

**NOTICE OF SUBMISSION TO THE PROPOSED THAMES COROMANDEL DISTRICT
PLAN PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE
MANAGEMENT ACT 1991**

To: Thames-Coromandel District Council
Proposed Thames-Coromandel District Plan
Private Bag
Thames 3540
Attention: District Plan Manager

customer.services@tcdc.govt.nz

Submitter:	Z Energy Ltd PO Box 2091 WELLINGTON	BP Oil NZ Ltd PO Box 892 WELLINGTON
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Mobil Oil NZ Ltd
PO Box 1709
AUCKLAND

Hereafter referred to as the "Oil Companies".

Address for Service: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
PO Box 33-817, Takapuna,
AUCKLAND 0740

Attention: Kathryn Akozu

Phone: (09) 917-4302

Fax: (09) 917-4311

Email: kakozu@burtonconsultants.co.nz

A. INTRODUCTION

The Oil Companies receive, store and distribute refined petroleum products.

The Oil Companies have commercial, shore and marine based and aviation and bulk storage facilities (which are regionally significant infrastructure) and are also owners of retail outlets and suppliers of petroleum products to individually owned retail outlets. Oil Company sites are identified as Hazardous Activities and Industries List (HAIL) sites as they are sites that use hazardous substances and have a potential to be contaminated.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THE OIL COMPANIES SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

This submission relates specifically to the following provisions of the Proposed Thames Coromandel District Plan (*the District Plan*):

- Section 12 - All Objectives and Policies that relate to Contaminated Land and Hazardous Substances.
- Section 36.1 - Background
- Section 36.2 – How do I know if my land is contaminated
- Section 36.5 – Contaminated Land
- Rule 7 in Section 36
- Section 40 – Rule 5
- Section 41 – Rule 5
- Section 42 – Rule 6
- Section 43 – Rule 6
- Section 44 – Rule 4
- Section 45 – Rule 5
- Section 46 – Rule 4
- Section 47 – Rule 4
- Section 48 – Rule 4
- Section 49 – Rule 6
- Section 50 – Rule 4
- Section 51 – Rule 8
- Section 52 – Rule 6
- Section 53 – Rule 6
- Section 54 – Rule 4
- Section 55 – Rule 3
- Section 56 – Rule 6

- Section 57 – Rule 6
- Section 58 – Rule 7
- Section 59 – Rule 7

The Oil Companies submission points on each of these matters, the rationale for the submission points and the specific relief sought is addressed in the following schedules. In addition, in giving effect to the general and specific relief set out in the following schedules the Oil Companies seek to ensure that the provisions of the District Plan do not unreasonably and/or unnecessarily restrict their maintenance activities and oil industry standardised procedures.

- C. THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION**
- D. IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**
- E. THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**
- F. THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—**
- (i) ADVERSELY AFFECTS THE ENVIRONMENT; AND**
 - (ii) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Signed on and behalf of Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Ltd



Kathryn Akozu
Senior Planner

Dated this day of 14th March 2014

**SCHEDULE ONE: PART 3, SECTION 12, CONTAMINATED LAND AND HAZARDOUS
SUBSTANCES OBJECTIVES AND POLICIES**

1. The specific part of the District Plan that is subject of this submission is:

- Section 12 - All Objectives and Policies that relate to Contaminated Land and Hazardous Substances.
- (i) The Oil Companies support the general intent of the objectives and policies. However there are some matters that require further clarification and amendment.

2. Reason for Submission:

- (i) The District Plan contains the following Objectives and Policies as they relate to Contaminated Land and Hazardous Substances:

Contaminated Land

Objective 1

The risks to human health and the wider environment from potentially contaminated land are avoided, remedied or mitigated when a change in land use occurs.

Policy 1a

Subdivision and use of potentially contaminated land shall be controlled in accordance with the Resource Management National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

Policy 1b

Adverse effects of contaminated land on human health and the environment, arising as a result of subdivision or a change in land use, shall be minimised through a Council approved site remediation process.

Hazardous Substances**Objective 2**

The storage, use, disposal and transport of hazardous substances in the District does not adversely affect people, property and the environment.

Policy 2a

Hazardous facilities shall be designed, constructed and managed to avoid significant adverse effects on the environment.

Policy 2b

Appropriate facilities and systems shall be provided to avoid pollution of soil, groundwater, watercourses and air in the event of any accidents (including spills and gas escapes) involving hazardous substances.

Policy 2c

Any proposal for a hazardous facility shall demonstrate that it has taken into account natural hazards which could adversely influence the inherent risks that a hazardous facility could pose to the environment.

Policy 2d

Emergency management equipment and plans prepared in accordance with best practice shall be provided for each hazardous facility.

Policy 2e

Waste management plans that include procedures for disposal practices and use of waste contractors shall be prepared for wastes containing hazardous substances.

Policy 2f

Alternative locations shall be considered to ensure the most appropriate site has been identified given the potential effects of a proposal to develop, use or subdivide land to store, use, dispose or transport hazardous substances.

Objective 3

People, property and the environment are protected from residual risks posed by new hazardous facilities.

Policy 3a

The identification, assessment and management of the effects of hazardous facilities shall ensure that residual risks to people, property and the natural environment are minimised.

Objective 4

Sensitive land uses are established at suitable locations to avoid reverse sensitivity effects on established hazardous facilities.

Policy 4a

The establishment of sensitive land uses in close proximity to existing hazardous facilities or areas identified for hazardous facilities should be avoided, to allow such facilities to carry out their operations without unreasonable constraints.

- (ii) Section 12.1.1, and in particular paragraph 2, is supported and should be retained without modification.
- (iii) Objectives 2 and 4 and Policies 2c, 2d, and 4a are supported and should be retained without modification.
- (iv) Objective 1 should be amended to refer to “adverse effects” as opposed to “risk”. This is because it is not possible to avoid risk associated with contaminated land as the contamination has already occurred. Another key issue that this Objective needs to achieve is ensuring that any adverse effects associated with contaminated land are appropriately managed depending on the intended use of the site. For example, the level of contamination that may be acceptable at an industrial site (e.g. a service station) where the site is entirely covered in paved impermeable surfaces will differ from that of more sensitive land uses such as residential dwellings.
- (v) On that basis Objective 1 should be amended to read as follows:

Objective 1

The ~~risks~~ adverse effects on ~~to~~ human health and the wider environment from potentially contaminated land are ~~avoided, remedied or mitigated~~ appropriately managed, when a change in land use occurs, having regard to the intended use of the land.

- (vi) Policy 1b should be amended to remove reference to “remediation”. This is important as the Oil Companies wish to avoid the situation where remediation (source control) is required for all contaminated land. The key emphasis should be in the appropriate management of contaminated land and the type of management required will depend

upon an array of factors including level and type of contaminants present, pathways, receptors, future use of the land and various engineering solutions to the management (such as capping, building design, treatment options including remediation.) Management processes may also include the requirement for a site management plan. Remediation is and should be seen as a subset of the management of contaminated land which involves a range of source, pathway and/or receptor controls. The intent of the NES is to ensure that the broad suite of options can be considered and applied where appropriate and relevant and this should be reflected in the policy framework of the District Plan.

- (vii) Policy 2a amended to also refer to “avoid or mitigate”. The current wording of the policy sets a zero tolerance threshold for adverse effects. It is inappropriate to require avoidance in this context as hazardous facilities, by their very nature generate some degree of adverse effects. While these effects can be remedied or mitigated, they cannot necessarily be avoided. The key issue is managing the adverse effects to a level that is acceptable in the context of the activity and surrounding land uses.
- (viii) Policy 2b should be amended to refer to “remedy or mitigate” as well as avoid. Again, this reflects that in some cases adverse effects cannot be avoided but can be remedied or mitigated. For example, at a service station there is always the risk that a spill will occur and any adverse effects associated with a spill can be remedied through the use of spill kits on the forecourt to contain the spill. In relation to the underground petroleum tanks, any potential adverse effects that could arise from a tank leakage can be mitigated though having double skinned tanks which contain an added layer of protection and can contain the leak. This approach is consistent with Policy 14.4 of the Proposed Waikato RPS (PRPS) which requires contaminated land to be managed to ensure plant and animal health, and water, air and soil quality are protected from unacceptable risk.
- (ix) Policy 2f should be amended to only apply to new hazardous facilities only. It is inappropriate to require the consideration of alternative locations where consent is required for upgrading works at existing sites. For example, the removal and replacement of underground storage tanks is part of maintenance works at a service station. It is inappropriate to require the consideration of an alternative location of the tanks (and therefore the service station) when a service station already exists on the site.
- (x) Objective 3 Policies and 3a should be amended to ensure that the risk associated with hazardous facilities is managed to acceptable levels, having regard to the surrounding environment. This is correctly recognises that there is always a degree of risk associated with hazardous facilities but that this risk can be appropriately managed.

- (xi) The Oil Companies support the definition of “residual risk” in the District Plan and seek that it is retained without modification. This definition recognises that even after risk avoidance and mitigation measures have been adopted there is still an element of risk that remains. The key issue is ensuring that that risk is appropriate in the context of the surrounding environment.
- (xii) The intent of Objective 4 is supported; however there is no definition of “sensitive activities” in the District Plan. Section 36.3 – Information requirements would suggest that these include childcare facilities, schools, rest homes, hospitals, sensitive environments such as water bodies, indigenous ecosystems and infrastructure e.g. roads, buildings. However, for the avoidance of doubt, an appropriate definition should be included in the District Plan which explicitly lists the sensitive activities. This is important to ensure that there is a clear indication as to what sensitive activities are to ensure consistent decision making.
- (xiii) Policy 4a should be amended to clarify the intent of the policy which is to ensure that the establishment of sensitive activities in close proximity to hazardous facilities does not constrain the operation of that hazardous facility.

3. Relief Sought:

(Additions underlined, deletions in ~~strikethrough~~)

- i. Retain without modification Section 12.1.1 and in particular paragraph 2 which reads as follows:**

The Council’s responses to issues of soil contamination are largely governed by the 'Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011' (NES). The Plan cannot be more nor less stringent than this National Environmental Standard, which includes planning controls, and references the Hazardous Activities and Industries List (HAIL), a list of activities and industries that are considered likely to cause land contamination.

- ii. Retain without modification Objective 1 and Policy 1b as follows:**

Objective 1

The risks to human health and the wider environment from potentially contaminated land are avoided, remedied or mitigated when a change in land use occurs.

iii. Amend Policy 1b as follows:

Policy 1b

Adverse effects of contaminated land on human health and the environment, arising as a result of subdivision or a change in land use, shall be ~~minimised~~ remedied or mitigated through a Council approved site ~~remediation~~ management process.

iv. Retain without modification Objective 2 as follows:

Objective 2

The storage, use, disposal and transport of hazardous substances in the District does not adversely affect people, property and the environment.

v. Amend Policy 2a as follows

Policy 2a

Hazardous facilities shall be designed, constructed and managed to avoid, remedy or mitigate significant adverse effects on the environment.

vi. Amend Policy 2b as follows

Policy 2b

Appropriate facilities and systems shall be provided to avoid, remedy or mitigate the pollution of soil, groundwater, watercourses and air in the event of any accidents (including spills and gas escapes) involving hazardous substances.

vii. Retain without modification Policy 2c as follows:

Policy 2c

Any proposal for a hazardous facility shall demonstrate that it has taken into account natural hazards which could adversely influence the inherent risks that a hazardous facility could pose to the environment.

viii. Retain without modification Policy 2d as follows:

Policy 2d

Emergency management equipment and plans prepared in accordance with best practice shall be provided for each hazardous facility.

ix. Amend Policy 2f as follows:

Policy 2f

Alternative locations for new hazardous facilities shall be considered to ensure the most appropriate site has been identified given the potential effects of a proposal to develop, use or subdivide land to store, use, dispose or transport hazardous substances.

x. Delete Objective 3 and replace it with the as follows:

Objective 3

~~*People, property and the environment are protected from residual risks posed by new hazardous facilities.*~~

Residual risks posed by new hazardous facilities on people, property and the environment are managed to acceptable levels.

Policy 3a

The identification, assessment and management of the effects of hazardous facilities shall ensure that residual risks to people, property and the natural environment are minimised at acceptable levels.

xi. Retain Objective 4 as follows:

Objective 4

Sensitive land uses are established at suitable locations to avoid reverse sensitivity effects on established hazardous facilities.

xii. Amend Policy 4a as follows:

Policy 4a

The establishment of sensitive land uses in close proximity to existing hazardous facilities or areas identified for hazardous facilities should be avoided, to allow such hazardous facilities to carry out their operations without unreasonable constraints.

xiii. Retain without modification the definition of “residual risk” as follows:

Residual Risk

means the level of risk that remains after risk avoidance or mitigation measures have been implemented. For flooding, also refer to 'Natural Hazard Terms'.

- xiv. **Include an appropriate definition of “sensitive activities” in the District Plan as follows:**

Sensitive Activities

For the purposes of Section 36 sensitive activities are childcare facilities, schools, rest homes and hospitals.

- xv. **Make any additions, deletions or consequential amendments necessary as a result of the matters raised in this submission.**
- xvi. **Adopt any other such relief as to give effect to this submission.**

<p align="center">SCHEDULE TWO: PART 7, SECTION 36, CONTAMINATED LAND RULES</p>

1. The specific part of the District Plan that is subject of this submission is:

- Section 36.1 - Background
 - Section 36.2 – How do I know if my land is contaminated
 - Section 36.5 – Contaminated Land
- (i) Sections 36.1 and 36.2 are supported as they provide appropriate recognition and reference in the District Plan to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)
- (ii) Section 36.5 is opposed as it contains Rules that are inconsistent with and duplicate the NES.

2. Reason for Submission:

- (i) Section 36.1 is supported and in particular reference to the fact that contaminated land is managed through the NES.
- (ii) Section 36.2 is supported and in particular recognition of the existence of the HAIL list and its relationship to the NES.
- (iii) The Oil Companies oppose the Rules 1-4 in Section 36.5 and request that the rules are deleted. Rules 1-4 in Section 36.5 duplicate those rules in the NES and therefore have the potential to create interface and interpretative issues and potentially require unnecessary resource consents to be obtained. The way that these rules read in the District Plan mean that consent would be required under the District Plan and the NES for any activity which is covered by the NES. This is a situation the Oil Companies wish to avoid. For example, in relation to the removal and replacement of an underground petroleum storage tank, this activity is provided for as permitted activity provided compliance with the standards in Clause 8(1) can be achieved. If compliance cannot be achieved then consent may be required as a controlled, restricted discretionary or discretionary activity.

- (iv) As a consequence of the Rules in the District Plan (Rule 2), consent may be required for the removal and replacement of an underground petroleum storage tank under the District Plan even if it is a permitted activity in accordance with the NES as the activity is also “listed” as a controlled activity in Clause 9 of the NES. Section 36.1 of the District Plan correctly acknowledges that the rules relevant to contaminated land are managed through the NES and this is the only reference that is required in the District Plan for the rules in the NES.

3. Relief Sought:

(Additions underlined, deletions in ~~strike~~through)

(i) Retain without modification Section 36.1 as follows:

The current and past use of hazardous substances and other chemical contaminants in industry, mining, agriculture and horticulture has left successive generations with the issue of soil contamination. Soil contamination by chemicals has been caused by past practices in which hazardous substances were used, stored and disposed of in a way that is not considered safe by today's standards.

This section contains rules, standards, assessment matters and information requirements for activities where the storage and the management of hazardous substances occurs in order to protect the health and safety of people and property, and reduce the risk of damage to the environment.

The rules relevant to contaminated land are now managed through the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

(ii) Retain without modification Section 36.2 as follows:

The 'Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011' provides planning controls and ensures that land affected by contaminants in soil is identified and assessed before it is developed. An activity which is subject to the National Environment Standards is required to comply with the gazetted regulations.

Historical and current activities may involve the use of contaminants. The Hazardous Activities and Industries List (HAIL) is a list of activities and industries that are likely to cause land contamination resulting from hazardous substance use, storage or

disposal. If land contains a HAIL contaminant or industry it may be necessary to remediate or have the contaminants contained to make the land safe for human use.

The HAIL merely indicates that such activities and industries are more likely to use or store hazardous substances and therefore face a greater probability of site contamination occurring than other uses or activities.

(iii) Delete Rules 1-4 in Section 36.5 as follows:

~~RULE 1~~ ~~An activity is a permitted activity if it is stated in Clause 8 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.~~

~~RULE 2~~ ~~An activity is a controlled activity if it is listed in Clause 9 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.~~

~~RULE 3~~ ~~An activity is a restricted discretionary activity if it is listed in Clause 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.~~

~~RULE 4~~ ~~An activity is a discretionary activity if it is listed in Clause 11 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.~~

(iv) Make any additions, deletions or consequential amendments necessary as a result of the matters raised in this submission.

(v) Adopt any other such relief as to give effect to this submission

SCHEDULE THREE: PART 7, SECTION 36, HAZARDOUS SUBSTANCES RULES

1. The specific part of the District Plan that is subject of this submission is:

- Rule 7 in Section 36
 - Table 2 in Section 36.7
 - Table 4 in Section 36.8
- (i) The Oil Companies oppose in part Rule 7 in Section 36 as it does not adequately provide for the storage of LPG in multiple vessels.
- (ii) The Oil Companies generally support Table 2 in Section 36.7 subject to amendments.
- (iii) The Oil Companies support Table 4 in Section 36.8 and seek that it is retained without modification in the District Plan.

2. Reason for Submission:

- (i) Rule 7 in Section 36 reads as follows:

RULE 7 Retail sale of LPG, petrol or diesel

1. The retail sale of LPG, petrol and/or diesel is a controlled activity provided:

a) The site has no more than:

- i) An aggregate six tonnes of LPG stored; and*
- ii) One LPG storage tank; and*
- iii) An aggregate 100,000 litres of petrol stored; and*
- iv) An aggregate 50,000 litres of diesel stored; and*

b) No storage tanks for petrol or diesel are above-ground; and

c) It meets the standards in Table 2 at the end of Section 36.

2. The Council reserves control over all matters relating to Hazardous Substances in Table 2 at the end of Section 36

3. An activity that is not a controlled activity under Rule 7.1 is a discretionary activity.

- (i) The Oil Companies consider it only necessary to include additional controls on the management of hazardous substances in the District Plan for those matters that are not adequately addressed by HSNO requirements. This is consistent with the approach taken by the Ministry for the Environment (MfE) which is that local government should avoid duplication of HSNO requirements and that inclusion of hazardous substances controls in district plans should be the exception rather than the rule, and included only when a rigorous section 32 analysis shows that these controls are justified. Further information on this position is set out on the revised Quality Planning website, and can be accessed via the following link: <http://www.qualityplanning.org.nz/index.php/planning-tools/hazar>.
- (ii) It is widely accepted that potential adverse environmental effects and risks to the natural and physical environment or to public health and safety presented by facilities such as those operated by the Oil Companies within the Thames Coromandel District (primarily service stations, truck stops and airfields) are minimised to an acceptable level by the current practices of the Oil Industry, including meeting all licensing requirements (eg: Dangerous Goods (Class 3 – Flammable Liquids) Regulations 1985) and the HSNO requirements. Of particular relevance are:
- *HSNOCOP44: Below ground stationary container systems for petroleum – design and installation.*
 - *HSNOCOP 45: Below Ground Stationary Container Systems for Petroleum - Operation:*
- (iii) HSNOCOP:44 and HSNOCOP:45 apply to the design, installation and operation of underground fuel storage systems. It is considered that the relevant HSNO requirements adequately anticipate and manage the issues of potential effects on human health and safety and on the natural environment / eco-systems from service stations and truck stops and that no further District Plan controls on hazardous substances (e.g. rules relating to site design, spill containment, washdown etc) are required in relation to these types of facilities.
- (iv) The purpose of HSNO is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. As such, these matters are largely dealt with by compliance with HSNO and any associated regulations and do not need to be repeated in the District Plan.
- (v) It is accepted that district plan controls to address issues not covered by HSNO may, in some cases, be appropriate, particularly where they relate to site specific issues

such as proximity to sensitive activities or sensitive natural environments / ecosystems. For example, it may be appropriate to include controls to avoid the establishment of new sensitive activities in close proximity to existing bulk fuel storage facilities in order to avoid reverse sensitivity effects. There are, however, no facilities of this nature in the Thames Coromandel District and it is noted that MfE has effectively recognised that service stations are an acceptable activity through the exemption of such facilities from the Hazardous Facilities Screening Procedure (HFSP). Provisions to manage the location of new hazardous facilities in relation to existing sensitive activities or specifically identified sensitive natural features / ecosystems may also be appropriate, noting that in many cases the associated effects would be adequately addressed, in any case, by standard district plan controls. For example, the actual and potential effects (outside of HSNO issues) of a new service station seeking to establish in an existing residential zone (an existing situation in many parts of the county) would be largely addressed through standard controls on noise levels, lighting, traffic generation, building setbacks etc.

- (vi) In addition, controls to manage the establishment of new hazardous facilities within areas at risk of natural hazards may also be appropriate, recognising that complete avoidance of natural hazard areas may not always be appropriate or necessary. For example, underground fuel storage tanks will not generally be at risk during a flood event, and compliance with industry best practice would, in any case, require the design of service station or truck stop facilities to maintain, as far as practicable, their integrity and function during natural hazard events.
- (vii) If the Council chooses to include rules in the District Plan for the management of hazardous substance then the Oil Companies have the following concerns with Rule 7 as it currently reads. Since The Land Use Planning Guide for Hazardous Facilities was released there has been a nationwide shift in the method of supply of LPG whereby storage of LPG in a single vessel (which enables smaller vessels to be filled on-site) is being replaced with aboveground storage in multiple smaller vessels contained in cages on site. This is not just at service station sites but at other outlets such as hardware and warehouse providers. The LPG vessels will now be filled off-site, with empty bottles being swapped for pre-filled ones. The Oil Companies are adopting a 'swappa bottle' approach at a number of their service stations, as upgrade and/or development opportunities arise. Generally there are between 30-150 bottles stored on site (depending on the size of the site) each with a capacity of 9kg. On this basis, Rule 7.1(a)(ii) should be amended to remove reference to "one LPG storage tank" to ensure that that an aggregate of 6 tonnes can be stored on a service station site in multiple storage vessels.

(viii) The Oil Companies oppose controlled activity matter 2 which requires the selection of safe routes for the transportation of hazardous substances for the following reasons:

- It requires a demonstration of a safe route, which in turn would require potentially a high level of risk assessment work.
- It will be difficult to prove that any particular route is “safe” as that will be dependent upon prevailing conditions at the time. To assess risk is specialist work and is costly. It has not been undertaken in many jurisdictions.
- Most service stations are located on State Highways and therefore the transportation of hazardous substances will be confined to state highways only and which are not managed by Council. If one cannot drive a petrol tanker along a state highway one can’t drive it anywhere. It simply does not make sense to seek to restrict such things, therefore why should Council reserve that level of control.
- The Oil Companies usually employ independent companies to undertake the transportation of hazardous substances on and off-site and the consent holder will have little control over the route taken by the delivery Companies, particularly if they making a delivery to another site. Drivers inevitably make decisions on transport routes based on the prevailing road conditions at the time and have no control on road conditions at any one time. Therefore last minute changes to the route selection may be required. How safely a vehicle is driven is a matter for the Transport Act.

(ix) Reference to hours of operation should also be deleted as the hours a service station is open and operating will not increase the degree of risk. It is not related to risk and tends to reinforce that the reason for control is amenity focused. The issues relating to amenity should be adequately addressed by the zone rules.

3. Relief Sought:

If the Council chooses to include hazardous substances provisions in the District Plan then Rule 3 should be amended to provide for the use and storage of 100,000 litres of petrol, 50,000 litres of diesel in underground tanks and up to 6 tonnes of LPG in multiple vessels as permitted activities. This can be achieved as follows (additions underlined, deletions in ~~strikethrough~~):

(i) Amend Rule 3 as follows:

Rule 7 in Section 36 reads as follows:

RULE 7 Retail sale of LPG, petrol or diesel

1. The retail sale of LPG, petrol and/or diesel is a controlled activity provided:

d) The site has no more than:

- v) An aggregate six tonnes of LPG stored; and
- ~~vi) One LPG storage tank; and~~
- vii) An aggregate 100,000 litres of petrol stored; and
- viii) An aggregate 50,000 litres of diesel stored; and

e) No storage tanks for petrol or diesel are above-ground; and

f) It meets the standards in Table 2 at the end of Section 36.

2. The Council reserves control over all matters relating to Hazardous Substances in Table 2 at the end of Section 36

3. An activity that is not a controlled activity under Rule 7.1 is a discretionary activity.

(ii) Make the following changes to Table 3 – Controlled Activity Matters

Table 2 - Controlled Activity Matters for Hazardous Substances		
1.	Hazardous Substances	The proposed operation and site layout.
2.		The location of selected 'least risk' routes to be used for the transport of hazardous substances on and off site.
3.		Separation distances from sensitive environments or people potentially at risk from the proposed facility.
4.		Potential hazards and exposure pathways arising from the proposed facility.
5.		Potential cumulative hazards presented in conjunction with neighbouring facilities.
6.		Proposed emergency management planning (spills, fire and other relevant hazards)
7.		Proposed monitoring and maintenance schedules.
8.		Proposed waste management.
9.		Hours of operation.
10.		Measures to reduce the risk of natural hazards.

