

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*

The Registrar  
Environment Court  
Auckland,

We, the **Post Family Trust, S Post Family Trust and the J & S Post Family Trust Partnership** being **Leendert Johannes Post and Peter John Findlay and Susan Christina Post and Peter John Findlay** as trustees of the respective trusts, appeal against decision of the Thames Coromandel District Council on the

**Proposed Thames Coromandel District Plan**

We made a **submission** and **further submissions** on the Proposed Thames Coromandel District Plan.

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

We received notice of the decision on or about 29 April 2016

The decision was made by the Thames Coromandel District Council.

The decisions (or part of the decisions) that we are appealing are in four parts:

1. **Kopu to Thames Structure Plan** provisions and diagrams (Section 27.2)
2. **Zoning** of land (Lot 2 DPS 29461) at **128 Totara Valley Road** in the Totara Valley (Planning Map 31 and Inset Planning Maps 31G and 31H).
3. **Zoning** of land (pt Lot 3 DPS 9203) at **102 Ngati Maru Highway** in Kopu (Planning Map 31 and inset map 31K)
4. Zone provisions for **Industrial Area** (Industrial Zone and Light Industrial Zone)

**1. KOPU TO THAMES STRUCTURE PLAN**

The decision to reject submission 746.6 seeking indicative road access to the Post Family Trust land at Kopu to recognise and provide for access to their land at the southern boundary.

In Section 27.2 the Kopu to Thames Structure Plan Diagram 1 contains Indicative Collector Roads west to east along the northern boundary of the Post Family Trust Kopu land and north south through the middle of their Kopu land.

The Restricted Discretionary Criteria refer to “Consistency with Kopu to Thames Structure Plan Report and Appendices”.

## **2. ZONING AT TOTARA**

The decision to reject the submission that sought rezoning and/or alterations or amendments necessary to provide for residential (serviced or unserviced), lifestyle or low density residential at 128 Totara Valley Road Thames on Planning Maps 31G and 31H.

## **3. ZONING AT KOPU**

The decision to reject the submission to rezone Rural Lifestyle to a more intensive form of development (Low Density Residential or Residential Zone and alter the location and extent of overlays on the land at 102 Ngati Maru Highway Kopu Planning Map 31K.

## **4. INDUSTRIAL ZONE PROVISIONS**

The decision to reject the submission to provide for smaller lot sizes more consistent with those used for small industry or light or service industry on the land zoned Industrial Zone at 102 Ngati Maru Highway.

The reasons for the appeal are as follows:

### **A. General reasons are:**

The Proposed District Plan sets out to protect natural resources of the District by concentrating subdivision use and development within identified recognised settlements and encouraging growth, intensification and consolidation of Thames, Whitianga and Whangamata (see 15.3 Objective1 Settlement Development and Growth Policy 1i).

We consider that in their present form there are provisions within the Kopu to Thames Structure Plan that will not achieve that.

This appeal seeks to refine provisions for new industrial and residential development to be located at Thames. The following changes, alterations and additions are required to ensure the policies that have been put in place will be efficiently and effectively achieved, and such that these parts of the Proposed District Plan better meet the requirements of section 32 of the Resource Management Act 1991.

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These include the following:

- (a) To encourage development to provide for more intensive development at Thames (Policy 1a and 1i);
- (b) To encourage high density development within the Industrial Area (Policy 1c);
- (c) To locate industry where there is good access to regional road corridors (Policy 1g); and
- (d) To maintain the efficiency and safety of the District's existing and planned infrastructure (Policy 1h).

B. The specific reasons are set out below for each of the matters subject of this appeal.

1. KOPU TO THAMES STRUCTURE PLAN INDICATIVE COLLECTOR ROADS

- (a) The indicative east west collector road shown on Diagram 1 is in a location where it is not practical to serve rural residential/low density residential or serviced residential land to the east and south and industrial land on the northern side and southern side at the entrance because of:
  - Grade separation between the industrial and residential/rural residential areas, and
  - The need to separate the character of vehicle use between the two distinct areas zoned in order to maintain or enhance amenity values.
- (b) The indicative north south collector road shown on Diagram 1 conflicts with continuity and connectivity of ecological corridors and Archaeological areas and is insensitive to site constraints and topography indicated in the Diagram 2 of the Structure Plan.
- (c) The Restricted Discretionary Criteria refer to a document lying outside the Proposed District plan that has not taken into account the practicality, effectiveness or efficiency of providing a collector road; which is given status as a matter to be considered on an application for subdivision of the land; but the criteria do not refer directly to Diagram 1.

