

**SUBMISSION ON PROPOSED THAMES-COROMANDEL DISTRICT PLAN**

**TO:** Thames Coromandel District Council

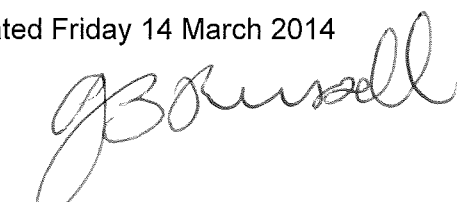
**FROM:** J P & H E Russell, 334 Tangiora Ave, Whangapoua


(Mailing address: P O Box 28 724, Remuera, Auckland 1541) Ph: 021 680391

**Name of Submitter:** J P & H E Russell

1. This is a submission on the proposed Thames-Coromandel District Plan ("PDP").
2. [Name] could not gain an advantage in trade competition through this submission.
3. The specific provisions of the PDP that this submission relates to are set out in **Appendix 1**.
4. [Name.My] submission is set out in **Appendix 1**.
5. [Name/I] considers that unless the relief sought in this submission is granted, the PDP and in particular the specific provisions challenged:
  - 5.1 Will not promote the sustainable management of resources;
  - 5.2 Will be inconsistent with the resource management principles expressed in Part 2 of the Resource Management Act 1991 ("RMA");
  - 5.3 Will be inappropriate and/or contrary to sound resource management practice;
  - 5.4 Will be contrary to relevant provisions in the New Zealand Coastal Policy Statement of 2010 ("NZCPS"); and
  - 5.5 Will not enable people in communities to provide for their social and economic well-being; and
  - 5.6 Will enable the generation of significant adverse effects on the environment that should be addressed through the provisions of the PDP.
6. [Name/I] seeks the decisions from Thames Coromandel District Council ("TCDC") set out in **Appendix 1**, or such similar and consequential relief as necessary to address this submission.
7. [Name/I] wishes to be heard in support of this submission.
8. If others make a similar submission, [Name/I] will consider presenting a joint case with them at a hearing.

Dated Friday 14 March 2014

  
John P Russell

  
\_\_\_\_\_  
[Name]  
Helen E Russell,

## APPENDIX 1 – SUBMISSION

### Section 10 and Section 34 – Natural Hazards

1. This submission concerns the provisions of the PDP directed at coastal erosion and in particular the Future Coastal Protection Line ("FCPL") and Current Coastal Erosion Line ("CCEL").
2. Whangapoua Beach Community is a long established residential settlement, with houses established the full length of the beachfront. Property owners are aware of the potential for coastal erosion and in recent years have experience in employing "soft" coastal protection measures to reinstate and rehabilitate principally the public dune systems in front of their properties.
3. The provision for one dwelling per lot in the Coastal Living Zone is supported. Similarly the purpose of the FCPL is supported to the extent that it enables and facilitates development of houses and associated buildings as a permitted activity in the Coastal Living Zone in the area between the FCPL and CCEL, in accordance with the existing Coastal Living Zone Rules and overlays.
4. Rule 34.11.9.1 refer to buildings and extensions to buildings, "in the Current Coastal Erosion Area overlay" and treats them as a non-complying activity. It is assumed that the reference to the Current Coastal Erosion Area is to the area seaward of the CCEL shown on the Overlay Map 12A. If that is the case, the Rule is opposed. Development within existing residential property boundaries should be provided for on a permitted activity basis in accordance with the Coastal Living Zone Rules.
5. The position of the CCEL is incorrect, inappropriate and does not reflect the knowledge and experience of property owners at Whangapoua Beach. It is therefore sought that the CCEL be either:
  - (i) Deleted; or
  - (ii) Relocated to coincide with the Beachfront Yard/existing seaward title boundaries of the beachfront properties at Whangapoua.
6. On that basis, Rule 9 above is no longer required and should be deleted.
7. Rule 34.13.15.1 is assumed to apply to those activities occurring between the FCPL and CCEL. It is further assumed that the Rule does not intend to require resource consent for a single dwelling on a site at Whangapoua Beach in this area and that existing houses, extensions to existing houses and new houses falling within this area remain a permitted activity within the Coastal Living zone.
8. On that basis the Rule is supported. Otherwise it should be deleted.

9. It is noted, however, that the assessment matters and criteria at Rule 34.14, Criterion 1, refers to development intensification. It is assumed that the reference to intensification relates to second or further dwellings on the site. On that basis the Rule is supported. Otherwise it should be deleted.

#### **Section 41 – Coastal Living Zone – Visitor Accommodation**

10. This submission opposes the provision for visitor accommodation contained at Rule 41.4.2. In particular it is not appropriate to impose a limit of “6 tariff paid visitors staying on-site at any one time”.
11. There are very many homes at Whangapoua Beach and elsewhere on the Peninsula that are able to accommodate more than six people (paying or otherwise) comfortably, without any adverse environmental effects. The Rule does not find support in the Zone Purpose, or any relevant objectives and policies for the zone.
12. Rather it appears to have been introduced for the unlawful purpose of protecting commercial interests of one section of the community, to the disadvantage of residential property owners. Accordingly Rule 41.4.2 should be deleted in its entirety.

