

## SUBMISSIONS ON TE TAI O POUTINI PLAN

Under Clause 6 of the First Schedule of the Resource Management Act 1991

To: West Coast Regional Council

By email: info@tpp.nz

Submitter: Tim and Phaedra Robins

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### 1. Submitters

- 1.1. On behalf of myself Tim Robins and my wife, Phaedra Robins (the submitter), we submit on the Proposed Te Tai o Poutini Plan.
- 1.2. The submitter could not gain an advantage in trade competition through this submission.
- 1.3. The submitter owns a 1.59 hectare section of land at 332C North Beach Road, Greymouth within the Point Elizabeth Heights subdivision.
- 1.4. The specific provisions which this submission relates to are:
  - 1.4.1. Map 51 – ONL 31 (Sch. 5), NCA 38 (Sch. 7), NCA 37 (Sch. 8)
  - 1.4.2. ECO – R2
  - 1.4.3. NFL – P3
  - 1.4.4. NFL – R5
  - 1.4.5. NFL – R6
  - 1.4.6. NFL – R8
  - 1.4.7. NFL – R10
  - 1.4.8. CE – 01
  - 1.4.9. CE – P5
  - 1.4.10. CE – P6
  - 1.4.11. CE – P7
  - 1.4.12. CE – R4
  - 1.4.13. CE – R8
  - 1.4.14. CE – R11
  - 1.4.15. CE – R16
  - 1.4.16. CE – R18

- 1.4.17. EW – R1
- 1.4.18. EW – R3
- 1.4.19. RLS – R6
- 1.4.20. NH – R3
- 1.4.21. NH – R33

- 1.5. The reasons for the submission and the relief sought are set out in **Appendix 1**.
- 1.6. The suggested revisions do not limit the generality of the reasons for the submission.
- 1.7. The submitter wishes to be heard in support of this submission.
- 1.8. The submitter will consider presenting a joint case with others presenting similar submissions.

## **2. Background to the submission**

- 2.1. The submitter owns a rurally zoned section/residential property located in the Point Elizabeth Heights subdivision, North Beach Road, Cobden, (legally described as 332c North Beach Road, Pt Elizabeth, Greymouth 7802
- 2.2. There is currently a residential dwelling on the property.
- 2.3. This allotment sits within the rural zone in the operative Grey District Plan. The rear of the section abuts the Rapahoe Range Scenic Reserve.

## **3. Summary of submission**

- 3.1. The submitter generally supports protective elements of the plan as they relate to Outstanding Coastal Natural Character and High Coastal Natural Character; and Outstanding Natural Landscapes associated largely with the presence of the Rapahoe Scenic Reserve and the proximity of the section to this reserve. It is the natural environment which surrounds the subdivision which has prompted the existing owners to purchase the sections, most of which have been built on and have been developed harmoniously with the surrounding landscape.
- 3.2. The submitter is concerned that a number of proposed provisions are inconsistent with enabling the current use of the section to maintain a residential dwelling as was intended when consent to subdivide was granted. This includes building size limits, vegetation clearance rules, rules which relate to the erection and maintenance of structures such as retaining walls and earthworks rules.
- 3.3. The subdivision in which the submitters land sits is highly modified and not outstanding in an of itself. It is the backdrop to the subdivision which is outstanding. The submitter is concerned that land which has been earmarked for residential lifestyle development will

now be subject to controls which are inappropriate and unnecessary due to a seemingly arbitrary line that has been drawn on the maps with no regard to the existing level of development.

**3.4.** The submitter is concerned about the implications of being located within the Outstanding Coastal Natural Character Overlay and Natural Character Overlay and the particular restrictions that come with these overlays, and seeks these restrictions be removed or relaxed to allow for activities which have a functional need to locate within the Coastal Environment. A significant amount of activity occurs within the Coastal Environment on the West Coast due to the topography of the region, and a relatively narrow strip of flat land adjacent to the coastline. While this site is within the Coastal Environment and ONL overlays, it sits within an approved subdivision which has existing residential dwellings. This is a highly modified residential setting and would not be considered a site with a high degree of natural character. In addition, the properties at Point Elizabeth Heights are already subject to Consent Notices which provide for appropriate protection of the surrounding natural characteristics including conditions relating to:

- Roof pitch, roof form and roof ridges;
- Building height in relation to mean ground level;
- The restriction of pre-used dwellings or structures;
- Colours required to be in a recessive hue that blend with natural vegetation on site.

