

Proposed Thames-Coromandel District Plan

Variation 3 – Taiwawe Catchment Structure Plan

To: Thames-Coromandel District Council
Private Bag
Thames 3540

Attention: Senior Policy Planner, Policy & Planning Team

Phone 07 868 0200

Name of Submitter Thames-Coromandel District Council
Private Bag
Thames 3540

Attention: J Cook-Munro, Policy & Planning Manager

Phone 07 868 0200

This is a submission on Variation 3 ‘Taiwawe Catchment Structure Plan’ (the **variation**) to the Proposed Thames Coromandel District Plan – Appeals Version (the **Proposed District Plan**). The variation seeks to insert a new structure plan into the Proposed District Plan for a site located at 790C Hot Water Beach Road, Hot Water Beach. The proposed structure plan is intended to enable subdivision for 45 ‘rural-residential’ lots and dwellings on the site.

Thames Coromandel District Council (the **Council**) could not gain an advantage through trade competition through this submission.

The Council is directly affected by an effect of the subject matter of the submission that –

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The specific provisions of the variation that this submission relates to are outlined in the text below and the tables attached to this submission.

Council accepted this request from Hot Water Beach (NZ) Limited for a variation to the Proposed District Plan at its meeting on 28 May 2019. In accepting the request, the Council did not make any comments on the merits or otherwise of the request and noted that Council reserved the right to lodge a submission on the variation.

The Council resolution (dated 28 May 2019) reads:

That the Thames-Coromandel District Council:

1. *Receives the Variation to Proposed District Plan report, dated 23 April 2019.*

2. *Accepts the request for notification of a variation to the Proposed District Plan by Hot Water Beach (NZ) Ltd to include a new structure plan in Section 27 of the Proposed District Plan and to make consequential amendments to overlay planning maps 24 and 24A.*
3. *Notes that staff will commence the necessary statutory procedures in accordance with Schedule 1 of the Resource Management Act 1991 for the public notification of the proposed variation and costs up until the decision would be borne by Hot Water Beach Ltd.*
4. *Notes that a submission approved by Council may be lodged on the proposed variation, to ensure the variation is consistent with the objectives of the proposed District Plan.*

The Council's submission is that the proposed variation does not:

1. consider the full impact of the proposed development allowed by the structure plan on existing infrastructure such as sustainable water supply, stormwater and wastewater disposal from on-site systems;
2. assess the impact of the proposal on the existing environment and its surrounds;
3. provide a full assessment of all relevant matters under the Proposed District Plan, including the impacts of introducing 45 new dwellings on the existing environment; and
4. meet the purpose and principles of the Resource Management Act 1991.

The Councils seeks that the variation be **declined** for the reasons set out in **Table 1** to this submission. As well, Council seeks any consequential amendments necessary to the Proposed District Plan in order to grant the relief it seeks.

Alternatively, if it is decided to approve the variation then Council seeks the relief outlined in **Table 2** so that its concerns with the proposal are addressed along with any necessary consequential amendments required to address its concerns.

The Council **does not wish to be heard** in support of its submission.

Signed for and on behalf of the
Thames-Coromandel District Council:



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Joanne Cook-Munro
POLICY AND PLANNING MANAGER

Dated at Thames 28th August 2020

Submission Tables

Table 1: Relief sought by the Council if variation is declined in its entirety

| | Structure Plan provision | Support or Oppose | Decision sought | Reason for decision sought |
|-----|----------------------------------|-------------------|--|---|
| 1.1 | Taiwawe Catchment Structure Plan | Oppose | Decline Variation 3 to the Proposed District Plan in its entirety. | <p>The proposed structure plan does not consider the impact of an additional 45 lots on the existing resources in the area. The district suffers from frequent water shortages and the structure plan should provide for fully self-contained development within each of the proposed lots.</p> <p>There is no requirement for developers to provide essential infrastructure such as water, stormwater and wastewater disposal to each of the potential lots that could be created by the structure plan.</p> <p>The density of the proposed development will adversely affect rural amenity and character with up to 45 dwellings able to be constructed with the addition of up to 45 minor units and accessory buildings also being able to be established.</p> <p>The structure plan is not consistent with the purpose of the Rural Zone in Section 56. Section 56.2 defines the purpose of the Rural Zone as:</p> <p><i>“... Lot sizes and density standards in the Rural Zone have been established to provide for the sustainable use and development of <u>primary production</u> activities and those involving other natural resources, while ensuring those values that contribute to the rural character of the Zone are retained and enhanced”.</i></p> <p>While parts of the development will not be able to be seen from outside of the site, this does not equate to the effects from the proposal being no more than minor. The proposal allows for a minimum of 90 new buildings to be introduced into a rural area as a permitted activity. With each of the proposed 45 sites will come traffic movements associated with both the residential and ancillary activities.</p> <p>The proposed conservation and land restoration measures are not considered to be significant or at a scale that would result in environment enhancement. This is contrary to the purpose of the rural zone which states that biodiversity and natural character are two elements which are integral to the Rural Zone.</p> <p>In terms of how the structure plan is written, the objectives and policies are not supported by the rules proposed.</p> |

Alternatively, if the proposed variation is approved the amendments in **Table 2** below are sought.

