



28 June 2018

Thames-Coromandel District Council
515 Mackay Street
Thames
Attn: David Lamason

Dear Sir

RMA/2018/203 - SECTION 92 RESOURCE MANAGEMENT ACT 1991

Request for Further Information

In response to your letter dated 22 June 2018 I would like to advise the following:

I have attached an amended AEE (dated 27 June 2018) which includes the items of further information as listed below:

- (i) Paragraph 2.3 has been amended. This was a typographical error and the Assessment of Environmental Effects (AEE) has been updated accordingly.
- (ii) Figures 2 and 3 have been included as Appendix H of the AEE. A PDF version is attached.
- (iii) A list of examples of the indicative types of events intended to be held is attached as Appendix I of the AEE. A PDF version is attached.
- (iv) A list of various historical activities is attached in Appendix J of the AEE. A PDF version is attached.

Professional Opinion on Existing Use Rights

You also request that I provide further comments regarding whether existing use rights (EUR) apply to some of the proposed activities. As stated in section 7 of the AEE, this matter is difficult to analyse due to the legal requirements under the Resource Management Act 1991 (RMA) of 'proving' existing use rights.

Primarily, the applicant has a lack of easily obtainable information to 'prove' EUR in an RMA context. There are also many variables (e.g. noise or number of attendees) relating to each of the different types of events (e.g. live band or a triathlon), which have not been formally recorded and may be difficult to ascertain in retrospect. As a result of these variables, some historical events would have been permitted under the previous District Plans while others may not have been. This makes an assessment difficult, although not impossible.

Despite these difficulties, in my opinion, it would be possible to confirm existing use rights under section 10 of the RMA for a high percentage of the events that have historically been held in Williamson Park. However, the applicant has decided not to attempt to legally establish existing use rights, rather the application for the 15-year consent allows for both the continuation of 'existing activities' along with a measured amount of growth for events at Williamson Park.

This approach ensures transparency for the public regarding both the proposed events and of the Applicants role in the management of Williamson Park. It also shows the clear intentions of the Applicant to operate successful community events within the park.

If the Commissioner finds that a comprehensive assessment of the Existing Environment and Permitted Baseline is appropriate or necessary, we will obviously do our best to provide this.

The proposal is on the table for the Whangamata Community to consider and digest. The public notification process under the RMA will help the Community to make its position clear in terms of its support or otherwise of the proposal.

I trust that this satisfies the s92 response.

If you have any questions, please do not hesitate to contact me on 07 823 3584.

Yours sincerely



Christina Walker
Senior Planner