- (iii) Retain without modification Table 4 in Section 36.8**
- (iv) Make any additions, deletions or consequential amendments necessary as a result of the matters raised in this submission.**
- (v) Adopt any other such relief as to give effect to this submission**

SCHEDULE TWO: EARTHWORKS

1. The specific part of the District Plan that is subject of this submission is:

- Section 40 – Rule 5
- Section 41 – Rule 5
- Section 42 – Rule 6
- Section 43 – Rule 6
- Section 44 – Rule 4
- Section 45 – Rule 5
- Section 46 – Rule 4
- Section 47 – Rule 4
- Section 48 – Rule 4
- Section 49 – Rule 6
- Section 50 – Rule 4
- Section 51 – Rule 8
- Section 52 – Rule 6
- Section 53 – Rule 6
- Section 54 – Rule 4
- Section 55 – Rule 3
- Section 56 – Rule 6
- Section 57 – Rule 6
- Section 58 – Rule 7
- Section 59 – Rule 7

- (i) The Oil Companies oppose the above rules on the basis that they do not provide for earthworks associated with the installation and removal of an underground petroleum storage systems as a permitted activity in all zones where such works are undertaken in accordance with the NES. As such, these earthworks would be subject to the performance standards and would require a resource consent, over and above the requirements in the NES.

2. Reason for Submission:

- (i) The Oil Companies seek that any earthworks on potentially contaminated land in accordance with the NES are not subject to the rules in the District Plan as any effects from such earthworks are already addressed by the NES. This can be achieved by including the following exemption in the earthworks rules for each zone:

Earthworks activities on Potentially contaminated land will be determined by the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and are not subject to the following rules:

- (ii) The one of the common earthwork activities undertaken by the Oil Companies are those associated with the replacement and/or removal of underground fuel storage tanks (underground petroleum storage systems (or UPSS)). There are no specific provisions in the District Plan that recognise or provide for earthworks that are necessary to remove and/or replace an UPSS.
- (iii) Removal and/or replacement of an UPSS is an essential (infrequent) maintenance activity and will generally be undertaken for a number of reasons such as the underground tank is getting old and needs replacing, the site is being upgraded, a leak is suspected or the site is being closed. In each case an environmental assessment/investigation is undertaken as part of the removal/replacement process.
- (iv) The total volume of earthworks required for an UPSS removal will depend on the number of tanks being removed, the size of the tanks and the area in which the tanks are located, but in any case it is controlled through the NES.
- (v) UPSS replacement and/or removal generally involves:
 - Removal of above ground equipment and concrete cutting and breaking;
 - Excavations to a depth of some 4.5m to expose the UPSS elements (tanks, fuel & pipe lines, fill points);
 - Removal of UPSS elements for off-site disposal/destruction;
 - Removal of earth from the site, including the excavation of any impacted soils adjacent to the UPSS, and its disposal at an appropriate facility and validation sampling of excavations; and
 - Backfilling and restoration of the ground level to its existing level.
- (vi) While these activities are now controlled by and subject to the NES, they are still also subject to any relevant earthworks standards in the District Plan. Because of this, the earthworks associated with retanking and replacement maybe inefficiently and inappropriately required to obtain resource consents pursuant to provisions controlling such matters as proximity of earthworks to boundaries and the depth of excavation.

- (vii) In the Thames District, service stations are generally located in the Urban Zones. The rules in the District Plan for these zones generally restrict earthworks to 300m² per site in a calendar year, a maximum volume of 350m² in a calendar year and a maximum height of cut and fill of 1.5m. Any excavations required for the removal and replacement of a UPSS are generally around 4.5m deep and therefore compliance with the height of cut/fill standard will not be achievable.
- (viii) The earthwork controls in the District Plan therefore have the potential to unnecessarily constrain the permitted activities of the NES (e.g. in relation to retanking activities). As such, the Oil Companies request that earthworks undertaken for UPSS removals in accordance with the NES be provide for as a permitted activity in all zones.
- (ix) A permitted activity rule will ensure that UPSS tanks can be removed without needing to unnecessarily obtain resource consents. This is considered appropriate as with timely, efficient procedures in place, the period in which the earthworks are undertaken is brief and any effects are temporary. There are no changes to ground level and the surface of the area affected is reinstated. In the context of an existing service station activity, the earthworks will not change the general topography of the site nor will they adversely affect the appearance of the site. As earthworks will already have occurred in order to put the tanks in place, their removal and/or replacement will not disturb any sites of particular historical or cultural significance. Where the tanks are being relocated the standard HPT accidental discovery protocols will apply. The site will therefore retain its generic character, with no impact on the wider landscape character. Standard procedures employed on site include the adoption of a Construction Management Plan, describing the site management regime to be adopted on site, including full erosion and sediment control measures to be employed on the site and measures to mitigate against and, if necessary, address potential nuisance effects, including details of specific measures to control noise and dust.
- (x) Issues such as the stability of the site, any dust emissions generated during the earthworks and to ensure that there are adequate erosion and sediment control measures on the site. These issues are already addressed for the removal and or replacement of a UPSS through HSNO (including the requirement to comply with HSNO COP44 and 45) and the NES (including (Module 7 of) the MfE Guidelines: Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand). There is no need for a third layer of regulation to be added in the District Plan.

- (xi) In summary, the Oil Companies request that an exemption from the earthworks provisions is provided for UPSS removals to avoid conflict with the NES and the need to unnecessarily obtain resource consents for an activity that is already well regulated.

3. Relief Sought:

(Additions underlined, deletions in ~~strikethrough~~)

- (i) Make the following changes to the earthworks rules in all zones:

Earthworks are a permitted activity provided:

....

They are for the removal of an underground petroleum storage system in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ; or

- (ii) Include the following statement at the beginning earthworks rules for all zones:

Earthworks activities on Potentially contaminated land will be determined by the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and are not subject to the following rules:

- (iii) Make any additions, deletions or consequential amendments necessary as a result of the matters raised in this submission.
- (iv) Adopt any other such relief as to give effect to this submission



Department of Conservation
Te Papa Atawhai

14th March 2014

Thames Coromandel District Council
Proposed Thames Coromandel District Plan
Private Bag, Thames 3540

Attention: District Plan Manager

Dear Sir or Madam

SUBMISSION ON THE PROPOSED THAMES COROMANDEL DISTRICT PLAN 2013

Please find attached a submission on behalf of the Director-General of Conservation in respect of the Proposed Thames Coromandel District Plan.

If you have any questions or would like to discuss this submission, please contact Christopher Berry on (07) 858 1038 or cberry@doc.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gemma White'.

Gemma White
Conservation Partnership Manager
Thames District

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR A PROPOSED DISTRICT PLAN

TO: Thames Coromandel District Council

SUBMISSION: Proposed District Thames Coromandel Plan 2013

NAME: Lou Sanson
Director General of Conservation

ADDRESS: Department of Conservation
c/o Christopher Berry
Department of Conservation
Hamilton Office
PO Box 3072
Hamilton 3240

STATEMENT OF SUBMISSION BY THE DIRECTOR GENERAL OF CONSERVATION

Pursuant to Clause 6 of the First Schedule, Resource Management Act 1991 (RMA), I, Gemma White, Conservation Partnership Manager, Coromandel District, submit the following on behalf of the Director-General of Conservation:

1. This is a submission on the Proposed Thames Coromandel District Plan 2013 (the Proposed Plan).
2. The specific provisions of the Proposed Plan that my submission relates to, together with the submission and decisions which I seek from Thames Coromandel District Council are set out in Attachment 1.
3. The decisions sought in this submission are required to ensure that the Proposed Plan:
 - promotes the sustainable management of natural and physical resources in Thames Coromandel District as required by Part 2 of the RMA;
 - provides for the preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development as required by section 6(a) of the RMA;
 - provides for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as required by section 6 (b) of the RMA;

- provides for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as required by section 6 (c) of the RMA;
- is otherwise consistent with Part 2 of the RMA;
- gives effect to the New Zealand Coastal Policy Statement 2010, the National Policy Statement for Freshwater Management 2011 and the Waikato Regional Policy Statement as required by section 75(3) of the RMA.

4. I seek the following from Council:

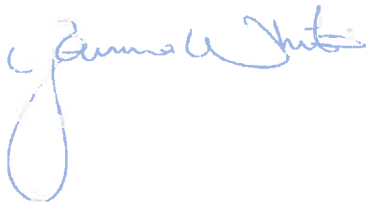
4.1 That the particular provisions of the Proposed District Plan that I support, as identified in Attachment 1, be retained.

4.2 That the amendments, additions and deletions to the Proposed District Plan sought in Attachment 1 are made.

4.3 Further or alternative relief to like effect to that sought in paragraphs 4.1-4.2 above, and any consequential amendments required as a result of such amendments.

5. I **do** wish to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

DATED AT HAMILTON THIS 14th DAY OF MARCH 2014



Gemma White
Conservation Partnership Manager
Thames District

Acting pursuant to delegated authority
on behalf of Lou Sanson
Director-General of Conservation

Address for Service :
Christopher Berry
Department of Conservation
Hamilton Office
PO Box 3072
Hamilton 3240

Ph: (07) 858 1038
Fax: (07) 8581001
Email: cberry@doc.govt.nz

A copy of the Instrument of Delegation may be inspected at the Office of the Director-General of Conservation.

Submission point number	Specific section this submission relates to:	Position:	My Submission is that:	I seek the following decision from Council:
1.	Glossary	Oppose in part	The current definition of minor upgrading of electricity or telecommunications allows for tower replacement within "existing alignment of the transmission line corridor". Replacement of towers/structures within the line corridor could have adverse effects on biodiversity values which may be located within the footprint of those relocated structures.	Either amend the definition of minor upgrading to ensure any relocated structures do not impact on biodiversity values or amend rules to ensure any relocation of telecommunication towers where it is likely to impact biodiversity values requires resource consent
2.	Section 5.1 Background Fig. 1 The Resource Management Policy and Planning Framework	Oppose	The location of the NZCPS in the framework diagram is incorrect. This diagram appears to have been taken from the Proposed Waikato Regional Policy Statement (WRPS) which too was incorrect.	Update diagram to the one contained in the decisions version of WRPS which elevates the NZCPS to its correct location further up the diagram.
3.	Section 5.3 Processes Bullet Point 10	Support in part	It is agreed that there should be liaison with the Department in regard to applications for resource consent on Public Conservation Land. There should also be liaison with the Department in regard to any applications for resource consent that affect Public Conservation Land, not only those likely to have significant adverse effects.	Revise Bullet Point 10 by deleting "conservation-estate" and replacing it with the term "Public Conservation Land" Delete the qualifier "significant" from "significant effects" so that the Department is consulted in regard to all applications for resource consent that affect Public Conservation Land.
4.	Section 5.4 Methods and Approaches Bullet Point 9	Oppose	Bullet point 9 is somewhat inaccurate and requires review, "DoC" should read as "DOC". "Crown Land" is administered by Land Information New Zealand. DOC administers "Public	Revise Section 5.3 Bullet Point 9 and other references in the Plan to read "DOC" instead of "DoC", "Public Conservation Land" instead of "Crown Land" or "conservation estate".

			<p>Conservation Land". This term should be used in preference to "Conservation Estate".</p> <p>The Crown exemption at S4(3) of the RMA applies to S9(3) "district rules". The Crown is bound by the RMA unless specifically provided otherwise at Section 4.</p>	<p>Provide a more accurate description of the Crown Exemption at S4(3) as applying to S9(3) which refers to district plan rules.</p>
5.	Section 6 Biodiversity General	Support in part	<p>The Department supports the Council's approach in identifying locations for priority management and the mapping of these locations within the Plan. However, the Map would benefit from being at a more useful/identifiable scale.</p> <p>The Department supports the Council's use of the Waikato Regional Council SNA technical report as a basis for identification of areas of significant indigenous vegetation and the significant habitats of indigenous fauna. The Department considers it would be preferable for those locations to be mapped and included as a schedule in the Plan. This would be in line with SNA implementation undertaken by majority of Councils within the Waikato Region and provides a higher degree of certainty for plan users.</p> <p>The Department acknowledges the resource required to groundtruth all SNA sites within the District and suggests the approach taken by neighbouring Hauraki District Council whereby a funding policy is included in the Plan. The policy provides for cost sharing of groundtruthing of SNA</p>	<p>Map and schedule SNA sites as identified in the Waikato Regional Council Technical Report 2010/36 in the Plan.</p>

			between Council and the landowner at the time of a resource consent application.	
6.	Section 6 Biodiversity General	Oppose with amendm ents	This section requires additional objectives and policies which give effect to the indigenous biodiversity provisions (Chapter 11) of the proposed WRPS. This should include clear provisions for the maintenance of indigenous biodiversity generally and protection of biodiversity values which are deemed to be significant. Of particular relevance are policies 11.1, 11.2 and related methods of the proposed WRPS.	Redraft additional provisions to ensure WRPS policies 11.1 and 11.2 are given effect to.
7.	Section 6 Biodiversity General	Oppose with amendm ents	<p>The Plan makes reference to no net loss in Section 6.3 policy 2b, this is supported. However the Plan would benefit from an explanation of the concept of no net loss being explained through appropriate discussions of both no net loss and biodiversity offsetting. This would assist in giving effect to provisions of Chapter 11 of the WRPS and in accordance with section 75 3 (c) of the RMA.</p> <p>The Department of Conservation since 2009 has been leading the development of national guidance on good practice biodiversity offsetting so that where solutions addressing the residual effects of a development project involve Biodiversity Offsets, they are ecologically sound and result in no net loss.</p> <p>Biodiversity offsetting seeks to achieve no net loss or preferably a net gain for situations where significant residual effects of development remain</p>	<p>Include a biodiversity offsetting definition and policies which are consistent with national biodiversity offsetting principles and guidelines and seeks to achieve no net loss or preferably a net gain for situations where residual effects of development cannot be otherwise avoided, remedied or mitigated.</p> <p>Recommended definition:</p> <p><u>"Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a</u></p>

		<p>after actions to avoid, minimise or rehabilitate these effects have been taken on site. This essentially differentiates a biodiversity offset from other forms of ecological recompense.</p> <p>The main principles contained in this guidance are:</p> <p>1. Adherence to the mitigation hierarchy: A biodiversity offset is a commitment to compensate for significant residual adverse impacts on biodiversity identified after appropriate avoidance, minimization and on-site rehabilitation measures have been taken according to the mitigation hierarchy.</p> <p>2. Limits to what can be offset: There are situations where residual impacts cannot be fully compensated for by a biodiversity offset because of the irreplaceability or vulnerability of the biodiversity affected.</p> <p>3. Landscape context: A biodiversity offset should be designed and implemented in a landscape context to achieve the expected measurable conservation outcomes taking into account available information on the full range of biological, social and cultural values of biodiversity and supporting an ecosystem approach.</p> <p>4. No net loss: A biodiversity offset should be designed and implemented to achieve <i>in situ</i>, measurable conservation outcomes that can</p>	<p><u>net gain of biodiversity on the ground"</u></p>
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			<p>reasonably be expected to result in no net loss and preferably a net gain of biodiversity.</p> <p>5. Additional conservation outcomes: A biodiversity offset should achieve conservation outcomes above and beyond results that would have occurred if the offset had not taken place. Offset design and implementation should avoid displacing activities harmful to biodiversity to other locations.</p> <p>6. Stakeholder participation: In areas affected by the project and by the biodiversity offset, the effective participation of stakeholders should be ensured in decision-making about biodiversity offsets, including their evaluation, selection, design, implementation and monitoring.</p> <p>7. Equity: A biodiversity offset should be designed and implemented in an equitable manner, which means the sharing among stakeholders of the rights and responsibilities, risks and rewards associated with a project and offset in a fair and balanced way, respecting legal and customary arrangements. Special consideration should be given to respecting both internationally and nationally recognised rights of indigenous peoples and local communities.</p> <p>8. Long-term outcomes: The design and implementation of a biodiversity offset should be based on an adaptive management approach,</p>	
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			<p>incorporating monitoring and evaluation, with the objective of securing outcomes that last at least as long as the project's impacts and preferably in perpetuity.</p> <p>9. Transparency: The design and implementation of a biodiversity offset, and communication of its results to the public, should be undertaken in a transparent and timely manner.</p> <p>10. Science and traditional knowledge: The design and implementation of a biodiversity offset should be a documented process informed by sound science, including an appropriate consideration of traditional knowledge.</p>	
8.	Section 6 Biodiversity Section 6.2 Issues	Support	Support in part the inclusion of Issue statements 1-3.	Retain Non regulatory methods 1. and 2.
9.	Section 6 Policy 2b	Support in part	An additional point is recommended in regard to indigenous fauna.	<p>Add to Policy 2b:</p> <p><u>"d) Actions are taken to identify likely impacts on indigenous fauna and processes are implemented to maintain indigenous fauna on site where possible or consider alternatives such as translocation".</u></p>
10.	Section 6.3 Biodiversity Policy 1a	Support in part	Support in part subclauses a)-g) but note the policy focuses on vegetation and would benefit from expansion to provide for fauna, noting that the habitats of indigenous fauna do not always constitute indigenous vegetation. In addition	<p>Add reference to fauna in various subclauses of policy 1d to read as follows:</p> <p>b)"minimise earthworks within and adjacent to areas of indigenous vegetation and habitats of indigenous fauna."</p>

			<p>section 6(c) of the RMA requires the protection of significant vegetation and the significant habitats of indigenous fauna.</p> <p>Subclause e) refers to the need to avoid introduction of pest species and introduced predators into the habitats of threatened and at risk fauna. This is supported, though warrants expansion to include the habitats of indigenous fauna generally to ensure the indigenous biodiversity values are maintained.</p> <p>Other wording amendments sought to ensure terminology follows that used in the New Zealand Threat Classification System 2010.</p>	<p>c) "locate buildings, structures and accesses outside of areas of indigenous vegetation and habitats of indigenous fauna."</p> <p>d) "apply buffers around land use activities to minimise adverse effects on areas of indigenous vegetation and habitats of indigenous fauna."</p> <p>e) Avoid the introduction of pest species and introduced predators into habitats of indigenous species, particularly where nationally threatened and or at risk flora and fauna species live"</p>	<p>c) "locate buildings, structures and accesses outside of areas of indigenous vegetation and habitats of indigenous fauna."</p> <p>d) "apply buffers around land use activities to minimise adverse effects on areas of indigenous vegetation and habitats of indigenous fauna."</p> <p>e) Avoid the introduction of pest species and introduced predators into habitats of indigenous species, particularly where nationally threatened and or at risk flora and fauna species live"</p>
11.	Section 6.3 Biodiversity Policy 1b	Support in part	<p>Wording amendments sought to ensure terminology follows that used in the New Zealand Threat Classification System 2010.</p>	<p>Suggest the following amendments to Policy 1b b):</p> <p>"Does not increase the risk to nationally at risk and threatened threatened or at risk species"</p>	<p>Suggest the following amendments to Policy 1b b):</p> <p>"Does not increase the risk to nationally at risk and threatened threatened or at risk species"</p>
12.	Section 6.3 Biodiversity Policy 1b d)	Support in part	<p>Policy 1b d) should also refer to fire as a risk.</p>	<p>Add "fire" to Policy 1b d) after "flooding"</p>	<p>Add "fire" to Policy 1b d) after "flooding"</p>
13.	Section 6.3 Biodiversity Policy 1c	Support in part	<p>Wording amendments sought to ensure terminology follows that used in the New Zealand Threat Classification System 2010.</p>	<p>Suggest the following amendments to Policy 1c f):</p> <p>"Maintaining or enhancing habitat for nationally at risk and threatened flora and fauna threatened or at risk species".</p>	<p>Suggest the following amendments to Policy 1c f):</p> <p>"Maintaining or enhancing habitat for nationally at risk and threatened flora and fauna threatened or at risk species".</p>
14.	Section 6.3 Biodiversity Policy 1c	Support in part	<p>As currently worded Policy 1c is not clear, suggest this might be better worded by replacing "for" with "resulting in."</p>	<p>In Policy 1c delete "for" and replace with "resulting in..."</p>	<p>In Policy 1c delete "for" and replace with "resulting in..."</p>
15.	Section 6.3	Support	<p>The intent of Policy 1d encouraging sustainable</p>	<p>Seek clarification around the types of uses</p>	<p>Seek clarification around the types of uses</p>

	Biodiversity Policy 1d	in part	use of indigenous vegetation is supported, however in some places "use" of the biodiversity resource may not be appropriate and/or may be subject to other legislation (e.g. Forest Act 1949 provisions). Seek clarification around the types of uses and controls to be imposed with regards to sustainable use.	and controls to be imposed with regards to sustainable use.
16.	Section 6.3 Biodiversity Policy 1e	Support in Part	Policy 1e implements Policy 11 a) of the NZCPS. However, Policy 1e needs to be amended to include relevant aspects of Policy 11 b) NZCPS.	Request Policy 1e is amended to include relevant aspects of Policy 11 b) NZCPS.
17.	Section 6.3 Biodiversity Policy 2b	Support in part	An additional point is recommended in regard to indigenous fauna. Where clearance of vegetation is likely to adversely affect biodiversity values the inclusion of a requirement to ensure there is no net loss to biodiversity is supported.	Add to Policy 2b "d) <u>Actions are taken to identify likely impacts on indigenous fauna and processes are implemented to maintain indigenous fauna on site where possible or consider alternatives such as translocation</u> ".
18.	Section 6 Biodiversity 6.4 non-regulatory methods	Support	Support non regulatory methods including provision of biodiversity advice and review of Council's Biodiversity Strategy.	Retain 6.4 non-regulatory methods.
19.	Section 8 Historic heritage 8.4 Non-regulatory methods	Support	Support non regulatory methods in 8.4.	Retain Non regulatory methods 1. and 2.
20.	Section 9.3 Natural Character	Oppose in part	The NZCPS at Policy 14 distinguishes between areas of "outstanding" and "high" natural character and specifies certain actions in regard to each. It is unclear from plan provisions how, in regard to the coastal environment, these requirements have been met.	Provide additional explanation, in regard to natural character provisions affecting the coastal environment, as to how the provisions of NZCPS (including policy 13) and the distinctions between "outstanding" and "high" natural character have been met.

				Make provision for the requirements of NZCPS Policy 14 in regard to providing for "restoration of" areas of "outstanding" and "high" natural character.
21.	Section 9.3 Natural character	Support in part	The description at the start of the section states that the overlay encompasses areas of "outstanding and high" natural character. Objective 1 should reflect this. The rules in Section 32 fail to adequately provide for the protection of landscapes with "high" values. In regard to Policy 1a e), views of natural character from the water are also important and should be acknowledged and retained.	Add to 9.3 Objective 1 the phrase " <u>and high</u> " after "remain outstanding" at the start of the objective.
22.	Section 9.3 Natural Character	Support in part	In regard to Policy 1a e), it is also important that buildings and other structures are inconspicuous when viewed from the water.	Add to 9.3 Policy 1a e) " <u>and the water</u> " after "public land".
23.	Section 9.3 Natural Character	Support in part	Support inclusion of objective 6, 7, and 8 including related policies.	Add to Policy 1b a) " <u>and the water</u> " after "public land".
24.	Section 16 Subdivision Objectives and policies	Support	Add reference to indigenous biodiversity to Policy 1b.	Retain of objective 6, 7, and 8 including related policies.
25.	Section 19 Utilities Policy 1b	Support in part	Introductory paragraph five should also refer to Conservation Management Plans.	"the establishment, operation, maintenance and upgrading of network utilities shall be enabled whilst avoiding adverse effects on the coastal environment, natural character, <u>indigenous biodiversity</u> and historic heritage".
26.	Section 22 Recreational Area 22.1 Background	Support in part	Policy 1b tends to promote commercial activities which may not be consistent with the purpose of many reserves. Commercial activities should also	Add to Introductory paragraph five reference to " <u>Conservation Management Plans</u> ".
27.	Section 22 Recreational Area Policy 1b	Support in part		Amend Policy 1b to read "Commercial activities may be provided for where they support, provide a service for or are

			require to be provided for in management plans.	<u>accessory to a recreation activity and are provided for in a management plan or strategy”.</u>
28.	Section 22.3 Policy 3d	Oppose	Policy 3d is poorly written and should be recast to reflect the situation where land is in the coastal environment but is also subject to the Reserves Act.	Recast Policy 3d to read <u>“The natural character of the coastal environment should be restored to the extent compatible with the classification or the purpose of the reserve”.</u>
29.	Section 29 Biodiversity 29.1 Background	Oppose in part	In Section 29.1 the process for identifying SNA locations requires review of the Waikato Regional Policy Statement (WRPS). The WRPS contains criteria for determining significance but it does not identify those specific locations which have been deemed to be significant. The significant natural areas within the District have already been identified and it is appropriate that these sites are mapped and included as a schedule to the Plan. This would be in line with SNA implementation undertaken by majority of Councils within the Waikato Region and provides a higher degree of certainty for plan users. This is also consistent with s 6 (c) of the RMA as it provides for the identification and hence protection of significant indigenous vegetation and significant habitats of indigenous fauna.	Identify all SNA clearly on planning maps and via schedule to the Plan.
30.	Section 29 Biodiversity 29.3 Rule 1	Support in part	Clearance of indigenous vegetation in the Conservation Zone can also occur as part of routine maintenance and may not be specifically referred to in the Conservation Management Strategy. Routine clearance around a helipad or around historic timber structures to keep them dry	Add to 29.3 Rule 1: <u>“or provided the clearance is associated with routine maintenance (e.g. a helipad, a structure or other item)”.</u>

31.	Section 29 Biodiversity 29.3 Rule 2	Oppose	are typical examples. Rule 2 which allows for complete clearance of indigenous vegetation from any lot less than 4000m ² outside the Rural Area and Conservation Zone is considered too permissive and fails to adequately provide for site specific biodiversity values in the applicable zones, in some cases these values may be significant (e.g. the clearance area was a small but threatened habitat type such as a wetland). The Rule thereby fails to provide for s6 (c) of the RMA.	Delete Rule 2.
32.	Section 29 Biodiversity 29.3 Rule 3 1 a)	Oppose	Rule 3 1 a) provides for indigenous vegetation clearance in association with forestry harvesting. Permitted activity status is considered to be overly permissive as it fails to provide for the biodiversity values known to inhabit exotic forests in the district. Some form of control is therefore appropriate to ensure that measures are in place to identify if indigenous fauna species have inhabited a site and provide opportunity therefore to avoid, remedy or mitigate any adverse effects which might result from clearance activities.	Provide for Rule 3 1 a) as a restricted discretionary activity and include matters of discretion related to identifying and avoiding, remedying and mitigating adverse effects on biodiversity values.
33.	Section 29 Biodiversity 29.3 Rule 3 1 b)	Oppose	Permitted activity status for clearance of vegetation up to 5 years old is overly permissive and fails to protect or manage biodiversity values that may utilise those areas during that 5 year period. For example kiwi are known to inhabit areas of production forestry within relatively short timeframes post clearance. Some form of control	Provide for clearance of vegetation in accordance with Rule 3 1 b) as a restricted discretionary activity and include matters of discretion related to identifying and avoiding, remedying and mitigating adverse effects on biodiversity values.

			is therefore appropriate to ensure that measures are in place to identify if indigenous fauna species have inhabited a site and provide opportunity therefore to avoid, remedy or mitigate any adverse effects which might result from clearance activities.	
34.	Section 29 Biodiversity 29.3 Rule 3 1 c)	Oppose	Permitted activity status for the harvesting of timber under a Sustainable Forest Management plan or permit (Forests Act 1949) is not appropriate. The matters considered as part of the Forest Act approval processes referred to above do not align with those matters to be considered under the RMA and hence that process should not be considered as a proxy or default for approvals under the RMA. An assessment of impacts of removal of vegetation identified as significant is required to ensure adverse effects on the values associated with that vegetation are suitably avoided, remedied or mitigated.	Provide for clearance of vegetation in accordance with Rule 3 1 c) as a restricted discretionary activity. Include matters of discretion related to identifying and avoiding, remediating and mitigating adverse effects on biodiversity values.
35.	Section 29 Biodiversity 29.3 Rule 3 1 d)	Oppose in Part	Acknowledge vegetation removal is required where it endangers life, buildings, structures and existing network utility structures. However as presently worded the rule allows for removal required for access to existing network utility structures. In some cases removal for access may be significant in both scale and impact and therefore permitted activity status is not appropriate. Suggest some form of control be employed on clearance for access purposes so impacts on biodiversity values can be identified	Provide for clearance of vegetation for access to network utility structures as a restricted discretionary activity. Include matters of discretion related to identifying and avoiding, remediating and mitigating adverse effects on biodiversity values.

