has shown that land below 10 m above sea level could be at reasonable risk from tsunami.	Amend Policy 7d and Rule 16 to include land below 10m above mean sea level instead of 5m.	<p>1.) Hearing Report Section 126 and 127 discuss the elevation above sea level for rezoning of rural land to a residential area to address tsunami risk at the eastern seaboard. It recommends our request changing in Policy 7d the elevation from 5m to 10m.</p> <p>Appendix 2: The track changes reflect this change.</p> <p>2.) Hearing Report Section 119 recommends that S15.3 Objective 7 and all its policies are moved to S 10 Natural Hazards.</p> <p>Appendix 2: The Track-changed provisions in Appendix 2 show the removal of Objective 7</p>	<p>Satisfied with changes.</p> <p><b>Retain Hearing Report recommendation</b></p> <p>Waikato Regional Council understands that this will be placed in S10 Natural Hazards. This is accepted.</p>

Ref #	Provision / paragraph	Support / oppose	Feedback	Relief sought	Hearing Report recommendation / changes	WRC response
					and all its policies, to be moved to S10 Natural Hazards.	
4	Section 15.3 Settlement Development and Growth; Objective 10 and Policies 10q; 10r; and 10t	Support in part	<p>The PWRPS states in provision 6.9.6 District Plan provisions: <i>Thames-Coromandel District Council should include provisions in the Thames-Coromandel District Plan that give effect to policy 6.9. Policy 6.9 b) states: focus future urban development (beyond the existing zoning and infrastructure provision) on the three identified main centres of Thames, Whitianga and Whangamata; and encourage concentrated development through intensification and consolidation.</i></p> <p>Policies 10q; 10r; and 10t provides for each of these main centre' concentrated development. The present provisions are not sufficient to clearly reflect the PWRPS provisions</p>	<p>Retain policies 10q; 10r; and 10t in their current content.</p> <p>Amend Objective 10: "The unique characteristics of each settlement are recognised and guide settlement development and growth in the District. <u>Future urban development (beyond the existing zoning and infrastructure provision) should be focussed in and around the three main centres of Thames, Whitianga and Whangamata.</u>"</p>	<p>Hearing Report Section 185 recommends amendments to Policies 10q, 10r, 10t following other submitters' requests.</p> <p>Appendix 2: The tack-changed provisions in Appendix 2 are in accordance.</p> <p>Hearing Report Section 147 recommends to add to Objective 10 a simplified form of Regional Council's proposed amended wording sought in our relief.</p> <p>It further recommends adding Policy 1i to address this.</p> <p>Appendix 2: The tack-changed provisions in Appendix 2 are in accordance.</p>	<p>Support changes</p> <p><b>Retain Hearing Report recommendation</b></p> <p>Satisfied with changes</p> <p><b>Retain Hearing Report recommendation</b></p> <p>Satisfied with changes</p> <p><b>Retain Hearing Report recommendation</b></p>

Ref #	Provision / paragraph	Support / oppose	Feedback	Relief sought	Hearing Report recommendation / changes	WRC response
			6.9.1 and 6.9 b). The consistency with PWRPS 6.9 on their identified status will be clearer when Objective 10 states the towns by name as the main growth centres.			
5	Section 15 – Settlement Development and Growth – 15.3 Objectives and policies – Objective 1 - Policy 1f – “On-site water tanks ....”	Support	WRC supports Policy 1f in relation to on-site water tanks.	Retain Policy 1f	Appendix 2 track changed provisions show that Policy 1f has retained its original wording.	Support that Policy 1f is retained.  <b>Retain Hearing Report recommendation</b>
6	15.3 Objective 6 - Policy 6d – “Stormwater infrastructure shall...”	Support	WRC supports Policy 6d in relation to stormwater infrastructure.	Retain Policy 6d.	Hearing Report Section 109 states that we support Policy 6d.  Appendix 2 track-changed provisions show that Policy 6d has retained its original wording.	Support that 6d is retained.  <b>Retain Hearing Report recommendation</b>
7	15.3 Objectives and policies Policy 9a) g) j)	Support	WRC is encouraged to see that TCDC is promoting implementation of Low Impact Design (LID) measures and stormwater management	Retain Policy 9a g) and j).	Hearing report Section 140 recommends retaining Objective 9 as notified with amendment to Policy 9a d) as in Appendix 2.	Support that Objective 9 is retained.  Support Change to Policy 9a d).

Ref #	Provision / paragraph	Support / oppose	Feedback	Relief sought	Hearing Report recommendation / changes	WRC response
			devices to avoid and/or mitigate the actual and potential adverse effects of stormwater diversion and discharge activities.			<b>Retain Hearing Report recommendation</b>

# Appendix 2

## Section 32AA Further Evaluation: Coastal Environment

The submission by Waikato Regional Council sought the inclusion of towns in the Coastal Environment line of the Proposed District Plan. The following evaluation addresses this submission point.

