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## VARIATION 3 TCDC PROPOSED DISTRICT PLAN

### PROPOSED TAIWAVE CATCHMENT STRUCTURE PLAN POLICY & S32 RMA ANALYSIS

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#### INTRODUCTION

This Plan Variation is prepared in accordance with the obligations the Thames Coromandel District Council (TCDC) has under the Resource Management Act (RMA).

Section 32 requires TCDC to carry out an evaluation of the alternatives, costs and benefits and efficiency and effectiveness of a variation.

The evaluation for the Proposed District Plan (PDP) examined:

- a. the extent to which each objective is the most appropriate way to achieve the purpose of the RMA; and
- b. whether, having regard to efficiency and effectiveness, the policies rules or other methods are the most appropriate for achieving the objectives.

The PDP has reached a point where outstanding appeals that are relevant to this Proposed Variation have been resolved by consent or decision of the Environment Court. The issues, objectives and policies in the PDP set the policy framework for the Plan<sup>1</sup>.

#### SCOPE OF VARIATION

A new Structure Plan is to be added to the PDP to make clear how the biodiversity values are to be protected and enhanced on a specific landholding.

The Structure Plan will contain a planning framework of objectives, policies and rules to protect and enhance indigenous biodiversity values that have been confirmed following the ground truthing of a Significant Natural Area. It will also manage environmental effects of subdivision and development provided for in order to deliver the conservation outcomes sought.

The structure plan technique is chosen because it best serves the purpose of the PDP in providing a holistic framework, integrating subdivision and development with a conservation strategy for protection, restoration and enhancement of ecological and biodiversity values on a large land holding on the periphery of a settlement.

Proposed Variation 3 introduces the Taiwawe Catchment Structure Plan (Taiwawe SP) into the Proposed District Plan<sup>2</sup>. The Taiwawe SP covers nearly 40 ha of rural land outside the Coastal Environment Overlay, in the Taiwawe Stream valley adjacent to Hot Water Beach settlement.

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<sup>1</sup> See PDP Section 1.3 Plan Structure

<sup>2</sup> If the Proposed District Plan becomes Operative before Variation 3 is incorporated, the variation may become a Plan Change and be merged with the new Operative District Plan.

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The land is Zoned Rural Zone and has no overlays with the exception of the Biodiversity Overlay which is not mapped.

## THAMES COROMANDEL DISTRICT COUNCIL PROPOSED DISTRICT PLAN

The Biodiversity Overlay had a number of issues that were not able to be resolved through the District Plan Review process.

A significant unresolved issue being:

The Waikato Regional Council (WRC) identified Significant Natural Areas (SNAs) which were indigenous habitats of flora and fauna with biodiversity values worthy of protection, in some cases providing habitat for rare and endangered indigenous fauna. As these had not been ground-truthed, its maps were not adopted in the PDP. As a result, identified SNAs were not mapped. In fact none of the biodiversity overlay is mapped.

Council has undertaken to address this as follows:

*“As SNAs are identified and confirmed the Council will monitor the most appropriate technique(s) to record the locations and, for biodiversity management, this may result in future plan changes.”<sup>3</sup>*

A planned approach is required.

The Taiwawe Catchment Structure Plan is proposed as a response. It will

- confirm the location and extent of the SNA identified by the WRC following a recent ecological and biodiversity assessment<sup>4</sup>.
- provide a planning framework tailored to protect the natural values of the SNA and to introduce conservation measures targeted to enhance those values and to extend indigenous biodiversity values by restoring of degraded farmland.
- manage the effects of subdivision, development and use of this land to deliver and maintain those conservation measures.

The Structure Plan technique is chosen as the best means to integrate this new form of development with the conservation measures required, adjacent to the Hot Water Beach settlement complementing the existing traditional bach enclave, camping ground and subdivision consented in 2013 under a structure plan in the Operative District Plan.

It will complement the following provisions in the PDP:

- **priority areas** which are mapped to identify where incentives for subdivision are provided in exchange for biodiversity management.
- Rural Lifestyle Zone where subdivision incentives are also provided for where biodiversity values are restored or enhanced.

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<sup>3</sup> See PDP Section 6.1 (as amended by draft consent order 23/03/18)

<sup>4</sup> “Ecological Assessment of a Proposed Structure Plan for 790C Hot Water Beach Road Whenuakite” (April 2019) by Nick Goldwater Wildland Consultants

The Taiwawe SP will address the following shortcomings identified in the PDP:

- SNA has been ground truthed and its values confirmed
- an under-represented ecosystem has been identified for protection and enhancement
- erosion prone land has been identified to be included in a Conservation Area for restoration
- a location on the periphery of settlement, where a SNA is located, but neither mapped as a **priority area** for Conservation Lots within the Rural Zone nor included in a Rural Lifestyle Zone, is provided a planning framework for an appropriate form of subdivision and scale of development.

This will achieve the following objectives and give further effect to the following policies of the PDP:

- Biodiversity (Overlay Objectives and Policies)
- Development & Growth (District Wide Issues, Objectives and Policies)
- Subdivision (District Wide Issues, Objectives and Policies)
- Rural Areas (Area Issues, Objectives and Policies)

## **Biodiversity**

The Objectives and Policies of PDP Section 6 Biodiversity are not yet fully resolved<sup>5</sup>. Until they are, the provisions of the Operative District Plan (ODP) warrant acknowledgment, although in the end they have little weight. The overall direction of the ODP was to protect and enhance biodiversity. Incentives for conservation of biodiversity values were provided through conservation lot subdivision. A number of Structure Plans were put in place to provide a framework for protection and enhancement on one hand and for subdivision and development within defined areas on the other. Structure Plans had specific provisions to manage effects of the the subdivision and development. The PDP has taken this planning strategy and extended it.

The Taiwawe SP follows the overall direction of both the ODP and PDP to achieve protection and enhancement of existing areas of significant indigenous vegetation and significant habitats: to extend them by restoring steep and erodible areas; to connect remnants and riparian corridors; and to establish ecologically sustainable corridors. All within a mapped Conservation Area.

In this way the Taiwawe SP gives particular effect to PDP Section 6 Biodiversity Policy 1c<sup>6</sup> which states:

### ***Policy 1c***

*Subdivision resulting in restoration or enhancement of indigenous biodiversity including under- represented ecosystems shall be considered in the **Rural Area** where indigenous biodiversity is increased, and legally protected in perpetuity, by one or more of the following:*

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<sup>5</sup> PDP provisions on Biodiversity are not yet all resolved. Some provisions are beyond challenge. To all intents and purposes these are operative. Issues relating to subdivision have been resolved in the the Environment Court Decision No [2020] EnvC 038. A Draft Consent Order for Biodiversity Annexure A dated 23 March 2018 is before the Court awaiting issue of a Consent Order. Some matters went to Environment Court Hearing and await a Court decision.

<sup>6</sup> Which is now beyond challenge following Environment Court Decision [2020] EnvC 038.

