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HEARINGS PRESENTATION NOTES-GR AND GJ READY-ORIGINAL SUBMISSION SECTIONS 7, 9 AND 32 TO TCDC PROPOSED DISTRICT PLAN-TIME BLOCK-1645-1730-THURSDAY-16 APRIL 2015

SUBJECT FOR HEARINGS	SBMSN PAGE NO/SUMM NO	ISSUE , POINTS AND REQUESTED OUTCOME
<p>Part II S7 Coastal Environment</p>	<p>3547/799.8</p>	<p>7.3 Objectives and Policies Original Submission Issue-1- We have serious concerns over the seemingly arbitrary way that the coastal environment line has been placed onto the maps generally.</p> <p>Original Outcome Requested-Issue-1-We therefore request please that the rationale for the placement of this coastal environment line on all relevant maps for the District be objectively and independently reviewed with the aim of actually getting an accurate environmental line that is truly coastal as opposed to subjectively encompassing rural land that may be kilometres from the actual coastline.</p> <hr/> <p>Additional Analysis:</p> <p>S32 Report on the Proposed District Plan</p> <p>We note from the S32 Report on the Coastal Environment (Part IVA-Pages 22-28) that under either the "costs" or the "evaluation and effectiveness" sections of the alternatives outlined there appears to be only one comment ("<i>compliance costs for new buildings within the Coastal Environment Line area</i>") that would appear to be directed towards the effects on the people of this District. There are other general statements in places (e.g. "<i>high probability of challenge and associated costs;</i>" "<i>high potential for submissions and appeals and associated costs;</i>" "<i>Potential for appeals by parties that would prefer the RPS suggested Coastal Environment Line...</i>") The one specific comment (compliance costs) and these general statements do not, in our view meet the standards contained within S32 (2) (a) of the RMA which states that an assessment under subsection (1)(b)(ii) must:</p> <ul style="list-style-type: none"> • identify and assess the benefits and costs of the environmental economic, social, and cultural effects that are anticipated from the implementation of the provisions, including

		<p>the opportunities for—</p> <ul style="list-style-type: none"> ○ (i) economic growth that are anticipated to be provided or reduced; and ○ (ii) employment that are anticipated to be provided or reduced.” <p>Defining the Coastal Environment Line</p> <p>Various opinions abound on the limits of the coastal environment as these extracts from a 2010 Natural Solutions Report (pages 8-10) for TCDC show::</p> <ul style="list-style-type: none"> • “The coastal environment is just that, an environment. It is not a zone which might readily be identified by lines on a map. In defining that environment there will frequently be grey areas and blurred edges” In the circumstances, it was determined that the coastal environment included the river basin together with the sand hills and escarpments. It ceased at the escarpment ridgeline and did not extend across the elevated terrace land. (Kaupokonui Beach Soc Inc v South Taranaki DC EnvC W030/08). • The coastal environment was held to be “An environment that is a complex, diverse, and a fragile ecological and environmental system, which included inland lakes, dunes, and a wetland area that were all contiguous with, or close to, the actual coastline.” (Coutanche v Rodney DC W94/93 (PT)) • Environment Waikato have used bioclimatic criteria to broadly define the coastal environment as the area <300m above sea level and/or <1km from the coast. • The Protected Natural Areas Programme (PNAP) report for the Coromandel (Humphries & Tyler, 1990) uses pohutukawa as the indicator species for the coastal bioclimatic zone. This species is generally regarded as extending a canopy up to 1km inland, although individual pohutukawa can be found further inland. The PNAP report also includes a Semi-Coastal zone indicated by the presence of puriri; which overlaps with the coastal zone but can extend further inland. • Brown (2008) defined the ‘coastal environment’ for the Thames-Coromandel District based on a variety of factors including landscape and the ‘first ridge’ principle. In most areas this delineation of the coastal environment adequately encompassed the coastal ecosystems identified in this study. There were however places where coastal ecosystems extended further inland (e.g. some coastal forests and dunes, and coastal wetlands). • The Thames-Coromandel District Plan also identifies a ‘Coastal Zone’ for planning purposes, which applies to areas of land in which the coast is a significant part or
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		<p>element. The width of this Coastal Zone varies around the District, and generally includes the land between the coast and the first ridgeline inland and other land where the coast is a significant part, even though it might not be visible from the coast or a public road (Thames-Coromandel District Council, 2007).</p> <ul style="list-style-type: none"> • In general, a coastal bioclimatic zone defined as being below 200m altitude and less than 1 km inland is considered adequate on exposed areas of both the eastern and western coastlines, with the inland distance reducing to < 500m in sheltered areas (e.g. around estuaries). • We therefore question the line that in the Colville area is some 2-3km inland from the coast and in the case of our property, the line is well beyond (by hundreds of metres) behind our rear boundary. This is difficult to rationalise in our case, particularly, when two ridges dissect the basin leading from our house site to the sea. <p>Analysis of S7 Coastal Environment Staff Report Relevant to this Submission Point-Issue 1</p> <p>We note that the Staff Report Point 9, inter alia, states <i>“Policy 1 of the NZCPS outlines matters relevant when considering the extent and characteristics of the coastal environment and to its management under the RMA.”