#### **Section 34 – Rule 13 – “Soft” Coastal Defence**

13. In Rule 34.11.13 provides for soft coastal defences as a restricted discretionary activity, provided in rock, concrete, metal, timber or geotextile component as buried.
14. The Rule is supported on that basis. It is important that provision is included in the PDP for soft coastal defences on the landward side of Mean High Water Springs, to compliment similar coastal defence mechanisms in the Coastal Marine Area and authorised by the Regional Council.

#### **Protection of New Chums / Wainuiototo Bay**

15. New Chums/Wainuiototo Bay is an area with high landscape, natural character and and biodiversity values, which require protection under Section 6(a) and (c) of the Resource Management Act and Policies 11, 13 and 15 of the New Zealand Coastal Policies Statement. The rural zoning of the farm behind New Chums Beach is supported, as is the Recreation Passive Zoning of the Headland and section of the beach. Also supported is the Natural Character and Outstanding Landscape overlay areas, and the position of the Coastal Environment Line.
16. The following subdivision and development provisions of the PDP are opposed and specified amendments sought.

#### Section 38

17. Rules 8 and 9 providing for subdivision in the Rural Production Zone are opposed to the extent that they provide for subdivision in the Coastal Environment. In order to give effect to Part 2 RMA the NZCPS, subdivision within the Coastal Environment

should be avoided. That is particularly the case in respect of the rural zoned land behind New Chums/Wainuiototo Bay, between the coast and the Coastal Environment Line. Avoiding subdivision and regulating development in this location would give effect to the relevant policies of the NZCPA, Part 2 of the RMA and also be consistent with the Council's Coromandel Peninsula Blueprint adopted by the Council in December 2009. The blueprint concentrates development within the three main urban hubs of Thames, Whitianga and Whangamata, while recognising the special character of small coastal settlements and the rural environment and seeks protection of highly valued natural resources including areas such as New Chums/Wainuiototo Bay.

18. It is important to prevent settlement development or growth particularly in the Coastal Environment Areas of the Rural zone as well as in outstanding natural landscapes, amenity landscapes and natural character areas.
19. The provisions of the PDP provide for excessive subdivision in these areas. Accordingly the following provisions are opposed and/or amendments required:

(a) Section 56- Rural Zone

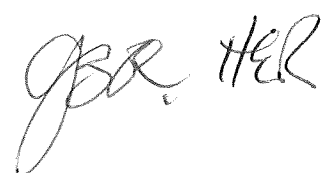
- (i) Amend Rule 12 by adding after the words "minor unit", the words "except in the Coastal Environment Area"
- (ii) Rule 12 – delete "one dwelling per lot" as a permitted activity.
- (iii) Rule 25 – add "one dwelling per lot located entirely within the Coastal Environment Area";
- (iv) Add to the assessment standards, matters and criteria in rule 56.8 table 7
- (v) Amend assessment criterion 4 by adding an additional matter:

*"(j) in the New Chums/Wainuiototo Bay catchment, all structures including dwellings shall be located on the site in a position that ensures that the topography of the land (excluding vegetation) conceals views of the structure from any position on New Chums Beach or from the waters of the Bay defined by the northern and southern headlands of New Chums/Wainuiototo Bay.*

(b) Section 38 Subdivision

The subdivision standards for the Rural zone within the Coastal Environment Area at New Chums/Wainuiototo Bay are opposed. The following amendments are sought:

- (a) Background – amend the reference to subdivision in undeveloped areas of the Coastal Environment to require that subdivision be avoided, rather than "carefully managed" to protect its special character and values.





- (b) Issue 16.2.1 – delete the words “poorly planned” so that the sentence reads “Subdivision can adversely affect the Districts special values ...”;
- (c) Objective 1 and associated policies – amend the objectives to make clear that subdivision is enabled in existing settlements, urban zones and the rural lifestyle zone but discouraged elsewhere in the district and avoided in the coastal environment area.
- (d) Objective 5 – amend to require avoidance of subdivision on headlands and ridgelines.
- (e) Policy 5b –the views from private places can be as significant as those from public places. Accordingly delete the reference at the end of this policy to public places.
- (f) Rule 8 Conservation Lots in the Rural zone – use of the defined term “the site” in this rule is ambiguous. Does it, for example mean that part only of the site need have been the subject of a previous subdivision application? Does it mean that the site to be subdivided must be wholly within an area identified on Figure 1? The creation of Conservation Lots within the Coastal Environment Area should be avoided. Amend rule 8.1 as follows in order to remove the provision of Conservation Lots within the Coastal Environment Area:

*“Subdivision creating one or more Conservation Lots in the Rural zone, excluding those parts of the Rural zone within the Coastal Environment Area, is a restricted discretionary activity provided ...”*

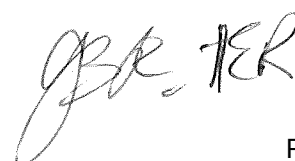
- (g) Rule 9 subdivision creating one or more additional lots – again this is not appropriate in the Coastal Environment Area. Accordingly amend rule 9.1 to read:

*“Subdivision creating one or more additional lots within the Open Space Zone or Rural Area, excluding land within the Coastal Environment Area, is a discretionary activity provided ...”*

- (h) Amend rule 9.2 so that the activity status is prohibited.