2. TOTARA VALLEY ZONE & STAGING OF DEVELOPMENT

- (a) The land at 128 Totara Valley Road has been identified in the previous two District plans for future development. The suitable form of development was not necessarily considered to be serviced residential. The nature of the topography and the staging or sequence of servicing suggested there may be an interim form of development carried by means of a site development

or concept plan with different styles of development depending on contour, access and proximity of infrastructure or service connections.

- (b) For the zoning of this land to revert to Rural Zone is not appropriate nor would it lead to the effective, efficient and sustainable use of the land.
- (c) The currently zoned rural land at the head of the Totara Valley connects well with neighbouring land, has easy access to Thames and community goods and services, it does not have mineral deposits that must be protected for future access, the soils are not versatile and there is a longstanding expectation that the land would be developed to provide different forms of residential activity.
- (d) The land at 128 Totara Valley Road contains the upper reaches of the ecological corridors and its development would contribute to vitality and well-being of Thames and Kopu and their communities together with the economic provision of services to and within Totara Valley.

### 3. KOPU RURAL LIFESTYLE ZONE & OVERLAYS

- (a) The land at 102 Ngati Maru Highway was shown as Rural Lifestyle Zone with overlays of indicative collector road, ecological corridors and archaeological Areas. The combination of zones, overlays, and the proposed location and extent of roads render the land uneconomic for future development. This is contrary to the purpose and objectives of the Kopu to Thames Structure Plan.
- (b) The indicative collector road does not provide practical, reasonable or economic access to the land zoned for rural lifestyle development. The Rural Lifestyle Zone subdivision standards are not suitable or appropriate for the land. The yield would be too low to meet the costs of providing access, ecological corridors and to preserve archaeological site(s).
- (c) The potential availability of community services would enable the land to be more efficiently and effectively used for residential purposes and higher density than for lifestyle development.
- (d) The structure plan's provisions are unreasonable and unnecessary. They need to be refined so that they can achieve the different tiers of planning Objectives and Policies.
- (e) For Thames to develop in accordance with the directives of the Waikato Regional Policy Statement, Coromandel Blueprint, and Objectives and policies of the Proposed District Plan, the land at 102 Ngati Maru Highway requires greater flexibility of housing styles, subdivision form and densities.

- (f) The land is located above the western escarpment on easy to rolling land suitable for more intensive housing development close to town services and work places.
- (g) An example of possible development was illustrated on plans presented at the Hearing of the Proposed District Plan. The plans showed a Low Density Housing form of development that accommodated ecological corridors and archaeological sites with access from the southern boundary that would connect effectively and efficiently with adjacent land to the north and south. The plans were not adequately taken into account in the recent Council decision.
- (h) More intensive residential development than that shown could be carried out. Development of the land at serviced residential lot sizes would provide an effective and efficient means of supplying housing adjacent to the industrial area of Kopu. Separated by height and grade differences and strategically placed ecological corridors and open space buffer areas, reverse sensitivity effects can be avoided or mitigated.

#### 4. INDUSTRIAL ZONE LOT SIZES

- (a) The land zoned Industrial Zone located at 102 Ngati Maru Highway is highly visible and accessible. It is a long and narrow strip of land physically constrained on flat land lying between highway and escarpment. Setbacks are required for planted highway frontages. Given the opportunities and constraints of the site a greater flexibility of lot sizes is required particularly with a cul-de-sac running down the middle, parallel to the state highway, whereby smaller lots would be located at the end of the cul-de-sac.
- (b) The Industrial Zone subdivision standards of 1000m<sup>2</sup> and 20m shape circle will lead to inefficient use of the Industrial land on this site. Industrial activities currently located in Kopu and likely to be so in the foreseeable future seek a wide variety of lot sizes – some down to 200m<sup>2</sup> – sufficient area for a shed and light vehicle manoeuvring.
- (c) The size and nature of the land is not suitable for heavy transport and larger lots.
- (d) The Industrial Zone provides for the type of uses may vary across the industrial spectrum.
- (e) The light Industrial subdivision standards of 700m<sup>2</sup> and 15m shape circle in the Table 2 Rule 38.7 are more suitable and will lead to a better outcome for the development of the Industrial site at 102 Ngati Maru Highway.