</i></p> <p>We also note that the Staff Report Point 10, there is an inference that as a result of concerns expressed in submissions, the Council organised a review of the Coastal Environment with reference to Policy 1 NZCPS.</p> <p>We therefore accept that NZCPS Policy 1 is fundamental to defining the coastal environment and that fact is supported by the PRPS whose definition for the coastal environment contains, almost word for word, much of the text from the NZCPS Policy.</p> <p>We note that the Staff Report Point 11 A and B list criteria that should be considered when endeavouring to establish the Coastal Environment Line. These are as follows:</p> <p>A. Areas physically linked to the Coastal Marine Area (CMA):</p> <ol style="list-style-type: none"> 1. That are directly subject to wave action and tidal inundation/movement and which contain/define the inter-tidal margins of the CMA;
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	<p>The PRPS, Policy 3.6, addresses the coastal environment in terms of integrated management.</p> <p>We therefore understand that there is an inter-relationship involving the coastal environment and fresh water body catchments and that this has to be managed. However we also note the significance of the fact that the PRPS lists water body catchments separate from the coastal environment. They are inter-related but they are not the same thing. The definitions that we have quoted also support this view.</p> <p>We therefore believe that given that water body catchments are not coastal per se that is the reason that Policy 1 NZCPS does not list “waterbody catchments.”</p> <p>Further, given the dictionary definition of “headwaters” as being, for all intents and purposes, “close to or forming part of the source” of any river, we believe that is the reason why “headwaters” are not mentioned in Policy 1 NZCPS. This is rightly so because taken to its most literal interpretation, the “headwaters” of the Waitangi River, close to the northern shores of Lake Omapere between Okaihau and Kaikohe in Northland, to its end point near Waitangi in the Bay of Islands would be within the coastal environment and we would have a great difficulty with that.</p> <p>Finally, given the dictionary definition of coastal as being “<i>of or near the coast</i>” and near “<i>as being on the verge of or a short distance away</i>” we cannot comprehend that we have ended up with a coastal environment line that, in many instances is up to a few kilometres away from the coast and in some areas is up to nine kilometres away. That, in our view, is not coastal.</p> <p>We do not consider that we are alone in taking this view, as the extracts from the NSNC Report in the Additional Analysis section above seem to demonstrate. The distance from the coastline, in terms of positioning the inland extent of the coastal environment, in any of the many examples listed in the report is no further than 1km from the coast.</p> <p>We therefore believe that NZCPS Policy 1 should be the driving legislation for defining the coastal environment not a separate list of criteria which, in our view, are very difficult to directly reference to NZCPS Policy 1.</p> <p>We therefore disagree with the Staff Report at Point 35 k) “.....using criteria consistent with</p>
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		<p><i>Policy 1.”</i></p> <p>New outcome requested-Issue 1--We recommend that this coastal environment line be independently reviewed to ensure that only the contents of NZCPS Policy 1 are used as the standard to determine its limits.</p>
7.3 OBJECTIVES AND POLICIES	3547-3548/799.8	<p>7.3 Objectives and Policies</p> <p>Original Submission Issue-2-In our view, there is a serious omission in the objectives of this section in that the importance of economic development in relation to the use of the coastal environment has not been included.</p> <p>Original Outcome Requested-Issue 2-We therefore request please that a provision for economic development should be included within objective 1.</p> <hr/> <p>Analysis of S7 Coastal Environment Staff Report Relevant to this Submission Point</p> <p>We note that Point 25 of the Staff Report “..supports inclusion of an additional bullet point under the Objective to include providing for people and communities social, economic, and cultural wellbeing and health and safety.”</p> <p>We also note that the Tracked Changes for S7 include this provision as the first bullet point under 7.3, Objective 1.</p> <p>We commend the Staff Report for recommending this change.</p>
Part ii S9-Landscape	3549/ 799.12	<p>Part ii</p> <p>9.1-Background</p> <p>Original Submission Issue-The apparent subjective and arbitrary nature of the Amenity Landscape and Outstanding Landscape Process</p> <p>Original Outcome Requested-We request please that an objective and independent review of the overall Landscape designation process in the PDP be undertaken and that such a review, its recommendations and eventual decisions by Council be totally transparent to the ratepayers of the District.</p> <hr/> <p>Analysis of S9 Landscape Staff Report Relevant to this Submission Point</p>