36.	Section 29 Biodiversity 29.3 Rule 3 1 e)	Support in part	and appropriately avoided, remedied or mitigated. Support in part. Support provision allowing for clearance of exotic vegetation but consider the rule might be reworded to provide greater certainty, as presently worded determination of "exotic dominance" is somewhat subjective. The rule would also benefit from being clearer about what types of clearance activity are triggered by this rule. Suggest clearance examples for domestic garden and pest control activities are appropriate as likely to have minor adverse effects.	Reword 29.3 Rule 3 1 e) to read: "The vegetation to be cleared is exotic vegetation and is for the following purposes: i) <u>Biodiversity restoration</u> ii) <u>Pest control</u> iii) <u>Domestic gardening</u> "
37.	Section 29 Biodiversity 29.3 Rule 3 1 g)	Support in part	Support this provision allowing for restoration works but consider it requires expansion to ensure it covers the scale of restoration likely to be undertaken; this might be remedied through the addition of reference to habitat restoration work (or similar).	Amend 29.3 Rule 3 1 g) to read: "It is for ecosystem, restoration works (including habitat restoration works) (e.g. beachcare, removing pest trees/exotic vegetation and pest control)"
38.	Section 29 Biodiversity 29.3 Rule 3 1 i)	Oppose in part	Acknowledge vegetation clearance for access purposes is required however the rule as presently worded is overly permissive; suggest adding an appropriate length and width qualifier for driveways which are a permitted activity.	Add an appropriate length and width qualifier to Rule 3 1 i).
39.	Section 29 Biodiversity 29.3 Rule 3 j)	Support in part	Support the requirement for vegetation removal for the purposes listed in Rule 3k) but clearance should be restricted to land surveying purposes and applies only to existing tracks, fences and formed roads.	Amend Rule 3 j) as follows: "It is for land survey work, <u>existing tracks</u> , fences, or existing formed roads, including 1m clearance to either side".
40.	Section 29 Biodiversity	Oppose	Suggest this rule be deleted as maintenance of utility structures is already provided for under Rule	Delete Rule 3 1 k).

	29.3 Rule 3 1 k)		3 d).		Amend matters of control to ensure it is clear all indigenous biodiversity is covered by the matters of control.
41.	29.5 Assessment Matters and Criteria Table 1 Controlled Activity Matters	Oppose in part	The controlled activity matters in table 1 require revision to ensure it is clear that the matters of control apply to all indigenous biodiversity, not only that which has been deemed significant (refer matter 1). This is important to ensure territorial authorities requirement to maintain indigenous biological diversity in accordance with s.31 (1) (b) (iii) of the RMA is met and in giving effect to the WRPS.		
42.	29.5 Assessment Matters and Criteria Table 1 Controlled Activity Matters	Support in part	Support current provisions but suggest a further matter is added to Table 1 requiring remediation or mitigation measures give effect to the mitigation hierarchy as set out in Method 11.1.3 of the proposed WRPS.	Add additional matter of control: <u>"6. Whether the proposed activity will affect biodiversity values and appropriate measure to avoid, remedy, mitigate or offset those adverse effects"</u> .	
43.	29.5 Assessment Criteria Table 2 Restricted Discretionary Matters Criterion c)	Oppose	Suggest criterion c) is reframed to ensure that the restoration/remediation/mitigation activities ensure there is no overall or net loss to biodiversity. As presently worded any loss of indigenous vegetation will result in a loss to biodiversity.	Add additional criterion 9. <u>"Whether the proposed activity will affect biodiversity values and appropriate measures to avoid, remedy, mitigate and offset those adverse effects"</u> .	
44.	29.5 Assessment Criteria Table 2 Restricted Discretionary Matters Criterion e)	Support in part	Support the intent of criterion e) but request it could be reworded for clarity.	Delete and reword criterion e) as follows: <u>"The extent to which the proposed indigenous vegetation clearance will impact threatened or at risk species and measure"</u>	
45.	29.5 Assessment Criteria Table 2 Restricted	Support in part	Request criterion g) could be amended to improve its intent.	Delete and reword criterion g) as follows: <u>"the extent of avoidance, remediation, mitigation and offset measures proposed"</u>	

	Discretionary Matter's Criterion g)			to be undertaken to address the adverse effects of the vegetation clearance (e.g replanting, enhancement of remaining vegetation")
46.	Section 38 Subdivision Table 3	Support in part	Relevant to the Conservation Zone Yard provisions in Table 3 is the desirability of identifying any hazards likely to emanate from adjoining Conservation land (e.g. tree fall, rock fall etc) and remedying or mitigating those hazards as part of a subdivision application process.	<p>Add to Table 3, item 4 "b) any hazards likely to emanate from adjoining Conservation land (e.g. tree fall, rock fall etc) are to be identified and where possible remedied or mitigated as part of the subdivision application process.</p> <p>Including any consequential amendments required to other zones.</p>
47.	Section 39 Transport Rule 8	Oppose	Rule 8, providing for airstrips as a permitted activity contains no standards or terms to deal with disturbance to the public or wildlife arising from airstrip operation. The rule appears very generous.	<p>Provide standards and terms for the siting of airstrips to deal with disturbance to the public or wildlife arising from airstrip operation.</p> <p>b) Recommended standard: "Airstrips within 2 km of an identified "red zone" (aircraft restricted) in the Waikato CMS, or within 2km of a wildlife sanctuary or wildlife management reserve are a restricted discretionary activity."</p> <p>c) Discretion to be reserved in regard to likely disturbance to persons seeking a wilderness experience on "red zoned" Conservation land, and to effect on wildlife of the operation of the airstrip</p>
48.	Section 39 Transport Rule 9.	Oppose	Rule 9, by providing for Helipads as a permitted activity there are no standards or terms to deal with disturbance to the public or wildlife arising from helipad operation. The rule is very generous.	Provide standards and terms for the siting of helipads to deal with disturbance to the public or wildlife arising from helipad location.

				<p>b) Recommended standard: <u>"Helipads within 2 km of an identified "red zone" (aircraft restricted) in the Waikato CMS, or within 2km of a wildlife sanctuary or wildlife management reserve are a restricted discretionary activity"</u>.</p> <p>c) Discretion to be reserved in regard to likely disturbance to persons seeking a wilderness experience on "red zoned" Conservation land, and to effect on wildlife of the operation of the helipad.</p>
49.	Section 43 Conservation Zone 43.4 Activities table	Support in part	Provision needs to be made in the zone for visitor-related refuse transfer facilities and refuse recycling. Refuse transfer facilities are currently provided for visitors at the farm parks.	<p>a) Add to activities table for the zone <u>"Visitor-related refuse transfer facilities and refuse recycling"</u>.</p> <p>b) provide for as permitted activities.</p>
50.	Section 43 Conservation Zone 43.4 Rule 6	Oppose in part	Rule 6, earthworks provisions in Conservation Zone requires expansion of the stated provisos to the permitted activity statement to assist to prevent the spread of Kauri dieback disease through the use of earthmoving plant and machinery containing soil or plant material from other locations.	Add to Rule 6 new d) <u>"where earthmoving plant and machinery does not contain soil and plant material from other locations"</u>
51.	Section 43 Conservation Zone 43.6 Rule 17	Oppose	<p>S43.6 Rule 17 states that activities not provided for in the Activity Table at the beginning of Section 43, and not provided for in the table at Section 1.8 are Discretionary Activities.</p> <p>This arrangement appears to overlook the activities provided for in the Overlay Rules, e.g. S29.1, 2 and 3 involving the clearance of indigenous vegetation which are permitted</p>	Council is requested to revise the statement regarding discretionary activities at Rule 17, or to revise the scope of Activities Table 1.8 to avoid activities being permitted and also deemed discretionary.

			activities. The situation is confusing. The statement at Rule 17, or the scope of the Activities Table at S1.8 requires review. A similar situation may occur in regard to other zones and activities tables.	
52.	Section 43 Conservation Zone 43.8 Table 5	Oppose in part	Table 5 Item 9 Offsite effects from earthworks: Kauri dieback is a probable offsite effect from earthworks when plant and soil material from other locations is introduced to a site. This undesirable effect should be recognised in the Table.	Add to Table 5 item 9, Offsite effects from earthworks, additional category c) "whether measures have been taken to prevent the introduction or spread of Kauri dieback disease arising from the introduction of plant and soil material from offsite via earthmoving plant and machinery".
53.	Section 43.4. Rule 6 Earthworks	Support in part	Standards for earthworks as a permitted activity relate poorly to the purposes of the zone. Standards at 32.3 Rule 2 may be more suitable. Additional standards to protect mature indigenous vegetation are also required.	Incorporate standards at 32.3 Rule 2 into standards for Section 43.4 Rule 6; include a standard requiring "that mature indigenous vegetation is not removed".
54.	Section 43 Conservation Zone 43.4 Rule 10 Farming	Support in part	Criterion e) cannot always be met in full as some leases of recreation reserve land contain provisions which limit public access to specific areas.	Amend criterion e) to read "the public has opportunities to access the farm where appropriate"
55.	Section 43 Conservation Zone 43.4 Rule 11	Support in part	The circumstances under which noise is a permitted activity should be expanded to provide for noise generated by management activities.	Add to Rule 11: "f) Management purposes, e.g. track construction and maintenance, facilities establishment, helicopter operations and related management activity".
56.	Section 43 Conservation Zone	Support in part	Several rules applicable to the Conservation Zone carry the footnote- "must get approval of the	Add footnote to all Conservation zone rules, or provide a footnote of general

	43.4 All rules		Department of Conservation" or words to similar effect. It is unclear whether this is approval prior, or subsequent to any granting of a resource consent. From Rule 4 onwards this requirement is not applied. Any application for resource consent by any party other than the Department or the Crown should show evidence of prior approval by the Department as the administering authority.	application within the zone that applications for resource consent (in the Conservation Zone) should have the prior approval of the Department of Conservation as the land administering authority.
57.	Section 43 Conservation Zone 43.4 Permitted activities	Amend/S support in part	The status of restoration in the Conservation Zone is unclear. It may be a non-complying activity. "Restoration" is defined in the Plan.	Provide for restoration as a permitted activity in the Conservation Zone, including in that area that lies within the coastal environment. Add to the Activities Table.
58.	Section 43 Conservation Zone 43.4 Permitted Activities	Amend/S support in part	The status of wild animal control in the Conservation Zone is unclear.	Provide for wild animal control as a permitted activity in the Conservation Zone, including in that area that lies within the coastal environment. Add to the Activities Table.
59.	Section 43 Conservation Zone 43.4 Permitted activities	Amend/S support in part	The status of nuisance/pest plant or weed or animal pest control in the Conservation Zone is unclear.	Provide for nuisance plant/weed and animal pest control as a permitted activity in the Conservation Zone including in that area that lies within the coastal environment. Add to the Activities Table.
60.	Section 43 Conservation Zone 43.4 Permitted activities	Amend/S support in part	The status of visitor centres, workshops and depots and staff accommodation in the Conservation Zone is unclear. A number of these facilities are located in the zone.	Provide for visitor centres, workshops and depots and staff accommodation as permitted activities in the Conservation Zone. Add these facilities to the Activities Table.
61.	Section 43.5 Conservation Zone Rule 16 Visitor	Support in part	The situation is unclear in regard to facilities associated with visitor accommodation. For avoidance of doubt facilities associated with visitor accommodation should also be provided for.	Amend second line of statement to add "and related facilities" after the word "activity".

62.	accommodation Section 43 Conservation Zone 43.4 Rule 9 Afforestation	Support in part	Rule 9 at 1e) requires prior to afforestation, the provision of a forestry plan. It is desirable that the forestry plan also show whether indigenous fauna (e.g. kiwi frogs etc) are present on the site and indicate the steps proposed to safely relocate or to protect them. This is especially appropriate in the Conservation Zone where residual pine forest may provide habitat for indigenous fauna and may be harvested by parties other than the Crown.	Add at Rule 9, 1e) the requirement that forestry plan show "vi) Whether indigenous fauna (e.g. kiwi, frogs etc) are present on the site and indicate the steps proposed to safely relocate or to protect them".
63.	Section 43.4 Conservation Zone Permitted activities	New provision	Freedom camping is not provided for in the Conservation Zone. For clarity it is suggested that the plan provisions mirror the Department's approach.	Provide for freedom camping as a permitted activity in the Conservation Zone except in areas where the Department of Conservation has imposed a restriction. Add to Activities Table.
64.	Section 43 Conservation Zone 43.6 Rule 17	Support in part	Section 43.6 Rule 17 states that activities not provided for in the Activity Table at the beginning of Section 43, and not provided for in the table at Section 1.8 are Discretionary Activities. This arrangement appears to overlook the activities provided for in the Overlay Rules, e.g. Section 29.1, 2 and 3 involving the clearance of indigenous vegetation which are permitted activities. The situation is confusing. The statement at Rule 17 or the scope of the Activities Table at Section 1.8 requires review. A similar situation may occur in regard to other zones and activities tables.	Council is requested to revise the statement regarding discretionary activities at Rule 17, or to revise the scope of Activities Table 1.8 to avoid activities being permitted and also deemed discretionary.

65.	Section 43 Conservation Zone 43.7 Rule 18	Support in part	<p>Rule 18 provides that activities listed in the activities table at 1.8 but not provided for in the activity table at S43.3 are non-complying activities. A number of these activities currently occur in the Conservation Zone or are proposed to be undertaken in the near future.</p> <p>The activities include:</p> <p>Hazardous facilities Cycleway/walkway Helipad Pest control Road formation Road maintenance Vehicle parking, loading, and manoeuvring Wastewater treatment plant and treated waste disposal Water treatment plant, Water reservoir.</p> <p>The need for these activities to be non-complying is unclear. Most occur with minor adverse effect within the zone or beyond it</p>	<p>Council is requested to make provision, in the Conservation Zone for the following activities as permitted activities:</p> <p>Hazardous facilities Cycleway/walkway Helipad Pest control Road formation Road maintenance Vehicle parking, loading, and manoeuvring Wastewater treatment plant and treated waste disposal Water treatment plant, Water reservoir.</p>
66.	Section 50 Open Space Zone 50.4 Rule 4	Support in part	Permitted activity status for flood works should also be on the basis that the works are authorised by Waikato Regional Council.	To Rule 4a) add the phrase " <u>and authorised</u> " by Waikato Regional Council.
67.	Section 52 Recreation Active Zone and 53 Recreation	Oppose	Both zones apply to TCDL controlled reserves only. Te Pupuha Recreation Reserve is administered by the Department and should be excluded from the Recreation Passive zone.	<p>a) Delete Te Pupuha Recreation Reserve from Recreation Passive Zone,</p> <p>b) review maps to ensure DOC reserves are not in Recreation Active or Passive</p>

	Passive Zone			zones.
68.	Section 56 Rural Zone 56.4 Rule 6	Oppose in part	In regard to earthworks in the Rural Zone, the spread of Kauri dieback disease is a risk where earthmoving plant and machinery contains plant and soil material from other locations. The standards for earthworks as a permitted activity should make reference to this.	Add to Rule 6 Earthworks after 1 h) iii), and vi) <u>"Earthmoving plant and machinery does not contain soil and plant material from other locations"</u>
69.	Section 56 Rural Zone 56.4 Rule 11 Afforestation	Support in part	Rule 11,1c) requires prior to afforestation the provision a forestry plan. It is desirable that the forestry plan also show whether indigenous fauna (e.g. kiwi, frogs, bats etc) are present on the site and indicate the steps proposed to safely relocate or to protect them.	Add at Rule 11, 1c) a new vi) <u>"whether indigenous fauna (e.g. kiwi, frogs, bats etc) are present on the site and indicate the steps proposed to safely relocate or to protect them"</u>
70.	Section 56 Rural Zone Rule 11 afforestation	Support in part	Considerable nuisance can be caused when the unformed margins of public roads are used for storm water, siltation control, fire breaks or landscape improvements associated with afforestation. Ideally these activities should be contained on the land on which the forest is established.	Amend Rule 11 1 by insertion of <u>"d) that storm water, siltation control, fire breaks or landscape improvements are not located on the unformed margins of public roads."</u>
71.	Section 56 Rural Zone 56.8 Table 8	Oppose in part	Table 8 Item 8 Offsite effects from earthworks: Kauri dieback is a probable offsite effect from earthworks when plant and soil material from other locations is introduced to a site. This undesirable effect should be recognised in the Table.	Add to S56.8 Table 8, Offsite Effects from Earthworks, additional category <u>"c) whether measures have been taken to prevent the introduction or spread of Kauri dieback disease arising from the introduction of plant and soil material from offsite via earthmoving plant and machinery"</u> .
72.	Section 56 Rural Zone 56.8 Table 8	Oppose in part	In regard to afforestation activity that falls within the Restricted Discretionary category, it is appropriate that when considering forestry infrastructure and replanting, Council also reserve	Add at Table 8, item 10 Forestry Infrastructure and Replanting a new c) <u>"the presence of any indigenous fauna (kiwi, frogs etc) and arrangements proposed to</u>

			its discretion in regard to the presence of any indigenous fauna (kiwi, frogs etc) on the site and arrangements proposed to safely remove or protect them.	<u>safely relocate or protect them</u> ".
73.	Section 57 Rural Lifestyle Zone 57.4 Rule 6	Oppose in part	In regard to earthworks in the Rural Lifestyle Zone, the spread of Kauri dieback disease is a risk where earthmoving plant and machinery contains plant and soil material from other locations. The standards for earthworks as a permitted activity should make reference to this.	Add to Rule 6 Earthworks after 1 h) iii), and vi) <u>"Earthmoving plant and machinery does not contain soil and plant material from other locations"</u>
74.	Section 57 Rural Lifestyle Zone 57.8 Table 8	Oppose in part	Table 8 Item 8 Offsite effects from earthworks: Kauri dieback is a probable offsite effect from earthworks when plant and soil material from other locations is introduced to a site. This undesirable effect should be recognised in the Table.	Add to S57.8 Table 8, Offsite Effects from Earthworks, additional category " <u>c</u>) whether measures have been taken to prevent the introduction or spread of Kauri dieback disease arising from the <u>introduction of plant and soil material from offsite via earthmoving plant and machinery</u> ".
75.	Section 41 Coastal living Zone Section 56 Rural Zone Section 54 Residential Zone Section 57 Rural Lifestyle Zone	Support	Support the provision of setbacks (Conservation Zone Yard) in all sections where activities are adjacent to Public Conservation Land. The provision of setbacks important in identifying any hazards likely to emanate from adjoining Conservation land (e.g. tree fall, rock fall etc) and appropriately avoiding, remedying or mitigating those hazards prior to development commencing.	Retain Conservation Zone Yard provisions.
76.	Appendix 1 A1.3 Historic Heritage Schedule Para A1.2	Amend/S support in part	The Waikato CMS contains a list of actively managed DOC sites. The Hauraki sites could usefully be added to the District Plan lists in Appendix 1.	Add Actively managed Hauraki sited listed in the CMS to the lists in Schedule A1.3.
77.	Appendix 1	Support	Some additional text is suggested to indicate the	Add additional text " <u>Historic heritage</u>

	Historic Heritage Schedule Para A1.3	in Part	importance of some of the District's historic sites.	assets and items within the district are seen as nationally important whether on Council, Public Conservation Land or private land should be recognised and protected through the District Plan."
78.	Appendix 1 Historic Heritage Schedule Tables 1-7	Support in Part	A number of historic items are omitted and should be included.	The following items should be listed on the tables of archaeological sites: <u>Kauri</u> industry sites, <u>Crosbies Settlement</u> , <u>mining sites</u> , <u>Tararu Cemetery</u> , <u>Burke Street Wharf</u> , <u>Dickson Park</u> , <u>Tararu Pleasure Gardens</u> and <u>homestead</u> .
79.	Appendix 3	Support in Part	The Schedule of Significant Trees omits reference to many of the district's significant kauri trees.	Add to the Schedule of Significant Trees reference to the <u>Square Kauri</u> , <u>Twin Kauri</u> , <u>309 Kauri Grove</u> , <u>Manaia Kauri Sanctuary</u> . Use as a reference the <u>Kauri 2000 Tree Inventory</u> .
80.	Map 2	Support in Part	Land adjoining MHW at Pikau Coast and Rauporoa Bay is shown as recreation passive zone. They are marginal strips administered by the Department. The land should be shown as Conservation Zone	Amend Map 3 zones to show <u>Pikau Coast Marginal Strip</u> (Conservation Unit T10001) and <u>Rauporoa Bay Marginal Strip</u> (Conservation Unit T10002) as Conservation Zone.
81.	Map 6	Support in Part	Macdonald Recreation Reserve Conservation Unit S10004 is administered by the Department and should be shown as in the Conservation Zone.	Amend Map 6 zones to show <u>Macdonald Recreation Reserve Conservation Unit S10004</u> as Conservation Zone.
82.	Map 10c	Support in Part	Land off Bay Road is shown as Recreation Passive but it is part of Coromandel State Forest Park Conservation Unit T11001 and is administered by the Department.	Amend Map 10c zones to show <u>Coromandel State Forest Park Conservation Unit T11001</u> off Bay Road as Conservation Zone.
83.	Map 12E	Support in Part	Matarangi Bluff Marginal Strip T10032 is shown as road. It should be shown as Conservation Zone.	Amend Map 12E zones to show <u>Matarangi Marginal Strip Conservation Unit T10032</u> as Conservation Zone.
84.	Map 14	Support	Red Beach Recreation Reserve Conservation Unit	Amend Map 14 zones to show <u>Red Beach</u>

		in Part	T10047 is shown as Recreation Passive but is administered by the Department and should be shown as Conservation Zone.	Recreation Reserve Conservation Unit T10047 as Conservation Zone.
85.	Map 14B	Support in Part	Taimahu Marginal Strip Conservation Unit T10044, Opito Bay Recreation Reserve Conservation Unit T10045 and Opito Bay Marginal Strip Conservation Unit T10074 are shown as Recreation Passive Zone. They are all administered by the Department and should be Conservation Zone.	Amend Map 14B zones to show Taimahu Marginal Strip Conservation Unit T10044, Opito Bay Recreation Reserve Conservation Unit T10045 and Opito Bay Marginal Strip Conservation Unit T10074 as Conservation Zone.
86.	Map 16	Support in Part	Waiau Falls Scenic Reserve Conservation Unit T11008 is shown as Recreation Passive but is administered by the Department. It should be shown as Conservation Zone.	Amend Map 16 Zones to show Waiau Falls Scenic Reserve Conservation Unit T11008 as Conservation Zone.
87.	Map 18F	Support in Part	Kaitoke Scenic Reserve Conservation Unit T11051 is zoned Rural. It is administered by the Department and should be zoned Conservation.	Amend Map 18F Zones to show Kaitoke Scenic Reserve Conservation Unit T11051 as Conservation Zone.
88.	Map 18J	Support in Part	Purangi River Marginal Strip Conservation Unit T11059 is shown in part as Recreation Passive zone. This area is administered by the Department and should be zoned Conservation.	Amend Map 18J to show Purangi River Marginal Strip Conservation Unit T11059 s Conservation Zone in its entirety.
89.	Map 19B	Support in Part	Te Pupuha Recreation Reserve Conservation Unit T11069 is zoned Recreation Passive. It is administered by the Department and should be zoned Conservation.	Amend Map 19B to show Te Pupuha Recreation Reserve Conservation Unit T11069 as Conservation Zone.
90.	Map 20A	Support in Part	Waikawau Recreation Reserve Conservation Unit T11032 is zoned Open Space. It is administered by the Department and should be zoned Conservation	Amend Map 20A to show Waikawau Recreation Reserve Conservation Unit T11032 as Conservation Zone.
91.	Map 21A	Support in Part	Te Mata River Marginal Strip Conservation Unit T11136 is shown as Recreation Passive Zone and Open Space Zone. As it is administered by the	Amend Map 21A to show Te Mata River Marginal Strip Conservation Unit T11136 as Conservation Zone.