3.5. Any development that occurs on this site and in other sites on the subdivisions are located away from the Rapahoe Scenic Range due to existing restrictions in the Consent Notice and the geographical constraints of the section which is sloping. The section is not visible from the road and can only be viewed aerially or from some distance at sea. Existing dwellings in the subdivision are also not visible other than by sea or aerially. Properties are harmonious with the landscape and are screened by indigenous vegetation. Development of the sites has occurred appropriately under the existing district plan in a way which has not affected the values associated with the Rapahoe Range.

#### **4. Reasons for the submission**

4.1. The specific reasons for each submission point on specific provisions are set out in Appendix 1.

#### **5. Relief sought**

5.1. The submitter wishes to see the overlays pulled back to the rear boundary of their site, where it abuts the Rapahoe Scenic Range Reserve. This is considered appropriate for the following reasons:

- a. there are existing controls in place in relation to the section which enable development of the section in a manner that is harmonious with the surroundings;
- b. the highly modified nature of the pockets of subdivision at both Point Elizabeth Heights and Nimmo Subdivision
- c. The land will be zoned as rural lifestyle zone under the TTPP and the controls in place in the overlays are inappropriate;

- d. the West Coast Regional Land and Water Plan places restrictions on the clearance of vegetation on this property as it sits within the Greymouth Earthworks control area. Additional controls are considered an unnecessary duplication.
- 5.2. Alternatively, the submitter seeks the relief set out in Appendix 1 in relation to specific provisions of the proposed plan.
- 5.3. The relief set out above and at appendix 1 does not limit the alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.

Signed on behalf of Tim and Phaedra Robins

**Appendix 1**

Provision	Support/Oppose	Reasons	Decision Sought
Map 51 – ONL 31 (Sch. 5), NCA 38 (Sch. 7), NCA 37 (Sch. 8)	Oppose	The line which identifies the ONL and HCNC is inappropriate and includes highly modified residential subdivision. The site is highly modified and not outstanding. The line which has been drawn to identify this overlay appears to have been arbitrarily drawn.	Align the ONL boundary with existing property lines.  Alternatively, give effect to the decisions sought in respect of particular provisions set out below.
NH – R33	Oppose	Any residential activity (by definition of “sensitive activity”) will require resource consent within the Land Instability Overlay. Given that there is an approved subdivision with existing dwellings and ancillary buildings, this is unduly restrictive.	Remove Restricted discretionary activity status for existing subdivisions. Alternatively, exclude residential activities other than primary residential dwellings from this rule.
ECO – R2	Oppose	This rule contains a very restrictive vegetation clearance requirement in the coastal environment, which covers large areas of the West Coast Region which are used for various activities. The 500m2 clearance rule is considered to be unduly restrictive and unnecessary for the protection of coastal character or indigenous biodiversity.  The site is intended for rural residential development as a subdivision. The clearance volume is unduly restrictive and does not enable the clearance required for a typical rural residential dwelling and access and is inconsistent with the underlying zoning of the land as rural residential.	Delete ECO – R2  Alternatively, increase vegetation clearance volume to more accurately reflect the vegetation clearance required in a typical build.
NFL – P3	Support	Recognises that there are settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and provide for new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected. However the submitter is concerned that this	Retain as notified