### **Forestry – Section 56**

- 20. Rural Zone provides for Afforestation as a permitted activity in the specified circumstances. The rule is supported to the extent that afforestation is not a permitted activity in the Coastal Environment.
- 21. Further, it is not considered appropriate that afforestation be a permitted activity in the catchment of harbours within the district including and in particular Whangapoua Harbour. If Forestry activities have contributed substantially to the degradation of the quality of Whangapoua Harbour and require closer regulation to avoid damaging



effects on waterways and harbours. The requirement for a forest plan to qualify as a permitted activity is not sufficient.

22. Accordingly Rule 11 is opposed. Further, Table 8 assessment criteria for restricted discretionary activity, is too general and does not particularise the outcomes sought.
23. The following amendments are sought:
  - (a) Change the activity status for Afforestation outside of the Coastal Environment in Rule 11 to discretionary;
  - (b) Re-write the assessment criteria in Table 8 to specify the particular outcomes sought, ensuring that they include minimising effects on waterways and harbours;
  - (c) Amend the activity status in Rule 11.2 to read "non complying activity".

**Rural Zone Land Bounded by the Punga Punga River, Coastal Living Zone on McMahon Avenue, Te Punga Road and the Denise Driveway at Whangapoua**

24. This submission refers to the flat Rural zoned land at the above location at Whangapoua. The land is zoned rural and farmed. It is highly susceptible to flooding and on several occasions in recent years the Punga Punga River has breached its bank causing the entire area to be swept with floodwaters to a significant depth.
25. Importantly, this area, in addition to being farmland, provides important habitat for several dozen species of birds including endangered species.
26. It is also within the Coastal Environment Area, outside of the existing coastal settlement.
27. The land should not be filled, subdivided or developed its flood prone nature and relative protection from predatory species, enhances its values as a wildlife habitat in times of flood, the land also acts as a reservoir, thereby protecting upstream residential developments within the Coastal Living Environment. The PDP should include recognition of the flood prone nature of this land and also its value as a bird habitat, including for endangered species. Future subdivision should be a prohibited activity.



Sent: Friday, 14 March 2014 9:55:52 a.m.

To: TCDC General Mail Address

Subject: Submission on Proposed Thames-Coromandel District Plan

## Proposed Thames-Coromandel District Plan

### Name

Miriam Pierard

### Address

5 Kings Road  
Auckland 1024  
New Zealand

[Map It](#)

### Email

[horanns@gmail.com](mailto:horanns@gmail.com)

### My submission is:

Given the outstanding landscapes and ecology of the Coromandel Peninsula and for the benefit of communities and future generations, we need much stronger planning regulations to protect our environment from Mining Activities. The PDP does not articulate the special Qualities, Values and Natural Character of the Coromandel Peninsula, therefore:

I oppose any part of the Proposed District Plan (PDP) which allows Mining Activities, including underground mining, in the District, especially in CONSERVATION, COASTAL, RURAL and RESIDENTIAL ZONES.

- I require the PDP to uphold biodiversity values expressed in the RMA Section 6. I require the Plan to Prohibit all Mining Activities in Outstanding Natural Landscape, Natural Character and Amenity Landscape Overlays in the Section 32 Rules.

- The Objectives and Policies in Section 14 do not reflect community and biodiversity values required by the Waikato Regional Policy Statement (RPS), the Resource Management Act (RMA) and Hauraki Gulf Marine Park Act (HGMPA).

- I require the Plan to specifically protect our coastal environment from mining. The Coastal Zone has been removed without giving adequate protection to coastal biodiversity from adverse impacts of mining. I require the Coastal Environment Overlay to include a rule prohibiting all mining activities.

- The TCDC has failed to translate the 'High Value Conservation Areas' identified in Schedule 4 into 'Outstanding Natural Landscapes' (ONL). I require the Plan to accurately protect Schedule 4 land on the Coromandel Peninsula from all Mining Activities by including all identified Schedule 4 land as part of the Outstanding Landscape Overlay.

- I am concerned that Newmont's Mining Activity in Waihi, including broken promises and mining expansion under people's homes without their consent, is a threat to our small coastal communities. I want the Plan to Prohibit Mining Activities under people's homes.

- I need to be confident that the TCDC has recognised the views of tangata whenua on mining in the PDP.

I oppose Section 37 - Mining Activities.

- Section 37.4 Note 1 fails to provide any rules for Underground Mining Activities in affected Zones outside the access zone.

- I want the TCDC to amend Section 37.4 Table 1 of the PDP to state that all Mining Activities are Prohibited in all Zones, including prospecting and exploration, or other such relief that has the same effect.

- I support Quarrying activities to be separated from Mining Activities to avoid confusion.

I oppose Section 14 - Mining Activities.

- I want the language of in Section 14.1 (Mining Activities) to clearly state how future mining activities will have a major adverse impact on the unique Conservation Values and Natural Character of the Coromandel. We must acknowledge the adverse impacts of the modern Mining Industry on small communities.