- a) *Restoring or enhancing priority locations mapped in Section 38 Subdivision, identified for protection;*
- b) *Contributing to the establishment of mountain to sea corridors of terrestrial and aquatic ecosystems;*
- c) *Reconnecting fragmented ecosystems (on land and via waterways);*
- d) *Establishing buffers to an underrepresented or threatened indigenous ecosystem;*
- e) *Creating an ecological stepping stone or corridor to link indigenous vegetation;*
- f) *Maintaining or enhancing habitat of nationally Threatened or At Risk indigenous species;*
- g) *Restoring or enhancing indigenous habitats adjoining wetlands, rivers, springs, coastal cliffs, dunes, estuaries and fragmented forests;*
- h) *Establishing self-sustaining pest free areas;*
- i) *Restoring or enhancing rare ecosystems.*

The Conservation Area on Diagram A of the Taiwawe SP contains indigenous ecology and biodiversity values to be maintained and enhanced. Biodiversity values will be increased and protected in perpetuity, by implementing 7 of the 9 measures listed in Policy 1c. At its core the Conservation Area includes under-represented ecosystems. Structure Plan methods require habitat of nationally threatened or At Risk indigenous species within the Conservation Area to be protected and enhanced, giving effect to Policy 1c f).

The Conservation Area was established following an ecological assessment which ground-truthed significant natural areas (SNAs) identified by the Waikato Regional Council applying the criteria set out in the Waikato Regional Policy Statement for establishing SNAs.

The assessment went on to identify areas with opportunities for enhancement and restoration. These have been included in the Conservation Area and require protection of the restored values in perpetuity. The Conservation Area and related rules require the connection of riparian margins of the Taiwawe Stream and tributaries with isolated remnant areas of indigenous flora; restoration of wetland and springs; removal of barriers to fish migration; and restoration of land degraded by past farming practices. These measures give effect to Policy 1c c), e), f), g) and i).

The ecological assessment also confirmed that both significant and non-significant biodiversity values would be improved by removing stock and implementing animal and plant pest programmes. The Taiwawe SP requires animal and plant pest management, cat ban and requirement for kiwi aversion programme for dogs among the measures to manage effects of development on the Conservation Areas, giving effect to Policy 1c h).

The Taiwawe SP Conservation Areas providing for conservation measures and for the protection of them in perpetuity are to be buffered and visually integrated with defined

development areas through a set of rules which include requirement for a landscape management plan to be prepared and implemented, giving further effect to Policy 1c d).

As a result the Structure Plan will apply Policy 1c to an area more extensive than the area mapped by the WRC as SNA. The SNA focused on Taiwawe Steam and tributaries. The Conservation Areas apply to the wider area, re-connecting isolated remnant ecosystems, wetland, springs and specific areas for restoration and enhancement and adds areas confirmed as likely to be habitat of At Risk species and under-represented ecosystem types.

The Development Area on Diagram A identifies where the lifestyle subdivision and development is to be located. Subdivision and development is to be spatially separated from the area containing significant indigenous vegetation and significant habitats of indigenous fauna.

Subdivision confined to Development Areas and resulting in the protection, enhancement and restoration of the Conservation Areas are both spatially defined areas. Spatial definition of the conservation and development areas provides an important addition to the PDP. More certain outcomes are delivered in accordance with Policy 1c than would be the case if the outcomes relied on interpretation of policy and rules alone.

The Taiwawe SP enables subdivision as a means to restore and enhance indigenous biodiversity in the Taiwawe Catchment. This is an area not mapped in Section 38 Subdivision as a Priority Area for protection and is not Zoned Rural Lifestyle Zone. The new Structure Plan provides an additional method to expand and protect biodiversity values in perpetuity while managing potential adverse effects of a subdivision that delivers the conservation measures.

## **Development & Growth**

The objectives and policies of PDP Section 15 Development and Growth enable subdivision and development *“where it is self sufficient and offers environmental benefits for the District.”*<sup>7</sup>

Objective 3 and related policies are to achieve growth and development that maintains the values of the coastal environment. The Structure Plan provides for development consolidated on a settlement outside the coastal environment and provides for natural coastal ecology to migrate inland through protected ecological corridors comprising streams, wetland and riparian margins, in response to rise in sea level.

Objective 4 seeks settlement development and growth that provides for a diverse range of land uses and living choices. The Structure Plan adds provision for lifestyle living in clusters contained within a network of ecological corridors. It includes a map that gives expression to the Rules by identifying:

- the areas that are to be connected to enhance indigenous biodiversity values and include areas to be restored; and
- the location where development may take place.

The Structure Plan provisions will achieve the policies that give effect to this objective:

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<sup>7</sup> See PDP Section 15. 1 Background

- Policy 4a by adding variety of living choice at Hot Water Beach, establishing a development threshold and management of effects of that development within relevant existing constraints identified in landscape and ecological management plans.
- Policy 4d by providing for a lifestyle development on the fringe of an existing settlement on lower quality soils while enhancing existing and restoring degraded biodiversity values.

Policy 4f provides for Māori to be able to use their land according to their traditions. This policy is not offended.

Objective 5 seeks to maintain and enhance amenity values, character, connectivity, environmental sustainability and vitality of settlements. Consistent with the policies to achieve this, the Taiwawe Structure Plan objectives go further to provide focus on protecting and enhancing indigenous vegetation and habitat, establishing corridors inter-connecting remnant stands of indigenous vegetation and creating a high quality lifestyle development adjacent to Hot Water Beach.

The policies in the Structure Plan identify specific qualities that exist in this location. The rules provide for subdivision and development to be confined within development areas that have been articulated to land suitable for development and to avoid adverse effects on ecological and biodiversity values.

Objective 6 seeks to recognise and protect natural and historic heritage. This the main purpose of the Structure Plan which also provides the vehicle to achieve the protection enhancement and restoration outcomes identified through the landscape and ecological assessments with development confined to locations confirmed by geotechnical assessment as being suitable.

This work not only updates and ground-truths the SNAs identified by WRC but provides the basis on which the Structure Plan can spatially delineate areas for conservation and areas for development.

The Taiwawe SP gives effect to Objective 9 and Policy 9a which encourage the use of Structure Plans to integrate, co-ordinate and manage the effects of development by:

- Providing location and scale for appropriate rural lifestyle subdivision with development confined to the identified development area and subject of landscape management plans;
- Addressing infrastructure required on site and allowing for improvements to utilities and road network;
- Identifying the conservation area containing natural values to be protected, enhanced or restored.

The Structure Plan recognises and addresses the unique constraints and opportunities that apply at Hot Water Beach to give effect to Policy 10h in achieving Objective 10.

