

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the hearing of submissions to Variation 3 to the Proposed Thames Coromandel District Plan (Taiwawe Catchment Structure Plan)

STATEMENT OF EVIDENCE OF TRACEY MICHELLE LAMASON

ON BEHALF OF DIANE HINDS (SUBMITTER 11)

DATED 8 MARCH 2021

1.0 INTRODUCTION

1.1 My name is Tracey Michelle Lamason. I am a resource consent and planning consultant with Planners Plus Limited in Whitianga. I hold the qualifications of Bachelor of Planning with Honours from the University of Auckland. I have 25 years' experience as a planning consultant, with the last 19 years working as a planning consultant on the Coromandel Peninsula. I am a full member of the New Zealand Planning Institute and the Resource Management Law Association.

1.2 I have been engaged to provide planning evidence by Diane Hinds, who is a submitter and further submitter on Variation 3 to the Proposed Thames Coromandel District Plan (Taiwawe Catchment Structure Plan). Diane Hinds is a local resident and owns the property that directly adjoins the Structure Plan site to the southwest (151 Boat Harbour Road, Whenuakite). The Hinds family have owned the adjoining property for the last 90 years (have lived

in the area for just on 100 years) and were also instrumental in the establishment and protection of kiwi in the area.

- 1.3 My work as a planning consultant has included the assessment of and preparation of numerous resource consent applications within the Mercury Bay area (including Hot Water Beach) and the wider Coromandel Peninsula. During the Proposed District Plan Review process for the Thames Coromandel District Council ('the Council') I was engaged by a number of parties to prepare submissions, further submissions and appeals on the Proposed District Plan and the Hearing decisions.
- 1.4 Over the years I have also provided planning advice and assistance to the owners of properties that form part of past and present Structure Plans in the Thames Coromandel District Plan and have been required to review and provide assessments against the relevant provisions of various Structure Plans when preparing applications and planning advice on behalf of clients.
- 1.5 I am familiar with the subject site and very familiar with the surrounding Hot Water Beach area, where I have spent most Sundays during the summer months for the past 14 years.
- 1.6 I confirm that I have read the 'Code of Conduct for Expert Witnesses' contained in the Environment Court Practice Note 2014 and my evidence to this hearing has been written in accordance with that Practice Note.

2.0 BACKGROUND

- 2.1 The submission and further submission lodged with the Council on behalf of the submitter Dianne Hinds ('the submitter') related to the initial Variation 3 - Taiwawe Catchment Structure Plan ('TCSP') that was notified on 24 July 2020. The initial TCSP sought to provide up to 45 lots as a restricted discretionary activity subdivision on the subject site at 104 Taiwawe Lane, Hot Water Beach (Lot 2 DP 387067). The submitter opposed the initial TCSP in its entirety as it would result in a low density residential

development of a scale that is inappropriate for the rural outskirts of Hot Water Beach. The effect on the amenity and rural character of the area that the initial TCSP provides for would be more than minor.

2.2 Based on the initial TCSP, I concur with the recommendation in the Council's planning consultant's section 42A report that Variation 3 be rejected.

2.3 However, as we are all aware, that following a review of the submissions received on Variation 3, and on receipt of the section 42A report, the proponents have prepared a new/revised TCSP, which will essentially provide for a maximum of 25 residential lots (in identified Development Areas) as a restricted discretionary activity.

2.4 The short time frame between the time the submitters were able to view the revised Structure Plan (and supporting evidence and reports) and the actual Hearing for Variation 3 has been difficult for submitters in that it has provided an inadequate amount of time to undertake a detailed assessment of what is essentially a new Structure Plan.

3.0 OUTLINE OF EVIDENCE

3.1 My evidence will therefore concentrate on the main effects of the revised TCSP in relation to the submitter, Diane Hinds' adjoining property at 151 Boat Harbour Road, Whenuakite. These effects relate mainly to the following:

- Effects on rural character and amenity
- Reverse Sensitivity Effects
- Effects on threatened national species, particularly on the North Island Brown Kiwi colony within the area.