		policy does not flow into the rules, particularly where there are established existing uses and subdivisions which are intended for residential development, and where residential development is already established.	
NFL – R5	Oppose	The maximum height limit above 5m for buildings and structures does not reflect the topography of the land or its intended purpose as a rural residential subdivision. The limit is unduly prohibitive.	Remove 5m building limit for established subdivisions.  Alternatively, provide a more realistic building height limit which considers the sloping topography of the area, and amend relevant definitions as necessary.
NFL – R6	Oppose	The cut height is unduly restrictive and not reflective of the topography of NFL's on the West Coast. Particularly in existing subdivisions which are intended for residential subdivision and have existing dwellings.	Remove 1 metre cut height or alternatively provide a more generous cut height which enables residential development as intended in existing subdivisions.  Remove reference to Coastal Environment.
NFL – R8	Oppose	Residential buildings within an NFL are not included in the list of permitted activities, despite there being rural residential subdivisions located within the NFL. The maximum height limits for buildings is unduly prohibitive, particularly where the majority of the Coasts NFL areas are sloping in nature. The floor limits would also be unduly restrictive for a residential build which the submitter seeks to include.	Remove 3m height limit as it is arbitrary, particularly given the topography of NFL's. Alternatively, provide a more realistic building height limit which considers the sloping topography of the area.

			Inclusion of residential buildings as a permitted activity, and increase floor area to 250m <sup>2</sup> minimum to enable houses.
NFL – R10	Oppose	Controlled activity standard 2. Is ambiguous and uncertain	Delete controlled activity standard 2.
CE – 01	Support	The submitter supports this objective which seeks to preserve the character of the coastal environment while recognising that the coastal environment is important in providing for people's social and economic wellbeing.	Retain as notified
CE – P5	Oppose	The submitter supports the provision for buildings and structures within the coastal environment, of an appropriate scale, however considers that the provisions which flow on from this policy do not reflect what is appropriate in all parts of the coastal environment. In addition, the policy does not recognise that there are existing subdivisions within the coastal environment where only some lots have been developed and some remain to be developed.	Include as additional text:  a. Are existing lawfully established structures <u>or sites</u> ;
CE – P6	Support	The submitter supports the provision for buildings and structures within the coastal environment, of an appropriate scale, however considers that the provisions which flow on from this policy do not reflect what is appropriate in all parts of the coastal environment.	Retain as notified
CE – P7	Support	The submitter supports this provision, which allows for development in areas already modified and expansion of existing settlements, however is concerned that the provisions which flow on from this policy are inappropriate.	Retain as notified
CE – R4	Oppose	The coastal environment covers vast areas of the West Coast Region. The proposed restrictions on building in the Coastal Environment are unduly restrictive and do not provide for residential or rural activities which are both anticipated by the underlying zones which make up the Coastal	Remove gross ground floor area size limit for buildings in the RLZ zone by deleting CE-R4.2.iii.I

		Environment. In particular, many established residential dwellings exceed 200m <sup>2</sup> in the area. The rule as worded would trigger a resource consent requirement for almost every dwelling in the Coastal Environment. The proposed floor area and height limits are considered unduly restrictive, and a significant departure from what has already been built within the subdivision.	Alternatively, replace with a more appropriate ground floor area limit which appropriately provides for reasonably sized residential dwellings in within the coastal environment, in line with the operative District Plans in the region.
CE – R8	Oppose	The maximum height limit above 5m for buildings and structures does not reflect the topography of the land or for sites which are already identified as a rural residential subdivision. The limit is unduly prohibitive.	Remove height limit or alternatively set more appropriate height limit where subdivision is in place.
CE – R11	Oppose	Earthworks are not enabled in an area that has been approved for subdivision and which has a number of dwellings which are established.	Include access and building platforms as a permitted activity.
CE – R16	Oppose	Matters of discretion are unduly restrictive for an identified and established subdivision. The matters of discretion (other than those which relate to landscape and amenity value) do not relate to ONL status.	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
CE – R18	Oppose	Matters of discretion are unduly restrictive for an identified and established subdivision. The matters of discretion (other than those which relate to landscape and amenity value) do not relate to ONL status.	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
EW – R1	Oppose	This rule is a duplication of regional council rules. The cut height is unduly restrictive. Particularly in existing subdivisions which are intended for residential subdivision and have existing dwellings.	Remove 1.5 metre cut height or alternatively provide a more generous cut height which enables residential development as intended in existing subdivisions.
EW – R3	Oppose	500m <sup>2</sup> is insufficient for building platform and access on land which has been identified for subdivision and where existing residential dwellings in the subdivision is well established.	Remove 500m <sup>2</sup> limit on earthworks in the RLZ .



			Alternatively, provide a more generous earthworks limit such as 2000m2
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