***Policy 10h - Hot Water Beach***

*Hot Water Beach should have no industrial, residential or commercial expansion except for home businesses, self-serviced lots of a rural character and small-scale retail activities servicing beach visitors. Development and growth shall not occur where it increases demand for additional water, wastewater, stormwater and roading network infrastructure.*

## Subdivision

For the rural zone the PDP states subdivision *“needs to balance the protection and enhancement of special values, including biodiversity, the productive capacity of soils, maintenance of rural character and amenity and opportunities for economic growth.”*

The Structure Plan has two objectives: the first recognises and provides for protection, enhancement and restoration of ecology and biodiversity values present within the area it covers; and the second ensures a high quality low density residential lifestyle development occurs within a development area articulated by the conservation framework provided for under the first objective. The policies and rules including diagrams give effect to the policies in Section 16 Subdivision, namely:

- Rural Subdivision Design Principles and Guidelines (Policy 1a and Appendix 4)
- Low density character and amenity providing for a mix of Rural Lifestyle Zone and Low-Density Residential densities, setting a threshold on yield, integrating a maximum of one dwelling per lot by landscape management plan, confined to development areas within connected ecological corridor network. (Policies 1b an 1c)
- Form of subdivision that protects, enhances, and extends biodiversity values within a defined conservation area that contains a ground-truthed SNA, with under-represented ecosystems. (Policy 1e)
- Avoids reverse sensitivity effects, impact on existing quarries and regionally significant infrastructure and significant mineral resources. (Objective 2 and Policies 2a, 2b, 2c)
- Provides transport connectivity and opportunity to add to the public road and open country trail/bush track networks. (Objective 3, Policy 3a and 3b).
- Identifies development areas within the conservation area framework for subdivision and subsequent development that responds to the topographic features of landform, landcover and watercourses and wetland features. (Objective 4, Policy 4a, 4b, Objective 5, Policy 5a).
- Utility connections and infrastructure services requirements consistent with Objective 7 Policy 7c; with no additional costs to community (Objective 8 ) and emphasis on low impact design by meeting requirements of ecological and landscape management plans which will encourage natural and organic outcomes and green technologies (Policy 7e); and reduced standards for public and private roading ensuring integration with landform, contour, rural character (Policy 4b).
- No reduction in availability of high class soils for primary productive purposes other than that required within mapped

Conservation Areas or outside defined building areas within the mapped Development Areas. (Objective 9 and Polciy 9a)

### **Rural Area**

The PDP recognises and provides for a diversity of outcomes in the Rural Area. The Taiwawe SP is introduced to provide an appropriate environmental outcome for the catchment of the Taiwawe Stream and headwaters of its tributaries.

The Taiwawe SP will achieve the following objectives and gives effect to the following policies in Section 24 Rural Areas:

- Conservation and development of the rural zone making use of natural and physical resources without conflict (Objective 1); development areas mapped to provide location for self-sufficient servicing. On site services on large lot residential development (no less than 2500m<sup>2</sup>) of variable sizes such as those provided for in low density residential and rural lifestyle zones clustered within a conservation framework. (Policies 1b, 1c)
- Directed away from high class soils, recognising and providing for land uses that do not rely on high class soils for productivity. (Objective 2 and Policy 2a, 2b)
- Directed away from established activities, contained in defined development areas, within a conservation area framework where reverse sensitivity conflicts are unlikely to occur. (Objective 3 and Policy 3a, 3b)
- Rural character maintained through protection, extension and restoration of existing biodiversity with land use and development integrated through preparation and implementation of a landscape management plan within mapped Development Areas. (Objective 4 and all associated policies).

### **WAIKATO REGIONAL POLICY STATEMENT**

The Waikato Regional Policy Statement Operative 2016 (WRPS) provides the policy directives and considerations for the preparation of and changes (including variations) to district plans and the consideration of applications for resource consent in the Thames Coromandel District.

In this, the WRPS implements the higher order policy instruments, in particular Part 2 of the Resource Management Act 1991, the New Zealand Coastal Policy Statement, Hauraki Gulf Marine Park Act 2000 and other National Policy Statements: on Urban Development Capacity (2016); on Freshwater Management (2014); on Renewable Electricity Generation (2011), on Electricity Transmission (2008).

Hot Water Beach (NZ) Ltd (HWB Ltd) propose a low density residential/rural residential development with a structure plan providing detailed protection and enhancement measures for indigenous biodiversity and ecology, consistent with and giving effect to key objectives and policies of the WRPS.

The following are the key relevant objectives and policies:

- 3.12 Built Environment
- 3.16 Riparian Margins and Wetland
- 3.19 Ecological Integrity and Indigenous Biodiversity

- 3.21 Amenity
- 3.22 Natural Character
- 3.26 High Class Soils

## **BUILT ENVIRONMENT**

### **Description**

The proposal provides for development of a built environment in the form of a lifestyle development on rural residential lots of variable size, nestled into an ecological framework. It provides for the continuity of existing indigenous habitat, corridors along the riparian margins, connections with wetlands and springs and landscape management measures to ensure maintenance of rural character.

The proposal makes use of roading infrastructure, recently upgraded to accommodate an existing 16 lot rural residential development and camping ground and now providing excess capacity. The upgraded intersection at Hot Water Beach Road meets standards capable of catering both safely and efficiently for the additional traffic generated from the 45 lots proposed.<sup>8</sup>

The development area can provide for up to 45 lots, each having sufficient area to accommodate collection and storage of water supply by rain harvesting and for ground soakage of wastewater. Individual on site wastewater systems or group systems are available and the particular method(s) chosen can be determined at the time of application for subdivision consent. The development is also able to contribute to the costs of upgraded electricity supply and will provide underground reticulation.

The landowners have offered to contribute to the upgrade of telecommunications for Hot Water Beach settlement and locale. The structure plan makes provision for one only cell tower as there are sites that could provide improved cellphone coverage for the wider Hot Water Beach locality.

Farming of stock and growing of crops (including grass) will be removed from the stream, wetlands and springs and their margins.

### **Objective**

In this way the development will meet all relevant components of Objective 3.12, namely:

- a) Achieve positive indigenous biodiversity outcomes;
- b) Preserve and protect natural character of the margins of the site's streams wetlands and springs from inappropriate subdivision, use and development;
- c) Achieve integration of infrastructure – roading, electricity and telecommunications – with a development that does not compromise the existing networks and in the case of telecommunications will enhance efficient and effective communication through contribution to costs for roll out of fibre to the area;
- d) Ensure sufficient water is available by having lot sizes capable of providing on site storage from rain harvesting for peak seasonal population during summer droughts;

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<sup>8</sup> See "Proposed Structure Plan for 45-lot mixed rural lifestyle subdivision: Transport Assessment" by Traffic Planning Consultants dated 19 November 2018

- e) Is so located and developed to ensure no regionally significant infrastructure is affected;
- f) Is so located and developed that access to minerals is not affected and adverse effects of the on site farm quarry are remediated;
- g) Minimises conflict or potential reverse sensitivity by removing farm activities in the form of extensive livestock grazing and locating rural lifestyle low density residential living on the outskirts of an existing settlement and adjacent to existing lifestyle development and camping ground;
- h) Anticipates and responds to changing land use pressure both inside and outside the Waikato region by providing for lifestyle living in the countryside, near the Coromandel East Coast, but outside the coastal environment in a location with low natural hazard risk and having a high holiday recreation and leisure demand;
- i) Provides an opportunity to share costs or create economies of scale for costs incurred in the maintenance and upgrading of existing electricity transmission to Hot Water Beach and the wider locale;
- j) Not being applicable in creating vibrancy for Hamilton City; and
- k) Not being applicable in providing a range of commercial development for the region.

### **Policies**

Relevant policies are met as follows:

#### 6.1 Planned & Co-ordinated

The development is proposed in the form of a rural lifestyle development contained within discrete pockets or cells, physically separated by “conservation” or ‘no development’ areas to be set aside for ecological protection and restoration with enhancements, including enrichment planting to improve natural character, biodiversity, habitat and amenity values. The development makes use of the existing capacity of infrastructure and will contribute to upgrade of telecommunications for the Hot Water Beach settlement and surrounds.

