

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

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or Organisation (if relevant) _____

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

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

PRIVACY ACT 1993

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



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 Charles Ziegler and I am a part owner of a holiday home in Thornton Bay on the Thames Coromandel coast.

I share ownership of this property with 3 other Family members. My parents bought the property approximately 75 years ago and as a family of seven children it has always accommodated more than 6 people, i.e. 9 in my own immediate family. Because of busy lives, even sharing the use of the property between close family members still leaves a large amount of time when the property is unused. It would seem a terrible waste of a resource if that time could not be made available for others to use. I do not believe the service that this availability provides, often to young families at relatively low cost, would in any way compete with other more formal accommodation, such as Motels.

There are very few other forms of accommodation that cater for families. Many of the family groups rent our property for extended families. Six people, 2 Grandparents, 2 parents, 2 children, would be a very limited extended family in my experience and our home has hosted holidays for many more than that. Eight to ten would be more reasonable.

The house is mainly used in the weekends, on average 2 nights, except for a few weeks around Christmas when it is used for full weeks, some rented and some for our personal use. In total it would probably only be used, and add to the local population, for less than half the time that is available in a year, so probably puts far less pressure on local services than a full time rental.

With regard to taking away from local motel accommodation, our family recently held a family birthday celebration at the house and many attending tried to obtain other accommodation in the area and all avenues tried seemed to be full. On other occasions, when there has been a large event in the area people renting our home have reported the same difficulty. This suggests a shortage at certain times of Motel type accommodation rather than the holiday homes taking away from there custom.

Far from being disrupted by the people that rent our property our neighbours make comments that all that use it are well behaved and only laughter and happiness seems to come from the place. Some of this is due to the Book a Batch system which has an excellent feedback system and no one wants to jeopardize future rentals. This also ensures a high standard on the owners part as well.

Our property has onsite sewerage management, obtains its drinking water from a local water board and this has to be sterilized on site for our own use at our cost. TCDC does provide a rubbish collection service which may be subsidised by rates but we also pay for them directly by the purchase of rubbish sacks for use exclusively on the coast.

Personally I hold a \$ 100,000 mortgage that I could clear if it was sold. This costs over \$ 5,000 per year in interest. When including a similar financial commitment of the other partners, plus the cost of rates, maintenance, power, and insurance the total yearly costs exceed \$ 35,000. This is more than three times any returns received from rental in the best of years. I believe the restrictions proposed would force us to sell the property or at least our share in it. This would be a sad result for something that has a family heritage of more than my entire life of 62 years. For most of that period

it has been rented out in some form whenever it was available, often for no financial return, to people that would not have been able to afford the rest and recuperation it provided at any other place.

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,

Charles Ziegler

SUBMISSION ON PROPOSED THAMES-COROMANDEL DISTRICT PLAN

To: Thames-Coromandel District Council

Submission on: Proposed Thames-Coromandel District Plan

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Date: 14 March 2014

INTRODUCTION

The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) make the following submissions on the Proposed Thames-Coromandel District Plan (PTCDP).

An overview of Forest & Bird's position is set out in **Annexure 1**.

Forest & Bird seeks that the PTCDP be amended so that it responds appropriately to and resolves the issues raised in this submission. In that regard F&B seeks:

- The outcomes and relief specified in **Annexure 1**.
- The changes, deletions and additions specified in **Annexure 2**.

Outcomes, changes, deletions and additions sought are identified as new text (*underlined and italicised*); and original text to be deleted as ~~strike through~~.

Forest & Bird considers that unless the outcomes, relief, changes, deletions and additions sought in this submission are made then the PTCDP:

- i. Will not result in the sustainable management of resources;
- ii. Will be inconsistent with the resource management principles addressed in Part 2 of the Resource Management Act 1991 (RMA);
- iii. Will variously be inappropriate, unnecessary and contrary to sound resource management practice;
- iv. Will not warrant confirmation in terms of section 32 of the RMA;

- v. Will be contrary to relevant provisions in the Hauraki Gulf Marine Park Act 2000, the New Zealand Coastal Policy Statement 2010 (NZCPS), other National Policy Statements and National Environmental Standards; and;
- vi. Will enable the generation of significant adverse effects on the environment that warrant being addressed through the PTCDP provisions.

Forest & Bird wish to be heard in support of this submission and if others make a similar submission, Forest & Bird will consider presenting a joint case with them at the hearing.

ANNEXURE 1

General Comments

Since the previous District Plan became operative the Thames-Coromandel District has experienced extensive land use changes, including the expansion of production forestry. These changes, and associated land management practises, are both directly and indirectly accountable for extensive adverse environmental effects. These include, but are not limited to; indigenous biodiversity loss, the degradation of surface, groundwater and coastal waters; and changes to the Thames-Coromandel District's important landscapes and natural character. Biodiversity is also under threat from habitat loss, the impacts of invasive animal and plant species within the District and pollutants entering fresh waterways.

Both the persistence of biodiversity and ecosystem function must be protected in the Thames Coromandel District. Forest & Bird is concerned that the provisions in Section 6 Biodiversity and the rest of the PTCDP do not go far enough in ensuring this occurs.

Forest & Bird's key concern in relation to biodiversity is ensuring the PTCDP gives effect to sections 6(a) and (c), and 31(1)(b)(iii) of the RMA, policy 11 of the NZCPS on protecting indigenous biological diversity in the coastal environment, and sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (HGMPA 2000).

As the PTCDP applies to part of the Hauraki Gulf catchment, the Council must ensure that the PTCDP does not conflict with sections 7 and 8 of the HGMPA 2000, and for the coastal environment of the Hauraki Gulf, sections 7 and 8 must be treated the same as the New Zealand coastal policy statement (and so must be given effect to).

Under the HGMPA 2000, the interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.

Two relevant objectives of the management of the Hauraki Gulf, its islands, and catchments are:

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:

- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:

Protection of indigenous biodiversity across the Thames Coromandel District also contributes to freshwater quality, natural character and amenity of the district. Management of biodiversity for these purposes is also a key focus for Forest & Bird. The PTCDP does not meet these requirements or adequately provide for these values. In order to maintain and improve indigenous biodiversity across the district, a whole-of-region approach is required.

Greater focus must be placed upon the restoration and enhancement of functional ecosystems and biodiversity, as many of the ecosystems found throughout the region are under significant pressure from invasive species and habitat loss.

The protection, maintenance and enhancement of biodiversity and ecosystem function do not enjoy sufficient priority in the PTCDP. A separate issue should be added to acknowledge this and elements related to it reallocated further through the document.

The PTCDP does not discuss and give effect to section 74 and 75 of the RMA in relation to the National Policy Statement for Freshwater Management, The Waikato Conservation Management Strategy, the HGMPA 2000; and is inconsistent with parts of the proposed Waikato Regional Policy Statement, the Waikato Regional Plan and the Coromandel Peninsula Blueprint.

A biodiversity net gain approach should be applied across the district, on both a project by project basis and overall for biodiversity (significant and otherwise). This includes a requirement for offsetting in respect of adverse effects which cannot be avoided, remedied or mitigated.

Forest & Bird supports the use of the mitigation hierarchy. It is important that adverse effects are avoided first, and remedied or mitigated only if this is not possible. Where high conservation values are at stake, all significant adverse effects should be avoided.

Biodiversity offsetting, within the gamut of avoidance, remediation and mitigation; is referred to in the plan with no clear context. Biodiversity offsetting of residual effects should be mandatory when significant ecological values are subject to unavoidable effects. Biodiversity offsets must be provided for only where the mitigation hierarchy has been adhered to, and where no net loss of biodiversity can be demonstrably achieved. There are a number of possible sets of principles to which offsets approved via resource consenting could be assessed, including those from the Business and Biodiversity Offset Programme (http://bbop.forest-trends.org/documents/files/bbop_principles.pdf) or those articulated in McKenney & Kiesecker 2010 and outlined by Brown et al 2014¹. Offsetting within the PTCDP must give effect to a robust set of principles which need to be articulated. Offsetting should not seek to justify otherwise unacceptable

¹ Marie A. Brown, Bruce D. Clarkson, R.T. Theo Stephens and Barry J. Barton (2014) Compensating for ecological harm – the state of play in New Zealand New Zealand Journal of Ecology 38 (1) Pages: 139–146

effects, and appropriate monitoring and security should be provided for, including compulsory RMA bonds.

In addition to a robust regulatory regime, non-regulatory methods are essential to meet these requirements and protect these values. The PTCDP should be amended to include greater non-regulatory methods.

Forest & Bird is in support of offering incentives for subdivision where a priority area is set aside for restoration or enhancement and protection.

