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**LaBonté Further Reply to Hearing Committee**  
**Re: Decisions Sought/Suggested Resolutions – 7 July 2017**

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During our presentation at the Hearing on 5 July 2017, and questions following the presentation, we were asked by the Commissioners if what we sought remained the same as in our submission on page 11. André requested a bit more time for review. In addition, it happens that both the Primary Submission “Decisions Sought” and the Secondary Submission “Suggested Resolutions”, both appear on pages 11 of those respective documents, so André was looking at the primary submission’ decisions sought (page 11, Oct 2016)) and Robin was looking at suggested resolutions from the secondary documents (also page 11, June 2017) and we are uncertain to which page the Committee was referring.

Therefore, since neither submission addresses the issue of DW119 (Proposed Public Reserve – Land Along MHWM), but do address the issue of Environmental Benefit, we provide the following for clarification which we hope will reconcile the Decisions Sought (Oct 2016) and Suggested Resolutions (June 2017):

- That Proposed Plan Change 85A RPE with respect to our area of Waipu Cove be declined; and,

~~If there is a need to change the Environment zoning, then a~~ A more appropriate zoning for developed coastal areas such as ours at Waipu Cove, is the Rural Living Environment (RLE) [PC85D] where subdivision is a controlled activity; and

Amend CA.2.2 Permitted Activities to:

1. *Construction of non-habitable buildings ancillary to Rural Production or Rural Living activities or network utility activities outside a High or Outstanding Natural Character Area is a permitted activity.*

Amend CA.2.3 Discretionary Activities to:

1. *Construction or external alteration of a residential unit within both the Coastal Area and Rural Production Environment or Rural Living Environment but outside a High or Outstanding Natural Character Area:*

- To amend PC85D RLE by adding a policy requiring an Environmental Benefit to offset any additional subdivision in the Coastal Area.
- That WDC and/or NRC are required to carry out a formal survey of the proposed ONL and High Natural Character areas on our property (and in our presence).
- That identified ONLs and High Natural Character areas are not effectively taken (land confiscation) or formally protected by the Councils such that those features can no longer be used by the land owner as an Environmental Benefit at the subdivision stage. Refer to Consequential Amendments to the Whangarei District Plan (Extracts), paragraph 8.4.9 Protection of Features– (Appendix 1 attached – taken from WDC website on 12 Sept 2016). This differs from Proposed Consequential Amendments to the Operative District Plan Text dated June 2016 (Appendix 2 excerpts attached - taken from the WDC website on 12 Sept 2016).
- That PC 87 – Coastal and PC 114 - Landscapes be amended to include compensation for landowners (either monetarily and/or by way of an Environmental Benefit offset at the time of subdivision, even if the feature(s) (ONF and/or ONL) or Natural Character (ONC/ HNC) areas

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have been previously identified by Council and no formal protection by the landowner has occurred.

With regard to PC114 and the Coastal Classification (PC87), where ONFs and ONLs have already been identified by a plan, albeit without proper consultation with the landowner, those features must only be specifically covenanted or vested in public ownership through an esplanade reserve, strip or easement in the event of subdivision or if the land owner so desires in order to formally protect such a feature(s).

~~Leave the Coastal Countryside Environment and existing Environmental Benefit for subdivision in place; or~~

Amend DW 119 underlying Environment to RLE.

The land designated in DW 119 (Land along MHWL) being Lot 1 DP 69511, Blk VII, Waipu S.D. and Lot 3 DP 67636, Blk VII, Waipu S.D. has been identified as ONF. This ONF is a geological feature which does not facilitate public access along the coast as likely intended by the designation, and comprises an area over 1.5 ha at Lot 1 DP 69511, and has a width greater than the standard 20m Esplanade Reserve. Formal protection of this feature should be considered for Environmental Benefit (or equivalent) allotment(s) at the time of subdivision.

In the event of subdivision, at the above locations, it is likely that additional property landward of the ONF would be required to provide public access along the coast. This access could be provided by means of an easement or Esplanade Strip in exchange for Environmental Benefit (or equivalent) allotment(s) at the time of subdivision.