In this, the proposed development and enhancements will:

- a. meet the principles of Section 6A;<sup>9</sup>
- b. occur in a planned and co-ordinated manner to make use of the upgraded electricity supply capacity and road intersection configuration;
- c. reduce long term effects by providing for rural residential living on sites of low hazard risk taking into account predictions for sea level rise and coastal erosion over the next 100 years;
- d. complement the existing settlement with its confined Coastal Living Zone, adjacent rural residential development and camping ground.

#### Section 6A

The management framework for the proposed development and natural environment protection and enhancements, to be introduced by way of a Structure Plan, is designed to meet the development principles set out in 6A of the WRPS (and TCDC PDP) by way of Plan Change.

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<sup>9</sup> See WRPS 6.1.1 To be implemented when changing district plans and structure plans, town plans and growth strategies.

It does so in:

- a) supporting the existing Hot Water Beach settlement and commercial centres at Hahei and Cooks Beach;
- b) occurring in a manner that provides clear delineation between urban area of Hot Water Beach and the rural area by extending the existing rural residential development and complementing the camping ground and nursery with emphasis on protecting and enhancing ecological values in accordance with a landscape management plan to maintain rural character and amenity;
- c) being a rural, not an urban development or one of urban intensity;
- d) not compromising existing and planned infrastructure. Offer of cost sharing to supply and upgrade of telecommunications for benefit of an area wider than the site itself and provision in the Structure Plan for a cell tower site;
- e) being immediately adjacent to existing development and infrastructure, connects well;
- f) ensuring on site water storage can be provided to meet the requirements of each lot individually;
- g) keeping lot sizes small enough that land uses can be sustained so that water take from underground or surface sources is not necessary for irrigation;
- h) having no significant mineral resources identified in the area nor access routes through the land to any such resources. A major attraction of the Hot Water Beach area is that it is not within an area of interest for the mineral industry.<sup>10</sup> The site is not located near any likely energy transmission or renewable energy generation sites or regionally significant industry;
- i) is not of urban form design or intent;
- j) maintaining or enhancing landscape values and providing protection and enhancement of the Taiwawe Stream which is of cultural value to Ngati Hei who have *mana whenua* within this *rohe*;
- k) & t) enhancing ecological integrity, protecting and enhancing significant habitats and vegetation, establishing enhanced connections;
- l) providing for public access along stream margins;
- m) stabilising land through removal of stock and with enrichment planting on steep and unstable slopes, managing stormwater to prevent direct point discharges to streams and providing means for preventing heavy metals being discharged with stormwater directly to streams;
- n) providing opportunities with minimum rural residential lot sizes sufficient to contain storage of water from rain harvesting and onsite wastewater systems with irrigation areas sufficient to discharge treated effluent;
- o) removing livestock farming and introducing environmentally sustainable land use practices compatible with adjacent land uses and development;
- p) being located and designed to enable inland retreat of indigenous biodiversity and ecosystems along established corridors while providing for activities that need to be relocated further from the coast to meet projected effects of

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<sup>10</sup> Thereby production of lots for rural residential living at this location will be consistent with, and give expression to Coromandel lifestyle value of being in an area with 'no mining'.

climate change or as a means of adapting to predicted rise in sea level and effects of storm surges;

- q) recognising Ngāti Hei connections with the Hahei/Hotwater Beach *rohe* and providing for a development and natural environment protection and enhancement framework in consultation with Ngati Hei;
- r) being located outside Waikato River Catchment;
- s) making efficient use of resources with location of development utilising existing infrastructure capacities and contributing to upgrade of telecommunications to benefit the Hot Water Beach settlement and locale.

The principles specific to rural residential development are met as follows:

- a) Through the use of a Structure Plan: providing a stronger degree of control than reliance on rezoning alone; establishing a framework for assessment of resource consents; achieving a targeted set of terms and conditions for a comprehensive programme of ecological enhancements and their protection; contributing a wider range of living styles on a variety of lot sizes for Rural Lifestyle and Low Density Residential activities while managing effects on rural landscape and amenity values.
- b) By removing livestock farming from land adjacent to sensitive activities of camp ground and rural residential or lifestyle living;<sup>11</sup>
- c) In avoiding open landscapes free of development by consolidating rural residential development within discrete areas, physically separated by streams and vegetated riparian margins, enriched, extended and landscaped adjacent to existing settlement, rural residential subdivision and camping ground;
- d) By location, use of existing road and ROW network and application of Structure Plan provisions, avoiding ribbon development;
- e) By location and recognising likely uptake, the development is likely to cater for recreation, holiday, seasonal activities. Proximity to beach, hotwater and surf reduces fuel consumption for residents and occupants to enjoy recreational and holiday pursuits on a daily basis.
- f) With effects on rural character being addressed through a Structure Plan Rule requiring landscape management plan provisions to ensure development complements the ecological framework;
- g) On site servicing a requirement;
- h) Through removal of extensive livestock farming, ensuring indigenous ecology is protected and enhanced, and rural residential activities in discrete physically separated locations on the site with a strongly articulated ecological framework.

#### 6.1.5 Policy Implementation through District Plan

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<sup>11</sup> See also WRPS Method 6.1.2

The proposal to introduce a plan change (or variation to a proposed plan) is to identify an area consolidated on the Hot Water Beach Settlement, an existing Rural Lifestyle development and Camping Ground on Hot Water Beach Road.<sup>12</sup>

In doing so it is directed away from hazard areas, away from regionally significant industry, away from high class soils and primary production activities on high class soils, away from electricity transmission locations or areas of likely renewable energy (other than off the grid solutions that may be proposed by individual landowners), and away from sites of significant mineral resources.

Hot Water Beach (NZ) Ltd has consulted with Thames Coromandel District Council, Hot Water Beach Ratepayers Association, Chorus, NorthPower, Hauraki Iwi in particular Ngāti Hei and Ngāti Whanaunga as well as adjacent landowners in formulating this proposal.<sup>13</sup>

The introduction of a Structure Plan would give effect to the WRPS policy and implementation methods for rural residential subdivision and development, through the District Plan Variation/Change.

## 6.2 Planning for Development in the Coastal Environment

The proposal lies outside the coastal environment overlay, agreed recently, between the WRC and TCDC and subject of a consent issued by the Environment Court

The ecological corridors identified in the Structure Plan and to be protected as riparian, wetland and bush remnants with enrichment planting detailed in an Ecological Management Plan (EMP) provide for the inland migration of habitats that may be affected by sea level rise.<sup>14</sup>

The proposal introduces a new Structure Plan to identify an area for rural residential living on lots of variable size, close to, but not in the coastal environment. It provides land suitable for inland retreat and takes the pressure off demands for coastal subdivision with the resultant coastal sprawl.

## 6.3 Co-ordinating growth and infrastructure

This policy largely reiterates the outcomes sought in the built environment objective and policies addressed above. No further analysis is required. The WRPS here provides the direction for district plans to give effect to this policy in respect to infrastructure generally and with a list of requirements in relation to transport. These are provided for in the Structure Plan setting out the transport network, standards to be consistent with environmental outcomes sought without compromising safety, efficiency or effectiveness and in providing for uptake of existing capacities where they exist and contributing to the upgrade of telecommunications.