Forest & Bird generally supports the retention of the present Significant Natural Area (SNA) layer, i.e. the Natural Character layer, for terrestrial environments. However the SNA layer should be a separate layer in the planning maps so as to make them more visible. SNA's should also be able to be updated as a "living" layer as ecosystems are created and restored over time.

The maintenance of biodiversity and protection of significant indigenous vegetation and habitat would be improved if the SNAs were included in the mapping section of the plan so there is a clear indication of their location when it comes to planning.

The District Council has used criteria from the proposed Waikato Regional Council's Regional Policy Statement (PWRPS) to identify the location and extent of SNAs in the District. This has resulted in many of the areas identified in the Waikato Regional Council's Inventory of Natural Areas being identified as not significant.

The PTCDP also lacks a definition for "sustainable use". The PTCDP should include one.

Section 4 – Information requirements for resource consents.

Applications for resource consents should be required to include an assessment of environmental effects for protected species, in order to meet the requirements of the Wildlife Act 1953 which prohibits the disturbance of protected species.

Sections 6.2 and 6.3 - Biodiversity Issues, Objectives and Policies

The focus in these sections is based on policies and methods of implementation for the protection of biodiversity in relation to subdivision, use and development. Although these are necessary the plan should also include objectives and associated policies, methods, rules and performance standards that give effect to sustainably managing the use and development of rural land, and of discharges of contaminants.

There is no objective of protecting significant indigenous vegetation and habitat as required by section 6(c) and the Regional Policy Statement.

There is no objective of providing for the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf catchments (section 8(a) HGMPA 2000).

Policy 1(e) (subdivision, use and development in the Coastal Environment) is supported as it aims to give effect to the NZCPS Policy 11. However, that policy is not implemented by the Plan's methods.

Objective 2 requires only that removal of indigenous vegetation is "minimised" – where the indigenous vegetation is significant vegetation or habitat, this objective inappropriately favours the establishment of infrastructure and network utilities over protection.

Policy 2(b) – it is not appropriate to "enable" vegetation clearance for new roads, utilities, telecommunications, electricity and other services, particularly where the vegetation concerned is significant vegetation or habitat.

Forest & Bird supports the requirement that Policy 2(b) applies only "where there is no other option" – but it is unclear how this would be demonstrated. What are "other services"? If vegetation is significant, its protection is a matter of national importance. This policy does not provide for its protection, but elevates matters which may not be matters of national importance above protection.

Relief sought

- Re-word the existing objectives to priorities the protection of significant indigenous vegetation and significant habitats of indigenous fauna (matters of national importance) over the use and development matters that are currently enabled by the objectives.
- Include an objective of recognising and providing for the protection of significant indigenous vegetation and significant habitat of indigenous fauna.
- Include an objective of providing for the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf catchments.
- Include a definition of sustainable use.

Section 29 – Biodiversity overlay rules

There needs to be a clarification of activities within and outside of SNA's. Vegetation clearance inside an SNA should be a prohibited activity to protect biodiversity and significant vegetation and habitat. Any vegetation clearance outside of SNA's should be a restricted discretionary activity so as council can assess any effects on biodiversity associated with the proposed clearance.

29.3 – Permitted activities

The rules on clearance of indigenous vegetation are extremely permissive and will not achieve indigenous biodiversity maintenance, contrary to the Council's obligations under section 31, or the protection of significant indigenous vegetation and habitat as required by section 6(c). Cumulative

effects of vegetation clearance are not addressed. Avoidance of significant adverse effects is not provided for in the coastal environment (contrary to the NZCPS) and the protection of the life-supporting capacity of the catchment environment is not provided for (contrary to the HGMPA 2000).

Rule 2 includes an area threshold (lot size) of 4,000m². Areas of significant vegetation (or areas meeting Policy 11 of the NZCPS) may be much smaller than that threshold, and those areas could be cleared under this rule with no assessment of their significance being required.

Rule 3 (clearance in the Rural area) does not specify any area threshold, with the result that large areas of indigenous vegetation may be cleared as a permitted activity so long as the clearance is for one of the many specified purposes.

Harvesting indigenous timber under a Sustainable Management Plan or Permit (under the Forests Act 1949) should not be a permitted activity. The Environment Court has confirmed that the Forest Act and the RMA have different purposes *Royal Forest & Bird Protection Soc. of NZ Vs Gisborne District Council* ENV-2008-WLG-90. Harvesting of indigenous timber should be permitted only where it achieves sustainable management.

Those permitted rules apply even where the indigenous vegetation is mapped as a priority location for protection in Section 38 Subdivision. This fails to recognise and provide for the protection of significant indigenous vegetation as required by section 6(c). Identification as a priority location for protection is an assessment criterion for vegetation clearance that falls to be considered as a restricted discretionary activity, but should also be a standard on permitted clearance (ie clearance of priority locations for protection should not be a permitted activity).

Although the Plan proposes a Policy 6.1(e) which would give effect to the NZCPS policy 11 by requiring that significant adverse effects on specified ecosystems/habitats/species are avoided, this is not implemented by the Plan's methods. Rule 3.4 provides that clearing indigenous vegetation in the Coastal Environment is a discretionary activity, but only if it is not permitted under Rule 3.1(a) to (l) (in which case clearance is permitted). Outside the Rural Zone, vegetation in the Coastal Environment can be cleared as a permitted activity under Rule 2, provided the area to be cleared is less than 4000m². This activity status does not give effect to the HGMPA 2000, section 6(c) of the RMA or the NZCPS. These Rules should be amended to give effect to Policy 11 NZCPS in particular, by requiring an assessment of whether the ecosystems/habitat/species listed in Policy 11 will be affected by the clearance. If so, Policy 11's focus of avoidance of significant adverse effects means that clearance should be a prohibited activity where the effects are significant and otherwise a non-complying activity.

The PTCDP needs to identify more effects on biodiversity apart from vegetation clearance. These could include drainage earth works, siting of buildings and run-off.

RELIEF SOUGHT:

- Add a new issue which acknowledges the threats to biodiversity and need for action.

- Add a new objective requiring protection of significant indigenous vegetation and significant habitat of indigenous fauna.
- Add a new objective seeking to achieve a net biodiversity gain across the Thames-Coromandel District.
- Amend the policies to require adherence to the mitigation hierarchy.
- Amend the policies to provide clear direction on the implementation of biodiversity offsetting, including the articulation of principles of offsetting.
- Provide additional non-regulatory methods.
- Amend the PTCDP to provide for additions to the SNA layer over time.
- Add regional objectives and policies relating to SNAs.
- Amend the rules to provide a greater level of protection for SNAs.
- Add rule that indigenous vegetation clearance, land disturbance and land drainage within a Significant Natural Area is a non-complying activity.
- Add objectives and associated policies, methods, rules and performance standards that give effect to sustainably managing the use and development of rural land, and of discharges of contaminants.
- Amend the PTCDP to ensure a greater focus is placed on enhancement and restoration of biodiversity across the District.
- Amend the rules relating to vegetation clearance in the Coastal Environment so that where Policy 11 NZCPS would apply vegetation clearance is prohibited (where adverse effects are significant) or non-complying activity.

LAND USE AND WATER QUALITY

The PTCDP must give effect to the National Policy Statement of Freshwater Management so as to achieve 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 and satisfy the Council's functions in relation to freshwater set out in sections 31 of the RMA.

There is inadequate acknowledgement of the effects of rural land use, primarily associated with forestry and farming activities, on water quality and availability of water to sustain biodiversity, landscape and natural character values

There is no dedicated discussion on land management practises that have adverse effects on water quality yet these issues are pressing environment concerns for many residents of the Thames-Coromandel District and must be addressed to achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the district.

RELIEF SOUGHT

- Articulate the land use and management issues that are adversely effecting water within the Thames Coromandel District, including the effects that production forestry and farming have on water bodies;
- Include a discussion identifying Council's intentions regarding the integrated management of land use effects on the natural character of water bodies and their margins; and;
- Acknowledge the necessity for a close working relationship with the adjoining territorial authorities and Waikato Regional Council to address water quality and land management issues, including with regard to the Hauraki Gulf.
- Include policies and rules which give effect to integrated management of land use and water quality, e.g. exclusion of stock from wetlands and lakes and rivers and their margins.

The following definition of waterway should be added to the plan:

Waterway: means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof (including ephemeral), that is not located within the coastal marine area but excludes stockwater races.

FORESTRY IN THE THAMES COROMANDEL DISTRICT

Production forestry and associated management practises in the Thames-Coromandel district are of great concern to Forest & Bird. Weathered volcanic soils, steep terrain and frequent high intensity rainfall events result in adverse effects to the environment include loss of biodiversity and high levels of sedimentation to fresh waterways and the coastal environment.