	<p>We note that Point 20 of the Staff Report recommends that the Amenity Landscapes be withdrawn. We support that recommendation.</p> <p>The recommendation is consistent with:</p> <p>S7 (c) RMA which states that “.....<i>maintenance and enhancement of amenity values</i>”</p> <p>S3.20 of the PRPS which states that “<i>the qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.</i>”</p> <p>These extracts confirm that amenity (Defined in the Oxford Dictionary as “<i>a pleasant or useful feature of a place</i>” and place as “<i>a particular position or location; a particular town, district, building etc.</i>”) is a value that can be applied anywhere by anybody within any area or setting. We consider that more often than not everyone will have their own opinion on the value which can also alter over time.</p> <p>Amenity is not a landscape as such and therefore, in our view, should never have been the subject of a separate Amenity Landscape overlay.</p> <p>However, we also note with some concern that a study was commissioned to “<i>reassess the overlay with a view to identifying a key set of areas that could become non-regulatory character areas,</i>” We ask:</p> <ul style="list-style-type: none">• Who requested this study?• Who authorised it?• What did it cost?• What was the reason for it?• How many owners were consulted regarding the study?• Given that the “character areas” will be “non-regulatory” what is the intent regarding their management? <p>We ask these questions, because the first time that we become aware of this new study was reading about it in a Staff Report. That is not consultation. Consultation is defined in the Oxford Dictionary as “seeking information or advice from.”</p>
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	<p>How difficult is it to organise such consultation? Well, from our experience in life it is not difficult and what it does is produce valuable ideas, other than our own, about a way ahead as well as getting “buy in” from those most affected. This produces a better result in our experience.</p> <p>We are therefore disappointed that yet another set of “character areas” is set to be potentially imposed upon us, as owners, that we knew nothing about until now. It is just not good enough.</p> <p>We note that Point 11 of the Staff Report outlines the process that was followed in the formulation of the landscape Overlays for the Proposed District Plan.</p> <p>We also note Point 20, where the same Landscape Architect was tasked again, certainly as far as we can ascertain, well after the original submission deadline of 14 March 2014, to reassess the Amenity Overlays, and to identify the “character areas” that we have just mentioned.</p> <p>This is not the independent review that we requested in our original submission. The Oxford Dictionary and Thesaurus defines “<i>independent</i>” in its “<i>separate</i>” sense as being “<i>unconnected; unrelated; distinct; different.</i>” This has not occurred.</p> <p>This District Plan, once finalised, will be extant for 10 years plus.</p> <p>We strongly oppose a situation whereby Reviewers or indeed their Associates (2012-tweaking exercise) are reviewing their own work. It is our understanding that on an issue as important as this with its potential to affect our land and that of other private owners in this District that an independent check would have been made.</p> <p>It is our understanding that all organisations have to exercise a duty of care to ensure that proper independent checks and balances are in place to ensure transparency and fairness for those most affected by its decisions. This is particularly so when so many of these overlays with their associated restrictions and costs cover economic units.</p> <p>Thus we disagree with Point 16 and 55 of the Staff Report that the process has been “<i>thorough</i>” and “<i>robust.</i>” It has been single-mindedly focussed certainly but it has not been thorough and robust to the extent that we would expect in terms of ensuring that independent</p>
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		<p>checks were done through the period 2008-2015; i.e. the period after Mary Buckland's work was reviewed.</p> <p>This would have been a simple thing to do and the fact that it has not been done is a serious concern for us, and we are aware that it is for others as well.</p> <p>New outcome requested-That an objective and independent review of the overall landscape designation process in the Proposed District Plan be undertaken and that such a review, its recommendations and eventual decisions by Council be totally transparent to the ratepayers of this District. This would be best achieved by having representatives of potentially affected owners involved in the whole process.</p>
<p>Policy 1 d <i>"Subdivision, use and development shall not contribute to cumulative adverse effects (including minor effects) that would result in degradation to the values and characteristics of the Outstanding Landscape."</i></p>	<p>3550/ 799.15</p>	<p>Policy 1d Issue-The way that the policy is written. Reason-Minor effects may not necessarily be cumulatively adverse. The statement, therefore, does not allow for a balanced or compromise solution to be adopted. Outcome requested- Delete the words (including minor effects)</p> <hr/> <p>Analysis of S9 Landscape Staff Report Relevant to this Submission Point</p> <p>We note that the Staff Report (R9.1 f) accepted our submission point.</p> <p>However, we also note that within Point 53 of the Staff Report, the following statement is made:</p> <p><i>".....Policy 1d makes clear to Plan users that the sum of individual proposals for subdivision, use and development can cumulatively degrade the values and characteristics of ONFLs. Whilst each individual proposal may only have minor adverse effects, consideration of the overall cumulative effects is an effective way of protecting outstanding landscape values and characteristics....."</i></p> <p>We note that this statement in Point 53 of the Staff Report is completely contrary to the reason behind our original submission point which was to ensure that there was some leeway in relation to minor adverse effects when assessing "cumulative" in terms of this Policy (see above extract from our original submission).</p>

