

## Form 7

### Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

*Clause 14(1) of Schedule 1, Resource Management Act 1991*

**To** the Registrar  
Environment Court  
Auckland.

We, Tairua Environment Society Inc., appeal against a decision (*or* part of a decision) of Thames Coromandel District Council on the following proposed plan:  
TCDC Proposed District Plan.

We made a submission and a further submission on the TCDC Proposed District Plan.

We are not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.

We received notice of the decision on 29 April 2016.

The decision was made by Thames Coromandel District Council.

The decision (*or* part of the decision) that we are appealing is:

- 1) Section 32 Landscape and Natural Character.
  - Removal of Amenity Landscape Overlay.
  - Removal of Natural Character Overlay from Coastal Living Zone at Pumpkin Hill.
- 2) Section 38 Subdivision.
  - Rule 7 Subdivision creating one or more additional lots.
- 3) Section 41 Coastal Living Zone.
  - Rule 7 Earthworks

- 1) Section 32 Landscape and Natural Character

Reasons for Appeal:

- Amenity Landscapes were identified as part of a District wide analysis of landscapes. It involved a “vigorous and robust process undertaken by a reputable landscape Architect”. The Council Planners Report rejected the Amenity Landscape Overlay proposed, and the Hearings Report dismissed expert evidence asking for the reinstatement of the Amenity Landscape Overlay.
- Natural Character was identified as part of a District wide analysis of natural character areas. A Natural Character Overlay was shown over the enclave of properties at the proposed Pumpkin Hill Coastal Living Zone in the proposed plan. The Decisions version of the plan has omitted this overlay with no reason.

We seek the following relief:

- Reinststate the Amenity Landscapes Overlay;
- Reinststate the Natural Character Overlay at the CLZ at Pumpkin Hill

## 2) Section 38 Subdivision

Reasons for Appeal:

- Minimum lot sizes for the subdivision standards in Table 2 for the Coastal Living Zone have been amended to 800m<sup>2</sup> and 1200m<sup>2</sup> for the respective wastewater connection situations. This has been due to the discussion during the District Plan process that recognized the Coastal Living Zone being more sensitive than the Residential Zone. These minimum lot sizes are appropriate where the average lot sizes are 600m<sup>2</sup> – 800m<sup>2</sup> e.g. Paku.
- At the Pumpkin Hill CLZ, lot sizes vary from 0.54Ha to 10.07Ha. A minimum lot size of 1200m<sup>2</sup> for the unsewered lots here is not appropriate. The possible housing densities would have significant adverse effects on the landscape, natural character and coastal environment..
- Consent for subdivision at Pumpkin Hill CLZ is proposed to be a Restricted Discretionary Activity with discretion restricted to staging, cumulative effects that are beyond that anticipated by the plan, and whether the works are in accordance with the Council Code of Practice for Subdivision and Development. Therefore subdivision could be approved without the adverse effects being considered. By making subdivision at Pumpkin Hill CLZ a Discretionary Activity it will enable all effects to be considered when making a decision.

We seek the following relief:

- Amend Rule 7.3 to: Subdivision creating one or more additional lots that is not a restricted discretionary activity under Rule 7.1 a), or is in the Pumpkin Hill CLZ, is a Discretionary Activity.

## 3) Section 41 Coastal Living Zone

Reasons for Appeal:

- Standards for Earthworks in the Coastal Living Zone are the same as the Residential Zone. This does not take into account that the settlements in the Coastal Living Zone are either completely within or partly within the Coastal Environment .This zones is more sensitive than the Residential Zone and requires tighter controls on earthworks.
- Earthworks in the Coastal Environment can have adverse effects on landscape, natural character and amenity values.
- Lot sizes vary greatly within the Coastal living Zone. Many lots average 600m<sup>2</sup> to 800m<sup>2</sup>. 100m<sup>3</sup> to 250m<sup>3</sup> of earthworks as a permitted activity on smaller lot sizes can have adverse effects on the Coastal Environment.

We seek the following relief:

- Amend Table 2 - Earthworks Standard in Coastal Living Zone to:  
Max area > 1:8 100m<sup>2</sup>      Max area < 1:8 250m<sup>2</sup>  
Max volume >1:8 50m<sup>3</sup>      Max volume < 1:8 100m<sup>3</sup>

Max height of any fill and/or cut 1.5m  
Max height of retaining wall 2.0m  
Max duration of work within any calendar year 3 months

I attach the following documents\* to this notice:

- (a) a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission):
- (b) a copy of the relevant decision (*or* part of the decision):
- (c) any other documents necessary for an adequate understanding of the appeal:
- (d) a list of names and addresses of persons to be served with a copy of this notice.

.....  
Signature of appellant  
(*or* person authorised to sign  
on behalf of appellant)

.....  
Date

Address for service of appellant: 15 Motuhoa Road, Tairua 3508  
Telephone: 07 8648397  
Email: jakkt@xtra.co.nz  
Contact person: John Drummond Chairperson

## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* [form 38](#)).

### *\*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (*or or*) the decision (*or part of the decision*) appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Schedule 1 form 7 heading: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 3 March 2015, by [regulation 5\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 3 March 2015, by [regulation 5\(2\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).