

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

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10 JUN 2016
Environment Court
Auckland

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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: **Kaimarama Trust Ltd
& Charlie & Louise Adams**

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, Kaimarama Trust Ltd and Charlie and Louise Adams (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 5.28 and
 - b. Recommended Decision s 42 A Report 14-17 April 2015 Mercury Bay Attachment A Para 54-56 & Table
 - c. Conservation Lot in Section 38 Subdivision and relevant Policies and Objectives.
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, cultural and physical attributes of the land and its suitability for providing genuine countryside living close to one of the three major settlements of the District.

- b. The decision failed to take into account the need for special purpose countryside living lots to be created close to Whitianga Township in order to meet the Proposed District plan objectives and policies that encourage and provide for a diverse range of land uses and living choices (Section 15 objective 4).
- c. Nor did the decision take into account how effectively and efficiently the rezoning of the Kaimarama Trust Ltd land from Rural to Rural Lifestyle Zone would give effect to policy 4d which states:

“Rural lifestyle development in the Rural Lifestyle Zone on the fringes of settlements or on areas with lower quality soils shall provide opportunities to enjoy rural living while enhancing existing or degraded biodiversity.”
- d. The case for rezoning with or without a Site Development Plan was not fully analyzed, especially the opportunities to provide for productive uses on small rural holdings and the protection and enhance or cultural sites and natural features such as wetlands and riparian margins.
- e. With closer development and investment by more landowners the additional stewardship of the southern and coastal segment of the land currently in pine forest would create an opportunity to replant indigenous vegetation that would mature into coastal forest.
- f. The Conservation Lot provisions proposed in Section 38 of the PDP in its current form will not achieve the investment required to achieve the restoration of coastal forest on the southern portion of the land as the land area required in for planting or restoration at 14 ha per lot is neither realistic nor practicable.
- g. A countryside living density of development by way of a Rural Lifestyle zone with protection and enhancement of natural and cultural features can be achieved with access that will not detract from the safety and convenience of motorists using State Highway 25 notwithstanding NZTA’s further submission.
- h. Safe access is provided by the vesting of new road at the northern end of the proposed Mercury Bay Cemetery. This road, its location and sight distances has been established and jointly funded with Council by the land owner to provide access not only for the new cemetery but also for the future subdivision and development of countryside living lots.

8. We seek the following relief:

- a. Zone the Kaimarama Trust Ltd land described as Lots 1 and 2 DP 351298 and Lot 1 DP 458622 as Rural Lifestyle Zone.
- b. 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 biodiversity but also landscape and natural features and cultural and historic heritage in the same way.
- c. In the alternative, zone the land Rural Lifestyle Zone with a Site Development Plan in place to accommodate an indicative roading pattern, identified natural, cultural and heritage site protection, indicative house sites (and lot yield) with average lot sites meeting countryside living standards at a lower density than that provided by the rural lifestyle zone.

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. a list of names and addresses of persons to be served with a copy of this notice. "Attachment C"



Signed by Graeme Lawrence

Authorized person

Dated 10 June 2016

ADDRESS FOR SERVICE OF APPELLANTS

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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

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