- I want the TCDC to remove the sentence: "The District has a long history of mining for gold and other minerals." (p73), and instead acknowledge that the Gold Mining boom lasted only 70 years, between 1860 and 1930, and was a small scale industry compared to the Mining Activities of today.

- I want the Plan to acknowledge the long term economic, social and environmental legacy of historical mining in the District and it's detrimental effects.

- Of particular concern to me is the statement "The Plan includes provisions to enable the Council to take the presence of mineral resources into account when assessing proposals for the subdivision, use and development of land." (p73) Along with Section 14.2.2 this gives mining priority over other forms of development. I oppose Mining Activities having such a priority. I completely disagree with the intention of Section 14.2.2 and require this to be removed as it is unrepresentative of community values.

- The Coromandel Peninsula Blueprint, where community values were assessed, has not been fully translated into the Plan and sustainable and development and biodiversity growth are not prioritised. I support the council to change the wording in the PDP to uphold these values expressed by Coromandel communities.

- There is no acknowledgment of the fact that a large number of Coromandel residents are opposed to mining, TCDC must acknowledge this, and that the 40 year history of the 'No Mining' campaign in Coromandel has contributed significantly to our Natural Character.

In summary: I require the plan to be amended so that all mining activities are prohibited in all zones and overlays, or other such relief that has the same effect, and the language amended in Section 14 to accurately represent the history of mining and the opposition to it.

The special nature of the Coromandel warrants robust protection especially as there is so much economic revenue and employment dependent on our reputation as a clean green holiday destination. It is vital we do not allow mining into the Peninsula, as this is contrary to the existing Natural Character of the Thames-Coromandel District.

**I would like to speak to my submission.**

- No

**I would consider presenting a joint case with others who have made a similar submission.**

- Yes
- No

**I would like to thank the Council for this opportunity to submit on the PDP.**

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**Yours sincerely,**

Miriam Pierard

**Date**

14/03/2014



# Proposed Thames-Coromandel District Plan



## Submission Form

Form 5 Clause 6 of the First Schedule to the Resource Management Act 1991

### Your submission can be:

- Online:** [www.tcdc.govt.nz/dpr](http://www.tcdc.govt.nz/dpr)  
Using our online submissions form
- Posted to:** Thames-Coromandel District Council  
Proposed Thames-Coromandel District Plan  
Private Bag, Thames 3540  
Attention: District Plan Manager
- Email to:** [customer.services@tcdc.govt.nz](mailto:customer.services@tcdc.govt.nz)
- Delivered to:** Thames-Coromandel District Council, 515 Mackay Street, Thames  
Attention: District Plan Manager (or to the Area Offices in Coromandel, Whangamata or Whitianga)

### Submitter Details

Full Name(s)	JEREMY PHILLIP LOMAS		
or Organisation (if relevant)			
Email Address	jeremylomas@me.com		
Postal Address	c/- HAHEI STORE		
	RDI	WHITIANGA	3591
Phone no. <small>include area code</small>	021 779098		Mobile no. 021 606592

**Submissions must be received no later than 5 pm Friday 14 March 2014**

If you need more writing space, just attach additional pages to this form.

### PRIVACY ACT 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to make this information available under the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Thames-Coromandel District Council. You have the right to access the information and request its correction.





## Your Submission

**The specific provisions of the Proposed District Plan that my submission relates to are:**  
(please specify the Objective, Policy, Rule, Map or other reference your submission relates to)

The specific provisions to which our submission relates, as laid out in the letter attached to this submission.

**My submission is:**

(clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your view)

I support ☐ oppose ☒ the above plan provision.

**Reasons for my views:**

Please refer to the accompanying letter which forms part of this submission.

**The decision I seek from the Council is that the provision above be:**

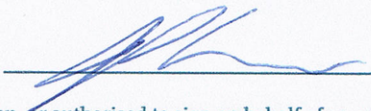
Retained ☐ Deleted ☐ Amended ☒ as follows:

Please refer to the accompanying letter which forms part of this submission.

## Proposed District Plan Hearing

I wish to be heard in support of my submission. ☐ Y ☒ N

If others make a similar submission, I will consider presenting a joint case with them at a hearing. ☒ Y ☐ N

Signature of submitter  Date 10 March 2014

Person making the submission, or authorised to sign on behalf of an organisation making the submission.

## Trade Competition

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

I could gain an advantage in trade competition through this submission. ☐ Y ☒ N

If you could gain an advantage in trade competition through this submission please complete the following:

**I am 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.

☒ Y ☐ N

If you require further information about the Proposed District Plan please visit the Council website [www.tcdc.govt.nz/dpr](http://www.tcdc.govt.nz/dpr)



**10 March 2014**

**RE: Letter in support of my Submission on the TCDC Proposed District Plan**

Dear Mayor Leach and TCDC Councilors,

My name is Jeremy Lomas and I own a holiday house in Hahei.

I oppose the various provisions for Visitor Accommodation throughout the Proposed Thames Coromandel District Plan ("Proposed Plan") as they relate to renting out of private dwellings/holiday homes.

There is no proven evidence that the consumption of local resources and the amenity effects on neighbours are any different with holiday rental holiday homes compared to properties used by their owner/family/friends.