Some of large forestry landholdings are managed by companies with Forestry Stewardship Council ('FSC') accreditation, which the Council supports as being an audited certification system.

Relief sought

- Generate maps that identify erosion susceptibility
- Include provisions / rules for controlling forestry which reflect erosion susceptibility.

Add the following method:

Assess the current level of uptake and compliance to the range of compulsory and voluntary forestry standards within the Thames Coromandel District and ensure that all forestry companies / contractors are adhering to the required standards.

Standards should include:

- Forestry Stewardship Council membership.
- Other industry, standards NZ or international standards.
- Accredited forestry operators compliance to:
 - *New Zealand Environmental Code of Practice for Plantation Forestry (Cop)*

- *New Zealand Forest Code of Practice (LIRO 1990, revised 1993)*
- And WRC documents:
 - Design Guidelines for Earthworks, Tracking and Crossings: A Practitioner's Technical Guide to Minor Effects Based Activities
 - Erosion and Sediment Control: Guidelines for Soil Disturbing Activities
 - Erosion and Sediment Control Plan Preparation Guidelines

Forestry Activities in Rural Zone

Outcomes sought

Forest Activities in the Rural Zone

Harvesting

All harvesting will comply with all Forestry standards associated with the harvesting of plantation forests.

Tree Planting

The Council shall restrict the exercise of its discretion in relation to these matters to the effect on riparian, landscape, natural features and nature conservation values, including the siting, design, the restriction of tree species and management of the tree planting and mechanisms to prevent wilding spread.

Add the following definition of forestry to the plan.

Forestry - means the management of land for commercial wood production, inclusive of all phases of the production cycle including ground and or vegetation clearance for access and planting, planting (and re-planting), thinning, spraying, pruning and maintenance, felling and the extraction of timber from the site. Forestry includes any quarrying or gravel extraction activities on the site associated with private access road formation, any traffic movements associated with the production cycle, and forestry-related scientific or research activities.

The term forestry also includes any planting and management of trees for water and soil conservation, carbon sequestration, shelter belts, and farm-forestry activities that are not necessarily commercial-scale wood production.

For the purposes of this plan the term forestry excludes associated processing activities such as sawmills, pulp and paper production and other wood processing facilities, except for the operation of mobile sawmill facilities on a site for no longer than 3 months in any 12-month period.

Section 7 – Coastal Environment

The sole objective for the Coastal Environment (7.3.1) does not give effect to the HGMPA 2000, because it does not provide for the protection and, where appropriate, the enhancement of the life-

supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments (section 8(a)).

Section 6(a) of the RMA requires “the preservation of the natural character (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development”. Section 6(c) of the RMA requires “the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna”. Section 6(d) of the RMA requires “the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers”.

The NZCPS provides more direction on how these and other provisions are to be implemented within the coastal environment, including how to protect natural character, coastal landscapes and biodiversity; how to effectively manage use and development to avoid cumulative effects; how to protect and enhance public access; how to address sedimentation; and how to manage coastal hazards.

The PTCDP must ‘give effect’ to the requirements of the NZCPS. In particular (and without derogating from the generality of the obligation) to policies 3, 11, 13, 15, 21, 22 and 23.

Sedimentation affecting the Coastal Marine Area (CMA) is not adequately controlled, especially from production forestry harvesting and activities and from non-point discharges in the rural area. There is also no linkage between the management of sediment-generating activities and the areas of degraded water quality which are identified in the proposed RPS.

The management of development in areas affected by natural hazards including sea-level rise is inadequate, and fails to adequately address the seriousness of the problem and need to avoid new development in hazard areas.

Major development in the CMA has significant adverse effects and where a development is authorised and these effects cannot be fully remedied or mitigated, provision needs to be made for the residual effects to be offset through restoration and enhancements actions to achieve a net gain in terms of the natural heritage of the coastal environment

RELIEF SOUGHT:

- Include an additional sub-objective of providing for the protection and, where appropriate, the enhancement of the life-supporting capacity of the coastal environment.
- Identify additional SNA’s in coastal marine areas.
- Strengthen provisions and rules which address sedimentation.
- Prohibit new development in areas subject to coastal hazards including sea level rise.
- Ensure any residual adverse effects of coastal / marine activities are offset to achieve a net gain.

Section 9 - Landscape and Natural Character

In accordance with s31 (1) (a) of the RMA the Council is required to establish, implement and review provisions to give effect to the purpose of the Act. In achieving the purpose of the Act the Council is required to recognise and provide for Outstanding Natural Landscapes (ONL), s6 (b) of the RMA.

The Plan does not provide the ONLs with adequate protection from inappropriate use and development with regard to rules, site and zone standards. For example:

- There are no rules protecting the ONLs from the potential spread of wilding pines from permitted forestry activities (allowing the spread of wildings is a “use” of land: *High Country Rosehip Orchards Ltd v MacKenzie DC [2011] NZEnvC 387*).
- There are no controls / rules governing mineral prospecting and earthworks (except for area of disturbed earth and the volume of earthworks) from the potential adverse effects on ONLs.

Through the rules, site and zone standards the ONLs needs to be recognised as a matter of national importance. These regulatory mechanisms need to provide the appropriate protection to these vulnerable landscapes from inappropriate use and development

Section 11 ‘Indigenous Biodiversity’ of the PWRPS outlines a number of implementation methods that the PTCDP must give effect to. The focus of these provisions is the identification and protection of SNAs, and the protection and enhancement of indigenous biodiversity.

Section 12 ‘Landscape, Natural Character and Amenity’ of the RPS similarly contains policies and a series of implementation methods for identifying and protecting landscape values.

Section 14 – Mining Activities

Forest & Bird are greatly concerned about mining activities on the Coromandel, in particular adverse effects on the environment including natural character, outstanding landscapes, vulnerable native species, water pollution and toxic waste impacts.

The PTCDP provisions relevant to mining fail to give effect to the HGMPA 2000 and section 6 RMA.

In addition to the relief sought specific amendments and additions to the plan are identified in Annexure 2.

RELIEF SOUGHT

- Include a statement to the effect that pursuant to Schedule 4 of the Crown Minerals Act TCDC support no mining on all Crown conservation land north of the Kopu-Hikuai Road and the foreshore on the Coromandel Peninsula (and most adjacent offshore islands and Hauraki Gulf islands).
- Table 1 - 37.4 - Other mining activities. Amend as shown in table below

Table 1 - Activity Status of Mineral Processing, Quarrying, Surface mining, Underground mining and Waste rock/tailings storage

Zone	Mineral processing	Quarrying	Surface mining	Underground mining	Waste rock/tailings storage
Rural	Non-complying	Restricted discretionary	Discretionary	Discretionary	Non-complying
Rural Lifestyle			Non-complying	Non-complying	
Industrial	Discretionary	Restricted discretionary	Prohibited	Discretionary	Non-complying
Light Industrial	Discretionary	Restricted discretionary			Prohibited
Marine Service	Non-complying	Non-complying			
Airfield	Non-complying	Non-complying	Non-complying	Discretionary	Prohibited
Road					
Commercial	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Gateway					
Pedestrian Core					
Conservation	Non-complying Prohibited	Discretionary Prohibited	Non-complying Prohibited	Discretionary Prohibited	Prohibited
Open Space	Prohibited	Non-complying	Prohibited	Non-complying	
Recreation Active					
Recreation Passive					
Coastal Living	Non-complying Prohibited	Non-complying Prohibited	Prohibited	Discretionary Prohibited	
Extra Density Residential	Prohibited	Prohibited		Prohibited	
Low Density Residential				Non-complying	
Residential	Prohibited	Prohibited	Prohibited	Non-complying	Prohibited
Village					
Waterfront	Prohibited	Prohibited	Prohibited	Non-complying	Prohibited

- That TCDC create a rule that any mining activity above prospecting level (permitted activity) should ensure full public notification under s77D(a)1.

Section 16 - Subdivision

Forest & Bird is concerned that the current PTCDP will result in significant adverse effects on the environment and is seeking a prohibition on subdivision in the Rural Zone, coastal environment,

M:\RMA + plans + councils\District + City\Thames Coromandel

outstanding natural landscapes, amenity landscapes, natural character areas, areas with significant biodiversity, and sensitive landforms (including ridgelines and headlands).