92.	Map 21B	Support in Part	Department it should be zoned Conservation. Tapu River Mouth Marginal Strip, Conservation Unit T11158 is zoned Open Space and Recreation Passive. It is administered by the Department and should be zoned Conservation.	Amend Map 21B to show Tapu River Mouth Marginal Strip, Conservation Unit T11158 as Conservation Zone.
93.	Map 24A	Support in Part	Hot Water Beach Recreation Reserve Conservation Unit T11070 is zoned Recreation Passive. It is administered by the Department and should be zoned Conservation.	Amend map 24A to show Hot Water Beach Recreation Reserve Conservation Unit T11070 as Conservation Zone.
94.	Map 24B	Support in Part	Sailors Grave Historic Reserve Conservation Unit T11121 is zoned Recreation Passive. It is administered by the Department and should be zoned Conservation.	Amend Map 24B to show Sailors Grave Historic Reserve Conservation Unit T11121 as Conservation Zone.
95.	Map 24C	Support in Part	Pohutukawa Grove Recreation Reserve Conservation Unit T11122 is zoned Recreation Passive. It is administered by the Department and should be zoned Conservation.	Amend Map 24C to show Pohutukawa Grove Recreation Reserve Conservation Unit T11122 as Conservation Zone.
96.	Map 26B	Support in Part	Waiomu Recreation Reserve Conservation Unit T11162, and Waioumu Creek Marginal Strip Conservation Unit T11098 are zoned Recreation Passive. They are administered by the Department and should be zoned Conservation.	Amend Map 26B to show Waiomu Recreation Reserve Conservation Unit T11162, and Waioumu Creek Marginal Strip Conservation Unit T11098 as Conservation Zone.
97.	Map 26C	Support in Part	Te Aputa Pa Historic Reserve T12147 is administered by the Department and is not shown on the zone map. The Te Puru Stream Marginal Strip T12001 is administered by the Department and is shown in part as Open Space Zone. Both should be zoned Conservation.	Amend Map 26C to show Te Aputa Pa Historic Reserve T12147 and the Te Puru Stream Marginal Strip T12001 as Conservation Zone.

Sent: Friday, 14 March 2014 4:37:31 p.m.

To: TCDC General Mail Address

Subject: Submission on Proposed Thames-Coromandel District Plan

Proposed Thames-Coromandel District Plan

Name

Kay Piper

Address

9 Tattersfield Place
Hamilton 3204
New Zealand
[Map It](#)

Phone

0211185189

Email

misssurfandsun@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.

- No

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

Yours sincerely,

Kay Piper

Date

14/03/2014

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
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
- 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) CHRISTOPHER CHARLES JOHNSON

or Organisation (if relevant) _____

Email Address andresine@hug.co.nz

Postal Address 154 CLOVELLY ROAD, BUCKLANDS BEACH
AUCKLAND 2012

Phone no. 09 5358066
include area code

Mobile no. 027 477 3876

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 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 ☐ 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

10th March 2014

Dear Mayor Leach and TCDC Councilors,

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

My name is ^{Christopher}~~Charles~~ Johnson and I own a holiday home in Whangaporoa.

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 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,



From: John Norton [John.Norton@lochores.co.nz]

Submission 830

Sent: Friday, 14 March 2014 4:36:54 p.m.

To: TCDC General Mail Address

Subject: Submission on TCDC Proposed District Plan

Dear Mayor Leach and TCDC

Our names are Evelyn and John Norton and we own a holiday home in Sandy Bay, Port Charles, along with 3 other branches of the family.

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

It seems to be some sort of “catch all” definition which will have a seriously detrimental effect on the region and its very nature. We are very proud and happy that our family-owned bach becomes a wonderful family gathering place. It is set up to house several families – to us that is the point of our bach and I believe we reflect a huge part of what the Coromandel peninsula is all about...a wonderful escape where people gather in groups and communities to enjoy nature and each other. We are also very happy that we can provide that same experience to others when we sometimes rent out the bach to defray the expenses. It is only for a small part of the year that that happens and we use rain water and some bore water and have our own septic tank. The nearest shop or facilities of any sort are half an hour away. How do we possibly impact badly on anyone else? The consumption of local resources and amenity effects are no different whether they are used by owner/families or by people renting the property. And frankly it is blatantly unfair and wrong to expect or demand that these baches be only used part time. Nowhere else are councils expected to provide part-time amenities and our rates as it is, give us precious little when we are so self-reliant and focused on nature not amenities. Again, I say it is hugely unfair to deprive us of our small income which allows us to keep and run the family bach and which also provides happy, healthy sharing time for others.

This ruling will impact badly on the whole of the nature of Coromandel – and turn it into another isolated individual users type of location just like the big cities. How wrong can you get it!!!??? Some of the best things that happen at Sandy Bay – like the Fun day and the sand castle competition are generated from this very community natured, extended family type of involvement that this proposed plan is trying to stamp out. It seems to be some sort of concerted effort to turn an area that I’m proud to be associated with because it is NOT elitist into a commercial, private playground for the rich. Sharing accommodation makes it feasible for people who aren’t as wealthy to enjoy wonderful holidays together and it makes it feasible for existing owners to carry on owning these family baches.

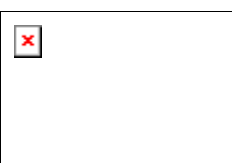
As you can see I am totally against this Proposed Plan! Whatever the problem is that you are trying to solve, this is a mighty, indiscriminate club which is going to change the nature of this wonderful area if allowed to proceed as it is.

Please consider amending the definition of “Visitor Accommodation” in the Proposed Plan to specifically exclude holiday homes.

Thanks for listening

Kind regards

Evelyn and John Norton



John & Evelyn Norton

MOB: 027 256 4676 (John) | 027 538 3596 (Evelyn)

Sent: Friday, 14 March 2014 4:33:31 p.m.

To: TCDC General Mail Address

Subject: Submission on Proposed Thames-Coromandel District Plan

Proposed Thames-Coromandel District Plan

Name

Blair Clarke

Address

86 Hataitai rd
Wellington 6021
New Zealand

[Map It](#)

Phone

0274174670

Email

blairclarke.bc@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.

- No

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

Yours sincerely,

Blair Clarke

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
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
- 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)	Jo Young	
or Organisation (if relevant)	Transpower New Zealand Limited	
Email Address	jo.young@boffamiskell.co.nz	
Postal Address	c/- Boffa Miskell Limited, PO Box 91250, Auckland 1142	
Phone no. <small>include area code</small>	09 257 4415	Mobile no.

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)

Refer attached 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:

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

Retained ☐ Deleted ☐ Amended ☐ as follows:

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 14 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

THAMES-COROMANDEL DISTRICT COUNCIL
Private Bag, 515 Mackay Street, Thames 3540
phone: 07 868 0200 | fax: 07 868 0234
customer.services@tcdc.govt.nz | www.tcdc.govt.nz



Submission by Transpower NZ Limited on the Thames-Coromandel Proposed District Plan 2012

14 March 2014

Keeping the energy flowing



ADDRESS FOR SERVICE

Jo Young
Boffa Miskell Limited
Level 3, IBM Centre, 82 Wyndham Street
PO Box 91250
AUCKLAND 1142

Tel: 09 357 4415
Email: jo.young@boffamiskell.co.nz

APPROVED FOR RELEASE

A handwritten signature in black ink, appearing to read 'm Hurley'.

Mike Hurley –
Senior Environmental Planner
On behalf of the Manager Policy and Planning

Transpower New Zealand Ltd
PO Box 1021
WELLINGTON 6140

Phone (04) 590 7244
Email: environment.policy@transpower.co.nz

(Not Address for Service)

SUBMISSION BY TRANSPOWER NZ LTD ON THE THAMES-COROMANDEL PROPOSED DISTRICT PLAN 2013 PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

INTRODUCTION

Transpower New Zealand Limited (“Transpower”) is the State Owned Enterprise that plans, builds, maintains and operates New Zealand’s high voltage transmission network (the National Grid) which links generators to distribution companies and major industrial users. The grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.

The National Grid comprises some 12,000 km of transmission lines and over 170 substations. This is supported by a telecommunications network of some 300 telecommunication sites that link together the components that make up the National Grid.

Statutory Framework for Electricity Transmission

Transpower's electricity infrastructure is a significant physical resource that must be sustainably managed under the Resource Management Act 1991 (“RMA”), and any adverse effects on that infrastructure must be avoided, remedied or mitigated. Section 31 of the RMA sets out the responsibilities of district councils, including at section 31(1)(a) ‘the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district’.

The National Policy Statement on Electricity Transmission 2008 (“NPSET”) confirms the national significance of the resource and the need to appropriately manage activities and development close to it¹. The objective of the NPSET is as follows:

“To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network”.*

¹ The Ministry for the Environment has prepared guidance for local authorities on how to implement the NPSET in plans and policy statements. See~
<http://www.mfe.govt.nz/publications/rma/nps-electricity-transmission-implementation-guidance-jan2010/index.html>

Section 75(3)(a) of the RMA requires a District Plan to give effect to a National Policy Statement.

Resource Management (National Environment Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) came into effect on 14 January 2010. The standards:

- Specify that transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects; and
- Specify resource consent requirements for transmission activities that do not meet the terms and conditions for permitted activities.

The NESETA applies to the high voltage National Grid transmission lines in existence on 14 January 2010. The standards in the NESETA recognise and provide for the effective operation, maintenance and upgrading, relocation and removal of the existing transmission network, having considered operational constraints and technical requirements. The standards provide a framework of consent requirements and permissions that take into account the policies in the NPSET. The NESETA does not apply to new lines.²

It is important, given its national and regional significance, that the National Grid's management is properly addressed in the Thames Coromandel District Plan ("TCDP"). The national significance of the National Grid should be recognised in the TCDP.

Transpower welcomes the opportunity to provide comments on the draft of the TCDP and looks forward to the opportunity to discuss these comments further with Council staff as the Plan is developed further.

Thames Coromandel National Grid Transmission Assets

The following National Grid transmission assets are located within the Thames Coromandel District (refer to location map in Attachment A):

- Kopu - Waikino A 110kV line on towers;
- Kopu Substation at Warahoe Road, Matatoki.

These assets are correctly described in section 30.1 Background (Electricity Transmission Line Buffer Notation) of the Proposed TCDP.

² The Ministry for the Environment has prepared guidance to assist local authorities with reviewing and amending plans to fully incorporate the NESETA.

See <http://www.mfe.govt.nz/publications/rma/neselectricitytransmissionregulations/plans1.html>.

1.0 GENERAL COMMENTS

- 1.1. Transpower provided feedback on the Draft TCDP. Much of the feedback did not make its way into the Proposed TCDP and therefore some matters overlap the submission lodged to the Draft TCDP. By way of summary, the provisions of the Proposed TCDP need to ensure:
 - That the NPSET is given effect to;
 - Appropriate recognition is given to the provisions of the NESETA;
 - The sustainable management of the National Grid as a physical resource;
 - The benefits of the National Grid to the district are recognised;
 - Appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines can be accessed;
 - That the existing network can be upgraded in order to meet growth in energy demand;
 - The protection of the existing network from issues of reverse sensitivity and the effects of others' activities; and
 - Appropriate provision for the planning and development of new lines.
- 1.2. Transpower is satisfied that the Proposed TCDP will achieve most of the outcomes set out above. In particular, the Proposed TCDP recognises the lines and substation of the National Grid as essential infrastructure for the district. Section 19 Utilities includes strong objectives, which recognise the importance of such network utilities for the district and the need to ensure that their safe, secure and efficient use and operation is protected from the adverse effects of other activities.
- 1.3. The lines of the National Grid are appropriately shown on the planning maps. The policies which follow the above Section 19 Utilities objectives seek to encourage the establishment, operation, maintenance and upgrading of network utilities, which these comments support. There are a number of amendments suggested however to the proposed policies, to better achieve this outcome.
- 1.4. Similarly, the Proposed TCDP establishes an electricity transmission buffer corridor management approach, which is strongly supported by Transpower. Since the development of the draft and proposed provisions however, Transpower has continued discussions with key stakeholders and refined further its transmission corridor management approach. These stakeholders have included Federated Farmers of New Zealand, Horticulture New Zealand, and developers and as a result the transmission buffer corridor management approach relating to rural areas has been further refined. This refined approach is discussed further in these comments with suggested new district plan provisions.
- 1.5. These further discussions have resulted in a proposed "Area of Management" around designated substations. The 150m Area of Management is not intended to be a clear area where nothing can occur. Rather, it is an area within which

Transpower is notified of subdivision, sensitive land use development (such as homes, hospitals and schools) and other intensive development so it can work with developers to ensure development is appropriately designed and potential adverse effects on and from the National Grid are avoided or mitigated.

- 1.6. These comments on the Proposed TCDP are to both the Plan and its maps generally, as well as to specific provisions. Where appropriate, new wording is suggested to assist officers. Transpower would welcome any opportunity to discuss how the District Plan is giving effect to the NPSET and NESETA with Council officers.
- 1.7. These comments focus mainly on the provisions to ensure the operation, maintenance and upgrading of the existing National Grid assets in the District are not compromised. While no new National Grid assets are planned within the District at this stage, Transpower also considers it important to ensure that the TCDP makes appropriate allowance for new National Grid assets to establish within a planning framework for this eventuality in line with the NPSET. Any significant new electricity generation within the district will need to connect into the National Grid which could require a new transmission line.
- 1.8. Overall, while generally supported by Transpower, some modifications and/or clarifications are required to the Proposed TCDP in order to address all of the relevant general resource management issues identified in paragraph 1.2 above. The specific changes required to achieve this are outlined in the balance of these comments. Firstly however there are a number of general matters which apply to the Proposed TCDP as a whole which are addressed in this section. These are dealt with in turn below, before the comments relating to specific sections.

Planning Maps

- 1.9. Transpower supports the notation on the proposed planning overlay maps (overlay maps 36, 36A, 36C, 32 and 32A) of the Kopu - Waikino A transmission line. This and the designation for the Kopu substation fulfils Policy 12 of the NPSET, which requires territorial authorities to identify the electricity transmission network on their relevant planning maps, whether or not the network is designated.

Designation

- 1.10. The Kopu Substation at Matatoki is designated in the Operative Thames Coromandel District Plan. This designation is reflected in the Proposed TCDP Appendix 2 (Map Overlay 32) as "TRANZ 1 Transpower Substation, Electricity Substation, Lot 1 DPS 56757, 138 Warahoe Road, Matatoki". Transpower has requested that this designation rolled over with only some minor corrections made.

Terminology for Infrastructure

- 1.11. As discussed below in the comments on section 15 Settlement Development and Growth, the Proposed TCDP variously refers to 'strategic infrastructure' and 'key infrastructure' and 'regionally significant infrastructure'. None of these terms are defined in the Plan.
- 1.12. While the Proposed Plan's approach to strategic infrastructure is broadly supported, there is a need for consistency when referring to the infrastructure of the district. While Transpower's submission in this regard relates to the examples found in section 15, there may be others in other sections of the Plan. While Transpower has no particular preference used to describe the infrastructure of strategic or key importance to the district, it requests that a single term is used consistently through the Plan (and if necessary defined). However any term used must recognise the national significance of the National Grid; i.e. it is not just significant to the district or region.

Providing for the Establishment of New Electricity Transmission Lines and Infrastructure

- 1.13. As noted above, there are currently no new lines proposed or planned within the district. Transpower considers however that the TCDP should make proper provision for these should they be required in the future, with a consistent approach used throughout the district. In this regard, with linear infrastructure it is important that there is a consistent regulatory approach along existing and future routes. The resource management issues arising from such infrastructure can be reasonably determined across the district as a whole, with a consistent regulatory approach applied to deal with these issues. Transpower annually reviews and forecasts the future electricity demand to ensure that the National Grid has the necessary capacity to meet the growing electricity demand in the country. Transpower is seeking to gain the maximum efficiency that it can out of its existing network but in some cases upgrades and development of the National Grid are required to meet the growing demand. The NPSET requires that this development and upgraded be enabled by the District Plan framework.
- 1.14. Transpower notes that 'above ground electricity lines' are variously provided for within the zones and overlays of the Proposed TCDP, including in certain zones or overlays (such as the Rule 7, section 32 Landscape and Natural Character) a non-complying activity status. In others, a non-complying activity status has been applied where certain standards are not met (for example non-conformity with the pole height rules in Section 50 Open Space Zone, Rule 8).
- 1.15. Transpower requests a consistent approach throughout the Plan to provide for above ground electricity lines and the removal of non-complying activity status (including where a particular standard is not met). A discretionary activity status would be satisfactory to Transpower, provided there is no non-complying status attached where related standards cannot be achieved.

- 1.16. In Transpower's view any non-complying activity status for a new lines does not provide for new transmission resources as required by the NPSET. It can be very difficult for large linear infrastructure such as a new transmission line to pass the gateway tests in section 104D. Under the NPSET, Transpower has obligations to avoid adverse effects on existing sensitive activities, and areas such as town centres, outstanding natural landscapes, of high natural character, and of high recreational and amenity value where it can. These matters are taken into account as part of the route selection process for a new line. Complete avoidance of an area of high natural value may have more adverse effects than an encroachment in a natural area; e.g. by the need to locate the line close to a settlement or by the additional kilometres of line that is required to avoid a natural area. When assessing the adverse effects National Grid infrastructure the constraints, route and location selection process and benefits must be considered under the NPSET.

1. GENERAL RELIEF SOUGHT

1. That the provisions of the District Plan are amended to ensure that:

- a. Full effect is given to the National Policy Statement for Electricity Transmission 2008 (NPSET);
- b. Recognise of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) and ensure that there are no conflicts with provisions of the District Plan and NESETA (s44A of the RMA);
- c. The protection of the existing National Grid network from issues of reverse sensitivity and the effects of others' activities through the provision of appropriate National Grid Corridors and Yards based on the characteristics of the transmission line;
- d. Provide an appropriate policy framework for the development of new National Grid electricity transmission lines; and
- e. Provide for the on-going operation, maintenance, upgrading and development of existing National Grid transmission lines.

One way of achieving the points above would be to adopt the relief sought throughout the balance of this submission

2. **Retain** notation on the proposed planning overlay maps (overlay maps 36, 36A, 36C, 32 and 32A) of the Kopu - Waikino A transmission line.
3. **Amend** the references to 'strategic infrastructure', 'key infrastructure' and 'regionally significant infrastructure', and other similar such references, through the entire Plan to ensure consistency in terminology.
4. **Amend** the Proposed TCDP to provide for new above ground National Grid electricity lines as no more restrictive than discretionary activities in all zones and overlays, including where any standards are not met.
5. **Amend** the Proposed TCDP to include cross referencing between sections, in particular to enable plan users considering development and subdivision proposal to understand the full range of objectives, policies, rules and

assessment criteria that may be relevant.

6. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

2.0 SECTION 9 LANDSCAPE AND NATURAL CHARACTER: 9.3 OBJECTIVES AND POLICIES

- 2.1. The Proposed TCDP does not identify any areas of landscape and natural character over the existing National Grid in the district. Transpower is concerned however to ensure the objectives, policies and rules relating to landscape and natural character properly provide for any future (but as yet unplanned) National Grid infrastructure.
- 2.2. Transpower supports the policy approach in section 9 of the Proposed TCDP, and in particular expressed at objective 1 that outstanding landscapes should remain outstanding and their values protected from inappropriate and cumulative subdivision, use and development. Importantly, this policy seeks to protect the 'values' of the outstanding landscapes rather than the landscapes themselves.
- 2.3. For Transpower's part, it is guided by Policy 8 of the NPSET which requires that in rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation values and amenity and existing sensitive activities.
- 2.4. Transpower notes the outcomes sought by policy 1c that, where in an outstanding landscape, network utilities shall be located away from ridgelines and prominent landforms. Transpower supports that the policy and acknowledges that network utilities may in some circumstances need to cross ridgelines and, if so, adverse effects are required to be remedied. This acknowledgement is particularly relevant to National Grid infrastructure which is linear: to avoid ridgelines altogether may be practically and technically very difficult (if not impossible) and impose significant costs.
- 2.5. The requirement to remedy adverse visual effects of network utilities crossing ridgelines and the examples provided of tunnelling underneath, camouflage or vegetative screens are too limited for National Grid infrastructure. In this regard, we are satisfied that 'mitigated as far as practicable' has been included in this policy since the draft version of the TCDP. This allows for a wider range of solutions (ie. not just providing for visual effects to be repaired by way of remedy, but providing also for visual effects to be mitigated by way of, for example a design solution). The main way of avoiding adverse effects of transmission lines is through the route selection process.

2. 7.3 OBJECTIVES AND POLICIES

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Retain** Objective 9.3.1
2. **Retain** Policy 9.3.1c

3.0 SECTION 15 SETTLEMENT DEVELOPMENT AND GROWTH

- 3.1. Section 15 sets out the issues, objectives and policies relating to settlement development and growth within the district.
- 3.2. While it is recognised that the Proposed TCDP provides only limited opportunities for subdivision within the Rural and Open Space zones that the existing National Grid traverses, it is important that the TCDP recognises the potential for other activities to impact on the operation, maintenance and upgrading of the network.
- 3.3. Such an approach is consistent with Policies 10 and 11 of the NPSET, which require RMA decision makers to manage activities to avoid reverse sensitivity effects on the National Grid network, and ensure sensitive activities are avoided within National Grid buffers and ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised.
- 3.4. New development, land use and subdivision can compromise the operation, maintenance, upgrading and development of regionally significant infrastructure, such as the National Grid. Allowing subdivision and development to encroach on existing National Grid infrastructure can compromise the ability to access and maintain the lines, to the security of supply and result in ongoing safety risks. These effects can occur from the likes of buildings, development, operation of machinery³, dust or undermining from earthworks in close proximity to electricity transmission infrastructure. Encroaching activities can also give rise to reverse sensitivity effects on the National Grid.
- 3.5. Transpower considers that Issue 15.2.4 does not appropriately capture this issue within the Thames Coromandel District context. This Issue states that incompatible land uses can cause reverse sensitivity issues and limit commercial and industrial opportunities. Transpower also considers that reverse sensitivity issues can also limit the efficient operation, maintenance, upgrading and development of key strategic infrastructure such as the National Grid.

³ It is recognised that the District Plan does not manage the operation of machinery.

- 3.6. There are a number of objectives, policies and methods which stem from this issue.
- 3.7. While the principal of the objectives and policies which follow this issue are supported, Transpower does not consider that the buffer corridor management method proposed appropriately responds to the issue of reverse sensitivity on significant infrastructure. Transpower's approach to buffer corridor management has been reviewed as a result of ongoing consultation between Transpower and stakeholders. The changes requested to the Proposed TCDP in this regard are discussed below when commenting on the relevant parts of the Plan.
- 3.8. As noted above, the objectives and policies relating to settlement growth and development are supported by Transpower. In particular, Objective 15.3.4 seeks that settlement development and growth provides for a diverse range of land uses and living choices. Policy 15.3.4e seeks that mixed land use should be encouraged where it supports vibrant settlements and does not result in undue reverse sensitivity effects.
- 3.9. Objective 15.3.1 seeks that settlement development and growth uses capacity in existing or planned water, wastewater, stormwater and roading infrastructure. Policy 15.3.1h notes settlement development and growth should maintain the efficiency and safety of the District's key infrastructure including the transportation network (roads, wharves, marinas and airfields), water, wastewater and stormwater
- 3.10. While these objective and policy are supported, Transpower consider that the objectives and policies need to refer directly to the National Grid and respond to the reverse sensitivity issue and the requirement to ensure that the operation and maintenance of the National Grid is not compromised.

3. SECTION 15 SETTLEMENT DEVELOPMENT AND GROWTH

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** Issue 15.2.4 as follows:

Issue 15.2.4

Incompatible land uses can result in reverse sensitivity issues and restrictions on commercial and industrial opportunities and the efficient operation, maintenance, upgrading and development of strategic infrastructure.

2. **Amend** Policy 15.3.1h as follows:

Policy 1h

Settlement development and growth should maintain the efficiency and safety of the District's key infrastructure including the transportation network (roads, wharves, marinas and airfields), water, wastewater, stormwater and strategic infrastructure.

