



14 November 2019

PROPOSED AMENDMENTS TO URBAN ZONES TO MANAGE THE SPREAD OF KAURI DIEBACK DISEASE – CONSULTATION PACKAGE – SECTION 293 PROCESS

1. The Thames-Coromandel Proposed District Plan (“the Proposed Plan”) was notified on 13 December 2013. The Thames-Coromandel District Council (“Council”) decisions on submissions were publicly notified on 29 April 2016. Decisions on those submissions are currently under appeal to the Environment Court.
2. An appeal by the Director-General of Conservation (“Director-General”) was lodged on 13 June 2016 and sought that new controls be included in the Proposed Plan applying to the Rural, Rural Lifestyle and Conservation Zones of the District. The controls sought to require any earthworks within three times the radius of a kauri tree (“kauri hygiene zone”) to be undertaken in a manner which follows a particular protocol to avoid the spread of kauri dieback disease.
3. Several parties joined that appeal as interested parties and a series of mediations were held in an effort to settle the rules. Two hearings then took place in the Environment Court on 27 November 2017 and 9 July 2018.
4. The Environment Court issued its decision on the appeal on 18 March 2019 and confirmed the new earthworks rules for the Rural, Rural Lifestyle and Conservation Zones of the District, subject to a number of amendments (“the Environment Court decision”). The new rules require a Kauri Dieback Disease Risk Management Plan (“management plan”) to be prepared, approved and implemented before any earthworks can be undertaken within a kauri hygiene zone. The management plan requirements are comprehensive and ensure that any soil and organic matter from the earthworks is safely contained.
5. Pursuant to section 293 of the Resource Management Act 1991, the Environment Court also directed the Council to apply similar rules to the ‘Urban Zones’¹ of the District which were not included as part of the Director-General’s appeal. As part of that process, the Council is undertaking public consultation.
6. If you wish to be a part of these proceedings, then please review the information contained in this package. You will find helpful information about the current rules and the proposed changes, and how to make a submission.
7. For more information about kauri dieback disease and the definition of earthworks, please see **Appendix A**.

The Environment Court decision

Controls for Rural, Rural Lifestyle and Conservation Zones

¹ “Urban Zones” are defined at paragraph 17.

8. The Environment Court decision finalised the rules which relate to earthworks within the Rural, Rural Lifestyle and Conservation Zones of the District. The rules are captured in the following sections of the Proposed Plan:
 - (a) Section 3 – Definitions;
 - (b) Section 6 – Biodiversity;
 - (c) Section 37 – Mining Activities;
 - (d) Section 43 – Conservation Zone;
 - (e) Section 56 – Rural Zone; and
 - (f) Section 57 – Rural Lifestyle.
9. The Environment Court decision is included in the consultation package as **Appendix B**. Appendix B also includes the interim decision dated 19 August 2018² and the second interim decision dated 14 December 2018.³
10. The rules are designed to prevent the spread of kauri dieback disease and to promote the protection of kauri by requiring people undertaking earthworks within a kauri hygiene zone to obtain resource consent. Earthworks within a kauri hygiene zone are a restricted discretionary activity which requires a management plan to be prepared, approved and implemented. The adequacy of the management plan is one of the criteria which the Council must consider when deciding whether to grant consent.
11. The purpose of the management plan is to set out the requirements that will ensure that the soil and organic matter from earthworks within the kauri hygiene zone is confined in the area identified in an approved management plan within which all soil and organic material from earthworks within a kauri hygiene zone is contained (unless it is transported off-site to an approved landfill for disposal) (“kauri dieback disease containment zone”).
12. The management plan requirements are comprehensive and include objectives, a map(s) showing the zone and cleaning points, procedures to ensure vehicles, equipment and personnel are cleaned of all soil and organic material, procedures to ensure that all material not retained within the kauri hygiene zone is transported to an approved landfill, water management procedures, reviewing and reporting.
13. Earthworks with existing use rights inside a kauri hygiene zone may be continued subject to ‘Other Methods’ (non-statutory) which provide for best practice procedures and checklists to be followed.
14. Earthworks that are not within a kauri hygiene zone are a permitted activity subject to the criteria and standards listed in the applicable zone’s earthworks rule.

