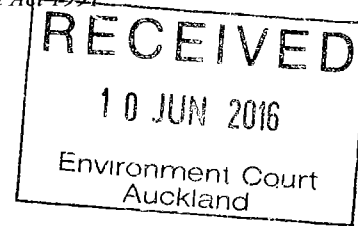


Form 7 Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

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

The Registrar
Environment Court
Auckland,



We, the **Kopu Landowners and Occupiers Association (KLOA) and Kopu Land Drainage Committee (KLDC)** appeal against decision of the Thames Coromandel District Council on the

Proposed Thames Coromandel District Plan

The Kopu Landowners and Occupiers Association 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 is:

Kopu to Thames Structure Plan (Section 27.2) relating to the Kaiwhenua Area and provisions in the structure plan that provide for buildings or structure related to visitors services or commercial activities of any scale within that area.

The reasons for the appeal are as follows:

1. The Kaiwhenua area provides a primary function as a stormwater detention area in times of high rainfall for slow release to the Waihou River. It is critical for the Kaiwhenua area to continue to provide for the ponding of stormwater when the stormwater drainage system for Kopu is unable to cope. Secondary functions are its landscape and ecological value as a corridor along the state highway entrance to the District and entry into the Thames Kopu area.
2. The placement of buildings in the areas identified as A, B and C of the Kaiwhenua Area in the Kopu to Thames Structure Plan will increase risk of flooding within Kopu.
3. The three cells together provide for flood water storage from both Kopu and Kirikiri, their margins are vegetated in indigenous species and the landform provides three basins for containment of flood waters and otherwise provides open

space margins and buffer between the industrial area and State Highway 25 entrance to the District on the eastern side of the Waihou River.

4. No alternative stormwater management is in place or planned.
5. There is a significant area of undeveloped industrial land within the structure plan area which requires investment in infrastructure to provide for the future growth of industry and employment at Thames. The industrial area at Kopu provides a significant resource for the entire District as well as at a sub-regional level in the context of the Thames Valley area.
5. The District Plan objectives and policies recognise and provide for the protection and enhancement of natural character, landscape, catchment and drainage patterns (see Objective 2 and Policies 2a to 2c.
6. Provision buildings and structures would be contrary to that objective and the policies in place to achieve it. It would not achieve the sustainable management objective of the RMA to provide for activities that would compromise or call into question the efficient and effective functioning of the Kaiwhenua Area as a natural area.
7. This appeal seeks to refine provisions for the Kaiwhenua area so that it continues to function effectively as a natural corridor providing flood management and landscape values at the entrance to the District.
8. In the event that flood management measure can be found that would reduce the area required for flood management purposes it may be appropriate to review the position in the meantime:

We seek the following relief:

1. Amend the provisions for Kaiwhenua Area as set out in KLOA's original submission as follows or to like effect:

Delete Kaiwhenua provisions in their current form and replace them in the form of: recognising the Kaiwhenua Area as a District Gateway; establishing an ecological corridor linking river with hinterland network of ecological corridors; providing a landscaped area and a natural visual barrier between state highway and industrial area; and enhancing main entrance to the District as a statement of the natural restorative qualities of the district.

Delete 27.2.7 Kaiwhenua Rules and 27.2.8 Assessment Matters & Criteria

Show the Kaiwhenua Area as an "ecological corridor" on Diagram 2

Include Kaiwhenua Area with an “ecological corridor” overlay to provide a District Gateway in natural form under 27.2.6 Stage One Rules and delete the words “excluding Kaiwhenua” wherever they appear.

Amend 27.2.4 Objectives and Policies relating to Kaiwhenua as follows:

Delete 27.2.4 Objective 1 and replace with the following:

“Kaiwhenua is visually attractive and memorable with high quality conservation measures in place providing an ecological corridor and flood storage area landscaped to reinforce the natural qualities of the district.”

Amend Policy 1a and by adding the word “natural restorative qualities” so the Policy reads as follows:

“Kaiwhenua shall be enhanced to provide a positive and memorable first impression of the natural restorative qualities of the District after crossing the Waihou River.”

Amend Policy 1b to delete all references to buildings or commercial and community activities so that it reads as follows:

A comprehensive development plan for Kaiwhenua shall be developed and to achieve the following:

- a) Areas A, B and C together providing a comprehensive management of stormwater for Kopu: its collection, treatment and disposal.*
- b) Areas A, B and C providing sufficient capacity for ponding of flood waters in the event of high intensity rainfall events to ensure the effective and efficient operation of the Kopu and Kirikiri drainage systems.*
- c) Stormwater management to allow for ponding within Areas A, B and C with a minimum of 50% of all industrial zoned land filled or covered within the next 5 years and up to 75% of all land in Kopu covered with impervious surfaces within 10 years.*
- d) No buildings or structures other than structures required for the management of stormwater, collection, storage, treatment and disposal.*
- e) Area A: landscaped with tall growing indigenous species that creates a natural vegetated District Gateway with storm water infrastructure.*
- f) Area B; a landscaped ecological corridor with landform and planting landscaped to provide stormwater infrastructure and ponding when required.*


g) Area C; a landscaped ecological corridor with landform and planting landscaped to provide a strong natural entry statement to Kopu and Thames at the SH and Kopu Access Road intersection in a manner consistent with providing ponding and infrastructure for the Kopu stormwater.

2. Provide the following 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).~~ **Attachment A**
- (b) a copy of the relevant decision (*or* part of the decision): **Attachment B**
- (c) a list of names and addresses of persons to be served with a copy of this notice **Attachment C.**



Graeme Lawrence
Environmental Planner
Authorised person

Date 12 June 2016

Address for service of appellant:

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Email: graeme@lcc-planning.co.nz

Contact person: Graeme Lawrence

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.