3. **Retain** Objective 15.3.4 as notified
Objective 4
Settlement development and growth provides for a diverse range of land uses and living choices
4. **Retain** policy 15.3.4e as notified:
Policy 4e
Mixed land use should be encouraged where it supports vibrant settlements and does not result in undue reverse sensitivity effects.
5. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

4.0 SECTION 16 SUBDIVISION: 16.3 OBJECTIVES AND POLICIES

- 4.1. As noted above, there is limited subdivision potential within the Rural and Open Space zones of the district which the National Grid traverse. Inappropriate subdivision can however adversely affect the National Grid lines and substations and therefore it is important that the District Plan provides at a minimum some guidance as to appropriate subdivision in proximity to the National Grid infrastructure.
- 4.2. Policy 11 of the NPSET requires that a buffer corridor be identified where it can be expected that sensitive activities will generally not be provided for. While Policy 10 requires that reverse sensitivity is managed and the operation, maintenance, upgrading and development of the National Grid is not compromised. The design and layout of a subdivision are often key stages of giving effect to these provision. If subdivision is inadequately considered and controlled it could lead to subdivision patterns that inappropriately limit where buildings can be sited on sections, and it has the potential to generate amenity and reverse sensitivity issues due to the relationship between the National Grid, and subsequent development / land use. In extreme circumstances, poorly controlled subdivision has given rise to circumstances where unbuildable lots have been created and/or maintenance and access to the lines is compromised. In other circumstances, it has given rise to situations where lines aerially bisect lots, thus inappropriately limiting their development potential.

- 4.3. Given the limited subdivision potential within the zones beneath the existing National Grid lines in the district, a comprehensive rule and assessment criteria regime is not sought in this instance. Rather, guidance in the relevant policies and subdivision standards is proposed against which discretionary subdivision consent applications will be considered.
- 4.4. Transpower seeks in this regard that Objective 16.3.10, which as drafted is limited to ensuring subdivision does not result in additional costs to the community for infrastructure, be expanded to also ensure that subdivision avoids adverse effects on infrastructure. The suggested wording is set out below.
- 4.5. In addition, a new policy should be added to provide greater guidance on the outcome sought of ensuring subdivision is designed so that activities (including building platforms) can be set back from transmission lines to ensure the adverse effects on and from the National Grid are appropriately avoided, remedied or mitigated.

4. 16.3 OBJECTIVES AND POLICIES

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** Objective 16.3.10 as follows:

Objective 10

Subdivision of land does not result in additional costs to the community for infrastructure and avoids adverse effects on significant infrastructure.

2. **Include** a new Policy 16.3.10b as follows:

Policy 10b

Subdivision shall be designed to ensure that activities (including building platforms) are appropriately positioned in relation to the National Grid to ensure the adverse effects on and from the National Grid are appropriately avoided, remedied or mitigated.

3. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.0 SECTION 19 UTILITIES

- 5.1. Transpower generally supports the recognition in paragraph one of 19.1.2 National Policy Statements, that National Policy Statements have been established for Electricity Transmission and Renewable Electricity Energy Generation. This paragraph correctly notes that the NPSET seeks to manage

the adverse environmental effects of the electricity network and of other activities on the network. It goes on to record that the NPSET is accompanied by a NESETA which specifically applies to the operation, maintenance, upgrading, relocation, or removal of existing transmission lines only. In addition, it recognizes that the electricity network is a matter of national significance, as recognised in section 4 of the NPSET.

- 5.2. Transpower also supports the group of issues in 19.2 which refer to the critical role that network utilities play and the need to manage the district's resources in recognition of this role. Specifically, Issue 19.2.1 notes that while network utilities in the district may have adverse effects on the environment, they play an essential role in providing services to the district's communities. Issue 19.2.2 appropriately states that inadequate and unreliable supply of network utility infrastructure throughout the district can undermine economic growth and the sustainable management of resources, and can adversely affect community wellbeing. Issue 19.2.3 notes that the safe and efficient operation and maintenance of network utilities can be put at risk through inappropriate subdivision, land use and development.
- 5.3. Transpower supports the approach to these issues expressed in objective 19.3.1 and 19.3.2. Some of the policies and the methods (specifically the transmission corridor approach) which stem from these objectives should be redrafted however to give them proper effect.
- 5.4. Transpower generally supports the approach of policy 19.3.1b which encourages the establishment, operation, maintenance and upgrading of network utilities, however the explicit requirement to avoid adverse effects on the coastal environment, natural character and historic heritage could result in an expectation that Transpower undertake onerous mitigation; i.e. undergrounding sections of the National Grid.
- 5.5. Transpower is concerned with the relatively limited approach to locating new network utility infrastructure prescribed in policy 19.3.1c. This policy requires that new network utility reticulation infrastructure shall be placed underground, unless:
 - A natural or physical feature precludes the establishment or operation of the underground network utility;
 - The operation and use of the network utility can only be achieved above ground or is already existing;
 - The surrounding environment is likely to be adversely affected;
 - It is in the Rural Area, outside the Coastal Environment;
 - The utility reticulation infrastructure is for renewable energy generation
- 5.6. While the intent is understood in relation to piped and ducted infrastructure, the policy would appear to reach further than this and capture new National Grid lines. Undergrounding new National Grid lines is not economical or technically feasible across large distances and should not be required by this policy. It can also take longer to find and repair faults on an underground cable and this can therefore have detrimental implications for the security of electricity supply for

a region. The second bullet point of the policy which sets out the exceptions goes toward recognising these limitations; however in Transpower's view the policy could be more specific by actually excluding National Grid lines. Suggested wording in this regard is set out below.

- 5.7. Policy 19.3.1e requires that network utilities be developed, operated, maintained and upgraded to minimise the generation and/or emission of nuisance effects such as noise, light, vibration, odour or hazardous substances. Transpower considers that the policy could be amended to recognise the important role of integrating surrounding land use to also achieve these outcomes. Suggested wording is set out below.
- 5.8. Transpower strongly supports the approach established by policies 19.3.2a and 19.3.2b. These policies establish the buffer corridor approach, which as discussed later in the submission Transpower supports at a policy level in the TCDP, subject to the changes to the rules to give effect to these policies.
- 5.9. Policy 2a seeks that existing and future electricity transmission corridors are identified and protected when identifying and managing areas of new development. Policy 2b seeks that subdivision, use and development be designed and located to avoid incompatible activities and vegetation close to network utilities that may compromise the ability of the network utilities to operate safely and effectively. These policies are consistent with NPSET policies 10 and 11 referred to earlier in this submission.
- 5.10. These policies are also consistent with the proposed Waikato Regional Policy Statement (Implementation Method 6.6.2)⁴ which states that the Waikato Regional Council will work with territorial authorities to develop a transmission corridor management approach. The transmission corridor is designed, amongst other things, to protect the corridor from inappropriate subdivision, use and development and manage the effects of third parties on the safe and efficient operation of the transmission network.

5. 19 UTILITIES

(all amendments shown in **italics & underline** and deletions shown in **strikethrough**)

1. **Retain** paragraphs 1-3 of 19.1 Background
2. **Retain** Issues 19.2.1, 19.2.2 and 19.2.3, Objectives 19.3.1, 19.3.2 and Policies 19.3.2a and 19.3.2b.
3. **Amend** Policy 19.3.1b as follows:

Policy 1b

The establishment, operation, maintenance and upgrading of network utilities shall be enabled *whilst avoiding adverse effects on the coastal environment, natural*

⁴ It is recognised that this method is subject to appeal.

character and historic heritage to the extent practicable

4. **Amend** Policy 19.3.1c as follows:

Policy 1c

- a) A natural or physical feature precludes the establishment or operation of the underground network utility;
- b) The operation and use of the network utility can only be achieved above ground or is already existing;
- c) The surrounding environment is likely to be adversely affected;
- d) It is in the Rural Area, outside of the Coastal Environment;
- e) The utility reticulation infrastructure is for renewable energy generation or part of the National Grid.

5. **Amend** Policy 19.3.1e as follows:

Policy 1e

Network utilities should be developed, operated, maintained and upgraded and surrounding land uses managed to minimise nuisance effects such as noise, light, vibration, odour or hazardous substances.

6. **Amend** Policy 19.3.1f as follows:

Policy 1f

New network utilities shall not be located in outstanding landscapes unless:

- a) The infrastructure is subject to a significant functional constraint and the adverse effects are outweighed by the overall economic, social and/or environmental benefits; and
- b) The route/site selection process has identified no feasible alternative or it is the best environmental outcome.

7. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

6.0 UTILITIES RULES

6.1. Policy 2 of the NPSET states that:

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective, operation, maintenance, upgrading and development of the electricity transmission network

- 6.2. The inclusion of different rule within the different zones is not an effective nor efficient method of providing for the development of the National Grid and other large scale linear infrastructure. The TCDP contains rules that prohibit electricity infrastructure within some zones. For instance Electricity facilities are prohibited within the open space zone. A Prohibited Activity is contrary to the provisions of the NPSET. Under section 75(3) of the Resource Management Act 1991 Councils must give effect to any National Policy Statement.
- 6.3. When managing the effects of any new National Grid infrastructure, consideration of the technical and operation constraints, the extent to which adverse effects have been avoided through the route and site selection and method must be considered (Policies 3 and 4 of the NPSET). Under a prohibited activity status no consideration of how potential adverse effects have been avoided can be considered; which is contrary to the NPSET.
- 6.4. While Transpower is not currently planning any new extension of the National Grid within the Thames-Coromandel District; it must be recognised that the district is growing and therefore new National Grid infrastructure could be required in the future. Transpower can also not predict where new electricity generation will be developed and any significant new generation will need to connect to the National Grid. There can therefore be locational constraints and other technical constraints that can't be avoided and it may be necessary to locate new electricity facilities (at least partially) within the open space zone.
- 6.5. Transpower notes that 'above ground electricity lines' are variously provided for within the zones and overlays of the Proposed TCDP, including in certain zones or overlays (such as the Rule 7, section 32 Landscape and Natural Character) a non-complying activity status. In others, a non-complying activity status has been applied where certain standards are not met (for example non-conformity with the pole height rules in Section 50 Open Space Zone, Rule 8).

- 6.6. Transpower seeks that the zone based approach to manage electricity and other linear infrastructure is abandoned and a new district wide Utilities Rule section is established which efficiently and effectively manages the provision of utilities in a stand alone section. Any new National Grid infrastructure should be no more restrictive than a discretionary activity status from any provision in the District Plan.
- 6.7. Transpower does not consider that it has the expertise nor right to actively seek what the relevant provisions are for all of the utility providers in the district and would therefore urge the Council to work with the utility providers in developing appropriate district wide provisions.
- 6.8. The district plan must also ensure that the District Plan is not contrary to the provisions of the NESETA. A stand alone utilities section in the Plan enables a clear statement to be included within the District Plan to clarify the relationship between the NESETA and the rules in the District Plan.

6. UTILITIES RULES

(all amendments shown in **italics & underline** and deletions shown in **strikethrough**)

1. **Delete** all of the rules relating to utilities in the zone based sections and create a stand alone utilities section(s) in the plan that contains the rules which manage utilities right across the district. It is noted that there is already a transportation section.
2. **Ensure** that provision is made for National Grid infrastructure as required by the NPSET. Any upgrading or development of National Grid Infrastructure should be no more restrictive than a discretionary activity status by any rule in the Plan.
3. **Insert** a statement or rule into an appropriate section(s) the plan that clarifies that relationship between the rules in the plan and the NESETA as follows:
All electricity transmission activities affecting National Grid assets existing as at 14 January 2010 must comply with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), and no rule in the Plan shall apply unless required to by virtue of a specific regulation in the NESETA.
4. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

7.0 SECTION 24 RURAL AREA

- 7.1. Transpower supports Objective 1 Section 24 Rural Area which recognises that a variety of land uses and developments are able to co-exist in the Rural Area without conflict and make efficient use of natural and physical resources. Utilities such as the National Grid are an example of important land uses other than primary production that occur in rural areas.
- 7.2. Transpower also supports policy 1a, which recognises that in addition to primary production, other activities can have a functional requirement to locate in rural areas.
- 7.3. Transpower also supports Objective 3 which recognises that reverse sensitivity effects and actual or potential conflicts between activities should not impact on the continuing effective and efficient operation of existing lawfully established rural land use activities (including utilities).

7. 24 RURAL AREA

(all amendments shown in *italics & underline* and deletions shown in ~~strikethrough~~)

1. **Retain** Objective 24.3.1
2. **Retain** Policy 24.3.1a
3. **Retain** Objective 24.3.3
4. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

8.0 SECTION 30 ELECTRICITY TRANSMISSION LINE BUFFER OVERLAY

- 8.1. Transpower supports the renaming section 30 to the “National Grid Buffer Overlay”. Transpower’s work with stakeholders indicates that the general public understands what the National Grid is while there is some confusion and misunderstanding as to what a “transmission line” is. This heading also allows for the inclusion of a rule relating to an “Area of Management” within 150m of substations. The NPSET applies to all of the components of the National Grid.
- 8.2. Transpower supports those parts of section 30.1 Background which record that the existing 110kV National Grid line that runs in the district from Hikutaia to the Warahoe Road substation is critical for ensuring an efficient and secure supply of electricity. Section 30.1 Background also notes that the Council is required to manage development to ensure that activities in the National Grid corridor do not affect the ongoing operation, maintenance, upgrading or development of the line or result in any incompatibility or reverse sensitivity effects.
- 8.3. As noted above, there a number of amendments that should be made to the Proposed Electricity Transmission Line Buffer Overlay rules at 30.2, 30.3 and 30.4 (with consequential amendments to section 30.1 Background) to better achieve these stated outcomes and also to reflect recent revisions to the method proposed by Transpower following consultation with key stakeholders. These amendments are set out below.
- 8.4. The consultation with key stakeholders has resulted in Transpower reviewing its approach to the National Grid buffer corridor management to provide for some non-sensitive activities to occur within the corridor where they do not affect the network. In a rural context, these changes are intended to provide for non-sensitive rural activities such as barns, storage sheds and horticultural structures within the corridor, provided they still meet the minimum safe separation distances specified in the NZECP34:2001. Compliance with NZECP34:2001 is mandatory under the Electricity Act.
- 8.5. The buffer corridor management approach proposed here defines two buffer areas adjacent lines and support structures; referred to as the National Grid Yard and the National Grid Subdivision Corridor. The width of the National Grid Yard is based on the location of the conductors (wires) under ‘everyday wind’ conditions and the access requirements to maintain the lines. The width of the National Grid Subdivision Corridor is based on the maximum swing of the conductors in high wind conditions for the type of assets within the district.
- 8.6. The National Grid Yard applies 12 metres from the centre line of an overhead transmission line and 12 metres from support structures (towers). Within the National Grid Yard, sensitive activities (discussed below) are earthworks are provided for with some restrictions. Within this area, structures and buildings are basically only provided for if they are for a network utility or uninhabitable horticulture or farm buildings or structure. Intensive farm buildings, commercial greenhouses and sensitive activities are not provided for in the National Grid Yard.

- 8.7. All structures and buildings are required to comply with either the height limit specified, a minimum vertical clearance of 10m below the lowest point of the National Grid line, or the safe separation distances specified NZECP 34:2001. There rule provides for instances where is obviously a safe vertical clearance without the need to refer to the minimum separation distances under NZECP 34:2001.
- 8.8. Non conformity with the earthworks, activity or building/structure rules within the National Grid Yard is a non-complying activity under the revised approach. A non-complying activity status reflects a policy position that no provision is made in the plan for non-conformity with the rules of the Plan and the importance of these standards to avoid both reverse sensitivity effects on the network *and* ensure that the operation, maintenance, upgrading and development of the network is not compromised (as required by Policy 10 of the NPSET) and the development is safe.
- 8.9. With respect to sensitive activities, Policy 11 of the NPSET directs that they are generally not provided for within buffer corridors. Transpower considers that the appropriate status that results from this policy is also non-complying, in recognition of this strong policy directive to avoid. A definition of a sensitive activity is also proposed. This builds further on the inclusive definition of the NPSET ("Sensitive activities" includes dwelling houses, early childhood centres, Papakainga, Retirement villages, seasonal accommodation, schools and hospitals"), to provide an exclusive definition that captures all activities that are particularly sensitive to the risks associated with National Gridlines.
- 8.10. Beyond the National Grid Yard, the National Grid Corridor applies to a width 32 metres either side of the National Grid line. The National Grid Corridor controls subdivision, specifically to ensure that subdivision design and layout properly provides for the buffer corridor. Where, as is the case in the Thames Coromandel District, the context is rural and there is limited subdivision potential provided beneath the lines, the primary requirement is to ensure that every lot has a building platform outside of the National Grid Yard. Amendments are suggested below to the subdivision section to control subdivision accordingly.
- 8.11. Transpower also seeks a specific rule relating to buildings within proximity to substations. A 150m "Area of Management" is sought with a restricted discretionary activity status. This Area of Management allows for such building where it is appropriate but allows for a full assessment of effects and where necessary the avoidance or mitigation of potential adverse effects. The 150m buffer around substations is not intended intended to be a clear area where nothing can occur. Rather, it is an area within which Transpower is notified of subdivision and sensitive land use development (such as homes, hospitals and schools) and other intensive development so it can work with developers to ensure development is appropriately designed. For example, Transpower may be able to suggest layout options such as the location of bedrooms away from the substation depending on effects contours.

- 8.12. Even when a substation is operated within the accepted noise limits in a District Plan some people can become sensitive to the noise emitted as the substations are required to operate 24 hours a day and seven days a week. Earth bunds and/or acoustic barriers can reduce the potential noise nuisance that some people experience around the substations. Planting can also be used to screen a substation from surrounding development. Other management measures could be the locating of stormwater infrastructure, greenbelts or roads around the substation. Measures such as these can go a long way to ensuring enduring outcomes that benefit Transpower and our neighbours and manage the potential for reverse sensitivity effects.
- 8.13. Transpower will review the noise level information and other studies that it has available and where necessary will undertake new studies to inform discussions with the Council and developers. This work will take some time. Until it is completed, Transpower seeks a 150 metre management area to be incorporated into the proposed plan within which sensitive activities, intensive development, and subdivision are managed and risks for the National Grid are appropriately mitigated.
- 8.14. Once the investigation work is completed, it may be that this management area can be reduced. Examples of buffer areas or setbacks that have been reduced as a result of further engineering analysis is the development at Kaiapoi. There, Transpower and the developer agreed on a 35 metre setback for dwellings from the substation with acoustic barriers and other mitigation measures; it also included the use of a commercial development on one side of the substation boundary to block noise to some of the residential development. In that instance, a 35 metre noise buffer was appropriate. In contrast, the Piako substation required a larger setback due to the nature of the surrounding environment, soil composition and other factors.
- 8.15. As subdivision is often a precursor to land use change and future more intensive development, including buildings, it is important that the act of subdivision considers these matters. The design and layout of a subdivision are often key stages to giving effect to land use.
- 8.16. In accordance with the revised National Grid buffer management approach adjacent to lines and substations discussed above, new rules are required for subdivisions. These rules will ensure that any lot created within a National Grid Corridor has a building platform outside of the National Grid Yard and any subdivision within 150m of a substation considers the effects on the substation.
- 8.17. While the relief sought has requested a discretionary activity status for appropriate subdivision within the National Grid Yard this is an attempt to align the provision with section 38 where subdivision in the Rural Zone is discretionary; Transpower would also support a restricted discretionary activity status in Rule 4.1.1. Transpower would support the subdivision provisions being included in section 38 if the Council preferred this approach. However, it is considered that having all of the provisions for the National Grid overlay in one section was clearer and simpler given the extent of the line in the district.

Transpower would welcome a discussion with Council Officers on these matters.

- 8.18. Further, a reference to the NESETA is also sought in section 30 to make it clear that no rule in the Plan shall apply to existing National Grid assets, unless required to by virtue of a specific regulation in the NESETA.

8. SECTION 30 ELECTRICITY TRANSMISSION LINE BUFFER NOTATION

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** the title of section 30 as follows:

Section 30 – Electricity Transmission Line National Grid Buffer Overlay

2. **Amend** section 29.1 Background as follows:

30.1 Background

The only electricity transmission line within the District that is part of the "National Grid" is a 110 kV line that runs from Hikutaia to the Warahoe Road substation. This line is critical for ensuring an efficient and secure supply of electricity to the District. Under the National Policy Statement on Electricity Transmission 2008 and the Waikato Regional Policy Statement, the Council is required to manage development to ensure that activities in the transmission line corridor do not affect the on-going operation, maintenance, upgrading or development of the line or result in any incompatibility or reverse sensitivity effects.

There could be significant impact on the reliability of electricity supply for the whole District if the line is damaged or the operation or ability to upgrade it is inappropriately constrained. This would adversely affect the local economy. There are no back-up supply routes for electricity into the District. It is therefore critical that the line is protected from damage and constraint, thus ensuring efficient and secure electricity supply.

Outside the National Grid corridor shown on the Planning Maps, the rules in this section do not apply. The area of land that these rules cover incorporates all land within a 32 m wide buffer on either side of the centreline of the transmission line. These overlay rules do not apply outside of the buffer shown on the Planning Maps.

Work in close proximity to the line shall also comply with NZCEP 34:2001 New Zealand Electrical Code of Practice (NZCEP 34:2001) for all buildings, earthworks and use of mobile plant. Vegetation planted within the transmission line corridor should be selected and/or managed to ensure that it will not result in a breach of the Electricity (Hazards from Trees) Regulations 2003.

Both the NZCEP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 include a number of tables and figures that illustrate minimum safe distances for

buildings and other works and vegetation in relation to different components of the electricity supply system.

All electricity transmission activities affecting National Grid assets existing as at 14 January 2010 must comply with the National Environmental Standards for Electricity Transmission Activities, and no rule in the Plan shall apply unless required to by virtue of a specific regulation in the National Environmental Standards for Electricity Transmission Activities.

3. Amend section 30.2 Activity Table and User Information as follows:

30.2 Activity Table and User Information

The Activity Table groups activities under broad headings and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

R = Rule

S = Section

The overlay rules are part of a hierarchy of rules. There may be zone rules, district-wide rules, other overlay rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

ACTIVITY TABLE

ACTIVITY	29.3
Earthworks	R 1
Activities, Structures and buildings within the National Grid Yard	R 2
Structure between 12 m and 32 m of transmission line	R 3
Buildings and subdivision within 150m of the National Grid Substation	
Subdivision within the National Grid Subdivision Corridor	R4

4. Amend section 30.3 Transmission Line Buffer Notation Rules as follows:

30.3 ELECTRICITY TRANSMISSION LINE NATIONAL GRID BUFFER RULES

RULE 1 Earthworks

1. *Earthworks within the National Grid Yard that are a permitted activity in the underlying zone and district-wide rules retains its activity status provided that:*
 - a) ~~It complies with NZECP 34:2001 New Zealand Code of Practice for Electrical Safe Distances, (NZECP 34:2001) and;~~
 - b) ~~Earthwork holes that are greater than 0.5 m diameter:~~
 - i) ~~Are no deeper than 0.3 m when within 2.2 m of a pole support structure or stay wire; and~~
 - ii) ~~Are no deeper than 0.75 m when 2.2 — 5 m away from a pole support structure or stay wire; and~~
 - iii) ~~Are no deeper than 3 m when 6 — 12 m away from the outer visible edge of a tower support structure or stay wire; and~~

- ~~iv) Are no deeper than 0.3 m when within 6 m of the outer visible edge of a tower support structure or stay wire; and~~
- ~~v) Are no deeper than 3 m when 6 – 12 m away from the outer visible edge of a tower support structure or stay wire; and~~
- ~~vi) Does not create a batter greater than 40°; and~~
- ~~vii) Does not result in a reduction of the clearance distance underneath the conductors required by NZECP 34:2001, or a reduction in the existing clearance if already not in compliance with NZECP 34:2001; or~~
- e) ~~Earthwork holes that are no greater than 0.5 m diameter are more than 1.5 m from a pole support structure or stay wire; or~~
- d) ~~It is undertaken by a network utility operator; or~~
- e) ~~It is done as part of normal agricultural or domestic cultivation; or~~
- f) ~~It is for the repair or surface coating of a road, footpath, drain, driveway or track.~~

(a) Are no deeper than 300mm within 12m of any National Grid support structure foundation

Except that

Vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt.

(b) They do not create an unstable batter that will affect a National Grid support structure; and

(c) They comply with NZECP 34:2001, including but not limited to, maintaining the ground to conductor clearance distances required by Table 4 of NZECP34 34:2001

Provided that the following are exempt from points (a) above:

- Earthworks for a Network Utility within a transport corridor, as part of a transmission activity, or for electricity infrastructure. or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

2. Earthworks that are not permitted under Rule 1.1(a) are a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 2, 4 and 5 in Table 1 at the end of Section 30.
4. Earthworks that are not permitted under Rule 1.1(b) and (c) are a non-complying activity.
5. A resource consent application for earthworks under Rules 1.2 and 1.4 shall be assessed without public notification under Sections 95 and 95A of the RMA. Notification shall be served to the transmission line owner and/or operator.

RULE 2 Activities, Structures and Buildings within the National Grid Yard 12 m of a transmission line

1. ~~A structure within the National Grid Yard 12 m of the centreline of the transmission line that is a permitted or controlled activity in the underlying zone and district-wide rules retains its activity status provided:~~
 - a) ~~It complies with NZECP 34:2001, and;~~
 - b) ~~It is a building less than 10 m² in area, less than 2.5 m high and not used as accommodation; or~~
 - c) ~~It is not a building and is less than 2.5 m high; or~~
 - d) ~~It is an alteration to an existing structure or building that does not increase its height or footprint.~~
2. ~~A structure within 12 m of the centreline of the transmission line that does not retain its activity status under Rule 2.1 is a restricted discretionary activity.~~
3. ~~The Council restricts its discretion to matters 1-3 and 5 in Table 1 at the end of Section 30.~~
4. ~~A resource consent application for earthworks shall be assessed without public notification under Sections 95 and 95A of the RMA. Notification shall be served to the transmission line owner and/or operator.~~

That Under the National Grid Conductors (wires) it is:

- (i) for a sensitive activity and not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or
- (ii) A fence less than 2.5m high; or
- (iii) Be network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or
- (iv) Be an uninhabitable farm building or structure for farming activities (but not a milking/dairy shed (excluding ancillary structures), intensive farming buildings); or a PSA structure; or
- (v) Be an uninhabited horticultural building or structure other than a commercial greenhouse or intensive farming building.