ANNEXURE 2

Section of Plan	Support/ Oppose	Reason	Requested change
Section 6 Biodiversity 6.1 Background	Oppose	The biodiversity issues of the District are not clearly outlined.	Para 2 "... not found elsewhere. <u>These species are under threat from continued loss of native habitat, in particular duneland, wetlands and coastal forest habitat, and introduced animal pests. To maintain and enhance indigenous biodiversity a planned approach to ecosystem restoration and protection is needed to regain some of the more valuable ecosystems lost.</u>
6.2.1 Biodiversity Issues	Support in part	Subdivision, use and development does not necessarily have a negative impact on biodiversity, and if well planned can have a positive effect on biodiversity.	" <u>Poorly planned</u> subdivision, use and development contribute to ... f) Loss of choices for future generations. <u>However, well planned subdivision, use and development can benefit biodiversity.</u>
6.2.3 Biodiversity Issues	Oppose	Requires rewording to ensure the focus is on ecosystems.	3. The health and ecological functioning of <u>natural ecosystems</u> remaining biodiversity and areas of indigenous vegetation requires restoration , enhancement and protection, including creation of connections and corridors if they are to maintain their <u>of remaining areas of indigenous vegetation and restoration of ecosystems that are threatened if the District is to maintain biodiversity values over the long term. This should include the identification and / or creation of ecological connections and corridors"</u>
6.3 Objectives and Policies Objective 1	Support in part	Reference to subdivision, use and development here detracts from the main point. Subdivision is a good time to ensure biodiversity gains are made however biodiversity gains	Indigenous biodiversity is maintained, restored and enhanced. at the time of subdivision, use and development.

		can be made into other ways too.	
6.3 Policy 1a	Support in part	Requires rewording to ensure the focus is on ecosystem health and restoration of threatened environments.	“... Retain the ecological sustainability <i>resilience</i> and natural characteristics of indigenous ecosystems <i>vegetation</i> ; and ... f) Maintain, enhance or restore the functioning of <i>threatened environments</i> , ecological corridors and linkages, wetlands and dune systems; and ...”
6.3 Policy 1b	Support in part	Requires rewording to ensure the focus is on ecosystems and taking a precautionary approach to protection of species (i.e. those that we don't know much about).	“... a) Retains the ... of indigenous ecosystems <i>habitats and species</i> ; and Does not increase the risk to <i>Nationally At Risk</i> , and Threatened, Taxonomically Determinate and Indeterminate Data Deficient species; and ...”
6.3 Policy 1c	Support in part	This needs to include both the Rural and Rural Lifestyle zones.	“ Subdivision for restoration or enhancement of indigenous biodiversity shall be considered in the Rural <i>and Rural Lifestyle</i> areas where indigenous ...
6.3 Policy 1d	oppose	Lacks definition of sustainable use	Delete this policy.
Section 7 Coastal Environment 7.1.2	Support in part	Climate change and sea level rise will have significant impacts on the coast. Inappropriate to make value judgements about the importance of certain land uses compared to experiential and recreational values.	Para 1 “ ... particularly sensitive to modification. <i>Projected effects of climate change will have severe impacts on the health and sustainability of coastal ecosystems in the future and need to be planned for. ...</i> ” Para 2 “...These activities are also equally <i>also</i> important to the social, ...”
7.2 Issues	Support in part	The issue of climate change is missing but integral to the future health and functioning of	“1. The protection, ... live and play. <i>2. Projected climate change will have significant impacts on the ecological values of the coastal environment. Identifying and managing any adverse effects for the benefit of</i>

		parts of the coastal environment.	<i>future generations is a priority."</i>
7.3 Objective 1	Supports in part	Restoration is an important objective within the Coastal Environment.	"... Maintains <u>and restores</u> the integrity, ..."
Section 9 Landscape and Natural Character 9.1.4	Support in part	The natural character summary needs editing for clarity.	Para 3 "... Resource Management Group. Natural character was assessed in terms of both ecology (the viable functioning of natural processes) and experience (the attributes of 'naturalness'). —It included ... Assessment of <i>Ecological</i> Natural Character. This <i>ecological</i> assessment complements the landscape assessment <u>so that natural character is assessed in terms of both ecology (the viable functioning of natural processes) and experience the attributes of 'naturalness'.</u>
Objective 3	support		
Policy 3a	Support in part	Minor edit	"...or ecological resilience <u>of</u> areas within the Natural Character overlay, especially ..."
Policy 3c	oppose	Incomplete sentence. Support if intent is as reworded.	" ...Natural Character overlay, with <u>no</u> adverse effects on Natural Character <u>values</u> ."
Policy 3d	Support in part	Minor edit as doesn't make sense.	" The enhancement of the Natural Character Overlay <u>values</u> in the Coastal Environment, wetlands, ...
Objective 4	Support		
Policy 4b	Support in part	Permanent stock exclusion should not be a "may include". All stock should be excluded from wetlands and lakes and rivers and their margins. Policies and rules should be added to give effect to integrated	a) Permanent stock exclusion

		management of land use and water quality	
13 Financial Contributions 13.2 Issues	oppose	Doesn't outline what the full issues are. Financial contributions through development are an important method for improving land use and planning for the future.	Add a new issue: <i><u>" 2. Subdivision and development provides a means to change current land uses to address ecological and natural hazard issues e.g. retirement of floodplains, protection of coastal land to allow for ecosystem migration with sea level rise. "</u></i>
13.3 – new objective	support	The plan does not specifically state that strategic land should be acquired via development FC.	Add an Objective 3 – <i><u>"Protect strategic land through the development financial contribution of land reserves (based on a 100 year timeframe)."</u></i>
13.4 Financial Contribution methods	Support in part	Does not address the necessary acquisition of strategic land.	Add a new Method 2 – <i><u>"Require land reserves for strategic future environmental protection (particularly for, but not limited to, landward migration of coastal ecosystems with sea level rise, increased flooding with projected climate change, restoration of Threatened Environments and restoration of biodiversity corridors."</u></i>
Section Mining Activities 14.2.1 Issues	Support in part		Add <i><u>"clean unpolluted fresh and coastal waters"</u></i> to the list
Section 14.3 Objectives and Policies	oppose		Amend Objective 1a to read "compromise or significantly adversely affect Amend Policy 1b to read "Mining activities should <u>avoid</u> , remedy ..." Amend Policy 1d to read "Avoid or remedy ... on water supply catchments Amend Policy 1d to read "rehabilitated to be reused. <u>A bond shall be held by the Crown sufficient to pay for all costs pursuant to an approved rehabilitation plan.</u>

			<p>With regard to Policy 1f we ask that the council define impractical as this term is open to interpretation.</p> <p>Policy 3b aims to “minimise” effects when the related objective is to “protect”. Amend Policy 3b to read “...contamination, are <u>avoided</u> minimised”</p>
Section 15 Settlement Development and Growth 15.2 Issues	Support in part	Clarification, includes ecosystem functioning.	<p>Amend as follows:</p> <p>“ 5. ...by diminishing biodiversity, <u>natural character</u>, disrupting ecological corridors ...”</p>
15.3 new Policy	Support in part	Identifying that open space reserves should cater for as many compatible uses as possible.	<p>Add Policy 1i:</p> <p><u>“Open space reserves should be designed for multiple uses wherever possible e.g. stormwater retention/treatment and recreation and wildlife habitat enhancement.”</u></p>
15.3 Policy 2a	oppose	Economic development should not be encouraged at the expense of our natural environment as this neglects our obligations to future generations.	<p>Reword as follows:</p> <p>“Business and industrial activities that increase <u>ecosystem health</u>, social benefits, boost ...”</p>
15.3 Policy 3b	oppose	As above, policies should not enable potential environmental degradation as per the objective.	<p>Reword as follows:</p> <p>“Land use that supports marine industries should be provided for in the Coastal Environment <u>where appropriate.</u>”</p> <p>Reword similarly for 24.3 Policy 1e.</p>
15.3 Policy 3c	Support	Clarify to keep consistency with	Reword as follows:

	in part	other parts of plan.	"... inland migration opportunities (<i>over a 100 year timeframe</i>); and ..."
15.3 Policy 7a	Support in part	"Intolerable" risk needs identifying.	
16 Subdivision 16.2 Issues	Support in part	Clarification that effects not restricted to particular zones. Expansion of opportunities potentially lost.	Reword as follows: "... 2. Subdivision of land in the Rural Area can result in fragmentation, the loss ... 3. Opportunities for public access to and along the coast and other water bodies <i>as well as future ecological/hazard planning</i> can be lost ..."
16.3 Policy 1c	Support in part	Clarify that subdivision in the rural and lifestyle zones is expected to provide significant biodiversity gains for the community.	Reword as follows: "Subdivision in the <i>Rural and</i> Rural Lifestyle zones shall protect the species values of the Rural Area and achieve significant biodiversity gains."
16.3 Policy 3a	Support in part	Clarify to ensure that it is clear that public reserves have values other than public open space, amenity or recreation.	Add a new point to the policy as follows: "c) ... and topography; <i>or</i> <i>e) The reserve land is identified as a strategic public investment to allow for future ecological functioning of ecosystems, particularly within the Coastal Environment.</i> " Note this point is an 'or' option not an 'and'.
16.3 Policy 5a	Support in part	Clarify so that not affecting ecosystems as a well as landscapes.	Reword as follows: "... important land scape features <i>and ecosystems</i> and incorporate them into ..."
16.3 Policy 6b	oppose	Biodiversity of the district will not be maintained or enhanced if the focus is solely on existing vegetation (i.e. SNAs). Restoration of Threatened	Reword as follows: "Subdivision for restoration or enhancement or indigenous biodiversity in the Rural <i>and Rural Lifestyle Areas</i> shall ensure that the area identified for protection: ... Regional Policy Statement <i>or is an identified Threatened Environment</i> ; and ..."