- 3.2 In the event that revised Variation 3 be approved, my evidence will provide comment on what further changes to the TCSP are necessary to ensure the above effects are no more than minor.

4.0 RURAL CHARACTER AND AMENITY

- 4.1 The subject site is located within the Rural Zone. The zone purpose for the Rural Zone in the Proposed District Plan states that *lot sizes and density standards in the Rural Zone have been established to provide for the sustainable use and development of **primary production activities** and those involving other natural resources, while ensuring those values that contribute to the rural character of the Zone are retained and enhanced.* *Bold for emphasis. The objectives and policies for the Rural Area Section 24 of the Proposed District Plan) reflect this purpose including an emphasis on maintaining primary productive activities.
- 4.2 The TCSP and its objectives, policies and rules will largely override the provisions of the Rural Zone and Rural Area of the Proposed District Plan in relation to the development of the application site.
- 4.3 Objective 2 of the revised TCSP addresses the issue of rural character and amenity and seeks to *establish a high quality, self contained large lot residential/lifestyle subdivision within a conservation framework in the Rural Zone adjacent to Hot Water Beach, which maintains rural character while providing for a range of lot sizes.* (Note: underlining added for emphasis).
- 4.4 The proponent's expert landscape architect describes the subject site as a lowland area near the Hot Water Beach Holiday Park and existing residential properties that then rises increasingly steeply towards an elevated ridge. An area of remnant pasture crosses its upper slopes and the south-western boundary merges with a farm at 151 Boat Harbour Road (the submitter's property).
- 4.5 The lower northern portion of the subject site is therefore located in closer proximity to the residential beach settlement of Hot Water Beach, where it directly adjoins the Hot Water Beach Holiday Park

and is located in closer proximity to the recently developed 790 Hot Water Beach Road property. The southern, and particularly the southwestern portion of the subject site adjoins rural farm land where there is little to no buildings and structures located.

- 4.6 The proponent's expert landscape architect in his evidence dated 1st March 2021 concludes that although the structure plan *would give rise to a significant change to the character and values of the application site it is my assessment that these changes would ultimately be positive in terms of the longer term amenity, character and landscape values of the Taiwawe Stream valley* (Paragraph 53).
- 4.7 As a planning consultant I would be concerned with a statement from an expert that concludes that the structure plan would give rise to a significant change to the character and values of the application site. I would interpret this as not being able to meet Objective 2 of the TCSP which seeks to maintain rural character. The structure plan rules have been written to promote two possibly three buildings within each allotment. The number of buildings within a 38.12 hectare TCSP property could add up to 50 buildings (i.e. a residential dwelling and accessory building per residential site). This is a significantly greater density compared to the current Proposed District Plan's 20 hectare average standards for a residential dwelling and the subdivision standards for the Rural Zone.
- 4.8 The submitter therefore seeks further evidence from the proponent's expert landscape architect in terms of what additional amendments would be required to the Overall Development Concept Plan to ensure that any future development on the application site as part of the TCSP will maintain the rural character of the area. The following paragraphs of my evidence address particular concerns with the current provisions of the TCSP in terms of maintaining rural character and amenity, and include suggested amendments to the TCSP should Council approve Variation 3.
- 4.9 In terms of the portion of the application site located adjacent to the submitter's property at 151 Boat Harbour Road, the submitter would like to see an amendment to the Development Areas identified in

Diagram A of the revised TCSP. Currently the Development Areas extend up to this southwestern boundary, which include at least three potential house sites within the Overall Development Concept Plan.

