

**NOTICE OF APPEAL TO ENVIRONMENT COURT  
AGAINST DECISION ON THE  
PROPOSED THAMES-COROMANDEL DISTRICT PLAN**

To: The Registrar  
Environment Court  
AUCKLAND

1. We, Geoffrey Robinson and Reihana Robinson, appeal against a decision of Thames-Coromandel District Council (hereinafter “TCDC”) on the Proposed Thames-Coromandel District Plan
2. We made a submission on the Proposed Thames-Coromandel District Plan.
3. We are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. We received notice of the decision on 29 April 2016.
5. The decision was made by Thames-Coromandel District Council.
6. The part of the decision we are appealing is the inclusion in the Outstanding Natural Features and Landscapes overlay on “Map 3 Onekura” of certain areas which are landward of the Coastal Environment Line located on the following properties: 165 Harriet Kings Road, Port Charles (LOT 2 DPS 54218); 185 Harriet Kings Road, Port Charles (SEC 2 Blk II HARATAUNGA SD) and; 225 Harriet Kings Road, Port Charles (PT SEC 4 Blk II HARATAUNGA SD), hereinafter “the subject properties”.
7. The reasons for our appeal are as follows:
  - 7.1 The Proposed Thames-Coromandel District Plan planning maps included overlays designating areas of Outstanding Landscapes. The Outstanding Landscape overlay for “Map 3 - Onekura” included the entirety of two of the subject properties (185 and 225 Harriet Kings Road) and virtually all of the third (165 Harriet Kings Road). In March 2014, the

appellants submitted objections to the overlay, with specific reference to the properties listed above (and more generally to the entire district) and requested that the overlay be corrected. In April 2016, TCDC notified its Decision Version of the Proposed District Plan, making no changes to the Onekura landscape overlay other than changing the overlay name from “Outstanding Landscape” to “Outstanding Natural Features and Landscapes” (ONFL).

7.2 “Section 3 – Definitions” of the Proposed Thames-Coromandel District Plan does not define the terms “Outstanding Natural Features”, “Outstanding Landscapes”, “Outstanding”, “Landscapes”, or “Natural Features”.

7.3 Section 12A “Outstanding Natural Features and Landscapes” of the Waikato Regional Policy Statement operative 20 May 2016 (pages 12-8, 12-9, 12-15) does not include the subject properties as part of any ONFL of regional significance.

7.4 Section 12B “Landscape Assessment Approach” of the Waikato Regional Policy Statement operative 20 May 2016 (pages 12-26, 12-27) outlines the threshold criteria to be applied by district councils for identification of any additional district specific Outstanding Natural Features and Landscapes.

7.5 Section 12B defines “Outstanding” to mean “conspicuous, eminent, excellent, remarkable”.

7.6 “Recommended Decision Report 6” to the Proposed District Plan Hearings Panel (Section 5.15, page 5) reiterates that district councils must apply the threshold criteria and definitions of Section 12B of the Waikato RPS in identifying district specific outstanding landscape areas.

7.7 The three subject properties are each intersected by the Coastal Environment Line. The appellants agree that those portions of the subject properties seaward of the Coastal Environment Line do meet the Section 12B threshold criteria for Outstanding Natural Features and Landscapes and are correctly identified as such on the decision version OFNL overlay for “Map 3 – Onekura”. Those areas descend steeply from the ridgeline to the coastal edge, include numerous remarkable geomorphic formations, include prominent ancient native tree specimens, and are both conspicuous and eminent as viewed publicly from the sea.

7.8 In stark contrast to the seaward aspect, immediately landward of the Coastal Environment Line, the geomorphic, geologic, and topographical characteristics of the subject properties, as well as soil features and vegetative cover, significantly alter. Those portions of the subject properties landward of the Coastal Environment Line fail completely to meet the Section 12B threshold criteria for Outstanding Natural Features and Landscapes, specifically as they are not conspicuous, eminent, excellent, or remarkable.

7.8.1 Landward of the Coastal Environment Line, the subject properties and four abutting properties comprise gentle to moderate sloping hillsides descending to a small stream of approximately 1m to 3m width. The topographical profile and landforms are unremarkable and indistinctive. The area includes no conspicuous rock outcroppings or other notable geomorphic features.

7.8.2 The landward area comprises a mix of degraded, exposed and eroding barren clay with pockets of clay-loam under vegetative cover. The area is crossed by privately maintained roading and access tracks.

7.8.3 Vegetative cover largely consists of a mix of low regenerating scrub bush, plantation pine and eucalypt, with wilding pines. (The subject area was logged for native kauri.) The stream margin includes a small area of remnant natives.

7.8.4 The greater part of the subject landward aspect is not visible from any publicly maintained road or inland public place and is inconspicuous.

8. The TCDC overlay for Outstanding Natural Features and Landscapes is based on a desktop exercise by consultants Brown NZ. Neither the consultants nor any representative of Thames-Coromandel District Council have personally viewed the subject properties or ground-truthed the overlay for accuracy.

9. Low altitude aerial photography of the area completed 20 February 2015 confirms that the portions of the subject properties landward of the Coastal Environment Line do not meet the threshold criteria for OFNLs.

10. The appellants seek the following relief: That the portions of the three subject properties (165, 185, and 225 Harriet Kings Road, Port Charles) located landward of the Coastal Environment Line be removed from the Outstanding Natural Features and Landscapes overlay for planning “Map 3 Onekura” of the Thames-Coromandel District Plan.

11. The following documents are attached to this notice:

- a) Appellants’ submission on PDP emailed 14 March 2014, 11:39am
- b) “Map 3 – Onekura” overlays, legend from PDP (Dec 2013)
- c) “Map 3 – Onekura” overlays, legend from PDP (Decision Version)
- d) Section 9 – Landscape and Natural Character PDP
- e) Section 9 – PDP (Decision Version)
- f) Section 32 – Landscape and Natural Character Overlay PDP
- g) Section 32 – PDP (Decision Version)
- h) Section 12A - Waikato Regional Policy Statement 20 May 2016
- i) Section 12B - Waikato Regional Policy Statement 20 May 2016
- j) “Recommended Decision Report 6” to PDP Hearings Panel
- k) Two Representative Aerial Photographs north, south directional
- l) List of names and addresses of parties served with copy of notice

Dated this 6<sup>th</sup> day of June 2016

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Geoffrey Robinson, appellant

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Reihana Robinson, appellant

Address for service of appellants: Box 596, THAMES 3540

Telephone: (027) 694-0000, (07) 866-3812

Email: [geoffrey.robinson@xtra.co.nz](mailto:geoffrey.robinson@xtra.co.nz), [reihana.robinson@xtra.co.nz](mailto:reihana.robinson@xtra.co.nz)