## 6.10 Implementing Coromandel Blueprint

This policy directive is to manage growth in the Thames Coromandel District recognising the Coromandel Blueprint by ensuring development:

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<sup>12</sup> See also WRPS Method 6.1.5

<sup>13</sup> A summary of the consultation is set out under IWI CONSULTATION and CONSULTATION below.

<sup>14</sup> Ibid Coastal Environment Implementation Method 6.2.2

- a) Is in keeping with the landscape, biodiversity, natural character and heritage values of the peninsula.  
This has been addressed above and the proposal meets this directive in all respects.
- b) Supports the efficient and effective use of infrastructure.  
This too is met.
- c) Does not increase risk from natural hazards.  
The site is located inland from coastal influences. The development areas identified in the Structure Plan are separated and buffered from streams. Steep and unstable land is to be incorporated into 'no development' areas and to be subject of enrichment planting to extend ecological corridors and to incorporate bush remnants.
- d) Recognises that appropriately scaled development for settlements (other than the main growth centres of Thames, Whangamata and Whitianga) is consolidated on existing settlements, as provided for in the Blueprint, where here, in the case of Hot Water Beach, in accordance with the Proposed District Policy 10h - Hot Water Beach, addressed above.

A Plan Change to the Operative District Plan made effective and operative in 2013 provided for rural residential use and development of the adjacent land to the east, by way of subdivision in accordance with a structure plan.

A wider consideration of appropriate land uses in the valley is now required to ensure the Regional and PDP policies are implemented.

In this, the WRPS implementation methods include provision for use of spatial plans in order to give effect to WRPS Policy 6.10. The proposed Structure Plan provides an appropriate spatial plan for this purpose. This structure plan also takes the lead from the manner in which the development and protection of ecological values of the adjacent land was provided for in the operative plan, the commitment to map SNAs when ground-truthed and Policy development to provide for subdivision where environmental protection and enhancement measures are put in place,

The explanation in the WRPS on the Coromandel Blueprint states that in making provision for growth, the District Plan is the primary instrument for implementing the Blueprint and in providing direction for resource consents.

A Schedule 1 process of the RMA is then identified for doing that. Given the status of the TCDC PDP that leaves three options:

- Variation to the PDP.
- Plan change without invoking the two-year stand down once the PDP is made operative. This option is open to Council given it is more than 6 years since the PDP was prepared, notified and is likely to be made operative.
- A non-complying activity application. This is not a preferred option as the Regional Policy Statement directs a plan change, and along with the PDP, expressly provides for structure plans as a suitable method.

Undertaking to notify a proposed variation, to begin the process of updating the PDP in this way, will not result in a delay to making the PDP operative as the variation can be converted into a plan change once the PDP becomes an Operative District Plan. The process would then continue to conclusion as a Plan Change without disruption to the applicant, any submitter or to Council.

## **BACKGROUND REPORTS**

### **RIPARIAN MARGINS AND WETLANDS & ECOLOGICAL INTEGRITY AND INDIGENOUS BIODIVERSITY**

The proposal incorporates all the recommendations of the ecological assessment, recognising and providing for protection and enhancement including buffering, shading, replanting and connecting:

- The 6.24 ha of the acutely threatened vegetation
- Freshwater habitats of the Taiwawe Stream
- Existing indigenous vegetation cover on steep land and in riparian margins of the streams and wetlands.
- Shrubland remnants
- Riparian buffers 15m minimum width each side of watercourses.

Enhancements under an Ecological Restoration and Enhancement Management Plan provided for in the Structure Plan include:

- Removal of barriers to fish migration in the Taiwawe Stream
- Removal of stock particularly upper and lower reaches of the Taiwawe Stream
- Realignment of perched culverts and removal of culvert blockages
- Additional revegetation and enrichment planting
- Removal of stock from understorey and root systems of large trees and from scrubland remnants
- Management of plant and animal pests

Development is directed through the Structure Plan to “Development Areas” which are confined to stable land already in pasture. Impermeable surfaces will be spread across the development areas and ‘no development’ areas will be protected, maintained and enhanced to provide buffer and filtering of stormwater from development areas. Soft technology solutions will be recommended or required as conditions of consent. This is to ensure stormwater is directed to soakage areas designed and constructed to strip heavy metals washed from impervious surfaced driveways and parking areas.

On site wastewater systems, developed to meet the stringent standards for discharges in critical catchments of Lake Taupo and Lake Rotorua are available and installed throughout the Coromandel. On site systems meeting the standards for those critical catchments would be suitable for this site.

Management of cats and dogs is an option. A cat ban and dogs annually certified as kiwi obedience trained, are preferred. Structure Plan rules may also be used to control the introduction of pest plant species into domestic gardens. Alternatively, guidelines on what species to avoid can be provided for purchasers and members of the incorporated society

established to maintain the 'no development' ecological enhancement and protection areas.<sup>15</sup>

Walking tracks or trails will be provided and constructed progressively in the medium term as part of the pest management and enrichment planting programme and if necessary, in implementing the landscape management plan provided for in the Structure Plan.

In this way the proposal will achieve all relevant elements of Objectives 3.16 Riparian areas and wetlands and 3.19 Ecological integrity and indigenous biodiversity:

- a) Riparian areas and wetlands managed to maintain and enhance: public access and amenity values, water quality, indigenous biodiversity,<sup>16</sup> natural hazard risk reduction, cultural values,<sup>17</sup> riparian habitat quality and extent and wetland quality and extent.<sup>18</sup>
- b) The full range of ecological values and the indigenous biodiversity that the ecosystems can support would be managed so that they would exist in a healthy and functional state.

The proposed rural residential development with ecological protection and enhancement measures will achieve a Net Environmental Benefit over continuing farming and grazing of stock on this marginal land.

This proposal and the measures provided for in the Structure Plan give effect to relevant policies and implementation methods which largely reiterate the outcomes sought in the objectives.<sup>19</sup>

## AMENITY

The qualities and characteristics of the site that contribute to amenity comprise:

- natural qualities of streams and their vegetated banks;
- remnant shrubland;
- wetlands and springs;
- rural character comprising vegetation and stream framing discrete parts of the site, physically separated from each other, with settings modified by pasture, punctuated with erosion where bare earth and landslips are evident;
- a recently established camping ground;
- a new road intersection;
- a 16 lot rural residential subdivision creating a sense of transition from a farmland vulnerable to drought and erosion to one of land more intensively settled and managed.

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<sup>15</sup> This has been successfully carried out Pauanui Lakes Resort and at Silverstream Falls.

<sup>16</sup> Ecological Assessment by Wildland addresses these in detail.

<sup>17</sup> Peter Matai Johnston *pers com* on site visit and in consultation with the HWB directors expected to be subject of a Maori Values Assessment for Ngāti Hei. Also identified in the reports by the late Peter Tiki Johnston for development of adjacent land where protection of the Taiwawe Stream and tributaries and their waters was a matter of significant cultural value.

<sup>18</sup> Ecological Assessment by Wildland addresses these in detail.

<sup>19</sup> See Section 11 Indigenous Biodiversity WRPS

The Structure Plan provides the management framework to maintain and enhance the ecological values, to create an environment where there is sense of nature flourishing and expression of environmental care, with streams, their vegetated margins, and linked bush remnants knitted together to form a natural integrity.