The proposed changes will affect existing holiday home owners, as well as those that aspire to holiday home ownership in the Coromandel. In particular I believe the rules:

- Will decrease the income I receive from my holiday home – income I use to offset expenses such as rates and maintenance.
- Could reduce the value of my property as holiday home ownership becomes less desirable in the Coromandel due to the limitations imposed on holiday rental.
- Will mean less choice for tourists wishing to stay in the Coromandel, resulting in fewer visitors to the region, impacting on Coromandel businesses as result.
- Will not change the amenity effects arising from holiday home usage on the Coromandel.

I urge you to reconsider these rules in your Draft Annual Plan for 2013/2014 and look to implement a system more like that used by Queenstown Lakes District Council that provides allowance for holiday houses to better distinguish them from true commercial accommodation.

I seek the following decision from the Thames Coromandel District Council:

**As Principal Relief**

(i) Amend the definition of "Visitor Accommodation" in the Proposed Plan, such that the rental of holiday homes is specifically excluded from the definition.

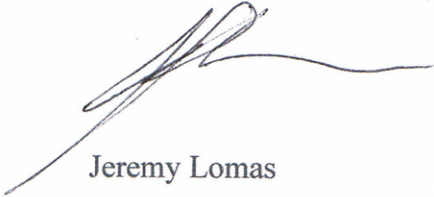
**Or, in the alternative, if the principal relief in (i) above is not accepted**

(ii) Amend all references to the permitted activity conditions for Visitor Accommodation in the various zones throughout the Proposed Plan relating to "6 tariff-paid customers on-site at any one time" instead amending this to "12 tariff-paid customers on-site at any one time", and delete any condition requiring the activity to be undertaken within an existing dwelling, minor unit or accessory building.

**And, in relation to both (i) and (ii) above**

(iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

I look forward to your response.

A handwritten signature in dark ink, appearing to read 'Jeremy Lomas', with a long horizontal flourish extending to the right.

Jeremy Lomas

4 Margaret Place, Hahei





**QEII National Trust**  
Open Space New Zealand  
Ngā Kairauhi Papa

12 March 2014

Thames-Coromandel District Council  
Proposed Thames-Coromandel District Plan  
Private Bag, Thames 3540  
**Attention: District Plan Manager**  
Email: customer.services@tcdc.govt.nz

**Thames-Coromandel District Council Proposed District Plan 2014**  
**National Trust submission**

Dear Sir/Madam,

Thank you for the opportunity to submit on the Proposed Thames-Coromandel District Plan.

This submission relates to the whole of the Proposed Thames-Coromandel District Plan as it will require re-visiting other parts of the plan to address the issues identified in following sections:

- Section 6 – Biodiversity
- Section 7 – Coastal Environment
- Section 9 – Landscape and Natural Character
- Section 15 – Settlement, Development and Growth
- Section 16 – Subdivision
- Section 29 – Biodiversity
- Section 32 – Landscape and Natural Character
- Section 38 – Subdivision
- Appendix 4 – Subdivision Design Principles

**Introduction**

1. The Queen Elizabeth II National Trust (the Trust) was established by the Queen Elizabeth the Second National Trust Act 1977 "to encourage and promote the provision, protection and enhancement of open space for the benefit and enjoyment of the people of New Zealand". An "open space covenant" is a legal agreement between the Trust and a landowner to protect a special 'open space' feature, and in most cases this is 'in perpetuity'.
2. The Trust has responsibility for the legal protection of a significant collective area of values in the New Zealand landscape. To date, 3,833 open space covenants covering 105,353 hectares have been registered throughout New Zealand. Within the Thames-Coromandel District there are currently 133 registered open space covenants which protect 3,992 hectares.
3. The Trust has approved and registered 77 covenants that protect special features through Conservation Lot subdivision policy. These covenants contribute to the protection of a variety of significant natural and cultural values in the Thames-Coromandel district such as indigenous

forests and wetlands (including threatened species' habitat), geological, landscape and archaeological features.

### **National Priorities for Biodiversity**

4. Much of New Zealand's rare and threatened native biodiversity is found on private land; therefore the Trust and councils are uniquely placed to advance the objectives of the New Zealand Biodiversity Strategy (NZBS, DoC, 2000) which guides decision making for biodiversity management on private land. The Trust supports the NZBS by giving precedence to covenant proposals that fall within the four national priorities of the Statement of National Priorities (Department of Conservation (DOC) and Ministry for the Environment (MFE), 2007):

#### **National Priority 1**

To protect indigenous vegetation associated with land environments (defined by Land Environments of New Zealand at Level IV), that have 20% or less remaining in indigenous cover.

#### **National Priority 2**

To protect indigenous vegetation associated with sand dunes and wetlands; ecosystem types that have become uncommon due to human activity.

#### **National Priority 3**

To protect indigenous vegetation associated with 'originally rare' terrestrial ecosystem types not already covered by priorities 1 and 2.

#### **National Priority 4**

To protect habitats of acutely and chronically threatened indigenous species.