Provision; Changes proposed	Benefits	Costs	Effectiveness and efficiency of proposed change
<p><b>7.3.1 How was the Coastal Environment determined</b></p> <p><b>Option1:</b> Mapping and provisions for Coastal Environment to include townships at the coast ,in accordance with NZCPS Policy 1, all clauses, particularly d and i.</p>	<p>Transparency: Visibility in maps and linkage to associated planning provisions provides simple, consistent and straightforward consent process.</p> <p>This is a more overt approach with potential long term tourism and quality holiday gains – e.g. ecotourism: Including the towns in the coastal environment works better towards the consistent reflection of the recreational and holiday destination qualities of the district.</p>	<p>Adverse landowner reaction to direct mapping – can lead to increased costs for communication.</p> <p>Additional mapping costs to include towns in the overlay.</p>	<p><b>Effectiveness</b></p> <p>The proposed change will meet the <b>Plan’s Section 7.3 Objective 1</b> of the Plan: the proposed change will particularly meet point 1 of Objective1 of this section, maintaining the integrity, form, functioning and resilience of the coastal environment, in its present state, indiscriminate whether built-up or not in individual locations.</p> <p>The proposed change will meet <b>Policy 1 NZCPS</b>, all clauses including d. and i. in particular. This is because townships’ built up areas are prone to tsunamis, and in addition as built-up areas comprise the coastal environment as well. These points are also stated in the NZCPS guidance notes<sup>1</sup> to its Policy 1.</p>

<sup>1</sup> NZCPS guidance notes: <http://www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/new-zealand-coastal-policy-statement/policy-statement-and-guidance/>

Provision; Changes proposed	Benefits	Costs	Effectiveness and efficiency of proposed change
	<p>This option and Option 2 both aim to ensure that the towns are treated as being part of the coastal environment, meaning benefit in terms of the environment.</p>		<p>The proposed change will raise a 'red flag' in the maps to address new development in the identified areas, thereby help achieve <b>RMA S 6 a</b>, through protection of the coastal environment from inappropriate subdivision, use, and development</p> <p><b>Efficiency</b> See benefits and costs: <b>High efficiency</b></p>
<p><b>7.3.1 How was the Coastal Environment determined</b></p> <p><b>Option 2: Address by provisions only</b>, for those coastal towns areas not included in mapping :</p> <p>Amend the Plan's provisions for all Policy areas and Zones pertaining to the town areas at the coast but not included in the Coastal Environment mapping: to be consistent with RPS Policy 6.2 b); c); d); f); h); j) and k).</p>	<p>Adverse reactions to direct mapping by landowners are prevented through less direct, un-mapped method.</p> <p>This option and Option 1 both aim to ensure that the towns are treated as being part of the coastal environment, meaning benefit in terms of the environment.</p>	<p>Without mapping harder for plan users to immediately pinpoint that coastal environment considerations need addressing.</p>	<p><b>Effectiveness</b></p> <p>The propose change will meet the <b>Plan's Section 7.3 Objective 1</b> of the Plan: the proposed change will particularly meet point 1 of Objective1 of this section, maintaining the integrity, form, functioning and resilience of the coastal environment, in its present state, indiscriminate whether built-up or not in individual locations.</p> <p>The proposed change will meet <b>RPS Policy 6.2</b> as required in Method 6.2.1.It will particularly address new development with regard to: (abbreviated)</p> <ul style="list-style-type: none"> <li>▪ protecting hydrological processes;</li> <li>▪ local coastal character;</li> <li>▪ potential effects of sea level rise including allowing for sufficient coastal habitat inland</li> </ul>

Provision; Changes proposed	Benefits	Costs	Effectiveness and efficiency of proposed change
			<p>migration opportunities;</p> <ul style="list-style-type: none"> <li>▪ ensuring adequate water, stormwater and wastewater services for development;</li> <li>▪ potential effects of a tsunami event;</li> <li>▪ not compromising the function or operation of existing or planned coastal infrastructure;</li> <li>▪ providing for safe and efficient connectivity between CMA and associated land-based infrastructure.</li> </ul> <p>The proposed change will help achieve <b>RMA S6 a</b>, through protection of the coastal environment from inappropriate subdivision, use, and development</p> <p><b>Efficiency</b> See benefits and costs: <b>Medium to high</b> efficiency.</p>
<p><b>Summary for Efficiency:</b> Option 1 recommended as preferred option.</p>			