Into that framework the development areas are identified to take up the modified, stable pasture areas. In this way physical segregation of development is maintained in discrete clusters. The Structure Plan includes rules to ensure rural character is maintained by way of preparation and implementation of a Landscape Management Plan (LMP). The LMP will be directed at establishing location and density of Defined Building Areas within the naturally defined clusters; architectural elements; and landscape planting required to maintain visual integrity and rural amenity, rather than continue the focus on ecological enrichment, although the measures may achieve both outcomes.

Overall, the Taiwawe SP provides for a development where public access will be provided to and through ecological corridors and margins of streams, primarily for the benefit of the owners of lots produced within the Structure Plan area. It will ensure that natural values continue to provide the dominant framework with buildings remaining in scale and nestled into the naturally occurring discrete compartments in the land form.<sup>20</sup> Access by the wider public may be possible in the event suitable arrangements can be made over costs of extensions and maintenance and repair.

## **NATURAL CHARACTER**

The natural character values and attributes are addressed in the assessment on ecology and assessment of landscape.

The Structure Plan through its Diagrams and Rules implements the measures recommended. In this way the natural character of the wetlands, streams and their margins will be protected, and appropriate subdivision, use and development is provided for.

## **HIGH CLASS SOILS**

The soils on the site suffer limitations of weak soil structure, poor drainage and given the contour can in places be subject to erosion. They are of low fertility and therefore limited in range of uses to which they can be put.

The site development with greater intensity of use through rural residential living is likely to result in higher productivity than would be the case if retained for dry stock grazing. The development locates rural residential living away from high class soils.

Removal of stock and enrichment planting of indigenous vegetation will result in a change of land use that will have positive benefits for adaptation to climate change thus achieve objective 3.6 and associated policies.

The land was part of the Pye family farm which comprised most of the valley now held in 4 land holdings of approximately 40ha each, being: the Hot Water Beach (NZ) Ltd site; the Hot Developments Ltd recently subdivided to the east; the holding containing the camping ground opposite; and a holding adjacent to the camping ground to the west.

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<sup>20</sup> See Landscape Assessment by Kerstie van Zandvoort

Up until around 1968 it was a dairy farm and since then a dry stock unit running cattle, no sheep. No development areas were subject to farming activities that would have left traces of contamination. Drenching or fertilizer storage took place either within the proposed Conservation Area or on adjacent holdings.

## IWI CONSULTATION

The Hauraki Iwi contacts within Hauraki, listed on the Te Puni Kokiri web site and confirmed by Council were contacted by phone and followed up by email. The following iwi included *Te Puia Rohe* within their area of interest.

- Ngāti Hako
- Ngāti Tamaterā
- Ngāti Whanaunga
- Ngāti Maru
- Ngāti Hei

In summary, contact with each confirmed that Ngāti Hei and Ngāti Whanaunga representatives would lead the way.

- Peter Matai Johnston prepared a Cultural Values Assessment for Ngāti Hei.
- Mike Baker for Ngāti Whanaunga confirmed the need for accidental discovery protocols to apply.

Background information available to Hot Water Beach (NZ) Ltd (HWB) and its advisers at the outset included cultural reports prepared for neighbouring developments. These reports addressed the wider context in which those developments were set. An archaeological report did likewise. These were provided to Peter Matai Johnston and Mike Baker to assist Ngāti Hei and Ngāti Whanaunga with their responses.

The reports provided were:

- Letters from the late Peter Tiki Johnston for Ngāti Hei, to consultants engaged to assess the impact of a proposed camping ground on land (formerly the farm owned by Graham Pye) opposite.
- Ngāti Hei Report (2010) on the Structure Plan Proposal for Hot Developments Ltd next door on Brian Pye's farm.  
The focus was on the value of the Taiwawe Stream.
- Archaeological Report on the Hot Developments Structure Plan and wider area by Mathew Campbell.

The Hot Water Beach (NZ) Ltd proposal responded to the issues raised in those reports by providing for:

- protection of the riparian margins of the headwaters comprising the main stream and two tributaries,
- the retirement of steep and erodible land.
- ecological corridors by connecting remnant areas with the above.

With this background and in the absence of identified cultural sites another archaeological report was not commissioned until requested by Peter Matai Johnston. A new archaeological assessment was commissioned to assist Peter Matai Johnston with his preparation of the Ngāti Hei's Cultural Assessment.

**Ngāti Hei's Cultural Impact Assessment (CIA)** highlights a number of issues for Ngāti Hei:

- Protection for land, offshore islands and rock outcrops.  
No sites are identified within the Structure Plan Area.
- Protection for water, *waahi tapu*, sacred areas and *taonga*.  
No specific sites or areas within the Structure Plan area are identified. It is clear from this assessment, the previous ones and further confirmed in discussions that the *mauri* of the Taiwawe Stream must be protected. The CIA identifies the presence of the nearest sensitive cultural site as being partly within 500m radius of the Structure Plan area. Neither the PDP nor the CIA have any suggestion that this would be inadequate separation.
- Treaty of Waitangi claims and settlement of them.  
The claims and their settlement provide the wider context within which the Taiwawe Structure Plan area sits and confirms Ngāti Hei as having *mana whenua*.
- Channels of communication and consultation being maintained and enhanced.  
The assessment acknowledges the efforts of the Directors in this regard. While the assessment does not make specific recommendations on the enhancements to be made, the Directors are committed to maintaining ongoing consultative relationship with Ngāti Hei.
- Reaching agreement on who is to be consulted and how that consultation will occur.  
Having made contact with each of the Hauraki iwi identified as having an interest in the area it is possible for the Directors to maintain ongoing contact with the two Iwi representatives to whom the others have deferred.
- Greater local control and decision-making.  
This can be achieved through ongoing consultation as the project evolves, while recognising that Ngāti Hei may wish to pursue this issue with the Council which is carrying out initiatives to develop deeds of understanding with Iwi.
- Flexibility to manage and develop Māori land and natural resources.  
The assessment observes that this proposal may impact on iwi ambitions to carry out tourist related development. It also expresses concern that newcomers may be unsympathetic to or actively try to impede progress on the Iwi's own projects. There is no guidance on how population growth may be catered for, or new generations of the existing population may be catered for in a way that maintains or enhances that flexibility. This may be a matter for ongoing consultation as the project evolves. So far as it seems to be a more general comment on governance and for Council to address in developing its deed of understanding with Iwi.

The assessment provides a summary of impacts or potential impacts using a 7-point matrix. Of the 7 points the proposal is considered neutral for 3 of them, neutral tending negative on two and negative on two.

The key matters considered negative or tending negative were:

- Presence of people and their impact on the character of the place
- Objection to increasing the number of landowners and the concern that this may impact on Ngāti Hei development aspirations
- The design and development threshold proposed while acknowledging initiatives proposed to restore biodiversity
- Need for rainwater harvesting, question over adequacy of that in drought conditions and concerns over wastewater disposal.

Impact on Maori way of life and demands on Ngāti Hei through increased settlement.

