

Proposed District Plan Update

TO	Economic Development Committee
FROM	Leigh Robcke - District Plan Manager
DATE	19 April 2016
SUBJECT	Proposed District Plan Update

1 Purpose of Report

To update the Economic Development Committee on the Councils decisions on the Proposed District Plan.

2 Background

The District Plan Review project has been underway since 2011.

- 2011 District Plan Review Committee established (met 16 times)
Developed a 'Draft' and 'Proposed' District Plan. During development of the Draft Plan a range of stakeholders: community boards, iwi, forestry, mining/anti-mining, farming and environmental groups, ratepayer associations, and others, were consulted.
- 2012 October to January 2013 - Draft District Plan released for 'community comment'
Received 933 completed feedback forms. A Plan User Group was established and along with other legal and public interest groups provided feedback.
- 2013 December - Proposed Thames-Coromandel District Plan publicly notified for submissions.
1,233 submissions were received covering 7,769 individual submission points, and 271 further submissions were received covering 2,894 individual further submission points.
- 2014 District Plan Hearings.
Over 200 submitters presented evidence over 32 days to the Hearings Panel.
- 2015 November - Variation 1 (Natural Character) to the Proposed District Plan publicly notified for submissions.
160 submissions and 39 further submissions were received.
- 2016 Variation 1 - Natural Character Hearings
Over 50 submitters presented evidence over 2 days to the Hearings Panel.

On 6 April, the Council adopted the Hearings Panel's Recommended Decisions on submissions as its decisions. The Proposed District Plan - Decisions Version was publicly notified on 29 April 2016.

Submitters who are not satisfied with the Council's decision on their submission have 30 working days to lodge an appeal on the decision to the Environment Court.

3 Discussion

The Decisions Version of the Proposed District Plan achieves a number of goals that were

set when the Council started the project in 2011. The Council wanted the Plan to be:

- easy to use and understand;
- to promote economic development;
- to have less red tape, but also to protect the things we value in the Coromandel.

Easier to use and understand

- Uses clear language.
- Is zone-based.
- Uses a rule hierarchy (Special Purpose Provisions override Overlay rules which override District-wide rules and Zone rules).
- Provides the activity status and standards applicable to an activity in one place.
- Split the planning maps to provide a map for zones and a separate facing map for overlays.
- The Planning text and maps can be viewed online, downloaded as pdfs, or printed.

Promotes economic development

- Zoned areas of land in Thames, Whitianga and Coromandel Town for residential and industrial development. Similar, but smaller zonings are also spread around the District. Eighteen sites were rezoned through relief sought in submissions.
- More Marine Service Zones at Kopu, Tairua and Coromandel Town and a Marine Service Precinct at Kopu as part of the structure plan allowing for marine service industries, shops and wholesaling of fish, shellfish and marine equipment, restaurants, marine recreation, and apartments first floor and above. Marine equipment storage, maintenance and harvesting is also provided for in rural areas.
- Home businesses can now provide services, as well as crafts and professions.
- Small-scale industrial, commercial and community activities in the Village Zone are now permitted (within standards), reflecting their role as hubs for rural communities and local services.
- Subdivision and development that improves biodiversity or preserves natural character is encouraged through the Conservation Lot and Environmental Benefit Lot Rules.
- Only a few activities are prohibited in the Plan (e.g. surface mining in an Outstanding Landscape Overlay).
- Activities that are not specifically considered in the Plan are discretionary activities (as opposed to Non-Complying in the Operative District Plan) and are considered against the objectives and policies of the Plan.
- Section 15 Settlement Development and Growth has specific objectives and policies for the development of urban areas and economic growth.

Less red tape

- More activities are now permitted with performance standards. For example:
 - In Residential and Rural Areas, a minor unit (less than 50 m², or 60 m² if certified by Lifemark as suitable for elderly/disabled) that is accessory to a dwelling. This is a controlled activity in the Coastal Living Zone.
 - One dwelling per lot in the Coastal Living Zone (previously Residential Policy Area) is now a permitted activity (as opposed to needing resource consent for colour and reflectivity controls).
 - Noise thresholds are raised or removed to reflect the noise types expected in a particular zone, for example a noisy tractor early in the morning in the Rural Lifestyle Zone, kids yelling and having fun on a flying fox in a Council reserve, or heavy vehicle traffic on a road.