		Environments is key to maintaining biodiversity. This applies to both Rural and Rural Lifestyle Areas.	
16.3 Policy 6e	Support in part	Clarify that these setbacks are to cater for projected sea level rise (as per Objective 5 of the NZCPS 2010).	Reword as follows: “... near inter-tidal areas and allow for migration of such ecosystems with a predicted 1 meter sea level rise.”
16.3 Policy 8a		Link to Rule 11 wording	
16.3 Policy 10a	support		
16.3 Policy 111	Support in part	An exception needs to be made here as some Threatened Environments lie on high class soils.	Reword as follows: “... primary productive purposes, <u>except where retirement is for significant ecological benefit.</u> ”
Section 29 Biodiversity 29.1 Background	oppose	The District Plan is required to give effect to Section 6 of the RMA. The sections that relate to Biodiversity are s6(a) and 6(c). The maintenance and enhancement of biodiversity needs to be considered for all land uses and areas.	Reword as follows: Para 1 - <u>“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”.</u> Section 6(c) of the ...” Para 2 – “...will be required. <u>Natural character includes natural processes, features and ecological functioning of an area as well as experiential attributes (refer to Section 9). Areas identified as having high ecological natural character are mapped in the Natural Character Overlay.</u> ” Para 3 – “Priority locations for biodiversity restoration and enhancement in the Rural Zone are mapped in Section 38 ... and protected. Subdivision incentives are also provided in the Rural Lifestyle Zone where biodiversity values are restored or enhanced. ”

29.2 Rule 2	Oppose	As written this rule allows for clearance of significant natural ecosystems, native trees and groups of native trees in urban and coastal areas that contribute to the mosaic of ecosystems and amenity of areas outside of the rural area.	Rule 2 1 (a) The lot is less than <u>250 m² 4,000 m²</u>
29.3 Rule 3	oppose	As written this rule allows for clearance of potentially significant vegetation.	Reword as follows: "1. Clearing indigenous vegetation ... Delete all of a) and b) It is for ... or fire break maintenance " and replace with " <u>It is as per an approved production forestry management plan</u> ". <u>e) (e.g. forestry, domestic</u> l) a permanent water body wider than 1 m... ; and m) It is not protected ...; and <u>n) It is not an area identified as an SNA, habitat of indigenous fauna or having high Natural Character; or</u> <u>o) It complies with Section 37 Mining Activities Rule 2.1 b) and c)."</u>
29.3 Rule 3.2 and 3.4		Provides inadequate protection for indigenous vegetation in the rural and coastal areas	Is a restricted discretionary or discretionary <u>non-complying</u> activity
29.5 Assessment Matters and Criteria Table 1		Where does this link in? Delete if not needed?	
Table 2	Support in part	The maintenance and enhancement of biodiversity under the RMA needs to be considered for all land uses and	Reword as follows under Assessment Criteria: "a) In the Rural Area , whether the indigenous vegetation is mapped ... Whether the proposed ... the functioning of <u>existing or planned</u> ecological corridors and linkages, ..."

		areas (noting that residential areas are dealt with in Rule 2). Vegetation clearance needs to also be considered in light of planned restoration of Threatened Environments or corridors.	
Section 32 Landscape and Natural Character Overlay Rule 16	support		
Rule 17	support		
Rule 18	support		
32.8 Assessment Matters and Criteria	Support in part	Afforestation should not remove indigenous vegetation within the Natural Character Overlay. 'Continuous cover forestry' is compatible within the Natural Character overlay as harvesting does not degrade biodiversity or exacerbate sedimentation with clear felling and extensive roading.	"4 a) Whether any restoration/enhancement/rehabilitation planting would mitigate <u>avoids any</u> removal of indigenous vegetation or earthworks required for the activity. <u>b) Whether a continuous forest cover is maintained during harvesting and expansive roading is not required.</u> "
Section 37.1 Mining Activities -	oppose		Add Amend Rule 2 Exploration is a permitted <u>discretionary</u> activity and Rule 2 1a) to read: "... <u>or</u> the Rural Zone or the Conservtaion Zone ; and

Background																					
<p>38 Subdivision Rule 8 Table 1</p>	<p>oppose</p>	<p>As currently worded this rule limits the biodiversity gains possible. Restoration of Threatened Environments will provide arguably better biodiversity benefits that legal protection of existing SNAs. The current wording will actually result in perverse adverse effects on biodiversity as the identified priority areas will encourage fragmentation in places and does not reward biodiversity gains appropriately. For example wetlands provide huge biodiversity benefits and ecosystem services and are highly threatened ecosystem. Even small wetlands are important and so the minimum area for protection should reflect this. On the other hand, coastal forest is also threatened but larger areas are generally required to ensure the sustainability of fragments. Also incentives should be given</p>	<p>Reword as follows: 1. Subdivision creating one or more conservation lots in the Rural Zone is a restricted discretionary activity provided: ...”</p> <p>Table 1 – redo the maps and calculations to ensure Priority Areas encompass Threatened Environments 1-2. SNAs that lie within Threatened Environments 1 and 2 will be extra important as they have existing vegetation and so will not need to be restored from scratch.</p> <p>The minimum areas need to reflect the rarity but also the sustainable functioning of the ecosystem. For example 2 ha might be a suitable minimum size for wetlands and floodplain forest, however coastal [dryland] forest is more sustainable in larger lots and a minimum lot size of 5 ha may be more suitable. This however needs to be backed up by analysis.</p> <table border="1" data-bbox="987 898 2063 1321"> <thead> <tr> <th colspan="3" data-bbox="987 898 2063 938">Table 1 - Identification of Priority Areas for Protection</th> </tr> <tr> <th data-bbox="987 938 1122 1150">Key from Map</th> <th data-bbox="1122 938 1279 1150">Minimum area to be set aside for protection</th> <th data-bbox="1279 938 2063 1150">Rationale for area</th> </tr> </thead> <tbody> <tr> <td data-bbox="987 1150 1122 1190">RED</td> <td data-bbox="1122 1150 1279 1190">2 ha</td> <td data-bbox="1279 1150 2063 1190">Threatened Environment 1 - wetlands and floodplains</td> </tr> <tr> <td data-bbox="987 1190 1122 1230">ORANGE</td> <td data-bbox="1122 1190 1279 1230">5 ha</td> <td data-bbox="1279 1190 2063 1230">Threatened Environment 1/2? - coastal forest, priority corridors</td> </tr> <tr> <td data-bbox="987 1230 1122 1270">YELLOW</td> <td data-bbox="1122 1230 1279 1270">10 ha</td> <td data-bbox="1279 1230 2063 1270">Threatened Environment 3</td> </tr> <tr> <td data-bbox="987 1270 1122 1321">BLUE</td> <td data-bbox="1122 1270 1279 1321">20 ha</td> <td data-bbox="1279 1270 2063 1321"></td> </tr> </tbody> </table>	Table 1 - Identification of Priority Areas for Protection			Key from Map	Minimum area to be set aside for protection	Rationale for area	RED	2 ha	Threatened Environment 1 - wetlands and floodplains	ORANGE	5 ha	Threatened Environment 1/2? - coastal forest, priority corridors	YELLOW	10 ha	Threatened Environment 3	BLUE	20 ha	
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		to any landowner irrelevant of land zoning if they can provide the priority area protection as prescribed.	
38.6 Rule 10	oppose	Incentives should be given to any landowner irrelevant of land zoning if they can provide the priority area protection as prescribed. This rule is redundant as it is covered by Rule 8 once it is revised.	Delete entire rule.
Appendix 4 Subdivision design Principles 4.6.8	Support in part	Clarify that roading should not fragment ecosystem remnants (forest or wetland)	Reword as follows: “... k) ... height of fences. <u>l) Ensure driveways do not fragment remnant ecosystems (e.g. forest or wetland).”</u>
38 Table 4	Support in part	Clarify that the building platform is to be sustainable into the future.	Reword as follows: 1. ... subsidence and slippage, taking into account climate change projections . The Council may ...”