These are, or can be addressed as follows:

- Provide the focus on establishing a conservation framework with set of rules to establish an upper limit on number of lots that may be considered as a restricted discretionary activity.
- Ensure a landscape management plan (LMP) is prepared and implemented to manage the effects of the design and layout of lots on the rural character and amenity values through subdivision and anticipation of subsequent development within defined development areas. A LMP would, for instance address matters such as limiting introduction of exotic plants and encouraging appropriate plants for landscaping; identifying building location and limiting materials and colours. An EMP would, for instance identify plants that are to be avoided and provide plants lists and locations for ecological restoration and enrichment planting, wetland restoration, location and means of removing barriers to fish passage and plant and animal pest management. Cat ban and kiwi aversion programme for dogs would also be required.
- Include assessment criteria to address adequacy of water supply and waste disposal and rely on Building Act to require minimum standards are met.
- While there is no evidence of the impact this development may have on Ngāti Hei, there may be opportunities to involve Ngāti Hei further at the time the application for subdivision consent is being prepared and in its implementation. The opportunities could involve consulting with Ngāti Hei to provide input into the EMP, inviting them to contract for supply of services (construction, planting, pest management, for example).

## CONSULTATION

The Proposed Taiwawe Structure Plan was amended and refined over the course of 2019 as a result of consultation undertaken and carried out by HWB directors:

firstly, with Ngāti Hei, the local Iwi having *mana whenua* at *Te Puia*; and secondly, with an introductory summary of the proposal and meeting with the Hot Water Beach Ratepayers Association at their AGM.

This initial contact was followed by email and in some cases discussion with key agencies. Face to face discussions then took place with neighbouring landowners and interested individuals. The record of Iwi consultation has been addressed separately above.

The consultation with Hot Water Beach Ratepayers Association (HWBRA) AGM on 5 January 2019 can be summarized as follows:

- The HWB Directors introduced themselves and the project<sup>21</sup> with an open invitation to attendees to contact the directors at any time with any concerns comments or input.
- The HWBRA February Newsletter recorded the “frustration” with lack of fixed line broadband into Hot Water Beach and concerns about safety. The question of cell

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<sup>21</sup> These points are recorded in the HWBRA February 2019 Newsletter.

phone coverage also arose. The proposal as presented at the AGM was summarised and circulated to members.

- The HWBRA were updated with progress on refinements, process and procedure for public notification of a Variation to the Proposed District Plan, in a letter which was considered at the HWBRA September 2019 meeting. The full text was circulated to members in the Association's September 2019 Newsletter.

The Directors followed up on the feedback received at the AGM by initiating discussions with Chorus and the Council over provisions of improved cellular network and or internet services.

- Chorus provided HWB a high level reticulation plan and estimate of costs for reticulation based on a Link Road into Hot Water Beach Fibre referred to as the WHEN/Supgrade Project currently under discussion between TCDC and Chorus.<sup>22</sup>
- Discussions and email exchanges with Northpower over electricity upgrades and extension resulted in reduced costs to the Hot Developments Ltd reticulation with Northpower increasing its share in anticipation of further development under the Taiwawe Structure Plan proposal. Northpower showed verbal interest in supplying electricity but have not yet submitted a proposal.

DOC and Tairua Environment Society were offered an invitation to participate in discussions but did not take up the opportunity.

The next phase of consultation was with potentially affected landowners and Council.

- Hot Water Beach Top 10 Holiday Park have responded that in theory they support a subdivision and the need for more permanent population in the area but do not have sufficient information on which to comment further. Concerns raised included wastewater treatment and disposal, impact of additional users on infrastructure and an expression of interest in how telecommunications would be addressed.<sup>23</sup>
- Neighbouring landowners supported the ecological restoration and protection proposals and did not oppose the proposition of a development. They expressed concern about scale of development and impact on their enjoyment of the rural setting. They advised they would like to see more information before providing written response.

Matters raised in the consultation and response to them include:

- Advantages of having the ROW network along the flats (Ngatuturu Lane) and up the hill (Taiwawe Lane) vested as Public Roads.

Response: discretion is provided in the Structure Plan rules for Council to require the two main ROW systems located outside the Structure Plan development area that are to serve the development within the Structure Plan may be required to vest as public road

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<sup>22</sup> Pers com email and attached plan 22 November 2018 from Gerard Linstrom Stakeholders Communication Manager Chorus.

<sup>23</sup> Pers com email 5 April 2019 from Sheree Webster.

- The proposed alignment of the ROW across the flats and possibility of it becoming public road providing houses in close proximity may impact on the enjoyment of the existing lot, Lot 2 DPS 71707

Response: The alignment of the Proposed Road/ROW on the Structure Plan has been altered to enter the development area before it reaches the existing lot; a 'no development' area for enrichment planting to achieve biodiversity outcomes is extended; and rules are in place to ensure landscape values are identified and a landscape management plan is prepared to identify adverse effects that may be more than minor and how they are to be avoided, remedied or mitigated.

- Concern over widening the range of development opportunities on the northern side of Ngatuturu Lane and its potential impact on the amenities of the neighbourhood.

Response: At first provisions for this part of the structure plan area were amended and as a result of further discussions they have been deleted.

Development Area 2 is removed and the land is placed within Development Area 1. There is now no provision to extend the range of activities within Development Area 2.

- Desirability of providing for extension of access through the Structure Plan area to the farmland to the south.

Response: Provision for continuity of access is made in the Structure Plan to provide legal and physical connections should suitable arrangements be entered into with the adjoining landowner.

- Impact of highly engineered ROW system on rural character and amenity values.

Response: Provide rules setting standards for ROW construction that are appropriate to the lifestyle, biodiversity and landscape values proposed.

Council's Roading Manager and Development Engineer<sup>24</sup> advised:

- the intersection design approved for Hot Developments Ltd could be revisited in light of the proposed new development;
- it would be desirable if the ROW system (Kakariki, now Taiwawe Lane and Ngatuturu Lane Right of Way across the flats) serving land other than that being developed within the structure plan area be vested as public road; and
- support the approach of providing alternative standards for the ROW network in the event it is proposed that they be altered from those in the Code of Practice. The replacement standards are to be incorporated into the Proposed Structure Plan. Firefighting standards for water supply resources and Relative merits of group wastewater systems and individual systems would be considered and resolved at the time of application for subdivision consent.

The consultation highlighted the following:

- Support for ecological restoration.
- Infrastructure must not be adversely impacted, furthermore there may be scope for the development to contribute to the enhancement of infrastructure.

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<sup>24</sup> Pers com email 1 April 2019 from Len Whittaker TCDC Development Engineering Team Leader

- On site services must be environmentally sound, robust standards will be applied to ensure this.
- Vehicle access is not to be over-engineered, alternative design is included for review as part of the Structure Plan.
- Further development at Hot Water Beach would have value in delivering a more sustainable critical mass to support roll out of new, and upgrades to existing, utility networks.
- A challenge to achieve an appropriate threshold of development in order to achieve the ambitious ecological benefits proposed.
- An amended structure plan with rules including assessment criteria to provide for a sustainable subdivision and development.

## SECTION 32 RMA EVALUATION

The policy analysis above provides the major component of the s 32 RMA evaluation required by the RMA for a variation and/or plan change.