		<p>Point 52 of the Staff Report is also relevant in this respect in that, inter alia, it states "... Graeme and Gloria Ready are concerned that Policy 1d leaves no room for compromise solutions...."</p> <p>We therefore disagree with the Staff Report's acceptance of our submission point when clearly, in reality, they have not accepted it.</p> <p>In this regard it is very important to every stage of this complete District Plan process now and in the future, in our view, that decisions for and against submitters are correctly annotated in terms of not only the decision made but also consistent with the stated reasoning of the submitter in terms of why they asked for a Plan Policy to be changed in the first place.</p> <p>We cannot therefore, under any circumstances, support the notion that our submission point 799.15, as described by us, was accepted.</p> <p>New outcome requestedWe therefore recommend that either a wording change be made to the tracked change document around the fact that, minor effects can be managed so that cumulatively their influence would not be adverse, or, if that is not possible then we request please that our Submission Point 799.15 entry in the Table of Decisions under Point 66 of the Staff Report be amended to read "Reject"</p>
<p>Part VI S32 Landscape Overlay</p>	<p>3559/ 799.37</p>	<p>32.4 Outstanding Landscape Overlay Assessment Matters, Standards and Criteria Table 2 Original Submission Issue – All activities have been designated as "Restricted Discretionary" Original Outcome requested-Amend all "Restricted Discretionary" activities in Table 2 to read "Controlled "</p> <hr/> <p>Analysis of S32 Landscape Staff Report Relevant to this Submission Point</p> <p>We note that the Staff Report (R32.2 b) rejects our submission point.</p> <p>We disagree with the Staff Report in this respect.</p> <p>We note the comments in Point 41 of the Staff Report but particularly the following:</p>

	<p><i>"While controlled activities do provide some certainty for applicants they do not necessarily achieve the best outcomes insofar as it may not be appropriate for the Council to grant consent. Restricted discretionary activities on the other hand, allow for the effects of the activity to be addressed 'up-front' as opposed to via conditions. Furthermore Council has the mandate to refuse a restricted discretionary activity consent if the adverse effects cannot be avoided, remedied or mitigated. Given the protection of ONFLs is a matter of national importance I do not support changing any restricted discretionary activities to controlled activities."</i></p> <p>The term "conditions" is defined in the Oxford Dictionary/Thesaurus as being-"something that is necessary if something else is to exist or occur;" "stipulation;" "prerequisite;" "requirement."</p> <p>We therefore do not accept the implication from the statement at Point 41, that "conditions" cannot be addressed "up front." " a prerequisite" is just that "something that is required before something else can happen"</p> <p>We believe that within the "Controlled Activity" status, strict conditions, if necessary, can be applied for any resource consent application together with a requirement for documents that demonstrate how those conditions are going to be met. In that regard that same required documentation can be used to assure Planners how any adverse effects are going to be avoided, remedied or mitigated.</p> <p>We accept that protecting ONFLs (<i>from inappropriate subdivision, use and development</i>) is a matter of national importance under the RMA but the RMA does not say that this has to be achieved through a "Restricted Discretionary Activity" status.</p> <p>It may be easier indeed, from a planning perspective to be able to fall back on the facility to refuse a consent but it is not entirely correct, in our view, that the desired end result cannot be achieved via a "Controlled Activity" status.</p> <p>This becomes a really important issue when someone from outside the District has purchased their dream site here many years ago and finds in 2017, as result of a subsequent placement of an ONFL Overlay that their resource consent application to build on the titled site is refused.</p>
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		<p>This will create an issue, in our view, for a great number of people in this District, in similar circumstances with "bare" titled sites, that stand to now fall within these proposed ONFLs.</p> <p>Everyone with a legitimate title on land that has been purchased (often at considerable cost) in this District has the right to be able to build a dwelling, to realise their original dream, shared by many of us who live or holiday here for the same reason.</p> <p>"Controlled Activity" status with strict conditions requiring documented evidence as to how the conditions are going to be met, coupled with careful monitoring, should keep that dream alive whilst rightly meeting Council requirements to effect protection of ONFL under the RMA.</p> <p>It does not need to be "Restricted Discretionary" in our view.</p> <p>New outcome requested-We therefore recommend that the present "Restricted Discretionary" status be revisited with a view to implementing "Controlled Activity" status consistent with the parameters outlined above.</p>