5. The National Priority 1 Land Environments are referred to as 'Acutely' and 'Chronically' Threatened Environments (Walker *et al.* 2008) and represent ecosystems that are highly under-represented. National Priority 1 promotes the protection of existing ecosystems associated with these areas, but also highlights the need to establish further native vegetation in these areas to make progress towards these ecosystems becoming adequately represented.
6. The maintenance of biological diversity is a council function under RMA Part 31, 1a(iii), and to achieve this requires the pursuit of an adequate representation of all ecosystems within the district. The NZBS (DoC, 2000, P.6) also strongly supports this in Goal 3: *"Maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state..."*
7. Kendal and Stewart (2010) highlight that Acutely and Chronically Threatened Environments have only 6% and 10% of native vegetation cover respectively in the Thames-Coromandel district, well below the 20% cover necessary for the minimum requirements of ecosystem representation, not to mention legal protection. Further, only 2% (69ha) of Development Covenants that were established through TCDC district planning to date cover areas in these most highly Threatened Environments. Indeed, 51% of the Development Covenants were established in areas where the ecosystems are already well represented by protected examples.
8. The missed opportunity of ecosystems restoration in highly Threatened Environments is part of the reason that the ecosystems of these areas remain significantly under-represented today.

The Proposed Thames-Coromandel District Plan fails to address the identified issue of restoring these highly Threatened Environments.

9. The NZBS recognises that local council plans are the best-placed mechanisms for significant change toward achieving the National Priority biodiversity objectives: *"While New Zealand needs to set national priorities and targets, biodiversity exists locally; once priorities have been set, it is local management effort that will determine successful outcomes. The challenge regionally and locally is to translate national priorities and targets into regional and local plans and programmes, promoting the effective participation of communities and resource managers."* (DoC & MfE, 2000. p 10).
10. The higher altitude forest ecosystems of the Thames-Coromandel district are already well represented and protected, and are therefore not a priority for restoration and protection. These forests do not cater for the full diversity of habitat required to maintain biodiversity, despite the relatively large area that they cover. The maintenance of biodiversity wealth is not measured only by area of forest, but more importantly by the variety of complementary and diverse ecosystems across a landscape that is necessary to ensure the sustainability of wildlife populations through all the seasons. A resilient representation of all ecosystems is also vital to sustain biodiversity into the future with predicted climate change pressures.

#### **Subdivision**

11. The Proposed Thames-Coromandel District Plan is repeating the model of subdivision in the current district plan which prioritises protection of existing natural features only on the property that is being subdivided. This can have the perverse outcome of causing a permanent pattern of fragmentation and disturbance of the ecosystems and threatened species that are aimed to be protected across the district.
12. This is greatly pronounced in the Proposed Thames-Coromandel District Plan whereby subdivision rights are associated with the presence of the 'more significant' Significant Natural Areas (SNAs) on a property, of which only a relatively small area is required for protection. This system has not given regard to the suitability of these areas for subdivision development, effects of their fragmentation and the clash with the high values represented in these ecosystems.
13. The Trust has reservations about the Proposed Thames-Coromandel District Plan, as it is drafted, being able to deliver resilient and sustainable protected natural features that sufficiently represent the full range of ecosystems in the districts landscape, particularly in the subdivision policy. While the Trust applauds the current focus on protecting existing significant natural features where they lie within a Threatened Environment, this is only part of an approach focussed on 'ecosystem-needs' and 'threatened species-needs' that is necessary for subdivision policy if the district is to contribute towards the maintenance and enhancement of biodiversity in the most effective way that is available to the council. The under-representation of Threatened Environments (and associated lack of habitat for threatened species') is a significant biodiversity issue for the District, and the district plan is the best mechanism to enable certain and substantial progress towards improving this.

### **Recommended approach for the District Plan**

14. As a precautionary approach, it would be prudent for the Proposed Thames-Coromandel District Plan to aim to restore and protect indigenous cover in all under-represented Land Environments to greater than the 20% threshold set by MfE/DoC (2000). This is because the 20% threshold does not allow for the effects of other processes acting on these under-represented ecosystems identified by Walker et.al. (2008) such as fragmentation, isolation, edge effects, co-extinctions and increased susceptibility to exotic pests and weeds. By contributing to the increased representation of those ecosystems that most need it, there is a simultaneous benefit for associated threatened species' populations for which habitat is a limiting factor to population increase.
15. In the Trust's experience the best opportunity for excellent covenants come from a District Plan that has policy which targets the most valuable existing or potential natural features for covenants, and ensures that they are planned and resourced to be set up well. The Trust is wary of subdivision-generated covenant proposals when they have been poorly designed through council policy that limits good covenant design parameters; and where they create practical and administrative problems for managing the features in perpetuity.
16. District Plan subdivision development incentives are a significant tool for achieving future representation and protection of the Thames-Coromandel districts biodiversity values. If the incentives are weighted suitably they can encourage appropriate development while resourcing significant biodiversity outcomes, then the principles of the District Plan and RMA will be achieved. The opportunities for utilising the transfer of development rights and the synthesising of conservation and resource uses in the same landscape will enable the best biodiversity enhancement outcomes that a district plan could achieve.
17. In other districts the Trust has experience significant gains in proposed covenants where that district has incentivised the establishment and ongoing support of covenants over significant areas. Councils have taken a strategic approach to offering support to landowners with the highest value ecosystems worthy of protection, and this proactive and voluntary approach to working with landowners is an advantage to securing the special values of these areas. The Trust would like to discuss further with TCDC how we can cooperate outside of regulatory consent processes to provide appropriate resources together to support protecting areas in this way.