That Around National Grid support structures (towers) it is:

- (i) A Buildings and structures at least 12m from a National Grid support structure unless it is a:
 - a. Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.
 - b. Fence less than 2.5m in height and more than 5m from the nearest support structure.
 - c. Horticultural structure between 8m and 12m from a single pole support structure that:
 - i. Meets the requirements of the NZECP34 for separation distances from the conductor;
 - ii. Is no more than 2.5m high;

iii. Is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and

iv. Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.

d. A horticultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001 to be located within 12m of a tower or 8m of a pole support structure. (ii) An alterations or additions to an existing building that do not involve an increase in the building envelope or floor space.

2. A structure within the National Grid Yard 12 m of the centreline of the transmission line that does not retain its activity status under Rule 2.1 is a restricted discretionary non-complying activity if it is:

- A. A new building or addition to an existing building that involves an increase in the building envelope or footprint for a sensitive activity.
- B. A change of use to a sensitive activity or the establishment of a new sensitive activity.
- C. A hazardous facility.
- D. A Milking shed (excluding accessory structures), commercial glasshouse, PSA Structure or other buildings for an intensive farming activity.
- E. Any buildings and structures within the National Grid Yard that do not comply with one of the following:
 - a. A minimal vertical clearance of 10 metres below the lowest point of the conductor associated with the National Grid lines; or
 - b. Demonstrate that safe electrical clearance distances are maintained in accordance with Sections 2 and 3 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.
- F. Any building or structure within the National Grid Yard that does retain its activity status under Rule 2.1

~~3. The Council restricts its discretion to matters 1-3 and 5 in Table 1 at the end of Section 30.~~

4. A resource consent application for ~~earthworks~~ Activities, Structures and Buildings within the National Grid Yard~~12~~ shall be assessed without public notification under Sections 95 and 95A of the RMA. Notification shall be served to the transmission line owner and/or operator.

NOTE

1. Compliance with the NZECP 34:2001 is mandatory for all buildings, earthworks and use of mobile plant within close proximity to all electric lines. Compliance with the District Plan does not ensure compliance with NZECP 34:2001.

2. Vegetation planted within the transmission line corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

~~RULE 3 Structure between 12 m and 32 m from transmission line~~

~~1. A structure located at any point between 12 m and 32 m from the centreline of the transmission line that is a permitted or controlled activity in the underlying zone and district-wide rules retains its activity status provided it complies with NZECP 34:2001.~~

~~2. A structure located at any point between 12 m and 32 m from the centreline of the transmission line that does not retain its activity status under Rule 3.1 is a restricted discretionary activity.~~

~~3. The Council restricts its discretion to matters 1-3 and 5 in Table 1 at the end of Section 30.~~

~~4. A resource consent application for earthworks shall be assessed without public notification under Sections 95 and 95A of the RMA. Notification shall be served to the transmission line owner and/or operator.~~

RULE 3 Buildings and subdivision within 150 of a designated National Grid substation

1. Any building within 150 metres of the secured yard of a designated National Grid substation is a restricted discretionary activity.

2. The Council restricts its discretion to matters 1, 2, 3 and 5 in Table 1 at the end of Section 30.

3. A resource consent application for a building under Rule 3.1 shall be assessed without public notification under Sections 95 and 95A of the RMA. Notification shall be served to the National Grid owner and/or operator.

RULE 4 Subdivision within the National Grid Subdivision Corridor

1. Subdivision within the National Grid Subdivision Corridor Yard is a discretionary activity providing that a building platform is identified on all lots created that is completed outside of the National Grid Yard.

2. Any subdivision that is not a discretionary activity under Rule 4.1 is a non complying activity.

A resource consent application for a building under Rule 4 shall be assessed without public notification under Sections 95 and 95A of the RMA. Notification shall be served to the National Grid owner and/or operator.

5. **Amend** section 30.4 Transmission Line Buffer Notation Assessment Matters and Criteria as follows:

30.4 ASSESMENT MATTERS AND CRITERIA

Table 1 - Restricted Discretionary Activity Matters

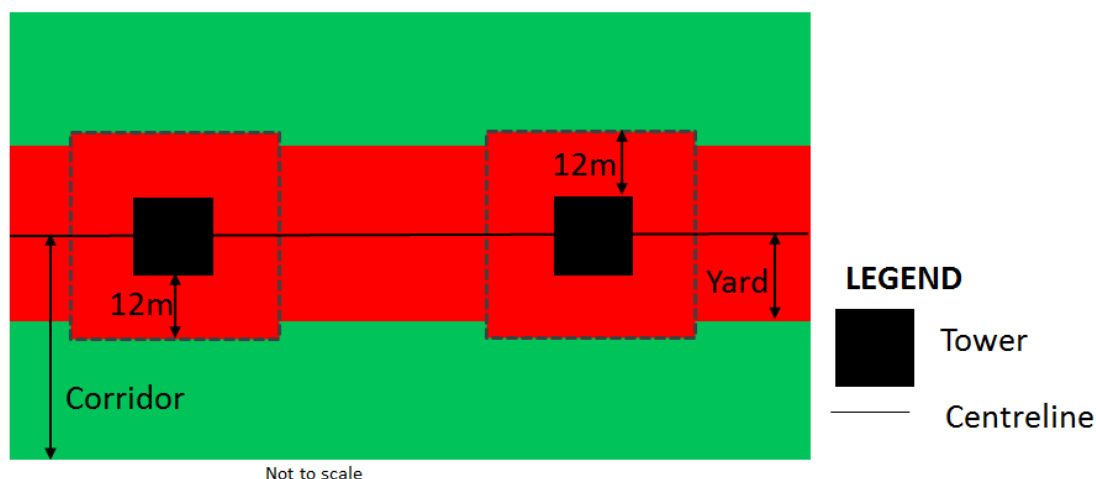
Matter		Assessment Criteria	
1.	Effects of the <u>standard(s)-rules</u> that are not met.	a)	Whether actions, if any, taken to avoid, remedy, or mitigate the effects of not meeting the standard(s) are effective.
		b)	<u>The extent to which the proposed development enables appropriate separation distances between the National Grid and activities sensitive to the National Grid.</u>
		c)	<u>The results of any detailed investigations to determine appropriate separation distances between activities sensitive to the National Grid land the National Grid.</u>
2.	Electrically safe distances for structures and people	a)	Whether the activity complies with NZECP34:2001
		b)	The extent to which electrical hazards may affect public or individual safety, and risk of property damage.
3.	The location, height, scale, orientation and use of structures	a)	Whether the structure creates a risk to the structural integrity of the transmission <u>National Grid</u> line.
		b)	The extent to which the structure affects the ability of the transmission <u>National Grid</u> line owner and/or operator to operate, maintain and upgrade the <u>National Grid</u> transmission network;
4.	The location, scale and duration of earthworks	a)	Whether the earthworks create a risk to the structural integrity of the transmission-line <u>National Grid</u>
		b)	The extent to which the earthworks affect the ability of the transmission <u>National Grid</u> line owner and/or operator to operate, maintain, <u>access</u> and upgrade the transmission network <u>National Grid line and substation</u> ;

		c)	Whether mobile machinery near the <u>National Grid transmission line corridor</u> puts the <u>operation of the line's integrity</u> at risk.
5.	Outcomes of any consultation with the Technical advice provided by the relevant line owner and/or operator	a)	Whether the line owner and/or operator approves of the activity.
		b)	Any technical advice provided.

6. **Amend** section 3 Definitions to insert the following:

National Grid Yard (shown in red in the diagram below) means:

- the area located 12 metres in any direction from the outer visible edge of an National Grid support structure foundation; or
- the area located 12 metres either side of the centreline of an overhead National Grid line on towers;



National Grid Corridor means all of the area in the National Grid Yard, National Grid Subdivision Corridor and within 150m of the secured yard a National Grid designated substation.

National Grid Subdivision Corridor (shown in green in the diagram above) means: the area within 32m measured either side of the centreline of above ground National Grid line.

Note:

The National Grid Corridor and National Grid Yard do not apply to underground cables or any transmission lines (or sections of line) that are designated. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the National Grid line and the outer visible edge of any support structure foundation.

The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

Sensitive Activity means the following activities where they occur within the National Grid Corridor:

- Dwelling;
- Minor Unit
- Early childhood centre;
- Papakāinga;
- Residential Care facility;
- School;
- Hospital.

7. **Retain** the definition for **Building**

means any structure, whether temporary or permanent, movable or immovable, but excludes any of the following:

- *Structure no higher than 1.5 m;*
- *Structure no greater than 0.3 m wide (maximum horizontal dimension), and no higher than an additional one third of the maximum permitted height or HRB standard in the applicable rule;*
- *A vehicle that can be legally driven/towed to a different location on request;*
- *A tent/marquee without a foundation not erected permanently;*
- *One freestanding enclosed structure no greater than 10 m² and 2.5 m high;*
- *Minor gardening/landscaping structures less than 2.5 m high (e.g. pergola, trellis);*
- *Structure authorised by the Council or Waikato Regional Council for erosion control or flood protection;*
- *Fence no higher than 2 m from the lowest adjoining ground level;*
- *Electromagnetic dish (e.g. for communications, TV).*

8. **Retain** the definition for **Hazardous Facilities**

means a site involving hazardous substances, including vehicles for their transport and sites where these substances are used, stored, handled and disposed of.

Hazardous facilities do not include the incidental use and storage of hazardous substances in minimal domestic scale quantities, retail outlets for domestic scale usage of hazardous substances (i.e. hardware shops, home garden centres), fuel in motor vehicles, boats and small engines, gas and oil pipelines, trade waste sewers and waste treatment and disposal facilities.

9. **Retain** the definition for **Intensive Farming.**

Intensive Farming means a primary production activity which does not rely on the productive capacity of soil on site and is predominantly carried out in buildings, sheltered enclosures, structures or tanks. Examples of intensive farming may include farming of the following:

- *Mushrooms;*
- *Fish/shellfish/aquatic organisms;*

- *Poultry;*
- *Weaner pigs stocked at a rate of more than 10 pigs per hectare;*
- *Rabbits.*

10. Retain the definition for **Minor Upgrading of an Electricity or Telecommunication Line**

means an increase in the carrying capacity, efficiency or security of an electrical or telecommunication operation that uses the existing support structures, or structures with a similar scale, character, bulk and form. It includes maintenance, limited upgrading and replacement

Examples of minor upgrading include:

- *The addition of circuits and conductors;*
- *The re-conducting of the line with higher capacity conductors;*
- *The re-sagging of conductors;*
- *The bonding of conductors;*
- *The addition of longer or more efficient insulators;*
- *The addition of earth wires which may contain telecommunication lines, earthpeaks and lightning rods;*
- *The addition of electrical fittings;*
- *Tower replacement in the same location or within the existing alignment of the transmission line corridor;*
- *The replacement of existing cross arms with cross arms of an alternative design;*
- *An increase in support structure height required to comply with the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).*

Minor upgrading does not include an increase in the voltage of the line over 33 kV unless the line has been constructed to operate at the higher voltage but has been operating at a reduced voltage.

- 11. Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

9.0 CONCLUSIONS

- 9.1. The National Grid is recognised as a nationally significant physical resource. Particular provisions are required in the TCDP to protect and provide

for this resource. Having reviewed the Proposed TCDP, Transpower considers that the NPSET has not been fully given effect to and has requested a number of amendments around this issue. The Plan must also recognise the provisions of the NESETA. These two national documents require that the appropriate provision made for the ongoing operation, maintenance, upgrading and development of the network. Specific amendments are proposed to the draft electricity transmission line buffer notation to ensure these follow the outcome of recent and ongoing consultation between Transpower and key stakeholders.

- 9.2. Transpower thanks the Council for the opportunity to comment on the Proposed TCDP and welcomes any opportunity to discuss these comments further with the Council or be heard in support of them.

DATED 14 March 2014

Signature for and on behalf of
Transpower New Zealand Limited:



Jo Young
Planner

Address for Service: Boffa Miskell Limited
Level 3, IBM Centre, 82 Wyndham Street
PO Box 91250
AUCKLAND 1142

Attn: Jo Young

Tel: 09 359 5325

Email: jo.young@boffamiskell.co.nz

Attachment A: Thames Coromandel District National Grid Transmission Assets


TRANSPOWER

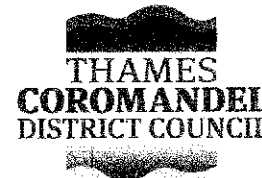
Transpower Assets
Thames-Coromandel District Council

Projection: NZTM 2000 Scale: 1:400,000 Plan Size: A4P

5 2.5 0 5 10 15 km

14/03/14

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
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

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) JAMES NEEDHAM

or Organisation (if relevant) _____

Email Address jamieneedham@gmail.com

Postal Address 136 CRAKEI ROAD, REMUERA, AUCKLAND, 1050

Phone no.
include area code

(9) 5203112

Mobile no.

02102246886

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)

Section 11 Significant Trees
Section 8 Historical Heritage
Section 7 Coastal Environment
Section 9 Landscape and Natural Character

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 see attached

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

Retained ☐ Deleted ☐ Amended ☐ as follows:

Included per attached documents

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 14-03-2014

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

Section 7 Coastal Environment

North and South Boulder Banks, Slipper Island. SLIPPER ISLAND

The Boulder Banks on Slipper Island are a significant coastal landscape and they form a unique coastal structure.

I note (section 7.1.2) states : **The District is a diverse area, with breath-taking scenery, dramatic landscapes, a nationally significant surf break and world-class beaches along its 400 km coastline.** The boulder beaches of the island are unique to the region and possibly the only one of its kind in New Zealand. In Nelson, NZ , is an example of a boulder bank, albeit of a different scale.

I note (section 7.1.2) states: **The Coastal Environment also contains indigenous ecosystems and habitats that are particularly sensitive to modification.** The boulder beaches on the island are the few remaining habitat areas suitable for lizards, in particular the lizard species *Leiopisma smithi*.

I note (section 7.2.1) states: **The protection, preservation, restoration and enhancement of the special values and characteristics of the Coastal Environment need to be carefully balanced with meeting people's inherent interest in using the Coastal Environment as a place to work, live and play.** The north and south boulder banks of Slipper Island have merit to be included in the Coastal Planning Overlay.

I agree with and support **Objective 1 Subdivision, use and development in the Coastal Environment:**

- **Maintains the integrity, form, functioning and resilience of the Coastal Environment.** Any earthworks related to farming activities or other uses, on the island must be with the intent to maintain the integrity, form and function of these significant coastal structures. Removal of any boulders must be prohibited.
- **Preserves the natural character, natural features and landscape values of the Coastal Environment.** Recognition of the natural landscape values, and role in the coastal environment, is required to give protection to the north and south boulder banks on the island.
- **Recognises the relationship of tāngata whenua with the Coastal Environment.** Local iwi.
- **Protects and enhances historic heritage values.** Natural coastal features are always at risk of intentional and unintentional damage, especially by humans desire to remould and develop the landscape. Every boulder removed from the boulder bank is a step towards its destruction. By including these boulder bank coastal structures in the coastal environment overlay provides them with protection.

I propose that the north and south boulder banks (beaches) on Slipper Island be included in the proposed District Plan Coastal Environment Overlay. (Planning Map: 30 Slipper Island).

I believe there should be an opportunity to go further into these submission points.

Submitter:
James Needham
Slipper Island Resident and Owner
136 Orakei Road
Remuera
Auckland
jamieneedham@gmail.com

Proposed Thames - Coromandel District Council Plan SLIPPER ISLAND

Section 8 Historical Heritage

Introductory Comments

There is clear and abundant evidence, principally in the form of artefacts, present on Slipper Island for significant levels of early settlement by Polynesians (particularly at sites U12/5, U12/9 and U12/12). Moreover, the archaeological remains and Maori traditional history show that occupation of the island was continuous until the late pre-European period, or even the early post-European. The landscape and the sites within it remain well-preserved, particularly compared to many areas on the mainland (especially at the Tairua harbour area). This gives the sites on the island, individually and as a group, a high level of significance, not only regionally but nationally. As a group the archaeological sites on Slipper Island form a significant cultural heritage landscape and so merit protection through the Thames-Coromandel District Plan.

“Archaeological deposits of such an early date have high archaeological values and are highly significant at a national level. Also, they have international significance for the information they contain about the settlement of Oceania.”(Gumbley and Hoffmann 2009)

Section 8.1 BACKGROUND

I note the proposed District Plan (section 8.1.1) states: **The New Zealand Historic Places Act provides ‘blanket’ protection to all pre-1900 archaeological sites.** This protection did not prevent unauthorised works on Lots 16 & 17 site U12/9 in South Bay forming part of a recent proposed subdivision and a small investigation was required.

I note the proposed District Plan (section 8.1.1) states: **The District Plan provides an additional layer of recognition and protection for “significant” archaeological sites and Sites identified on the Planning Maps.** The sites on Slipper Island (planning Map 30) require this additional layer of protection and preservation of the sites.

I note the proposed District Plan (section 8.1.1) states: **Many parts of the District have not been surveyed and more information may become available in the future.** Archaeological sites at Slipper Island recorded by Atwell et al (1975), Rowland (1978) as well as archaeological investigations by others in the 1960's and 1970's have determined that this was a place of early Polynesian settlement. Apart from the Warren Gumbley report (2001) prepared for the Slipper Island subdivision RMA20010301, there has not been any further study on these significant sites. An updated site assessment stating the condition of the sites and identifying threats to all of the sites is critically required.

I note the proposed District Plan (section 8.1.2) states: **Historic Heritage Items have been assessed as meeting the “Criteria for Determining Significance of Natural and Cultural Heritage Resources for Protection” as set out in the RPS.** The sites on Slipper Island individually and as a group rate well against these criteria.

Section 8.2 ISSUES

I note the proposed District Plan (section 8.2.1) states: **Inappropriate subdivision, use and development can destroy, damage or modify an archaeological site... and result in the loss of important historic and cultural heritage values...** The sites on Slipper Island are at risk as determined by the 2009 damage report of site U12/9 South Bay. Also by damage of potential earthworks associated with farming and/or damage by stock.

I note the proposed District Plan (section 8.2.2) states: **Lack of knowledge or lack of recognition of the existence or value of an archaeological site; of a maori cultural site and result in the loss of important and cultural heritage values, adversely affecting the relationship of tāngata whenua with that area.** The early Polynesian settlement site U12/9 South Bay is also an urupa (Burial Ground). It has been recommended that all of the beach archaeological site U12/9 be placed under formal protection.

8.3 OBJECTIVES AND POLICIES

Archaeological Sites; Maori Cultural Sites

I agree with and support Objective 1: **Historical and cultural values of archaeological sites and Māori cultural sites are maintained to retain the identity and integrity of the District's history and culture.** The sites on Slipper Island require additional forms of protection under the TCDC District Plan. I believe and agrees with, the view of *Peter Johnston - Ngati-Hei Trust*, that the entire island needs to have an historic designation or status placed over it, to ensure the sanctity of all the sites regardless of where they are located.

I agree with and support Policy 1a: **Land disturbance activities shall be managed to avoid modification, destruction or damage to the historic and cultural heritage values of known archaeological sites, and Maori cultural sites.** It must be recognised that proposed Public Picnic Facilities and public use of Slipper Island Reserve Lot 3 DP 402362 Home Bay, and use of any other Esplanade Reserve areas at Slipper Island, potentially places significant archaeological sites at risk of damage by foot traffic and forbidden fossicking.

I agree with and support Policy 1b: **Any unidentified or unknown archaeological sites or Māori Cultural site, where land disturbances occurs, shall be managed in a way that avoids damage or destruction until the site or area's historic or cultural heritage value is assessed.** It is highly likely unrecorded sites of significant archaeological value on Slipper Island are at risk of unintentional and intentional disturbance and damage.

I agree with and support Objective 2: **Subdivision, use and development shall maintain the relationship of Māori with archaeological sites, and Māori cultural sites.** Local iwi are to be included in any management plan or restoration of sites planning, an example being beach midden sand dune replanting.

I agree with and support Policy 2a: **Subdivision, use and development shall provide for the protection of historic and cultural heritage values of archaeological sites and Māori cultural sites and the relationship of iwi and hapū with those sites.** Slipper Island subdivision RMA20010301 consent condition for three areas containing Maori pa sites (U12/2, U12/3 and U12/4) are subject to conservation covenant 6030870.4. However, monitoring and enforcement of this covenant is poor, moreover there is no reserve committee or management plan for these areas or the other reserves on the island.

I agree with and support Objective 3: **The District's historical identity is maintained and enhanced.** The sites on Slipper Island, individually and as a group, are not only highly significant at a regional level, are also significant on a national level. Currently, as events have shown, these are at risk.

8.4 NON-REGULATORY METHODS

I note the proposed District Plan (section 8.4.1) states: **The council will have an up to date heritage strategy.** I believe the TCDC must include the recorded NZAA sites on Slipper Island in schedule **A1.1 ARCHAEOLOGICAL SITES SCHEDULE Table 1 - Archaeological Sites** under the proposed District Plan to provide an up to date heritage data base.

A1.1 ARCHAEOLOGICAL SITES SCHEDULE

I agree with and support proposed District Plan (A1.1) that states: **Historic heritage cannot be replicated or replaced, as it is a result of past human activity, and consequently is susceptible to any physical change that may reduce or destroy the qualities that contribute to its significance. Landowners may unwittingly damage heritage values, such as through additions and alterations to buildings or siting fences on archaeological sites.** The settlement in Home Bay is build on and around the highly significant site U12/5 where evidence for early Polynesian settlement has been found. This area is under constant threat of being disturbed and damaged. An unrecorded minnow lure "*Te Taonga O Nora*" discovered by Slipper Island Resident Nora Needham, was as a result of earthworks around the vicinity of site U12/5.

I **propose** the following archaeological sites are included in the District Plan Archaeological Sites Schedule (Planning Map 30: Slipper Island):

Slipper Island New Zealand Archaeological Association site records:

Page 3 of 4

NZAA site number: U12/1 Pa

Description of site: Ridge-crest pa at Fortress Point overlooking eastern Bay. L-shaped ditch, several undoubted pits and a number of terraces.

NZAA site number: U12/2 Pa (*Conservation Covenant (D) (Lot 15)*)

Description of site: Headland pa at south end of South Bay. Single ditch system, central platform with terraces and possible pits.

NZAA site number: U12/3 Pa (*Conservation Covenant (F) (Lot 14) (Lot 4 DP402362)*)

Description of site: Headland pa, south end of Home Bay. Two transverse ditches and several terraces.

NZAA site number: U12/4 Pa (*Conservation Covenant (E) (Lot 17)*)

Description of site: Headland pa, northern end of South Bay. Double ditch and bank system with inner terraces surrounding a central platform. One pit outside the outer ditch and a number inside. Shell midden and obsidian.

NZAA site number: U12/5 Midden/Workshop Area

Description of site: Inland of present sand dunes, covers and area of at least 1,700 sq.m, Non concentrated and dispersed. Shellfish, Mayor Island Obsidian and Tahanga basalts. Utilised bone, fishhooks and fishhook tabs.

Home Bay settlement of house and associated farm buildings partly cover the midden. Midden is exposed around the house, under fence lines and in the cattle race running from the house to Home Bay wharf.

NZAA site number: U12/6 Pa

Description of site: Ridge crest pa on western cliff face, northwest of North Swamp, overlooking Home Bay. Probably L-shaped ditch associated with terraces and pits.

NZAA site number: U12/7 Pa

Description of site: Pa at end of high spur, north end of crater Bay. Terraces and four pits plus two transverse ditches.

NZAA site number: U12/8 Pa

Description of site: Headland pa on south east portion of Island. Two transverse ditches, platforms, terraces, pit and midden.

NZAA site number: U12/9 Midden / Oven

Description of site: Shell midden extends along South Bay and sand dunes.

NZAA site number: U12/10 Pit/Terrace

Description of site: Boulder strewn terraces on slope looking over south swamp

NZAA site number: U12/11 Agricultural / Pastoral

Description of site: Stone wall remains. Possibly European? Located to the east of swamp pa U12/17.

NZAA site number: U12/12 Midden / Oven

Description of site: Shell midden above boulder beach north of Home Bay.

NZAA site number: U12/17 Pa

Description of site: Possible swamp pa.

Conclusion comments

This group of archaeological sites on Slipper Island form a significant cultural landscape at a regional and national level.

Page 4 of 4

I **propose** the above listed NZAA sites, that have clear and abundant evidence of early Polynesian settlement, are included in the TCDC proposed District Plan Archaeological Sites Schedule. This is to provide an additional layer of recognition and protection.

I believe that there should be an opportunity, including the subsequent hearing, to go into these submission points in more detail.

I wish to be **heard** at the hearing.

References

Atwell E.G., J.R.H. Spencer, G.F. Puch and P.R. Moore 1975. Archaeological site survey of Shoe Island and the Slipper Island Group. *Tane*, 21: 21-90

Gumbley. W (2001) An appraisal of archaeological issues relating to the proposed subdivision of Slipper Island and an assessment of affects on archaeological values. *Heritage Resource Management Consultant*.