SUBMISSION ENDS

Mercury Bay Forest & Bird : Thames Coromandel Proposed District Plan

This is a submission on the prepared by the Mercury Bay Branch of the Royal Forest and Bird Protection Society of New Zealand.

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

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

The proposed plan aims to be enabling and easy to use however biodiversity cannot be easily pigeon-holed. At present the proposed plan focuses on biodiversity in high value SNAs. These areas are important but in themselves cannot sustain and enhance biodiversity values of the region now or into the future. Strategic measures need to be laid out in the District Plan outlining the biodiversity gains aimed for over the next 10 years that will help build the health and resilience of our biodiversity. This is necessary for current and future generations as to have our biodiversity values further degraded will impact the health and economic wellbeing of Coromandel communities. Putting short term economic benefits ahead of biological health has been soundly discredited. We need to incentivise economic activities that provide ecological and community benefits.

Further, we need to be mindful and ensure that economic activities are consistent with the values and aspirations of the communities of the district and with the geographical and climatological features of the Peninsula. As pressures on our environment increase over the next 10 to 15 years, it is important that our District Plan promotes sustainable industries and reflects the increasing international knowledge and awareness of the importance of environmental responsibility and sustainability for economic and social responsibility and sustainability.

The Plan must ensure appropriate protection is afforded to areas of ecological value; notably, areas identified as nationally significant (under Schedule 4 of the Resource

Management Act (1991)) and areas that contain activities such as kiwi care initiatives and re-vegetation sites.

Our comments on specific parts of the draft plan follow.

Section of Plan	Support/ Oppose	Reason	Requested change
<p>Section 6 Biodiversity</p> <p>6.1 Background</p>	Oppose	The biodiversity issues of the District are not clearly outlined.	<p>Para 2 "... not found elsewhere. <u>Species are threatened either due to predatory/competitor pressure or lack of habitat, or both. While there is a good representation of lowland forest on the steep inaccessible ranges, other ecosystems such as duneland, wetlands and coastal forest have been severely reduced. Research shows that there is a direct relationship between habitat area and threatened species. As habitat area is progressively reduced, the rate of species loss increases. Therefore to protect biodiversity and maintain biodiversity for future generations we need to aim to have 30% of all natural ecosystems protected. Providing land use incentives through subdivision rules is one of the best ways for the District Plan to help maintain and enhance biodiversity. ...:</u></p> <p>Para 3 "... level of significance. <u>These SNAs are unplanned remnant areas often historically regarded as 'unproductive' e.g. too steep or difficult to access/use. They are the last refuge of many of our threatened species. However to maintain or enhance indigenous biodiversity a planned approach to ecosystem restoration and protection is needed to regain some of the more valuable ecosystems lost.</u> The Council used this <u>SNA</u> report and <u>Threatened Environment data</u> as the basis for identifying locations to be targeted for priority <u>biodiversity</u> management in the District.</p>
6.2.1 Biodiversity Issues	Support in part	Subdivision, use and development does not necessarily have a negative impact on biodiversity, and if well planned can have a positive	<p><u>"Poorly planned</u> subdivision, use and development contribute to ...</p> <p>f) Loss of choices for future generations.</p> <p><u>However, well planned subdivision, use and development can benefit biodiversity.</u></p>

		effect on biodiversity.	
6.2.2 Biodiversity Issues	support		
6.2.3 Biodiversity Issues	oppose	Requires rewording to ensure the focus is on ecosystems.	3. The health and ecological functioning of <i>natural ecosystems</i> remaining biodiversity and areas of indigenous vegetation requires <u>restoration</u> , enhancement and protection, including creation of connections and corridors if they are to maintain their <u>of remaining areas of indigenous vegetation and restoration of ecosystems that are threatened if the District is to maintain</u> biodiversity values over the long term.”
6.3 Objectives and Policies Objective 1	Support in part	Subdivision is a good time to ensure biodiversity gains are made however biodiversity gains can be made into other ways too. Reference to subdivision, use and development here detracts from the main point.	Indigenous biodiversity is maintained, restored and enhanced at the time of subdivision, use and development.
6.3 Policy 1a	Support in part	Requires rewording to ensure the focus is on ecosystem health and restoration of threatened environments.	“... a) Retain the ecological <u>resilience sustainability</u> and natural characteristics of indigenous <u>ecosystems</u> vegetation ; and ... f) Maintain, enhance or restore the functioning of <u>threatened environments</u> , ecological corridors and linkages, wetlands and dune systems; and ...”
6.3 Policy 1b	Support in part	Requires rewording to ensure the focus is on ecosystems and taking a precautionary approach	“... a) Retains the ... of indigenous <u>ecosystems</u> habitats and species ; and

		to species (i.e. those that we don't know much about).	b) Does not increase the risk to <u>Nationally At Risk</u> , and Threatened, Taxonomically Determinate and Indeterminate Data Deficient species; and ...”
6.3 Policy 1c	Support in part	This needs to include both the Rural and Rural Lifestyle zones. Establishing self-sustaining pest free areas is more appropriately addressed by Regional Council How would the District Council effectively monitor whether pest control was occurring? Achieving “self sustaining pest free areas” is currently impossible unless a pest proof fence is erected. Pest control is an ongoing activity. Point f) could result in continued enhancement of lowland forest as it is habitat for kiwi etc. This is not where the focus needs to be (see Kendal & Stewart, 2010).	“ Subdivision for restoration or enhancement of indigenous biodiversity shall be considered in the Rural and Rural Lifestyle areas where indigenous ... f) Restoring or enhancing habitat for nationally at risk and threatened flora and fauna; g) Restoring or enhancing Estuaries and fragmented <u>coastal</u> forests; h) Establishing self-sustaining pest free areas; i) restoring or enhancing rare ecosystems.
6.3 Policy 1d	oppose	What does sustainable ‘use’ mean? This broad policy could result in the loss of high value vegetation and its replacement with new lower value planted areas.	Delete in entirety or reword with an emphasis on avoidance.

6.3 Policy 1e	Support in part	This should not be restricted to the Coastal Environment	“Subdivision, use and development in the Coastal Environment shall avoid adverse effects on :”
Objective 2	oppose	The focus needs to be on avoidance. In particular public utilities and infrastructure due to their common placement in sensitive zones (such as riparian zones) need to avoid disruption to hydrological flows	Reword to - “The establishment, maintenance and upgrading of public infrastructure and network utilities <u>avoids, remedies and mitigates</u> minimises the removal of indigenous vegetation and its ecological effects, and disruption to natural hydrological flows.”
Section 7 Coastal Environment 7.1 Background	support		
7.1.2	Support in part	Climate change will have significant impacts on the coast. Inappropriate to make value judgements about the importance of certain land uses compared to experiential and recreational values. The important issue is the balancing of these issues recognising that certain resource uses can be incompatible with the sustainability of the natural	Para 1 “ ...particularly sensitive to change. <u>Projected effects of climate change will have severe impacts on the health and sustainability of coastal ecosystems in the future and need to be planned for. ...</u> ” Para 2 “...These activities are <u>also</u> equally important to the social, ...”

		resources.	
7.2 Issues	Support in part	The issue of climate change is missing but integral to the future health and functioning of parts of the coastal environment.	“1. The protection, ... live and play. <i>2. Projected climate change will have significant impacts on the ecological values of the coastal environment. Identifying and managing any adverse effects for the benefit of future generations is a priority.</i> ”
7.3 Objective 1	Supports in part	Restoration is an important objective within the Coastal Environment.	“... • Maintains <i>and restores</i> the integrity, ...”
Section 9 Landscape and Natural Character 9.1.4	Support in part	The natural character summary needs editing for clarity.	Para 3 “... Resource Management Group. 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. The natural processes, features and ecological functioning that underpin the visual impression of the natural character for each of these ecosystems are outlined in the Assessment of <i>Ecological</i> Natural Character. This <i>ecological</i> assessment complements the landscape assessment <i>so that natural character is assessed in terms of both ecology (the viable functioning of natural processes) and experience (the attributes of ‘naturalness’.</i> ”
Objective 3	support		
Policy 3a	Support in part	Minor edit	“...or ecological resilience <i>of</i> areas within the Natural Character overlay, especially ...”
Policy 3b	oppose	Doubles up on Policy 3a	Delete in entirety
Policy 3c	oppose	Incomplete sentence. Support if	“ ...Natural Character overlay, with <i>no</i> adverse effects on Natural Character <i>values.</i> ”