### ***Natural feature restoration***

18. The Trust understands that restoration of native vegetation in areas where ecosystems are under-represented is necessary, and that this can take time to ensure successful establishment of a natural feature. The Trust recognises the ability for Council to apply stringent terms to the conditions of resource consents in regard to the restoration of natural features to ensure their successful establishment before the Trust takes over responsibility for monitoring their ongoing management. Therefore The Trust is willing to come to a Memorandum of Understanding (MOU) arrangement with TCDC to accept covenants proposed through resource consents that restore natural features providing they meet the criteria developed under the MOU.

19. There are many opportunities for restoration around existing and new activities in the landscape. There is also potential for a variety of uses of the land that are alternative to the traditional farming or forestry models. The Trust is aware of the move away from 'boxed conservation' towards the integration of land use and conservation of natural resources in landscapes. Open space covenants have the ability to incorporate a great variety of activities to allow for different land uses within natural features that are compatible with the protection of the natural feature values. For example, in the Thames-Coromandel district there is a covenant with a tourist train ride, and another that allows for public walking access to New Chum beach. There is also a covenant in the South Island that allows the sustainable harvest of native timber operating under an approved management plan under the indigenous forest management provisions of the Forests Act. The Trust remains open to considering placing covenants over landscapes that maintain multiple resources, as this allows for many opportunities for ecosystem restoration where it may otherwise not have when considered alone. A MOU would need to be developed between the Trust and TCDC to clarify the types of activities that would be suitable.
20. There is much opportunity for a landscape-ecosystems approach to planning that encourages a multi-property re-development approach. This enables both development and ecosystem restoration to occur relative to the best planning opportunities across a landscape rather than being confined to a property title. Ecosystem restoration is then not compromised by the confined placement of associated housing and infrastructure. The Coromandel Peninsula Blueprint project identifies three agreed development hubs in the Thames-Coromandel district, and confirms the district community's desire to avoid activities that damage natural ecosystems and to enhance biodiversity.
21. Allowing the transfer of subdivided title rights between non-contiguous parent titles, and the related consolidation of areas of under-represented ecosystems to be restored and protected will ensure the highest value of biodiversity outcomes that the Proposed Thames-Coromandel District Plan seeks. Consolidated protected areas have more opportunity for creating larger and more resilient covenants that have less 'edge effects' and fencing to manage over time. There is also a reduction in the administration of multiple owners over a natural feature which requires a higher level of administrative coordination for active and successful biodiversity management (such as pest control) over time.
22. The Proposed District Plan policy includes the Trust covenants as SNAs by default while excluding SNAs on other private land. This is not appropriate. The Trust covenant conditions can protect a wide range of values, and many have been set up (often under a voluntary basis) to permit certain activities. For example, many covenants have provision for huts, tracks, driveways, pets, vegetation clearance and even some houses within the covenant. So the policy has selectively disadvantaged these covenant owners that they require resource consent for activities in an SNA that are otherwise allowed for within their covenant. Other private landowners with identified SNAs are not subject to these policies requiring resource consent over similar areas on their land that don't have an open space covenant. There has been an assumption that the conditions of covenants automatically equate to the matters covered in



Table 1 of Section 34.7. SNA's are part of a strategic approach to identifying natural areas that need protection but don't yet have it, therefore covenants do not need to be included as areas that are being targeted for protection.

23. The Trust is aware that the Thames-Coromandel District Council has a preference for covenants generated from resource consents to be open space covenants. As a dedicated covenant management agency the Trust is willing to consider covenants from subdivision where they are designed to fit in that landscape in a way that best serves the protection and management of those special features in perpetuity. For avoidance of doubt, all costs of a covenant associated with subdivision consent would fall on the landowner and not the Trust. A MOU would need to be developed between the Trust and TCDC to clarify the types of covenants that would be suitable.

### Summary

24. The Trust is not confident that the Proposed Thames-Coromandel District Plan, as drafted, will achieve Parts 5, 6, and 7 of the Resource Management Act, nor will it achieve Objectives 1 and 2 of the New Zealand Coastal Policy Statement (DoC, 2010), nor will it significantly advance the goals of the New Zealand Biodiversity Strategy. This includes, but is not limited to, the matters raised in this submission.
25. The Trust supports Thames-Coromandel District Council to take bold new directions in weaving resilient ecosystem restoration and protection into the activities of our developed landscape. Ensuring that policy practically targets the necessary requirements for enhancing and protecting biodiversity will provide council with the most focussed method of achieving their regulatory responsibilities and the goals of the NZBS.
26. The Thames-Coromandel District Council (TCDC) plays a critical role in partnership with the Trust and other organisations to protect and enhance the values that uniquely identify the Coromandel Peninsula. We wish to continue building a positive working relationship with TCDC to help achieve the councils' objectives for biodiversity and landscape protection in the District.

The Trust wishes to speak at the hearing for this Proposed Thames-Coromandel District Plan.