Gumbley W. and Hoffmann A. 2009. Site damage report: U12/9, South Bay, Slipper Island. *CFG Heritage Ltd*.

Rowland, M.J. 1978. Investigations of two sites on Slipper Island. *New Zealand Archaeological Association Newsletter*, 21(1): 31-52

Conservation Covenant 6030870.4 pursuant to Section 77 Reserves Act 1977

Submitter

James Needham
Slipper Island Owner and Resident
136 Orakei Road
Remuera
Auckland

jamieneedham@gmail.com

Section 9 Landscape and Natural Character

Preservation of the natural character of the Coastal Environment, Slipper Island.

Introduction

The landscape and natural character of the Coromandel Peninsula are some of its most important values that require protection and preservation. Islands in particular provide unique opportunities to become breeding sanctuaries for many native flora and fauna. Slipper Island has its own unique marine eco-system and biodiversity. The use and development by humans (from early Polynesian settlement, historical Māori occupation, and more recent Europeans) on Slipper Island have modified, degraded and altered the appearance of naturally functioning ecosystems, especially rare and vulnerable ecosystems such as its coastal wetlands and sand dunes.

Overlay and Planning Maps

I note (section 9.1.2) states:

Outstanding Landscapes

Section 6(b) of the RMA identifies “the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development” as a matter of national importance. The RPS also has policy and methods to identify and protect this. Landscape values are a reflection of both the biophysical environment and people's perception of that environment. Slipper Island has been rated “Outstanding Landscape” Landscape Unit:76 East Coast Islands.

I note (section 9.1.4) states:

Natural Character

Section 6(a) of the RMA identifies “the preservation of the natural character of the Coastal Environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development” as a matter of national importance. Slipper Island should also be assessed and rated with “Natural Character”. This provides an additional layer of protection of its Coastal Environment.

I note (section 9.1.4) states:

The Natural Character Overlay in the Plan encompasses areas with outstanding and high natural character....Additional policy is included to address opportunities for restoration and enhancement of these areas. An opportunity to address the restoration and enhancement, and protection of the island's Biodiversity is critically required.

I note (section 9.1.4) states:

The ecological assessment of high natural character was described in the report: Graeme, J., Dahm, J., Kendal, H. January 2010. *Coromandel Peninsula Ecological Assessment of Natural Character*. Natural Solutions Contract Report 09/087. Focus Resource Management Group. High natural character was assessed in terms of both ecology (the viable functioning of natural processes) and experience (the attributes of 'naturalness'). It included identification of sand dunes, gravel and boulder beaches, coastal wetlands, coastal forest, inland wetlands and rivers that have strong natural functioning. This report most likely did not include Slipper Island due to lack of available data and remoteness from the mainland.

I note (section 5.1) of **Coromandel Peninsula Ecological Assessment of Natural Character (2010)** states:

*The Ministry for the Environment and Department of Conservation have identified four ‘National Priorities for Protecting Rare and Threatened Native Biodiversity on Private Land’ (DoC & MfE, 2007). These priorities will help identify those critical areas of existing high natural character which require the most urgent attention:
4 Critical = those ecosystems that fall within the national priorities for protection (DoC & MfE, 2007) or are identified as local priorities by council.*

TCDC Natural Character – Ecological Assessment 40

National Priority 1:

Page 2 of 5

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

National Priority 2:

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

National Priority 3:

Indigenous vegetation associated with 'originally rare' terrestrial ecosystem types not already covered by priorities 1 and 2. Ecosystems relevant to the Thames-Coromandel district include coastal systems, such as coastal turf and coastal rock stacks.

National Priority 4:

Habitats of acutely and chronically threatened indigenous species.

While this is not an ecosystem-focused priority, threatened species are often linked with threatened ecosystems (~habitat). Habitat protection is essential for the ongoing protection of threatened species.

An assessment to identify critical areas of existing high natural character on the island is urgently required. This is for long term preservation, protection and restoration of the islands natural and unique eco-system. I believe that an opportunity to go further into this point is required.

I agree with and support (section 9.3) **Objective 1: Outstanding Landscapes remain outstanding and their values and characteristics are protected from inappropriate subdivision, use and development and resulting adverse cumulative effects.** Slipper Island is rated *Outstanding* on Landscape Unit 76: East Coast Islands.

I agree with and support (section 9.3) **Objective 2: The qualities and characteristics of Amenity Landscapes are maintained or enhanced and continue to contribute to the pleasantness, aesthetic coherence and cultural and recreational values of the landscape.** Preservation and protection of the island is critically required to uphold its amenity.

I agree with and support (section 9.3) **Objective 3: The natural character of the Coastal Environment, wetlands, and lakes and rivers and their margins is protected and enhanced.** Slipper Island has been farmed for over 100 years. Over this time wetlands have been drained, natural coastal forest areas removed, earthworks carried out, and wildlife disturbed and dwindled in numbers. A restoration policy and plan is needed for the island.

I agree with and support (section 9.3) **Policy 3a:**

Subdivision, use and development shall be avoided where it will damage, diminish or compromise the natural appearance, functioning, biodiversity or ecological resilience areas within the *Natural Character Overlay*, especially (but not limited to) adverse effects from the following activities in the following areas: Slipper Island, Planning Map:30

- a) Gravel and boulder beaches: landform modification, seawalls, indigenous vegetation clearance, coastal reclamation, roads, gravel extraction, man-made structures.
- b) Coastal cliff/escarpments: earthworks, indigenous vegetation clearance, roads, man-made structures.
- c) Sand dunes: landform modification, seawalls, indigenous vegetation clearance, seawalls; buildings; plant and animal pests, man-made structures.
- d) Inland and coastal wetlands: indigenous vegetation clearance, drainage, stop banks, earth infill, reclamation, stock access, animal and plant pests, increased sediment runoff from subdivision and development;
- e) Coastal forests: indigenous vegetation clearance, stock browsing, animal and plant pests;
- f) Rivers: indigenous vegetation clearance, man-made structures.

I agree with and support (section 9.3) **Policy 3b:**

Page 3 of 5

Significant adverse effects on natural character in the *Coastal Environment* within the Natural Character Overlay shall be avoided and other adverse effects shall be avoided, remedied or mitigated. Slipper Island is remote and away from public environmental watchdogs. Protection policies are more favourable than retrospective mitigation action.

I agree with and support (section 9.3) **Policy 3c:**

Buildings and other structures shall be located and designed to integrate with the surrounding Natural Character overlay, with adverse effects on Natural Character. Boffa Miskell report: *Landscape and Visual Effects Assessment (2001)*.

I agree with and support (section 9.3) **Policy 3d:**

The enhancement of the *Natural Character Overlay* in the Coastal Environment, wetlands, and lakes and rivers and their margins shall be promoted. This may include (but is not limited to): Slipper Island is required to be included in the Natural Character Overlay to promote protection of its wetlands. Current practice of farm dumps close to swamp areas need to be addressed. Wetland areas need to be fenced off and restored. Recognition of all wetland areas on the island critically need to be identified to aid in providing legal protection and covenants.

- a)Permanent stock exclusion; and
- b)Removal of plant and animal pests; and
- c)Encouraging natural regeneration of indigenous species; and
- d)Planting species appropriate for the ecosystem using local genetic stock where available; and
- e)Creating or enhancing indigenous habitat and/or habitat for threatened or at risk indigenous species, including raising the water level for wetlands; and
- f)Legal protection for indigenous ecosystems; and
- g)Reducing or eliminating discharge of contaminants; and
- h)Removing redundant, unnecessary or inappropriate man-made structures, provided they have minimal historic heritage or amenity value; and
- i)Restoring long-term natural functioning of physical processes and features over a 100 year timeframe, particularly dunes, wetlands and intertidal saltmarsh; and
- j)Protecting geological features; and
- k)Rehabilitating historic landfills and other contaminated sites which are, or have the potential to, leach material into the coastal marine area; and
- l)Redesigning structures that interfere with natural character processes, such as perched culverts that prevent migratory fish access.

I agree with and support (section 9.3) **Objective 4: The natural character of the Coastal Environment, wetlands, and lakes and rivers and their margins is maintained, enhanced or restored.** Slipper Island wetlands.

I agree with and support (section 9.3) **Policy 4a:**

Subdivision, use and development in the Coastal Environment, outside of the Natural Character Overlay, shall avoid significant adverse effects and avoid, remedy or mitigate adverse effects on other natural character values. Monitoring of existing subdivision to enforce preservation of Natural Character of the island.

I agree with and support (section 9.3) **Policy 4b:**

The restoration or enhancement of natural character in the Coastal Environment, wetlands, and lakes and rivers and their margins outside of the natural character overlay shall be promoted. This may include (but is not limited to): Future preservation and protection plan of Slipper Island.

Page 4 of 5

- a) Permanent stock exclusion; and
- b) Removal of plant and animal pests; and
- c) Encouraging natural regeneration of indigenous species; and
- d) Planting species appropriate for the ecosystem using local genetic stock where available; and
- e) Creating or enhancing indigenous habitat and/or habitat for threatened or at risk indigenous species, including raising the water level for wetlands; and
- f) Legal protection for indigenous ecosystems; and
- g) Reducing or eliminating discharge of contaminants; and
- h) Removing redundant, unnecessary or inappropriate man-made structures, provided they have minimal historic heritage or amenity value; and
- i) Restoring long-term natural functioning of physical processes and features over a 100 year timeframe, particularly dunes, wetlands and intertidal saltmarsh; and
- j) Protecting geological features; and
- k) Rehabilitating historic landfills and other contaminated sites which are, or have the potential to, leach material into the coastal marine area; and
- l) Redesigning structures that interfere with natural character processes, such as perched culverts that prevent migratory fish access.

Conclusion

I propose that the proposed that the Natural Character Overlay of the proposed District Plan includes Slipper Island: Planning Map 30.

I believe that there should be an opportunity to go into these submission points in more detail.

Sites of significant ecological value on Slipper island:

1. Volcanic Crater

"Slipper Island scoria cone. Significance: Well exposed section through centre of (young) scoria cone." New Zealand Geopreservation Waikato Regional Council

2. Maori Pas

"Maori pa formerly occupied all four of the west coast headlands whilst a considerably larger pa covered the slopes of the 195 foot headland on the east". Due to their archaeological significance the three headlands at Home Bay, Stingray Bay and South Bay have been designated as Historic Reserves with conservation covenants.

Archaeological Site Survey of Shoe Island and The Slipper Island Group by E. Gael Atwell, J.R.H. Spencer, Gillian F. Puch and P.R. Moore. Department of Anthropology, University of Auckland. Tane 21

3. Wetlands

Of significant ecological value in South Bay is the dune ecosystem connected to the rare freshwater wetland habitat which is in close proximity to the indigenous coastal forest.

"Areas of swamp are present in the north and south of the Island. Streams draining the south of the Island flow into the swamp behind the dunes of South Bay. An east-west valley drains the northern two thirds of the island into the northern swamp" Investigations of two sites on Slipper Island. M J Rowland 1978 Pg 34

"Slipper Island SW Wetland. Dunelands. Herbaceous freshwater vegetation." Significant National Heritage of Thames Coromandel District. Environment Waikato Regional Council. Site BB36UP463.

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4. Indigenous Flora

The Slipper Group "...all of these three Islands are definitely worthy of preservation". "The very steep cliffs preserve an intact cliff community dominated by pohutukawas". "Vegetation from the original coastal forest includes rewarewa (*Knightia excelsa*), pohutukawa (*Metrosideros excelsa*) and mahoe (*Melicytus ramiflorus*). Botany of Shoe Island and the Slipper Group Part 1: The Vegetation by D J Court. Auckland. University Department of Botany TANE 1974: Pgs 56 & 59

"The Slipper Island Marginal Forest strip site consists of several private unprotected fragments totaling 7.98ha in area that are scattered about the eastern cliff lands of Slipper Island. Forest in some of these areas has been modified by past land use practices and there are also likely to be elements of primary forest due to the vertical topography in areas such as "the crater". These sites are also in close proximity to other unprotected wetlands and a dune system at Southwest Bay." Significant National Heritage of Thames Coromandel District. Environment Waikato Regional Council. Site BB36UP439

5. Sand Dunes

Slipper Island SW Bay Dunes: "The 5ha Slipper Island SW dune structure is relatively intact with two small blow outs. Vegetation appears to be modified with northern NZ dotterel breeding at this site and it links to an adjacent unprotected wetland." Significant National Heritage of Thames Coromandel District. Environment Waikato Regional Council. Site BB36UP464

6. Boulder Bank

"Slipper Island boulder barrier. Significance: Excellent example of a boulder barrier migrating south with the predominant storm movement and blocking the mouth of a stream. Classified as an extremely well defined landform of scientific / educational value." New Zealand Geopreservation Waikato Regional Council.

7. Sub-tidal Seagrass Bed

Rare, healthy habit of permanently submerged seagrass is found at South Bay and Home Bay. "Permanently submerged beds of seagrass (*Zosteraceae*) in coastal waters are rare. The Slipper Island site is an excellent example of the high potential ecosystem value of sub-tidal seagrass beds."

Submitter

James Needham
Slipper Island Owner and Resident
136 Orakei Road
Remuera
Auckland
jamieneedham@gmail.com

Proposed Thames - Coromandel District Council Plan SLIPPER ISLAND

Section 11 Significant Trees

- (i) Abe's Tree at Abe's Point, Slipper Island, is a magnificent Pohutukawa specimen, that holds it's own in stature. The tree, when in flower, embraces the southern end of Home Bay in a brilliant hue of red. It is highly significant in amenity to this part of the island. The tree holds high historical values in that it is a remnant of coastal forest vegetation that existed on the island pre-historic Maori occupation.

This tree is located on the southern boundary of Slipper Island Reserve Lot 3 DP 402362 Home Bay and on the northern boundary of conservation covenant 6030870.4 (*Lot 4 DP402362*), Planning Map: 30 Slipper Island.

- (ii) The group of Pohutukawa trees at the end of the boulder bank on the Northern end of the Island.
37.02.56S 175.56.20E Original indigenous coastal forest
- (iii) The group of Pohutukawa trees at the eastern end of the airstrip on the North of the Island.
37.20.67S 175.56.55E Original indigenous coastal forest
- (iv) The group of Pohutukawa trees in the orchard in Home Bay
37.02.96S 175.56.40E Original indigenous coastal forest

I note that (section 11) states: **The Significant Tree Schedule identifies trees that significantly contribute to public values such as heritage, amenity or as a landmark.** Abe's Tree and trees (ii), (iii) and (iv) fit this criteria.

I also note that (section 11) states: **The significance of the tree primarily relates to the condition and amenity of the tree, but significance may also come from the tree's stature, or the historic or scientific values it holds.** Abe's Tree and trees (ii), (iii), and (iv) fit this criteria.

I propose to include **Abe's Tree** located at Abe Point, Slipper Island, in the Proposed District Plan Significant Tree Schedule, Planning Map: 30 Slipper Island. This is to identify, recognise and protect this tree in the Recreation Area Lot 3 DP 402362 Slipper Island.

11.1

I believe that Abe's Tree and trees (ii),(iii) and (iv) should be included in the Proposed District Plan, Appendix 3, Significant Tree Schedule, based on the information that it can be identified to fit the following selection criteria:

1.Notable significance – the tree is of a significant age or exemplifies significant stature, vitality or form. This tree is highly likely to be remnant of the Coastal Forest that covered the island pre-Maori occupation.

2.Botanical or scientific significance – the significance of the tree because of its rarity, its representativeness, its value as a native tree or its unusual genetic form. Magnificent Pohutukawa specimen.

3.Historical significance – the tree is associated with historic events, people and significant periods in the development of the District. Highly significant Historical Coastal Forest.

4.Cultural and spiritual significance – the tree has significant customary or spiritual value to a particular group of people. Needham Family - Remembrance of Mr. Abe Needham, father of 14 Children, and our Mother Mrs. Nora Needham, who brought Slipper Island in 1971 and brought up their young children out there.

5.Landmark significance – there are visual and spatial qualities which make the tree an important landscape feature of a particular area.

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6.Functional significance – the tree has a significant physical and ecological function which may include amenity or climatic benefits (e.g. shade, screening, shelter and temperature control). Size of shade shadow large - only shade on the reserve and people flock to get in its shade. Potential damage to roots and lower branches.

7.Amenity values - the qualities and characteristics of a tree that contribute to people's appreciation of it. Abe's Tree is a truly magnificent specimen of a healthy happy tree growing in its chosen spot.

11.2 ISSUES

I note that (section 11.2.1) states: **Significant trees are at potential risk from land intensification, subdivision and land use activities. The removal, modification or degradation of a tree can result in a reduction of amenity values, the quality of the environment and in some cases, the irreversible loss of important historical or cultural values.** The eminent development of Public Picnic Facilities at the Slipper Island Reserve, Home Bay will expose this tree to greater visitor numbers than ever before. There is the risk of damage and breakage of low slung branches from persons walking along the branches.

Conclusion

I propose to include Abe's Tree and trees (ii), (iii) and (iv) in the TCDC Proposed District Plan Significant Tree Schedule.

I believe that there should be an opportunity to go into these submission points in more detail. I intend to submit a further submission on these submission points.

There are other groups of significant trees on the island that should also be included in the proposed district plan. These trees can be listed in a further submission.

SUBMITTER

James Needham
Slipper Island Owner and Resident
136 Orakei Road
Remuera
Auckland
jamieneedham@gmail.com

Sent: Friday, 14 March 2014 4:25:12 p.m.

To: TCDC General Mail Address

Subject: Submission on Proposed Thames-Coromandel District Plan

Proposed Thames-Coromandel District Plan

Name

Rodney Poulgrain

Address

120 Regent Heights
Thames 3500
New Zealand

[Map It](#)

Phone

07 868 9678

Email

rodney@millerpoulgrain.co.nz

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.

My further comments:

I simply believe that it is in the best interests of the Thames-Coromandel District, economically and ecologically, for our district plan to keep all mining out of our district. Any perceived financial benefits are very short-term and insignificant when compared with the long-term damage to the Coromandel Peninsula's tourism and recreational economies for which there is huge potential.

I would like to speak to my submission.

- No

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

- No

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

Yours sincerely,

Rodney Poulgrain

Date

14/03/2014

SUBMISSION TO THE PROPOSED TCDC DISTRICT PLAN

FROM:

Ken & Marianne Nation
nations@xtra.co.nz

P O Box 355
 Thames
 3540

07 86 89287 Hm 027272 5002 Ken, 027634 2868 Marianne

We object to the Proposed District Plan in its entirety due to the complexity and the changes to the Operative District Plan, made without adequate feedback being sought from those who will be affected. The overriding concern is that the proposed plan is written in such a complex manner that it is only easily deciphered by those who are suitably qualified to understand the procedure and terminology. This unfortunately has the effect of eliminating comments from by far, the largest portion of those affected.

It means that the only option to having the surplus countless hours to even begin to learn what effects this proposed plan will have on our life is to engage planning consultant, at considerable expense to investigate and write a report that we understand. This completely contradicts what our elected councillors promised at recent local body elections, to reduce paper work and resource consents needed etc.

The decision that we seek is that the Proposed District Plan not be made operative until such time that it has been made more user friendly to the population that it serves. Those affected by the alterations to the operative plan should be notified of the proposed changes, in layman's terms and then given fair opportunity to comment.

If this approach was taken at the beginning of the proposed modifications to the operative plan, then a high percentage of unpopular rules could be addressed and rectified before the Proposed District Plan was published.

We wish to be heard in support of this submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

We object to the following:

Part 11 Section 8 – Historical Heritage:

All identifiable significant sites must be included in the PDP so that all owners throughout our communities have transparency. There cannot be any circumstance where owners have identifiable significant sites withheld or hidden from them. Transparency is a fundamental democratic right. Any new identified and significant site should not be added to the schedule without landowner consent, any assessment on the site must be at no cost to the owner.

Our property at 80 Kopu Rd, the old Kopu Quay area, has not been identified in the PDP but has been marked on council office plan, we want that flag to be removed as history of that area has not been validated and also we were not consulted regarding this. Land was purchased from Council in 2009, with a valuation report not reporting any archaeological history.

Section 29 Rule 3 – Biodiversity

We support these rules as permitted activity but would want added:

All landowners can cut firewood on their own property for their personal use.

There is no proof that there is insufficient Kanaka or Manuka in this district for such problem that would require a rule to be introduced. Such a rule would be contrary to the National Bio security Strategy 2000.

Page 2 from Ken & Marianne Nation

j. This rule needs to be changed to allow 2m for fence clearing to allow access for machinery.

Section 56 Rule 6.

We support this but require that farm tracks can be formed and maintained, that is reasonable use of land!.

We wish to be heard in support of these submissions.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

We would not gain an advantage in trade competition through this submission.

Signed:



Dated:

14/3/14

SUBMISSION ON THE PROPOSED THAMES-COROMANDEL DISTRICT PLAN

TO:	The Chief Executive Thames-Coromandel District Council Private Bag Thames 3540
SUBMISSION ON:	Proposed District Plan 2013
NAME:	Trevor Masters
ADDRESS:	c/o KTB Planning Consultants PO Box 641 Cambridge
CONTACT NAME:	Katie Treadaway
TELEPHONE:	07 823 3584
EMAIL:	katie@ktbplanning.co.nz

This submission is made on behalf of Trevor Masters by KTB Planning. Mr Masters owns land and operates his business from Kopu. The submission relates to Section 27.2 - the Kopu the Thames Structure Plan and Section 39 – Transport of the Proposed District Plan (PDP).

In the case of a PDP hearings, I wish to be to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing. I confirm that I will not gain an advantage in trade competition through this submission.

Thank you for the opportunity to make a submission on this Plan.

27.2 – Kopu to Thames Structure Plan

We support the need for a Structure Plan over Kopu as development needs to be well planned and managed. The new Kopu Bridge development and realignment of State Highway 25 has resulted in a majority of traffic no longer passing through the Kopu Township. There is now an opportunity to create a new distinct 'gateway' to the Coromandel. The Kaiwhenua land is highly visible and accessible to passing traffic and in a suitable location to create a focal point for visitors.

We seek the following amendments to the Kopu to Thames Structure Plan:

I. General

In our opinion the Structure Plan is overly complex.

Table 2 of the Structure Plan – Restricted Discretionary Activity Matters refers to '*Consistency with the Kopu the Thames Structure Plan report 2010 and its appendices (Duffy, J., Douch R. 2010. Hamilton. Beca*

Carter Hollings & Ferner Ltd. Given that further work is now being done to develop a concept plan for Kopu and the Kaiwhenua land, this report, or parts of it, may become irrelevant, particularly when referring to that report as a matter of assessment.

We appreciate the progress that is being made towards developing the draft Kopu and Kaiwhenua Concept Plan and largely support the direction that is being made by the Community Board and TCDC in this process. The Structure Plan will need to be significantly amended to reflect this new direction.

- We seek that the Structure Plan is amended in a way that reflects the new direction being made by the Community Board and TCDC with regard to the draft Kopu and Kaiwhenua Concept Plan.
- We seek that the Structure Plan is simplified to improve the usability for landowners and developers.

2. Kaiwhenua Land - Policy 1b and the District Gateway – Diagram 3

We have a number of concerns with this policy and District Gateway Diagram 3. These provisions provide for significant commercial development within Areas B and C. We appreciate that Area A is identified as the 'gateway' area for the Peninsula, however, there are reasonably high traffic volumes travelling from Paeroa and over the Kopu-Hikuai Road who will not actually pass the 'gateway' Area A. Also, as we understand it, Area A will prove inefficient and somewhat difficult to use (e.g. as a rest area or coffee stop) for travellers who are leaving the Peninsula. Therefore, there is the potential for a lost opportunity to create a comprehensive gateway that encourages use by road users from all directions.

Our thoughts are that Area C, with direct access from the SH25/26 roundabout, or a combination of Areas C, B and A may better promote the accessibility of the area for road users from all directions.

Policy 1b identifies Area C to be used for '*a wide range of possible activities that have dominant buildings or structures without significant landscaping*'. We consider that there is significant risk involved in providing for large buildings and structures in this area. Area C is located on the state highway roundabout where traffic generally slows and enters the District. Our concern is that having large scale buildings and structures within Area C may degrade the opportunity to create an attractive and enticing 'gateway' into the District.

- We seek that Policy 1b and the District Gateway Diagram 3 is amended so that the Kaiwhenua Land is considered as a whole, rather than in parts, and that the area is promoted as being the 'gateway' to the Coromandel.

It is considered that the best way to achieve this is to retain Areas A, B and C as predominately open space, landscaping and small recessive buildings that provide for public amenity (such as an information centre that acts as a visitor focal point).

3. Commercial Development

It is our understanding that the Structure Plan does not currently provide opportunities for town commercial or retail development.

In our opinion these activities should be promoted provided that such commercial/ retail activities do not undermine the viability of the Thames CBD. These activities should be those that are more suited

to sites outside of the CBD (e.g. a firearms retailer). Commercial and retail activities within the Structure Plan area should also be encouraged to co-locate so that commercial development is not ad-hoc throughout the industrial zone.

- We seek that the Structure Plan is amended to promote opportunities for commercial/retail development in appropriate locations.

Part VII - Section 39 – Transport

4. Table 5 - Vehicle Parking and Loading Standards (for commercial activities)

We oppose Table 5 part 4. These carparking standards are considered to be excessive and will result in large areas of impervious surfaces. Stormwater has been identified as a significant issue in Kopu (and likely other settlements) and therefore it is not practical to have large sealed areas for carparking, particularly if the land is unused most of the time.