		intent is as reworded.	
Policy 3d	Support in part	Minor edit as doesn't make sense. Clarification to ensure the focus is on ecosystems and threatened environments in particular (see 'Supporting Information' for information on the relationship of threatened environments and Threatened species). Removal of duplication.	" The enhancement of the Natural Character Overlay <u>values</u> in the Coastal Environment, wetlands, ... e) <u>Enhancing or restoring threatened environments</u> Creating or enhancing indigenous habitat and/or habitat for threatened or at risk indigenous species, including raising the water level for wetlands; and ..."
Objective 4	Support		
Policy 4b	Support in part	As for Policy 3d.	e) <u>Enhancing or restoring threatened environments</u> Creating or enhancing indigenous habitat and/or habitat for threatened or at risk indigenous species, including raising the water level for wetlands; and ..."
13 Financial Contributions 13.2 Issues	oppose	Doesn't outline what the full issues are. Financial contributions through development are an important method for improving land use and planning for the future.	Add a new issue: <u>" 2. Subdivision and development provides a means to change current land uses to address ecological and natural hazard issues e.g. retirement of floodplains, protection of coastal land to allow for ecosystem migration with sea level rise. "</u>
13.3 – new objective	support	The plan does not specifically state that strategic land should	Add an Objective 3 – <u>"Protect strategic land through the development financial contribution of land reserves</u>

		be acquired via development FC.	<i>(based on a 100 year timeframe)."</i>
13.4 Financial Contribution methods	Support in part	Does not address the necessary acquisition of strategic land.	Add a new Method 2 – <i>"Require land reserves for strategic future environmental protection (particularly for, but not limited to, landward migration of coastal ecosystems with sea level rise, increased flooding with projected climate change, restoration of Threatened Environments and restoration of biodiversity corridors."</i>
Section 14 Mining Activities Issues Background	oppose	The background of this section is misleading in its description of the history of mining activities on the Peninsula. The history of mining that is identified is not within contemporary times, and there is no reference made to the well documented opposition to mining that has been a prominent feature of modern mining activities.	Minor edit: <u>Until the first half of the 19 century, the District has had a long history of mining for gold and other minerals.</u> Add: <u>In contemporary times, community opposition to reestablishment of this industry has been significant and well documented.</u>
14.3 Objective 1	support		
Objective 3	support	Suggest minor edit	People, property and the environment are protected from contamination and residual risks posed by mining activities, <i>including residual risks.</i>
Section 15 Settlement Development	Support in part	Clarification, includes ecosystem functioning.	Amend as follows: " 5. ...by diminishing biodiversity, <u>natural character</u> , disrupting ecological corridors ..."

and Growth			
15.2 Issues			
15.3 new Policy	Support in part	Identifying that open space reserves should cater for as many compatible uses as possible.	Add Policy 1i: <i><u>“Open space reserves should be designed for multiple uses wherever possible e.g. stormwater retention/treatment and recreation and wildlife habitat enhancement.”</u></i>
15.3 Policy 2a	oppose	Economic development should not be encouraged at the expense of our natural environment as this neglects our obligations to future generations.	Reword as follows: “Business and industrial activities that increase <i>ecosystem health</i> , social benefits, boost ... “
15.3 Policy 3b	oppose	As above, policies should not enable potential environmental degradation as per the objective.	Reword as follows: “Land use that supports marine industries should be provided for in the Coastal Environment <i>where appropriate.</i> ” Reword similarly for 24.3 Policy 1e.
15.3 Policy 3c	Support in part	Clarify to keep consistency with other parts of plan.	Reword as follows: “... inland migration opportunities (<i>over a 100 year timeframe</i>); and ...”
15.3 Policy 7a	Support in part	“Intolerable” risk needs defining.	
16 Subdivision	Support in part	Clarification that effects not restricted to particular zones.	Reword as follows: “...”

16.2 Issues		Expansion of opportunities potentially lost.	2. Subdivision of land in the Rural Area can result in fragmentation, the loss ... 3. Opportunities for public access to and along the coast and other water bodies <u>as well as future ecological/hazard planning</u> can be lost ...”
16.3 Policy 1c	Support in part	Clarify that subdivision in the Rural and Lifestyle zones is expected to provide significant biodiversity gains for the community.	Reword as follows: “Subdivision in the <u>Rural and</u> Rural Lifestyle zones shall protect the species values of the Rural Area and achieve significant biodiversity gains.”
16.3 Policy 3a	Support in part	Clarify to ensure that it is clear that public reserves have values other than public open space, amenity or recreation.	Add a new point to the policy as follows: “c) ... and topography; <u>or</u> e) <u>The reserve land is identified as a strategic public investment to allow for future ecological functioning of ecosystems, particularly within the Coastal Environment.</u> ” Note this point is an ‘or’ option not an ‘and’.
16.3 Policy 5a	Support in part	Clarify so that not affecting ecosystems as a well as landscapes.	Reword as follows: “... important land scape features <u>and ecosystems</u> and incorporate them into ...”
16.3 Policy 6b	oppose	Biodiversity of the district will not be maintained or enhanced if the focus is solely on existing vegetation (i.e. SNAs). Restoration of Threatened Environments is key to maintaining biodiversity. This applies to both Rural and Rural	Reword as follows: “Subdivision for restoration or enhancement or indigenous biodiversity in the Rural <u>and Rural Lifestyle Areas</u> shall ensure that the area identified for protection: a) ... Regional Policy Statement <u>or is an identified Threatened Environment</u> ; and b) ...”

		Lifestyle Areas.	
16.3 Policy 6e	Support in part	Clarify that these setbacks are to cater for projected sea level rise (as per Objective 5 of the NZCPS 2010).	Reword as follows: “... near inter-tidal areas and allow for migration of such ecosystems with a predicted 1 meter sea level rise.”
16.3 Policy 10a	support		
16.3 Policy 111	Support in part	An exception needs to be made here as some Threatened Environments lie on high class soils.	Reword as follows: “... primary productive purposes, <i>except where retirement is for significant ecological benefit.</i> ”
Section 24 – Rural Area (Zone) Objective 4	Support in part	Inappropriate land uses can have adverse effects on downstream ecosystems.	Reword to include not causing downstream adverse effects. An associated policy is also needed outlining that subdivision, use and development should be undertaken in a manner that does not cause adverse effects on downstream natural ecosystems (e.g. streams and estuaries).
Rule 11	oppose	This needs to be more effects based. The right forestry activity in the right place needs to be encouraged.	Amend Rule 11 ‘Afforestation’ so planting of a Continuous Cover Forest is a permitted activity and afforestation that will require clear-fell harvesting on erosion-prone land (i.e. land classified as LUC 6, 7 or 8 or as Erosion Susceptibility Classification ‘High’ or ‘Very High’ (Bloomberg et al., 2011) is non-complying . Otherwise afforestation that will require clear-fell harvesting should be controlled , with control reserved over issues such as placement of roads, setbacks from waterways and harvesting disturbance to remnant or riparian indigenous vegetation.
Section 29 Biodiversity	oppose	The District Plan is required to give effect to Section 6 of the RMA. The sections that relate to	Reword as follows: Para 1 - “ <i>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</i>

<p>29.1 Background</p>		<p>Biodiversity are s6(a) and 6(c). The maintenance and enhancement of biodiversity needs to be considered for all land uses and areas.</p>	<p><i>rivers and their margins, and the protection of them from inappropriate subdivision, use, and development”. Section 6(c) of the ...”</i></p> <p>Para 2 – “...will be required. <i>Natural character includes natural processes, features and ecological functioning of an area as well as experiential attributes (refer to Section 9). Areas identified as having high ecological natural character are mapped in the Natural Character Overlay.”</i></p> <p>Para 3 – “Priority locations for biodiversity restoration and enhancement in the Rural Zone are mapped in Section 38 ... and protected. Subdivision incentives are also provided in the Rural Lifestyle Zone where biodiversity values are restored or enhanced.”</p>
<p>29.3 Rule 3</p>	<p>oppose</p>	<p>As written this rule allows for clearance of potentially significant vegetation.</p>	<p>Reword as follows: “1. Clearing indigenous vegetation ... k) ... network utility operator; <u>and</u> or l) It is not within ...; and m) It is not protected ...; and <u>n) It is not an area identified as an SNA or having high Natural Character; or</u> o) It complies with Section 37 Mining Activities Rule 2.1 b) and c).”</p>
<p>29.4 Controlled Activities Rule 4</p>	<p>oppose</p>	<p>Sustainable management of indigenous vegetation is covered under 29.3 and Table 2 matters of discretion.</p>	<p>Delete</p>
<p>29.5 Assessment Matters and Criteria</p>	<p>oppose</p>	<p>Not needed.</p>	<p>Delete</p>