- Many activities that previously required resource consent are now permitted, or have an easier resource consent activity status, if they meet standards specific to the zone and/or activity.
- For some activities that need a resource consent, but have standards to reach good outcomes, the Plan specifies that they will not be notified or publicly notified if those standards are met (e.g. comprehensive residential development within the Extra Density Residential Zone).
- Rule duplication within TCDC and across agencies has been reduced. As an example earthworks in the Rural Zone have very few controls as it is generally controlled through the Regional Plan. A number of activities in the Road Zone and Recreation Zones are permitted within basic standards, as the decisions about design and location are made elsewhere in the Council, such as the Rooding Manager or Area Managers.
- The Maori Land Overlay provides for housing and community development as permitted activities subject to meeting standards.

Online

- The Plan has been written primarily as an e-Plan. Once the line of enquiry is established it will be searchable online and will integrate with the Council's new Smartmaps. The line of enquiry will have the following capabilities:
 - Make an enquiry by entering an address and activity they want to do. The relevant rules and associated standards will then be brought up for viewing.
 - Lodge a resource consent application online, after using the Enquire tool.
 - Correspondence, planning assessment and resource consent is all done through one interface.
 - The government is pushing for Resource Management plans to be online and searchable. This Council is well ahead of these requirements in taking RMA planning online.
 - Media pack included as **Attachment A**.

Protecting what we value

- Outstanding Natural Features and Landscapes and areas of High and Outstanding Natural Character, that are the pillars of the Coromandel's economy, are identified and protected from inappropriate subdivision, use and development.
- Review of the list of protected historic heritage areas and buildings resulted in both additions and exclusions.
- Natural hazard overlays protect built assets, buildings where people sleep, and manage protection works, against natural hazards such as floods, coastal erosion and tsunami.
- Subdivision in the Rural Zone is tightly regulated against the objectives and policies of the Plan, with subdivision incentives if biodiversity or natural character areas are restored or enhanced, and protected.
- Whitianga Airfield's main runway has standards that allow for future passenger air transport and larger planes.
- The Plan includes rules to protect that part of the national electricity grid that is within our District ensuring a reliable supply of electricity and ability to upgrade.

Non-Plan recommendations from the Hearings Panel

The Hearings Panel made a number of recommendations to the Council that addressed issues raised through the Hearings that were beyond the scope of relief sought in submissions or beyond their powers as a Panel (e.g. initiation of new Council projects with

unbudgeted expenditure). These 'non-regulatory' recommendations were:

- Review the Council's Biodiversity Strategy.
- Identify an alternative way of recognising significant trees.
- Undertake a planning/structure plan exercise to identify and integrate a clear edge and gateway to Hahei.
- Undertake a planning/structure plan exercise for the land between Pauanui and the Lakes Resort Golf Course.
- Undertake a planning/structure plan exercise for the rural hill land from Cooks Beach to Ferry Landing.
- Work with the Matarangi community to formally acquire land containing Holes 1 and 2 of the Matarangi Golf Course.

Appeals process

The 30 working days for appeals to be lodged with the Environment Court concludes on 13 June 2016. Upon receipt of the appeals from the Environment Court staff will prepare an 'Appeals' version of the Plan identifying those parts of the Plan that are subject to appeal. Provisions in the Plan not subject to appeal can then be treated as though they are operative and the equivalent rules in the Operative District Plan will not need to be referred to. Provisions subject to appeal will still have legal effect, but the equivalent rules in the Operative District Plan will also have legal effect and need to be referred to.

The Council has established an Appeals Committee to advise on appeal resolutions. Staff will undertake an initial assessment of the appeals and order them into a green/yellow/red light system based on complexity and legal/technical input and Committee direction required.

The Environment Court strongly encourages appeal parties to mediate. Court assisted mediation has a very high success rate and is the process through which staff will endeavour to resolve most appeals.

Changes ahead

The new District Plan will continue to evolve with changes to its content already foreseen, including:

- Resolution of Environment Court appeals.
- Direction from National Policy Statements and National Environmental Standards, which the Plan must give effect to, or not be inconsistent with. A number of statements and standards are in the pipeline and due for release in the next few years.
- The Resource Legislation Amendment Bill which will set the stage for new priorities and government directives.
- Reorganisation, later this decade, to meet National Planning Template requirements (currently under development).
- The Hauraki Treaty of Waitangi Settlement may result in some land rezoning, consultation changes, statutory acknowledgments, and identified sites of significance to Maori, in the Plan.
- If the Council and its community boards decide to initiate the recommended structure plans listed above (Hahei, Pauanui, Purangi), these will need to be integrated into the Plan.
- Staff expect that as the new plan is tested and tried with real-world applications, improvements and small fixes will be identified. The Council may decide to make these changes through a plan change that focuses on these small changes and administrative improvements.

4 Suggested Resolution(s)

That the Economic Development Committee:

1. Receives the 'Proposed District Plan Update' report dated 19 April 2016.

Attachment A

[District Plan Information Kit 29 April 2016 - Decisions information](#)