Yours sincerely



Mike Jebson  
Chief Executive,  
Phone: 04 474 1683  
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### **References:**

Department of Conservation, 2000. *New Zealand Biodiversity Strategy*:

<http://www.biodiversity.govt.nz/picture/doing/nzbs/index.html>

Department of Conservation & Ministry for the Environment, 2007: *Protecting Our Places: Information about the Statement of National Priorities for Protecting Rare and Threatened Biodiversity on Private Land*. Ministry for the Environment, Publication number ME 805, Wellington.

Kendal, H., Stewart, P. 2010. *Are covenants working? Biodiversity protection through the Thames-Coromandel District Council District Plan*. Unpublished report for Thames-Coromandel District Council.

Walker, S., Price, R. and Rutledge, D. 2008: *New Zealand's remaining indigenous cover: recent changes and biodiversity protection needs*. Science for Conservation 284. Published by the Department of Conservation, Wellington.



# Proposed Thames-Coromandel District Plan

THAMES  
COROMANDEL  
DISTRICT COUNCIL

## Submission Form

Form 5 Clause 6 of the First Schedule to the Resource Management Act 1991

### Your submission can be:

Online: [www.tcdc.govt.nz/dpr](http://www.tcdc.govt.nz/dpr)  
Using our online submissions form

Posted to: Thames-Coromandel District Council  
Proposed Thames-Coromandel District Plan  
Private Bag, Thames 3540  
Attention: District Plan Manager

Email to: [customer.services@tcdc.govt.nz](mailto:customer.services@tcdc.govt.nz)

Delivered to: Thames-Coromandel District Council, 515 Mackay Street, Thames  
Attention: District Plan Manager (or to the Area Offices in Coromandel, Whangamata or Whitianga)



### Submitter Details

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**Submissions must be received no later than 5 pm Friday 14 March 2014**

If you need more writing space, just attach additional pages to this form.

### PRIVACY ACT 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to make this information available under the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Thames-Coromandel District Council. You have the right to access the information and request its correction.





## Your Submission

*The specific provisions of the Proposed District Plan that my submission relates to are:*  
(please specify the Objective, Policy, Rule, Map or other reference your submission relates to)

The specific provisions to which our submission relates, as laid out in the letter attached to this submission.

**My submission is:**

(clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your view)

I support ☐ oppose ☒ the above plan provision.

**Reasons for my views:**

Please refer to the accompanying letter which forms part of this submission.

*The decision I seek from the Council is that the provision above be:*

Retained ☐ Deleted ☐ Amended ☒ as follows:

Please refer to the accompanying letter which forms part of this submission.

## Proposed District Plan Hearing

I wish to be heard in support of my submission. ☐ Y ☒ N

If others make a similar submission, I will consider presenting a joint case with them at a hearing. ☐ Y ☒ N

Signature of submitter *[Signature]* Date 10/3/14

Person making the submission, or authorised to sign on behalf of an organisation making the submission.

## Trade Competition

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

I could gain an advantage in trade competition through this submission. ☐ Y ☒ N

If you could gain an advantage in trade competition through this submission please complete the following:

*I am directly affected by an effect of the subject matter of the submission that –*

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

If you require further information about the Proposed District Plan please visit the Council website [www.tcdc.govt.nz/dpr](http://www.tcdc.govt.nz/dpr)

THAMES-COROMANDEL DISTRICT COUNCIL  
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10<sup>th</sup> March 2014

Dear Mayor Leach and TCDC Councilors,

**RE: Letter in support of my Submission on the TCDC Proposed District Plan**

Our names are John & Lyn Suisted and we own a holiday home in Whangamata.

We **oppose** the various provisions for Visitor Accommodation throughout the Proposed Thames Coromandel District Plan ("Proposed Plan") as they relate to renting out of private dwellings/holiday homes.

There is no proven evidence that the consumption of local resources and the amenity effects on neighbours are any different with holiday rental holiday homes compared to properties used by their owner/family/friends.

The proposed changes will affect existing holiday home owners, as well as those that aspire to holiday home ownership in the Coromandel. In particular I believe the rules:

- Will decrease the income I receive from my holiday home – income I use to offset expenses such as rates and maintenance.
- Could reduce the value of my property as holiday home ownership becomes less desirable in the Coromandel due to the limitations imposed on holiday rental.
- Will mean less choice for tourists wishing to stay in the Coromandel, resulting in fewer visitors to the region, impacting on Coromandel businesses as result.
- Will not change the amenity effects arising from holiday home usage on the Coromandel

I seek the following decision from the Thames Coromandel District Council:

**As Principal Relief**

(i) Amend the definition of "Visitor Accommodation" in the Proposed Plan, such that the rental of holiday homes is specifically excluded from the definition.

**Or, in the alternative, if the principal relief in (i) above is not accepted**

(ii) Amend all references to the permitted activity conditions for *Visitor Accommodation* in the various zones throughout the Proposed Plan relating to "6 tariff-paid customers on-site at any one time" instead amending this to "12 tariff-paid customers on-site at any one time", and delete any condition requiring the activity to be undertaken within an existing dwelling, minor unit or accessory building.

**And, in relation to both (i) and (ii) above**

(iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

I look forward to your response.

Yours faithfully,