Key issues identified are:

- Ecology & Biodiversity
- Geotechnical Considerations
- Transport
- Landscape and Amenity

The following background reports and assessments addressed and analyzed the key issues for the subdivision, use and development of the land:

- A. Ecological Assessment of a Proposed Structure Plan for 790C Hot Water Beach Road Whenuakite (April 2019) by Nick Goldwater Wildland Consultants.
- B. Geotechnical Assessment for Structure Plan 790C Hot Water Beach Road (April 2019) by Philip Kelsey Earthtech Consulting Ltd.
- C. Proposed Structure Plan for a 45-lot mixed rural lifestyle subdivision Transport Assessment (November 2018) by John Burgess Traffic Planning Consultants Ltd.
- D. Landscape Assessment 790C Hot Water Beach Road Coromandel Proposed Hot Water Beach Structure Plan (April 2019) by Kerstie van Zandvoort.
- E. Hotwater Beach Holiday Park cultural values assessment (April 2008) & Report On Proposed Structure Plan at 790 Hotwater Beach Road Te Puia (12 February 2010) by the late Peter Tiki Johnston and consultation with and site visit in the company of Peter Matai Johnston (23 September 2018).
- F. Cultural Impact Assessment Taiwawe Catchment – Te Puia (October 2019) by Peter Matai Johnston for Ngati Hei.
- G. Taiwawe Catchment Structure Plan: archaeological assessment (25 October 2019) by Arden Cruikshank and Hayley Glover CFG Heritage.

These reports and assessments have informed the planning response chosen for the following proposal:

- Variation to the Proposed District Plan to become a Plan Change if necessary so that the PDP can be made operative.
- Plan change was chosen rather than Application for Resource Consent or “Do Nothing” which were the other options considered.
- Structure Plan was chosen rather than Rezoning, Overlay or Site Development Plan.
- Structure Plan approved by Council for public notification addresses key resource management issues raised in the Policy analysis, reports and assessments.

The following table provides in summary form the s32 RMA evaluation taken from the analysis and documents above.

	<b>Do Nothing</b>	<b>Rezone</b>	<b>Structure Plan</b>
<b>Relevance</b>	Does not address measures required for enhancement of biodiversity or ecology on the site. Does not provide for development opportunities for growth consolidated on Hot Water Beach	Would introduce a new zone with site specific provisions or the rural residential zone with uniform/fixed minimum lot sizes. Lot sizes are too large. Does not provide the necessary flexibility and variability without the structural elements to manage integration of ecological and infrastructure outcomes.	Retains existing Rural Zone and provides a special provision in accordance with the architecture of the PDP. A special provision that integrates management of natural and physical resources of the site within its immediate setting.  The Structure Plan purpose sets out the outcome being sought to achieve District and Regional growth strategy – widening range of living styles, development within an ecological framework and increasing critical mass to support utility networks.
<b>Usefulness</b>	Not useful in addressing restoration of biodiversity and ecological values. Does not provide critical mass required to support modern telecommunications and electricity network upgrade.	Does not provide the necessary integration of natural and physical resources.	Identifies issues, objectives, policies and rules to achieve restoration of indigenous ecology, protection of riparian margins of the Taiwawe Stream and tributaries for its natural and cultural values.  Provides a means for roll out of modern utility network.  Additional land use activities can be established as permitted activities in a rural setting on the outskirts of, segregated from, and thus avoiding potential adverse effects on the residential amenity of the small Hot Water Beach village lots.

<b>Reasonable and Achievable</b>	No policies or rules to achieve restoration of ecology and provide for growth of Hot Water Beach	The minimum lot size and maximum number of lots provided for in a Rural Residential Zone would not achieve the extent of restoration enrichment and protection proposed nor does it provide for a range of lot sizes suitable for the locality.	Provides Policies and Rules for a range of lot sizes to cater for future growth of Hot Water Beach within an ecological framework that protects and restores ecological values and enhances indigenous biodiversity. Provides a scale of development capable of contributing to the upgrade and extension of infrastructure while being self-sufficient with water supply and wastewater. Adds definitions for activities that were tried and tested in the Operative District plan to provide for low key rural home-based activities that would add to the range of services required to serve the resident and visitor population.
<b>Benefits</b>	Retains and provides for marginal rural holding for dry livestock farming	Provides for 4 additional lots minimum area 5000m2 each with not less than 2 ha of indigenous bush protection.	Provides for a network of ecological corridors for protection restoration enrichment and extension of habitat and biodiversity. Provides variety of lot sizes including low density residential lots in a coastal location consolidated on an existing town outside the coastal environment and coastal hazard areas. Provides a stronger community base in the face of disproportionate number of day visitors.
<b>Costs/Risks</b>	Costs associated with loss of cultural, intrinsic and ecosystem values; risk of further degradation and loss of ecosystem and biodiversity values	Cost of a development unable to afford the costs of upgrades or improvements to network utilities. Risk of achieving only partial protection and little or no active restoration or expansion to degraded areas or to establish linkages or corridors.	Makes use of the plan variation/change process to address a critical RM issue for rural land at the edge of an existing coastal village under extreme pressure from demands of day visitors and holiday makers in a manner capable of meeting costs of utility network upgrades and enhancement and with extensive ecological restoration enhancement and protection. Costs have been sunk in the preparation of reports and evaluation of benefits efficiency and effectiveness and in consultation.
<b>Efficiency &amp; Effectiveness</b>	Would not provide for growth of Hot Water beach, would not contribute to network utility upgrade or enhancement. Would not achieve ecological restoration and protection.	Would achieve only a partial contribution to protection of existing biodiversity. Would not provide ecological restoration or establishment of networks or corridors. Would require new zone to achieve lot numbers and density for efficient and effective use of the land.	Provides an integrated forward planning tool to provide lots at a size that will cater for the growth of Hot Water Beach, while being able to contribute to infrastructure and extensive ecological enhancements and protection. Cap on maximum number meets Geotech and Ecology requirements consistent with minimum lots size standards for low density and rural lifestyle living choices, on site wastewater management systems, and not be dependent on the need to run livestock to manage them.

			Development areas and lot sizes provide for growth of a permanent or holiday resident population without the need to provide urban services, without impacting on ecological and biodiversity enhancements. Ecological and Landscape Management Plans to provide the means for achieving targeted ecological enhancements and to maintain a rural amenity.
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## CONCLUSION

This Structure Plan is the product of site-specific and contextual assessments. The detailed provisions of the Taiwawe SP are particular to the site. The District Plan Structure makes provision for Structure Plans to override Overlay and Zone Policies and Rules where there may be a conflict. It is possible and likely that matters subject to a draft Consent Orders or decision of the Environment Court are resolved and decisions are available to inform the Variation as it goes through a public notification process. If not, this Variation to introduce will not create a conflict that cannot be resolved given the status a Structure Plan has in the District Plan hierarchy.

The following variation/plan change will meet the purpose of the RMA, achieve the objectives and policies of the various RMA policy instruments effectively and efficiently with outcomes that will achieve clear environmental benefits.

### Variation 3: Proposed Taiwawe Catchment Structure Plan

Include the new Structure Plan 27.9 Taiwawe Catchment Structure Plan in Part V of the Proposed District Plan at Section 27 Structure Plans

- See attached.

### LAWRENCE CROSS CHAPMAN & CO LTD

Graeme Lawrence  
Director

30 April 2020  
(ed 22 May 2020)