² [2018] NZEnvC 133.

³ [2018] NZEnvC 244.



Controls for Urban Zones

15. In the Environment Court decision, the Court directed the Council to undertake the necessary steps under section 293 of the Resource Management Act 1991 to apply similar rules to the Urban Zones of the District listed below, which were not originally included as part of the Director-General's appeal.
16. The rules apply to the following zones in the Proposed Plan:
 - (a) Commercial;
 - (b) Pedestrian Core;
 - (c) Gateway;
 - (d) Recreation Active;
 - (e) Recreation Passive;
 - (f) Coastal Living;
 - (g) Extra Density Residential;
 - (h) Low Density Residential;
 - (i) Residential;
 - (j) Village;
 - (k) Waterfront;
 - (l) Industrial;
 - (m) Light Industrial;
 - (n) Marine Service;
 - (o) Airfield; and
 - (p) Road.

(collectively referred to as the "Urban Zones")
17. In summary, the new rules proposed to apply to the Urban Zones mean that any earthworks that are carried out within a kauri hygiene zone will require a resource consent for a restricted discretionary activity. The requirements of a management plan will need to be followed.
18. Examples of the new rules that are proposed for inclusion in the Urban Zones of the Proposed Plan are recorded in **Appendix C**.

How to make a submission

19. The submissions period closes at 5pm, on 24 January 2020
20. You may make a submission by:



- (a) Completing an online submission form at www.tcdc.govt.nz/s293kauridieback or
- (b) Emailing an electronic copy of your submission in the prescribed form to consultation@tcdc.govt.nz (subject: Proposed District Plan – kauri dieback);
- (c) Hand-delivering a written submission in the prescribed form to any of the Council's Service Centres; or
- (d) Sending a written submission in the prescribed form by post to:

Thames-Coromandel District Council
Private Bag
Thames
Attention: Policy and Planning Team

21. A copy of the submission form is attached as **Appendix D**.

Consultation Workshops

22. As part of our public notification process, the Council will facilitate consultation workshops for the general public to attend. The workshops will be held at the following locations:

(a) Thames

- a. 4 December 2019
- b. 3pm-6pm
- c. Council Chambers, 515 Mackay Street, Thames

(b) Coromandel

- a. 2 December 2019
- b. 3pm-6pm
- c. Coromandel Service Centre, 355 Kapanga Road, Coromandel

(c) Whitianga

- a. 28 November 2019
- b. 3pm-6pm
- c. Whitianga Service Centre, 10 Monk Street, Thames

(d) Hamilton

- a. 11 December 2019
- b. 3pm-5pm
- c. BECA office, Level 2, Waitomo House, 6 Garden Place, Hamilton

(e) Tauranga

- a. 13 December 2019
- b. 3pm-5pm
- c. BECA office, 32 Harrington Street, Tauranga

(f) Auckland

- a. 16 December 2019



- b. 3pm-6pm
 - c. Brookfields Lawyers Office, Tower One, 205 Queen Street, Auckland
23. The Council also recognises the importance of kauri to Māori and has offered to take a Marae based approach to consult the respective iwi of the District. The iwi consultation workshops will be held at the following Marae:
- (a) Harataunga Marae**
 - a. 17 December 2019
 - b. 3pm-6pm
 - c. 1254 Kennedy Bay Road, Kennedy Bay
 - (b) Matai Whetu Marae**
 - a. 9 December 2019
 - b. 3pm-6pm
 - c. 12 Ngati Maru Highway, Kopu

We encourage those who have an interest in these matters to get involved in the proceedings. If you have any questions in relation to the issues addressed in this package, please contact Hillary Hodges on 07 868 0200 and she will direct your call appropriately.

Rob Williams
Chief Executive

Thames-Coromandel District Council