- 4.10 To ensure that the rural character of the area be maintained, the submitter requests that the development area of Diagram A be amended (and if necessary, the number of residential allotments within the Structure Plan be reduced) so that residential development does not occur within the southwestern corner of the site (particularly the lots identified as 14, 15 and 16).
- 4.11 Another area of concern in terms of maintaining the rural character of the area is the number and size of buildings that will be permitted within each Defined Building Area once subdivision is granted. The revised TCSP as it is written would permit up to two buildings with a maximum 'site coverage' of 300m² (Table 3: Standards for Buildings). Table 3 is referred to in Rule 2 (One dwelling per lot and accessory buildings) and Rule 4 (Any other activity in the Taiwawe Catchment Structure Plan). However, Rule 3 (Minor Unit) does not include a reference to Table 3 and therefore can be constructed as a separate building (provided the total 'footprint' of all buildings do not exceed 300m²). This means a defined building area that already has a dwelling and separate accessory building on it can then have a separate minor unit building (i.e. a total of three separate buildings). To fix this, Rule 3 also needs to include a reference to Table 3.
- 4.12 Furthermore, the reference to a maximum 'site coverage' of 300m² in Table 3, has the potential to give rise to a number of two storey dwellings within the development area of the overall Structure Plan, which has the potential to result in a greater visual effect than that of low key single storey dwellings. Rule 17 of the Rural Zone of the Proposed District Plan includes a rule for sites of less than 20 hectares in the Coastal Environment, that requires a maximum gross floor area of the dwelling to be no more than 350m². Although the application site is not located in the Coastal Environment, development on the application site is still required to maintain rural character. Reference to a 300m² maximum 'gross floor area' for all

buildings, rather than a 300m² rule referring to 'site coverage' would help maintain the rural character of the area by ensuring the overall scale and appearance of buildings would not result in a number of large more prominent two storey dwellings. 'Gross floor area' is also already clearly defined in the Proposed District Plan.

5.0 REVERSE SENSITIVITY

- 5.1 Development within the Rural Zone that does not maintain rural character, such as currently proposed in the TCSP and the Overall Development Concept Plan, has the real potential to result in reverse sensitivity effects. This is a key concern for the submitter. The submitter seeks to ensure that they will have the ability and the right to farm and undertake all Rural Zone permitted activities on their property without complaint.
- 5.2 Section 24.3 (Rural Area) of the Proposed District Plan includes objectives and policies that address the issue of reverse sensitivity conflicts between residential activities and existing lawfully established farming activities. Accordingly, the Rural Zone provisions also include assessment criteria for restricted discretionary activities which relate to reverse sensitivity on activities expected in the Rural Zone.
- 5.3 The TCSP does not make any reference to reverse sensitivity effects; does not include objectives and policies that would need to be addressed in terms of development on the application site; and does not include assessment criteria relating to reverse sensitivity conflicts.
- 5.4 The submitter therefore requests that should the revised TCSP be approved by Council, that the TCSP be further amended to include objectives, policies and assessment criteria relevant to reverse sensitivity effects, so that this effect can be assessed and taken into consideration as part of any future development of the site.

6.0 EFFECTS ON THREATENED NATIONAL SPECIES

- 6.1 The submitter is still concerned that not enough initial assessment has been undertaken of the North Island Brown Kiwi colony in the area. The submitter and other submitters will or have already provided feedback/comment to the Commissioners on their knowledge of the kiwi population in the area and on the application site.
- 6.2 While amendments to the TCSP have been made with respect to developing a conservation programme to protect and enhance biodiversity values; requiring a baseline and ongoing survey of threatened species; and implementing rules relating to the keeping of pets, there is still concern with how this will be implemented and monitored with respect to a residential development of this size.
- 6.3 Furthermore, potential public walkways and access throughout the development make pedestrian use of the area difficult to restrict and monitor.

7.0 CONCLUSION

- 7.1 In conclusion, Diane Hinds, as a submitter and owner of the adjoining property at 151 Boat Harbour Road, Whenuakite requests that Council rejects the initial Taiwawe Catchment Structure Plan (as notified on 24 July 2020).
- 7.2 Furthermore, as outlined and supported in my evidence above, should the Council approve the new/revised Taiwawe Catchment Structure Plan (version 11), it is my opinion that further assessment will be required by the proponents and their experts and additional amendments will need to be made to the TCSP documents to ensure that the following potential effects are avoided, remedied, or mitigated:

- Effect on rural character and amenity (particularly with respect to the southwestern portion of the application site)
- Reverse sensitivity effects (in relation to the operation of existing lawfully established rural activities)
- Effects on threatened national species



TM Lamason

March 2021