The PDP sets out the carparking requirement based on activities, e.g. commercial, community and industrial activities. Commercial activities, such as a retail store with a gross floor area greater than 500m², require 1 parking space per 20m² of floor area accessible to the public and 1 parking space per 40m² of remaining floor area and any outdoor display of goods.

We appreciate that the standards have to take into account a number of different activities, however, in some situations these standards may not be fair and reasonable.

Based on these standards we have undertaken an approximate assessment of the carparking requirements for the existing Placemakers building in Kopu. The building has an approximate gross floor area of 1950m² and this would require 97 carparks. The site also has an approximate outdoor display/storage area of 1400m² and this would require 55 carparks. It is considered that under the PDP, the Placemakers store would require approximately 152 carparks. The site currently has approximately 30 carparks and this appears to be adequate for the actual carparking demand associated with this activity.

Based on this example, it is considered most activities will not require such a high carparking standard and is likely to create an oversupply of carparking. This is simply an inefficient use of the land resource. This standard will also result in land that is vacant most of the time and creates large impervious surfaces which will impact on Councils stormwater management systems. In our opinion, this requirement for parking is not reasonable or appropriate.

- We seek that Table 5 part 4 is amended to more adequately reflect the actual demand for carparking associated with an activity.

Proposed Thames Coromandel District Plan

THAMES-COROMANDEL
DISTRICT COUNCIL

Submission by

Name: *Peter Vosper*
Address: *5 Edwards Rd Grey Lynn*
Phone: *0212988457* Email: *pvosper@gmail.com*

14 MAR 2014

RECEIVED BY:

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 within the Conservation Zone and classifying mining activities as prohibited activities.
- 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 and the detrimental effects of historical mining in the District.
- 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.

My further comments:

- I would like to speak to my submission.
- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature:



Date: 28/02/2014

Sent: Friday, 14 March 2014 4:17:04 p.m.

To: TCDC General Mail Address

Subject: Submission on Proposed Thames-Coromandel District Plan

Proposed Thames-Coromandel District Plan

Name

Julian Jackson

Address

201B The Square
Whangamata 3620
New Zealand

[Map It](#)

Email

julianwjackson@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.

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I would like to speak to my submission.

- No

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

- No

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

Yours sincerely,

Julian Jackson

Date

14/03/2014

Proposed Thames Coromandel District Plan

THAMES-COROMANDEL
DISTRICT COUNCIL

Submission by

Name: *James Valley*

Address: *1563 Duncan rd Kaitaro - PO Box 612 Kaitaro - Northland*

Phone: *094080361*

Email:

14 MAR 2014

RECEIVED BY:

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My further comments:

*The ecology and land is more important than
Multinational corporate profit and the little the
NZ government will receive !*

- I would like to speak to my submission.
- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature:



Date:

1.3.14

Proposed Thames Coromandel District Plan

THAMES-COROMANDEL
DISTRICT COUNCIL

Submission by

Name: Kowhai Ehrig
 Address: #53 Wentworth Valley Rd
 Phone: 0211305971 Email: dafreeni@gmx.de

14 MAR 2014

RECEIVED BY:

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My further comments:

I oppose any mining in Coromandel to keep our unique Flora/Fauna intact. I have more reason to share!!

- I would like to speak to my submission.
- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature:



Date:

1 3 2014

Proposed Thames Coromandel District Plan

THAMES-COROMANDEL
DISTRICT COUNCIL

Submission by

14 MAR 2014

Name: Jared Wood

RECEIVED BY:

Address: 21 Thatcher Crescent, Crofton Downs, WOTW

Phone:

Email:

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My further comments:

I encourage the TCDC to look forward to more sustainable & historic means to growth & development of the area.

- I would like to speak to my submission.
- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature: *Jane Nood*

Date: *29/02/14*

THAMES-COROMANDEL
DISTRICT COUNCIL

14 MAR 2014

RECEIVED BY:

Proposed Thames Coromandel District Plan**Submission by**Name: *Anita Prohl*Address: *10 Goodwood Drive, Manukau.*Phone: *09.263 9000*Email: *anitaprohl@yahoo.co.nz*

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My further comments:

Wake up! money comes, money goes, what sustains us is the land and its clean water. The people who understand the spirit of the land know its harmful to mine and they don't want it! Mining is NOT WELCOME, so stop trespassing and disrespecting the wishes of those who live there. You know in your hearts its wrong and one day you will regret it, if it continues. The damage mining causes is far worse than recovering some monetary debt for a while.

- I would like to speak to my submission.
- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature: *Amie Prohl*

Date: 1/3/2014

Proposed Thames Coromandel District Plan

THAMES-COROMANDEL
DISTRICT COUNCIL

Submission by

Name: *Fiona Ward*

Address: *1169 SH17 Silverdale Auckland*

Phone: *0221219569.* Email: *fijawa@gmail.com*

14 MAR 2014

RECEIVED BY:

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My further comments:

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Yours sincerely, *Fiona Ward*

Signature:



Date:

1/3/14

SUBMISSION ON PROPOSED THAMES-COROMANDEL DISTRICT PLAN

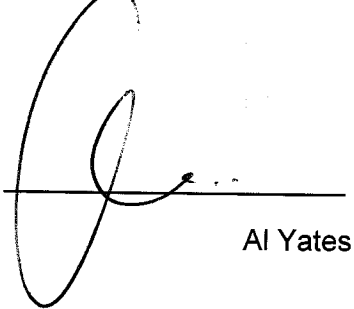
TO: Thames Coromandel District Council

FROM: Al and Mel Yates
11 Paora Street
Orakei
Auckland 1071

Name of Submitter: Al and Mel Yates

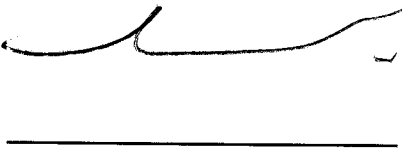
1. This is a submission on the proposed Thames-Coromandel District Plan ("PDP").
2. We cannot gain an advantage in trade competition through this submission.
3. The specific provisions of the PDP that this submission relates to are set out in **Appendix 1**.
4. Our submission is set out in **Appendix 1**.
5. We consider 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. We seek 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. We wish to have the option to be heard in support of this submission.
8. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Dated Friday 14 March 2014



A handwritten signature in black ink, featuring a large, stylized loop on the left side and a horizontal line extending to the right.

Al Yates



A handwritten signature in black ink, consisting of a series of connected, slightly wavy horizontal strokes.

Mel Yates

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 beach restoration 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 FCPL is accepted, 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.
4. Section 34.11 Rule 9 refers 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. On that basis the Rule is opposed to the extent that it limits development within existing residential property boundaries. Such development 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:
 - (i) Deleted; or
 - (ii) Relocated to coincide with the Beachfront Yard/existing seaward title boundaries of the beachfront properties at Whangapoua.
6. Section 34.13 Rule 15 is assumed to apply to those activities occurring between the FCPL and CCEL.
7. It is further assumed that Rule 15 does not intend to require resource consent for a single dwelling on a site at Whangapoua Beach in the Future Coastal Protection Area; and that existing houses, extensions or alterations to existing houses, and new houses within this area remain a permitted activity in the Coastal Living zone.

8. To the extent that it does not affect the permitted activity status of such activities, Rule 15 is supported. Otherwise it is opposed and should be amended to confirm that it does not affect the permitted activity status of activities in the Coastal Living zone.
9. Rule 15 introduces new assessment matters and criteria in Table 4, "for all activities that are a restricted discretionary activity in the underlying zone and district-wide rules".

Table 4 matters include requirements to consider whether a proposal can adapt to sea level rise over the next 100 years; and "site-specific assessment of underlying beach geology, beach contour, elevation or other factor (that) indicates that coastal erosion risk is unlikely in 100 years' time at that site".

10. In the Coastal Living zone, one dwelling per lot is a permitted activity provided it meets the standards in Table 5 (being yard, height, boundary controls etc). A dwelling that infringes any of the Table 5 controls is a restricted discretionary activity. As a restricted discretionary activity, consent would be required under Section 34.13 Rule 15 and Table 4 above, even where the extent of the particular infringement was minor. That is unduly onerous and serves no practical purpose, particularly given that many of the development controls applying in the Coastal Living zone have no or little bearing on the issues of sea level rise, or coastal erosion.
11. Rule 15 is opposed and should be amended to read:

"For all activities that are restricted discretionary activities in the underlying zone and district-wide rules, except for single dwellings in the Coastal Living zone, the Council extends its discretion to include all the matters in Table 4."

Section 41 – Coastal Living Zone – Visitor Accommodation

12. This submission opposes the provision for visitor accommodation contained at Section 41.4 Rule 2. In particular it is not appropriate to impose a limit of "6 tariff paid visitors staying on-site at any one time".
13. 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.
14. 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 Section 41.4 Rule 2 should be deleted in its entirety.

Protection of the Coastal Environment, Including New Chums / Wainuiototo Bay and Whangapoua Harbour

15. New Chums/Wainuiototo Bay and Whangapoua Harbour environs, are areas with high landscape, natural character 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 16 and Section 38 – Subdivision in the Coastal Environment

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.
18. Avoiding subdivision would 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.
19. It is important to prevent settlement development or growth outside of the urban areas, particularly in the Coastal Environment Areas of the Rural zone, as well as in outstanding natural landscapes, amenity landscapes and natural character areas.
20. The provisions of the PDP provide for inappropriate subdivision in these areas. The subdivision standards for the Rural zone within the Coastal Environment Area, including at New Chums/Wainuiototo Bay and around Whangapoua Harbour, are opposed. The following amendments are sought:

Section 16

- (a) Background – amend the reference in the fourth paragraph to subdivision in undeveloped areas of the Coastal Environment to require that subdivision outside of existing urban zones 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 and associated policies – 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.

Section 38

- (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?
- (g) 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 ...”

- (h) 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 ...”

- (i) Amend Rule 9.2 so that the activity status is prohibited.

Development in the Coastal Environment

The proposals for development in the Rural Area between the Coastal Environment Line and the coast and harbours is opposed. The following amendments are sought:

Section 24 – Rural Area:

- (a) Amend Issue 4 by adding the following sentence to the end of the issue:

“Subdivision and development in the Coastal Environment is to be avoided.”

- (b) Amend Issue 4(d) so that it reads:

“Development spreading outside of its naturally contained area in existing settlements leading to ribbon development and adverse effects on natural character is to be avoided.”

- (c) Amend Policy 1c so that it reads:

“Subdivision in the Rural Zone, outside of the Coastal Environment Area, shall be provided for, ...”

- (d) Amend policy 1d to delete references to subdivision and development in the Coastal Environment parts of the Rural Area.

- (e) Amend Policy 3a under Objective 3 to read:

“Residential activities may occur in the rural zone outside of the Coastal Environment where reverse sensitivity effects can be demonstrably minimised.”

- (f) Objective 5 and related policies – delete the references to subdivision and development in the Coastal Environment so that in respect of the objective and each policy they refer to “use of the Coastal Environment (excluding subdivision and development)”.

- (g) Objective 6, policy 6a and 6b – delete the provision for new buildings in the Coastal Environment.

- (h) Objective 6, policy 6c – delete references to subdivision and development in the Coastal Environment.

- (i) Objective 7 – amend to read:

“The open, unspoilt character of the Districts Coast is maintained.”

- (j) Objective 7 policy 7a – this provides that residential development in the Coastal Environment should be directed to existing coastal settlements and is supported.

- (k) Objective 7 policy 7b – this provides for development in the Rural Lifestyle zone in the Coastal Environment and is supported.

Section 56 – Rural Zone

Section 56.4 – Permitted Activities

- (l) Amend Rule 3 Visitor Accommodation sub rule 4 to read:

“Visitor accommodation that is not a permitted activity under Rule 3.1(b) is a discretionary activity, except in the coastal environment where it is a non-complying activity”.

- (m) Rule 12.1 – amend the Rule to read:

“An activity listed in Rule 12 is a permitted activity provided:

(a)

(b) ...

(c) Any new dwelling or minor unit is not allowed in the Coastal Environment.”

- (n) Amend Rule 12 by adding after the words “minor unit” and “one dwelling per lot”, the words “except in the Coastal Environment Area”
- (o) Rule 25 – amend to exclude the development of the listed facilities/activities in the Coastal Environment.
- (p) Rule 26 – add a new subrule 2:

“Development in the Coastal Protection Area outside of the existing settlements.”

Forestry – Section 56

21. 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.
22. Further, it is not considered appropriate that afforestation be a permitted activity in the catchments of harbours within the district including and in particular Whangapoua Harbour. Forestry activities have contributed substantially to the degradation of the quality of Whangapoua Harbour and require closer regulation to avoid adversely affecting waterways and harbours. The requirement for a forest plan to qualify as a permitted activity is not sufficient.
23. Accordingly Rule 11 is opposed. Further, Table 8 assessment criteria for afforestation as a restricted discretionary activity is too general and does not particularise the outcomes sought.
24. 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 avoid adverse 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

25. This submission refers to the 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 banks causing the area to be swept with floodwaters to a significant depth.
26. This area, in addition to being farmland, provides habitat for many species of birds including endangered species.
27. It is also within the Coastal Environment Area, outside of the existing coastal settlement.
28. The land should not be filled, subdivided or developed. Its low lying flood prone nature ensures that it acts as a reservoir, protecting upstream residential developments within the developed Coastal Living zone, during times of flood.
29. The land also provides a wildlife habitat that is substantially protected from predators.
30. The PDP should include express recognition of the following factors:
 - (a) The flood prone nature of the land;
 - (b) Its natural function as a reservoir providing essential protection for existing residential development within the settlement of Whangapoua (Anarake and Opera subdivisions); and
 - (c) Its value as a bird habitat, including endangered species such as the brown teal duck/pateke.
31. The following amendments are sought:
 - (a) Section 56.7 – amend to read as follows:

“56.7 Non-complying activities and prohibited activities”
 - (b) Add a new sub-rule 26.2 as follows:

“Subdivision and development (including earthworks and filling) is a prohibited activity on the rural zoned land bounded by the Punga Punga River, Coastal Living Zone on McMahon Avenue, Te Punga Road and the Denise Driveway at Whangapoua”

Proposed Thames Coromandel District Plan

THAMES-COROMANDEL
DISTRICT COUNCIL

Submission by

Name: Lucy Bullock

Address: 79 Pakaraka Rd, RD2 Thames

Phone: 07 868 6643

Email: lightbullock@gmail.com

14 MAR 2014

RECEIVED BY:

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 within the Conservation Zone and classifying mining activities as prohibited activities.
- 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 and the detrimental effects of historical mining in the District.
- 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.

My further comments:

At the end of the day it is our natural and physical environment that supports us, not our economy. We are physical creatures and depend on the health and stability of our ecosystem. Any small damage to that ecosystem adds to the destruction of global systems that will eventually lead to the end of the human race.

- I would like to speak to my submission.
- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature:



Date: 26/02/14

THAMES-COROMANDEL
DISTRICT COUNCIL

14 MAR 2014

RECEIVED BY:

Proposed Thames Coromandel District Plan**Submission by**Name: Darren BristowAddress: 82 Park Rd, TifirangiPhone: 817 1369Email: darren.bristow@gmail.com

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My further comments:

Think long term.

- I would like to speak to my submission.
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Yours sincerely,

Signature:



Date: *28/2/2014.*

THAMES-COROMANDEL
DISTRICT COUNCIL

14 MAR 2014

RECEIVED BY:

Proposed Thames Coromandel District Plan

Submission by

Name: Stuart Wilson

Address: 83 Mountain View Rd, Hikurangi, Whangarei, Northland

Phone: 021 150 1868

Email: wilsonsj83@yahoo.co.nz

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My further comments:

The beauty of the Coromandel Ranges & surrounding area is Magnificent and requires significant monitoring and protection for this treasure to remain for future NZers
Protect it forever !! 

- I would like to speak to my submission.
- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature:



Date:

1/3/2014

THAMES-COROMANDEL
DISTRICT COUNCIL

14 MAR 2014

RECEIVED BY:

Proposed Thames Coromandel District Plan**Submission by**Name: *Alexandra Procuta*Address: *3 McGregor Place, Hillcrest, Hamilton 3216*Phone: *07 856 6218*Email: *willoughbyfamily@xtra.co.nz*

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- 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 and the detrimental effects of historical mining in the District.
- 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.

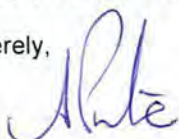
My further comments:

I don't like the idea of overseas companies mining our resources taking the lion's share of the profits and leaving our beautiful natural environment in a disastrous mess.

- I would like to speak to my submission.
- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature:



Date:

1/3/14

SUBMISSION ON PROPOSED THAMES-COROMANDEL DISTRICT PLAN

TO: Thames Coromandel District Council

FROM: Malcolm and Erin Clark, 22 Vista Crescent, Glendowie, Auckland 1071 and 358 Tangiora Avenue Whangapoua Beach email m_clark@xtra.co.nz

Name of Submitter: Malcolm and Erin Clark

1. This is a submission on the proposed Thames-Coromandel District Plan ("PDP").
2. Malcolm and Erin Clark 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. Malcolm and Erin Clark's submission is set out in **Appendix 1**.
5. Malcolm and Erin Clark consider 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. Malcolm and Erin Clark seek 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. Malcolm and Erin Clark wish to be heard in support of this submission.
8. If others make a similar submission, Malcolm and Erin Clark will consider presenting a joint case with them at a hearing.

Dated Friday 14 March 2014

Malcolm and Erin Clark

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 beach restoration 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 FCPL is accepted, 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.
4. Section 34.11 Rule 9 refers 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. On that basis the Rule is opposed to the extent that it limits development within existing residential property boundaries. Such development 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:
 - (i) Deleted; or
 - (ii) Relocated to coincide with the Beachfront Yard/existing seaward title boundaries of the beachfront properties at Whangapoua.
6. Section 34.13 Rule 15 is assumed to apply to those activities occurring between the FCPL and CCEL.
7. It is further assumed that Rule 15 does not intend to require resource consent for a single dwelling on a site at Whangapoua Beach in the Future Coastal Protection Area; and that existing houses, extensions or alterations to existing houses, and new houses within this area remain a permitted activity in the Coastal Living zone.

8. To the extent that it does not affect the permitted activity status of such activities, Rule 15 is supported. Otherwise it is opposed and should be amended to confirm that it does not affect the permitted activity status of activities in the Coastal Living zone.
9. Rule 15 introduces new assessment matters and criteria in Table 4, “for all activities that are a restricted discretionary activity in the underlying zone and district-wide rules”.

Table 4 matters include requirements to consider whether a proposal can adapt to sea level rise over the next 100 years; and “site-specific assessment of underlying beach geology, beach contour, elevation or other factor (that) indicates that coastal erosion risk is unlikely in 100 years’ time at that site”.

10. In the Coastal Living zone, one dwelling per lot is a permitted activity provided it meets the standards in Table 5 (being yard, height, boundary controls etc). A dwelling that infringes any of the Table 5 controls is a restricted discretionary activity. As a restricted discretionary activity, consent would be required under Section 34.13 Rule 15 and Table 4 above, even where the extent of the particular infringement was minor. That is unduly onerous and serves no practical purpose, particularly given that many of the development controls applying in the Coastal Living zone have no or little bearing on the issues of sea level rise, or coastal erosion.
11. Rule 15 is opposed and should be amended to read:

“For all activities that are restricted discretionary activities in the underlying zone and district-wide rules, except for single dwellings in the Coastal Living zone, the Council extends its discretion to include all the matters in Table 4.”

Protection of the Coastal Environment, Including New Chums / Wainuiototo Bay and Whangapoua Harbour

12. New Chums/Wainuiototo Bay and Whangapoua Harbour environs, are areas with high landscape, natural character 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.
13. The following subdivision and development provisions of the PDP are opposed and specified amendments sought.

Section 16 and Section 38 – Subdivision in the Coastal Environment

14. 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.
15. Avoiding subdivision would 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.
16. It is important to prevent settlement development or growth outside of the urban areas, particularly in the Coastal Environment Areas of the Rural zone, as well as in outstanding natural landscapes, amenity landscapes and natural character areas.
17. The provisions of the PDP provide for inappropriate subdivision in these areas. The subdivision standards for the Rural zone within the Coastal Environment Area, including at New Chums/Wainuiototo Bay and around Whangapoua Harbour, are opposed. The following amendments are sought:

Section 16

- (a) Background – amend the reference in the fourth paragraph to subdivision in undeveloped areas of the Coastal Environment to require that subdivision outside of existing urban zones 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 and associated policies – 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.

Section 38

- (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?
- (g) 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 ...”

- (h) 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 ...”

- (i) Amend Rule 9.2 so that the activity status is prohibited.

Development in the Coastal Environment

The proposals for development in the Rural Area between the Coastal Environment Line and the coast and harbours is opposed. The following amendments are sought:

Section 24 – Rural Area:

- (a) Amend Issue 4 by adding the following sentence to the end of the issue:

“Subdivision and development in the Coastal Environment is to be avoided.”

- (b) Amend Issue 4(d) so that it reads:

“Development spreading outside of its naturally contained area in existing settlements leading to ribbon development and adverse effects on natural character is to be avoided.”

- (c) Amend Policy 1c so that it reads:

“Subdivision in the Rural Zone, outside of the Coastal Environment Area, shall be provided for, ...”

- (d) Amend policy 1d to delete references to subdivision and development in the Coastal Environment parts of the Rural Area.

- (e) Amend Policy 3a under Objective 3 to read:

“Residential activities may occur in the rural zone outside of the Coastal Environment where reverse sensitivity effects can be demonstrably minimised.”

- (f) Objective 5 and related policies – delete the references to subdivision and development in the Coastal Environment so that in respect of the objective and each policy they refer to “use of the Coastal Environment (excluding subdivision and development)”.

- (g) Objective 6, policy 6a and 6b – delete the provision for new buildings in the Coastal Environment.

- (h) Objective 6, policy 6c – delete references to subdivision and development in the Coastal Environment.

- (i) Objective 7 – amend to read:

“The open, unspoilt character of the Districts Coast is maintained.”

- (j) Objective 7 policy 7a – this provides that residential development in the Coastal Environment should be directed to existing coastal settlements and is supported.

- (k) Objective 7 policy 7b – this provides for development in the Rural Lifestyle zone in the Coastal Environment and is supported.

Section 56 – Rural Zone

Section 56.4 – Permitted Activities

- (l) Rule 12.1 – amend the Rule to read:

“An activity listed in Rule 12 is a permitted activity provided:

(a)

(b) ...

(c) Any new dwelling or minor unit is not allowed in the Coastal Environment.”

- (m) Amend Rule 12 by adding after the words “minor unit” and “one dwelling per lot”, the words “except in the Coastal Environment Area”
- (n) Rule 25 – amend to exclude the development of the listed facilities/activities in the Coastal Environment.
- (o) Rule 26 – add a new subrule 2:

“Development in the Coastal Protection Area outside of the existing settlements.”

Forestry – Section 56

- 18. 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.
- 19. Further, it is not considered appropriate that afforestation be a permitted activity in the catchments of harbours within the district including and in particular Whangapoua Harbour. Forestry activities have contributed substantially to the degradation of the quality of Whangapoua Harbour and require closer regulation to avoid adversely affecting waterways and harbours. The requirement for a forest plan to qualify as a permitted activity is not sufficient.
- 20. Accordingly Rule 11 is opposed. Further, Table 8 assessment criteria for afforestation as a restricted discretionary activity is too general and does not particularise the outcomes sought.
- 21. 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 avoid adverse 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

22. This submission refers to the 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 banks causing the area to be swept with floodwaters to a significant depth.
23. This area, in addition to being farmland, provides habitat for many species of birds including endangered species.
24. It is also within the Coastal Environment Area, outside of the existing coastal settlement.
25. The land should not be filled, subdivided or developed. Its low lying flood prone nature ensures that it acts as a reservoir, protecting upstream residential developments within the developed Coastal Living zone, during times of flood.
26. The land also provides a wildlife habitat that is substantially protected from predators.
27. The PDP should include express recognition of the following factors:
 - (a) The flood prone nature of the land;
 - (b) Its natural function as a reservoir providing essential protection for existing residential development within the settlement of Whangapoua (Anarake and Opera subdivisions); and
 - (c) Its value as a bird habitat, including endangered species such as the brown teal duck/pateke.
28. The following amendments are sought:
 - (a) Section 56.7 – amend to read as follows:

“56.7 Non-complying activities and prohibited activities”
 - (b) Add a new sub-rule 26.2 as follows:

“Subdivision and development (including earthworks and filling) is a prohibited activity on the rural zoned land bounded by the Punga Punga River, Coastal Living Zone on McMahon Avenue, Te Punga Road and the Denise Driveway at Whangapoua”

Proposed Thames Coromandel District Plan

Submission by

Name: *Hoku Kirkland*

Address: *PO Box 1228 Laharua Hi 96464*

Phone: *808 2689136*

Email: *hokulani@emeraldairtrapeze.com*

THAMES-COROMANDEL
DISTRICT COUNCIL

14 MAR 2014

RECEIVED BY:

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 within the Conservation Zone and classifying mining activities as prohibited activities.
- 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.
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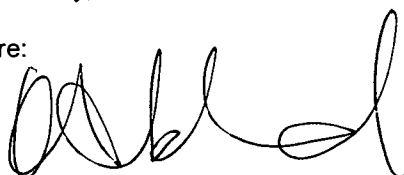
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- I would consider presenting a joint case with others who have made a similar submission.
- I would like to thank the Council for this opportunity to submit on the PDP.

Yours sincerely,

Signature:



Date:

28-2-14