

Form 7
Notice of appeal to Environment Court against decision
on proposed policy statement or plan

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

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, Richard Herbert, of Bellagio At Pauanui Limited, appeal against a decision (or part of a decision) of the Thames Coromandel District Council on the following plan:

Proposed Thames Coromandel District Plan

I made a submission on that plan.

I received notice of the decision on 29th April 2016

The decision was made by the Thames Coromandel District Council.

The decision that I am appealing is:

- The Rural Zone at 671 Hikuai Settlement Road, Pauanui, and Plan provisions of Section 24 and Section 56, preferring application of the provisions of Section 23 and Section 48 of the proposed Thames Coromandel District Plan (&/or adaption to a density based on specific land capability and Comprehensive Development) and evaluation in terms of Section 16 of the proposed TCDC District Plan)
- *The TCD Council decision Report 30* - Contains Decisions on Zoning and Rezoning Requests (by Community Board Area): Coromandel-Colville, Mercury Bay, Thames, Tairua-Pauanui and Whangamata / 14-17 April 2015 Hearing Report (Section 42A Report) and 6-8 May 2015 Hearing Report (Section 42A Report) recommended No Change to the Rural Zone for 671 Hikuai Settlement Road, Pauanui shown on Zone Map 29

The specific provisions or matter that the decision includes in, or excludes from, the plan (or that the decision proposes to exclude) is

The provision for appropriate subdivision and reasonable, future and efficient use of the property at 671 Hikuai Settlement Road, Papanui ((Sec II Blk III Tairua SD)

The reasons for the appeal are as follows:

- 1.1 The Proposed District Plan identifies 671 Hikuai Settlement Road, Pauanui as being located within the Rural Zone. The submitter requests that the Council take account of future growth opportunities as the Proposed District Plan is the key planning document for the next 15 years (based on how long it took for the current District Plan to become Operative). A zoning of Low Density Residential will provide for allotments with a minimum net lot area of 2,500m² and a minimum average lot density of 1 per 3,000m².
- 1.2 It is important to note that broad density/calculation/applications are the 'nemesis' of good and appropriate design-led land use development and management solutions. Land type, landscape character, bio-physical realities and fundamental interactions between land use capability of 'developable' to 'protection' spatial outcomes can only be determined at the site specific level.
- 1.3 This submission, therefore preferences the 'Low Density Residential' density outcome. However, this submission also recommends a design-led land use capability programme for the future destiny of both the subject land and the surrounding contextual environment/landscape in both development and environmental management terms.
- 1.4 The subject site is located between the Pauanui Lakes Resort Development and Pauanui. Other properties in close vicinity to the subject site are currently undergoing development changes and subdivisions and it is a natural progression that low density residential type development will extend out from Pauanui Settlement. The Council should encourage future growth that is consistent with the built character and amenity of the Pauanui Settlement rather than dealing with non-complying activity rural development (i.e. subdivision).
- 1.2 Section 24.1 (Rural Area) of the Proposed District Plan states:

*"The Rural Zone is a place where most of the District's **primary production and rural industry** is located. It is an active work area that contributes to the social and economic wellbeing of the District but is also a place where people live and use for recreation. The wide uses of the Rural Area can lead to 'reverse sensitivity' effects where largely **residential activities conflict with traditional rural activities** that generate noise, smell, dust and other effects that should be expected in the Rural Area."*

*Bold for emphasis

- 1.3 It is highly unlikely that the subject site, due to its size constraints and wetland areas would revert to a productive rural unit. Secondly, the residential expansion that is occurring in the vicinity of the subject site would be a deterrent for primary production and rural industry to occur due to 'reverse sensitivity' issues. The subject site just does not fit the 'Rural Area' Background section of the Proposed District Plan and therefore the Rural Zone is unsuitable for this particular site.
- 1.4 A preliminary landscape, natural character and amenity assessment of 671 Hikuai Settlement Road, Pauanui has been undertaken by DJ Scott Landscape Architect and is attached as **Attachment A**. The assessment of the landscape architect concludes that *it is recommended, that consistent with emerging land use patterns and trends on adjacent land and within the immediate contextual surrounds of the subject property, that consideration be given to amending the*

I seek the following relief:

- Rezone 671 Hikuai Settlement Road, Pauanui (Sec II Blk III Tairua SD) from Rural Zone to Low Density Residential Zone and/or allow development of a comprehensive nature based on the land use capability and environmental management/protection outcomes for the property
- Consider site specific zoning to provide for integrated residential/tourism/small scale commercial activities to support the rezoning and the (recently developed) Pauanui-Tairua Walkway.

I attach the following documents* to this notice:

- (a) a copy of my 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:
 - Decision Excerpts from Decision Report 30 TCD Council
 - Proposed District Plan TCDC Hearings Panel Attachment A - Rezoning Tairua-Pauanui and Whangamata S42A Report 6-8 May 2015
 - Proposed (Post-Decision) Planning Map 29 - Zones and Overlay

List of parties to to be served of this appeal:

- Thames Coromandel District Council (TCDC)
- New Zealand Transport Authority (NZTA)

* These documents must be attached and lodged with the notice in the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

See Attachments

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



Richard Herbert (Bellagio at Pauanui Ltd)

Date: 13 June 2016

appellant.

* Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

Address for service of appellant: PO BOX 194 | Albany Village | North Shore City 0755 | New Zealand
Telephone: DDI 09 415 5967 | M +64 021 862 444
Fax/email: richard@herbert.co.nz
Contact person: Richard Herbert

Note to appellant

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, 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).

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 on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing 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