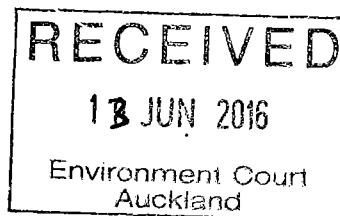


BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY



ENV-

IN THE MATTER: of the Resource Management Act 1991 (the "Act")

AND

IN THE MATTER: an appeal pursuant to clause 14 of the First Schedule to the Act

BETWEEN: **Graham and Selma Morcom and Chris Morcom and Janet Clarke ("The Morcoms")**

Appellants

AND: **THAMES COROMANDEL DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL AGAINST DECISIONS ON THE
PROPOSED THAMES COROMANDEL DISTRICT PLAN**

**NOTICE OF APPEAL AGAINST DECISIONS ON THE PROPOSED THAMES COROMANDEL
DISTRICT PLAN Pursuant to Clause 14(1) of Schedule 1, Resource Management Act 1991**

TO: The Registrar
Environment Court
AUCKLAND

1. We, Graham and Selma Morcom and Chris Morcom and Janet Clarke (together “the Appellants”) appeal parts of a decision (“the “Decision”) by the Thames Coromandel District Council (“the Respondent”) in relation to the proposed Thames Coromandel District Plan (“Proposed Plan”).
2. We made submissions on the Proposed 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 or about 29 April 2016.
5. The Decision was made by a Hearings Panel of Thames Coromandel District Council.
6. The parts of the Decision that we are appealing are:
 - a. Recommended Decision Report 30 Zoning and Rezoning Requests, addressing Mercury Bay Community Board Area at Paragraph 5.19 and Staff s42A Report Rezoning Mercury Bay at Paragraphs 71 to 79
 - b. Planning Maps 18, 18G and 18H Zones
 - c. Conservation Lot Subdivision in Section 38 Subdivision and relevant Policies and Objectives.^A
7. The reasons for the appeal are:
 - a. The Decisions Report and supporting Council documentation (Section 42A Report/Section 32AA Further Evaluation Report), and the assessments did not address and therefore did not take into account the natural and physical attributes of the land and its suitability for housing adjacent to the serviced settlement of Cooks Beach.

b. In respect to 925 Purangi Road:

- the Council's s 42A report acknowledged additional development would be appropriate. Reasons given in the report are accepted.
- The land has been subject to previous subdivisions as a non-complying activity, the land has been proven to be suitable for the purpose and can be serviced with wastewater collection and treatment.
- Adjacent land has also been developed in accordance with the Coastal Living Zone standards.
- The land on the flats is suitable for subdivision in accordance with Coastal Living Zone standards.
- The slopes above the flat land have been proven to be suitable for lower density development than Coastal Living Zone – a density the same or similar to Low Density Residential Zone averaging 2500 – 3000m²
- The rezoning of the balance farm to Rural Lifestyle Zone is an efficient and effective means of providing for the future sustainable use of the land by rezoning now or alternatively by Council committing to the preparation of a Plan Variation or Plan Change for the reasons given in the Staff s42A Report.
- The rezoning of the northern flats adjacent to Purangi Road for Coastal Living Zone subdivision does not rely on and would not compromise the preparation of structure plan to address connectivity for a future Rural Lifestyle Zone to the south and east.

c. In respect to 1025 Purangi Road:

- The land on the flat area and gentle slopes is suitable for Coastal Living Zone.
- The site is located immediately adjacent to and would provide a modest expansion to the Flaxmill Bay and Cooks Beach settlements within the Coastal Environment - meeting Section 15 Policy 3a and relevant considerations under Policy 3c while, in respect to 3c(f) providing an opportunity to protect and enhance regenerating indigenous scrubland.
- The site would not offend Policy 10a as the development would not impact on the rural character of the backdrop which rises above the flatlands on the site

and would form a natural backdrop to the settlement expansion in a more direct way than it does to the existing settlement.

- Roading would be provided by a cul de sac with intersection on Purangi Road that would meet required sight distances. The land has good drainage and this adequately provide for on site services if it is not economic to extend community wastewater collection to the site.
- The submitters Chris Morcom and Janet Clarke refined their submission for presentation at the Hearing to identify the land that would remain within the Rural Area and to identify that which was on the flatlands and suitable for Coastal Living Zone. This has not been acknowledged in the final decision.
- The rezoning of the balance farm to Rural Lifestyle Zone is Zone is an efficient and effective means of providing for the future sustainable use of the land by rezoning now or alternatively by Council committing to the preparation of a Plan Variation or Plan Change for the reasons given in the Staff s42A Report.

d. The decision to retain Conservation Lot subdivision focused on areas where natural character and landscape and natural feature values are high or outstanding is unsustainable. It will not meet the purpose of the RMA or NZCP Policies for restoration. The emphasis of the Conservation Lot provisions needs to remain on enhancement of areas where the landscape, natural or historic heritage values can be restored and enhanced so that the those areas with high values are added to or expanded, so that connections can be made, visual or ecological corridors created or expanded.

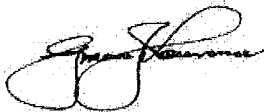
8. We seek the following relief:

- a. Rezone the land shown on the attached aerial photograph for 925 Purangi Road which is currently zoned Rural Zone on Planning Maps 18,18G and 18H as Coastal Living Zone and Low Density Residential or for larger Coastal Living Zone lots with Open Space Zone or equivalent to contain areas of natural character also depicted on the attached aerial photograph (see Attachment C).
- b. Rezone the land shown on the attached aerial photograph for 1025 Purangi Road which is currently zoned Rural Zone on Planning Maps 18,18G and 18H as Coastal Living Zone (see Attachment C)

- c. Rezone land Rural Lifestyle zone shown on the attached aerial photograph for both 925 and 1025 Purangi Road; or alternatively Council commit to preparing a Plan Variation or Plan Change to introduce a Structure Plan by way of Plan Change to introduce Rural Lifestyle Zone on the balance of the farm at 925 Purangi Road and on the land shown on the aerial for 1025 Purangi Road.
- d. Amend the Conservation Lot provisions to provide for landscape as well as natural and cultural and historic heritage protection and enhancement. Extend the relevant polices to address not only protection restoration or enhancement of biodiversity but also landscape and natural features and cultural and historic heritage in the same way.
- e. Replace the provisions for Conservation Lot in Section 38 Subdivision with the same or similar provisions in Rule 752 of the Operative District Plan – in particular by extending the qualifying standards and locations where they may apply.

9. We attach the following documents to this notice:

- a. A copy of our submissions. "Attachment A"
- b. A copy of the relevant decision (or part of the decision). "Attachment B"
- c. Aerial photographs for 925 and 1025 Purangi Road showing rezoning being sought. "Attachment e"
- d. List of names and addresses of persons to be served with a copy of this notice. "Attachment D"



Signed by Graeme Lawrence

Authorized person

Dated 10 June 2016

ADDRESS FOR SERVICE OF APPELLANTS

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THAMES 533

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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 and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends. 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 IIA 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.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Auckland address of the Environment Court is: 8th Floor, District Court Building

3 Kingston Street Auckland

Its postal address is:
P O Box 7147

Wellesley Street Auckland

And its telephone and fax numbers are: Telephone: (09) 916 9091

Fax: (09) 916 9090