Table 2: Amendments necessary to the variation in order to address the concerns raised by Council

| | Structure Plan provision | Support or Oppose | Decision sought | Reason for decision sought |
|-----|--|-------------------|--|--|
| 2.1 | 27.9.2 Purpose | Oppose | Amend the 'Purpose' to have the primary reason for the structure plan being for large lot rural lifestyle residential development that provide their own infrastructure such as water, stormwater and wastewater disposal. | The purpose of the structure plan does not align with the aim of subdividing up to 45 lots in Lot 2 DP 387067. |
| 2.2 | 27.9.4 Objectives and Policies | Oppose | Amend the 'Objectives and Policies' to have the primary objectives and policies of the structure plan being for large lot rural lifestyle residential development that provide their own infrastructure such as water, stormwater and wastewater disposal. | The structure plan objectives do not align with the aim in Rule 1 of subdividing up to 45 lots in Lot 2 DP 387067. |
| 2.3 | 27.9.5 Rule 1 - Subdivision | Oppose | Reduce the number of lots to a maximum of 12 lots. | <p>Rural amenity and character will be able to be maintained and protected with a reduced number of lots. Subdivision into twelve lots provides a density of one lot per 3.2 ha. This number of lots will enable the Ecological and Landscape Management Plans to be implemented.</p> <p>The Proposed District Plan subdivision standards provide for a 'Conservation lot subdivision' creating one additional lot.</p> <p>There is minimal public benefit for the community from a proposed subdivision of 45 lots.</p> |
| 2.4 | Rule 1.1 g) | Oppose | Amend the Ecological and Landscape Management Plans to ensure the full implementation of these measures. | The Ecological and Landscape Management Plans are a focus for the subdivision. There should be a bond required or some other incentive to require these plans to be implemented in part or in full within a prescribed time. |
| 2.5 | Rule 1.1 h) | Oppose | Delete the words "...for the Conservation Area on Diagram A ..." | This will prohibit further subdivision of new lots. |
| 2.6 | Rule 2 – One dwelling per lot, accessory | Oppose | Amend the rule so that only one of the buildings listed is a permitted activity. | Controls on the number of buildings per site is needed to ensure that the amenity and character of the rural area is maintained and protected. |

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|------|--|-------------------|--|---|
| | buildings, minor unit | | Any additional buildings to be classified as a restricted discretionary activity. | Controls will also assist in ensuring appropriate infrastructure is provided by developers to ensure that each potential lot is fully self-contained. In the event that any water, stormwater and wastewater systems are required to be provided by council, this will be funded by way of a targeted rate. |
| 2.7 | 27.9.5 Rule 2 – One dwelling per lot, accessory buildings, minor unit | Oppose | Amend the rule so that only one of the buildings listed is a permitted activity. Any additional buildings to be classified as a restricted discretionary activity. | Controls will assist in ensuring appropriate infrastructure such as water and wastewater reticulation is provided by developers. If any water and wastewater systems are required to be provided by council this will be funded by way of a targeted rate. Controls on the number of buildings per site is needed to ensure that the amenity and character of the rural area is maintained and protected. |
| 2.8 | 27.9.5 Rule 3 - Any other activity in the Taiwawe Catchment Structure Plan | Oppose | Amend Rule 3 to make any other activity a discretionary activity providing that all buildings are sited within the Defined Building Area. | Controls will assist in ensuring appropriate infrastructure such as water, stormwater and wastewater reticulation is provided by developers. If any water and wastewater systems are required to be provided by council this will be funded by way of a targeted rate. Buildings not located within a defined building area will have an adverse effect on rural amenity and character. Other activities are not consistent with the purpose of the Taiwawe Catchment Structure Plan and need to be assessed through a discretionary activity. |
| 2.9 | Table 2 Restricted Discretionary Matters | Oppose | Matter 1 addresses the supply of essential services (e.g. water, stormwater disposal, electricity etc) to lots within the structure plan. Amend the matter to require the provision of essential infrastructure by developers to all the lots. | The new lots allowed for by the structure plan must have essential infrastructure provided to them. If any water, stormwater and wastewater systems are required to be provided by council, this will be funded by way of a targeted rate. |
| 2.10 | Table 2 Restricted Discretionary Matters | Oppose | Amend Matter 7 in Table 2 to refer to the standards in Section 57 Rural Lifestyle Zone, Table 5. | It is not apparent why the applicant considers the standards in the Low Density Residential Zone should be applied in a site located in the Rural Zone. For developments in the Rural Zone, the appropriate standards for that zone should be applied. |

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|------|--------------------------|-------------------|---|---|
| | | | | The standards proposed in this submission are consistent with the purpose of the structure plan (as amended above). |
| 2.11 | 27.9.5 Diagram A | Oppose | Show an indicative location for all dwellings, accessory buildings and minor units on the diagram. | This will provide certainty for the number of dwellings and the location of other buildings. |
| 2.12 | 27.9.6 Diagrams B and C | Oppose | Delete Diagrams B and C. | This information is not relevant for the variation application. This engineering information for the construction details of vehicular access can be found in the Code of Practice for Subdivision and Development. If the standards in the Code of Practice are not appropriate an assessment can be made in processing the subdivision consent application. |
| 2.13 | Vehicle access | Oppose | <p>Include provisions in the structure plan for:</p> <ul style="list-style-type: none"> • vehicle access within the site to meet the standards in Section 39 of the Proposed District Plan; and • vehicle access to the site from Hot Water Beach Road shall meet the standards for a local road; and • upgrading requirements for the Hot Water Beach Road - Taiwawe Lane intersection shall be included in the structure plan. | <p>Taiwawe Lane is not a legal road but provides for vehicle access to a number of properties.</p> <p>There is a significant number of vehicle movements on Taiwawe Lane from the local motor camp and private properties for onto Hot Water Beach Road.</p> <p>Additional traffic movements from the proposed subdivision will have more than minor effects on the road infrastructure at Hot Water Beach.</p> |