We seek the following relief:

1. KOPU TO THAMES STRUCTURE PLAN

- (a) Alter Diagram 1 to locate either a local road or collector at the southern boundary of the Post Trust's Kopu land in a location that may be capable of providing a buffer and overland flow path for the adjacent stream when in flood and at the same time provide easier grade access to the residential land above the escarpment to the east separated from industrial traffic.
- (b) Alter, relocate or reposition the location of the west east collector road and indicate it as being a local road to serve the industrial land below the escarpment at the north of the Post land; or provide a more effective and efficient location and alignment of the capable of serving both industrial and residential areas.
- (c) Alternatively, locate the collector road in a position that will serve the industrial land without affecting the residential to the south.
- (d) Amend the reference in Rule 27.2.9 Assessment Matters and Criteria including Table 2 under Matter 1 which states:  
*"Consistency with the Kopu to Thames Structure Plan report and Appendices"* by removing the words *"report and Appendices"* and adding the words *"Diagram 1"* so that it reads: *"Consistency with the Kopu to Thames Structure Plan Diagram 1."*

As a result this alteration will then refer to the indicative roads in Diagram 1 as amended or altered to meet the relief sought in (a) – (d) above.

2. TOTARA VALLEY REZONE & ALTER STAGE1 BOUNDARY for 128 Totara Valley Road

- (a) Change the zone for Lot 2 DPS 29461 at 128 Totara Valley Road from Rural Zone to Residential Zone.
- (b) Alter or amend the boundary of Stage 1 to include Lot 2 DPS 29461 within Stage 1 shown on Diagram 2 of the Kopu to Thames Structure Plan.

3. KOPU REZONE & ALTER STRUCTURE PLAN OVERLAYS for 102 Ngati Maru Highway

- (a) Rezone the Rural Lifestyle Zone on Planning Maps 31 and inset Map 31K for pt Lot 3 DPS 9203 at 102 Ngati Maru Highway to Residential Zone (Serviced) or Low Density Residential (Serviced or Unserviced).
- (b) Remove the ecological corridors as shown and replace them with ecological corridors to apply to the steep banks and riparian margins.

- (c) Identify the archaeological site(s) of significance to be retained in open space or to be incorporated into the ecological corridors to preserve natural and cultural heritage.

4. INDUSTRIAL ZONE SUBDIVISION STANDARDS For Pt Lot 3 DPS 9203

- (a) Alter Section 38.5 Rule 7.1 for Subdivision Creating one or more additional lots in the Industrial Area following the words: *“is a restricted discretionary activity provided:”*

by adding the following provision:

*“d) In the case of pt Lot 3 DPS 9203 the standards in Table 2 for 7. Light Industrial Zone shall apply.”*

5. GENERAL RELIEF

- (a) Make any consequential amendments to give effect to the specific relief sought in this appeal (as set out above) , including such amendments as required to the rules, objectives, policies, assessment criteria, reasons, provisions, definitions, other matters, maps and any schedules/appendices of the proposed plan to give effect to, support or reflect any part of it.
- (b) Such other relief that will achieve a similar outcome.
- (c) Such other or consequential relief to address matters outlined in this submission and to give full effect to sections 5, 6 7 and 32 of the RMA 1991 and otherwise promote the sustainable management of the Act.

I attach the following documents to this notice:

- (a) a copy of our submission *and* 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) a list of names and addresses of persons to be served with a copy of this notice.



Graeme Lawrence  
Environmental Planner  
Authorised person

Date 10 June 2016

Address for service of appellant:

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## **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 the decision (*or* part of the decision) appealed. These documents may be obtained, on request, from the appellant.