Table 1			
Table 2	Support in part	The maintenance and enhancement of biodiversity under the RMA needs to be considered for all land uses and areas (noting that residential areas are dealt with in Rule 2). Vegetation clearance needs to also be considered in light of planned restoration of Threatened Environments or corridors.	Reword as follows under Assessment Criteria: “a) In the Rural Area , whether the indigenous vegetation is mapped ... d) Whether the proposed ... the functioning of <i>existing or planned</i> ecological corridors and linkages, ...”
Section 32 Landscape and Natural Character Overlay 32.3 Rule 7	Oppose	Areas shown in the Outstanding Landscape Overlay should be protected. Allowing mining in this area would be contrary to the objective. Mining must be prohibited in these areas.	Change activity status to prohibited
Rule 8	Support		
Section 32.5 Rule 13	Oppose	Amenity areas make a significant contribution to the district both economically and ecologically; mining should be prohibited in areas identified in this overlay.	Change activity status to prohibited

Rule 14	Support		
Rule 16	support		
Rule 17	Oppose	Allowing mining, either surface or underground in these areas would contradict Section 6 of the resource Management Act – matters of National Significance.	Change activity status to prohibited
Rule 18	support		
32.8 Assessment Matters and Criteria	Support in part	Afforestation should not remove indigenous vegetation within the Natural Character Overlay. 'Continuous cover forestry' is compatible within the Natural Character overlay as harvesting does not degrade biodiversity or exacerbate sedimentation with clear felling and extensive roading.	"4 a) Whether any restoration/enhancement/rehabilitation planting would mitigate <u>avoids any removal of indigenous vegetation or earthworks required for the activity.</u> <u>b) Whether a continuous forest cover is maintained during harvesting and expansive roading is not required."</u>
Section 35 Significant Trees Rule 3.2	Support	We support this section, but consider that adding in requirements for notification would avoid issues seen in other areas where Significant Trees were consented to be removed	Amend: 2. Felling or damaging a significant tree that is not permitted under Rule 3.1 is a noncomplying activity, <u>and a resource consent application for an activity listed in Rule 3.2 that is noncomplying shall be publicly notified under sections 95 and 95A of the RMA.</u>

		by Council without public knowledge.	
Section 37 Mining Activity Rules 37.3 Rule 2.1	oppose	Allowing exploration as a permitted activity would not allow council to monitor biodiversity/ecological loss or cumulative impact. As minerals permits are granted across a significant area it is likely that multiple sites within a permit will be explored; the cumulative impact of multiple exploration sites with these thresholds as a permitted activity could result in significant loss.	1. Exploration is a permitted <u>restricted discretionary activity</u> , provided: <ol style="list-style-type: none"> a) It is in the Industrial Area, the Rural Area or the Conservation Zone; and b) No more than 50 m2 of indigenous vegetation is cleared <u>per approved permit</u>; and c) Prior to commencing exploration a rehabilitation plan is provided to the Council detailing the steps that will be undertaken to rehabilitate the site upon completion of exploration <u>including timeline, expected outcome, standards and any other instruments required to adequately ensure that any negative effects of this activity are minimised.</u>
37.4 Table 1	Support in part	This table should be amended to ensure that Council meets its obligations under sections 5, 6 and 7 of the Resource Management Act. All mining activities should be prohibited within the Conservation Zone, and in any areas within the Coastal Environment.	Change all mining activity statuses to prohibited across the table relating to the conservation zone, and all areas in the Coastal Environment.
Table 3	Support	This table does not allow for	Insert new section that covers ecological factors that Council should also consider when

	in part	ecological considerations and restricts the Council in such a way that these factors would not be afforded appropriate consideration.	evaluating the potential impacts of the proposed activity, such as but not limited to <u>9. Environment:</u> <u>a) Whether habitat could be impacted in a way that is likely to be more than minor from the activity or associated activities</u> <u>b) Whether any significant biodiversity could be lost or otherwise negatively impacted from the activity or associated activities</u> <u>c)The potential cumulative impact caused by the activity and associated activities such as multiple exploration sites per exploration permit area are likely to result in either a) or b).</u>
<p>38 Subdivision</p> <p>Rule 8</p> <p>Table 1</p>	oppose	<p>As currently worded this rule limits the biodiversity gains possible. Restoration of Threatened Environments will provide arguably better biodiversity benefits that legal protection of existing SNAs. SNA’s are already protected by vegetation clearance rules.</p> <p>The current wording will actually result in perverse adverse effects on biodiversity as the identified priority areas will encourage fragmentation of existing indigenous vegetation, and does not reward biodiversity gains appropriately. For example wetlands provide huge biodiversity benefits and</p>	<p>Reword as follows:</p> <p>1. Subdivision creating one or more conservation lots in the Rural Zone is a restricted discretionary activity provided: ...”</p> <p>Table 1 – redo the maps and calculations to ensure Priority Areas encompass Threatened Environments 1-2, wetlands and dunes. SNAs that lie within Threatened Environments 1 and 2 will be extra important as they have existing vegetation and so will not need to be restored from scratch.</p> <p>The minimum areas need to reflect the rarity but also the sustainable functioning of the ecosystem. For example 2 ha might be a suitable minimum size for wetlands and floodplain forest, however coastal [dryland] forest is more sustainable in larger lots and a minimum lot size of 5 ha may be more suitable.</p> <p>This however needs to be backed up by analysis.</p>

		<p>ecosystem services, are a highly threatened ecosystem and are generally of a small size. Even very small wetlands are important and so the minimum area for protection should reflect this. On the other hand, coastal forest is also threatened but larger areas are generally required to ensure the sustainability and resilience of fragments.</p> <p>Also incentives should be given to any landowner irrelevant of land zoning if they can provide the priority area protection as prescribed.</p>	
38.6 Rule 10	oppose	<p>Incentives should be given to any landowner irrelevant of land zoning if they can provide the priority area protection as prescribed. This rule is redundant as it is covered by Rule 8 once it is revised.</p>	Delete entire rule.
38 Table 4	Support	<p>Clarify that the building platform is to be sustainable into the</p>	<p>Reword as follows: 1. ... subsidence and slippage, and taking into account climate change projections. The</p>

	in part	future.	Council may ...”
Section 56 Rural Zone 56.3 Activity Table Rule 26		Forestry, as opposed to afforestation, is not listed in the Activity Table and therefore falls under Rule 26 as non-complying. We do not support this activity status as forestry in the right place has social, environmental and economic benefits.	Add a new rule requiring standards for forestry where only Continuous Cover Forestry (CCF) can be undertaken on erosion-prone land (as above), whilst CCF and clear-fell forestry may be undertaken on less steep slopes where clear-fell forestry will not cause sedimentation issues.
Appendix 4 Subdivision design Principles 4.6.8	Support in part	Clarify that roading should not fragment ecosystem remnants (forest or wetland)	Reword as follows: “... k) ... height of fences. <u>l) Ensure driveways do not fragment remnant ecosystems (e.g. forest or wetland).”</u>

Thank you for taking the time to consider our submission.

We wish to be heard in support of our submission.

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

Mercury Bay branch of the Royal Forest & Bird Protection Society

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To: *Thames Coromandel District Council (TCDC)*

From/Name of submitter: *Augusta Macassey-Pickard for Greenspot Guardians*

This is a submission on the following proposed plan: Thames Coromandel District Council Proposed District Plan (PDP), prepared in accordance with Form 5 Clause 6 of Schedule 1 of the Resource Management Act (1991) referred to in this submission as the Act. This submission was **prepared by Augusta Macassey-Pickard on behalf of the Guardians Against Mining Mercury Bay, known as the Greenspot Guardians.**

The Greenspot Guardians is a group that was formed by local residents concerned at potential mining activities in the Mercury Bay area. The group has a wide range of members, including residents, ratepayers and visitors to the area.

Neither the Greenspot Guardians, nor the author of this submission, Augusta Macassey-Pickard, could gain an advantage in trade competition through this submission.

Greenspot Guardians considers that unless the amendments outlined and sought in this submission are made, the Plan and the Council:

- a) Will not promote the sustainable management of resources in the District;
- b) Will be inconsistent with the resource management principles expressed in Part 2 of the Resource Management Act 1991 (the Act);
- c) May be contrary to relevant provisions in the New Zealand Coastal Policy Statement 2010 ("NZCPS"), other National Policy Statements and National Environmental Standards

The Greenspot Guardians absolutely oppose allowing any mining activity within the Conservation Zone, the Coastal Environment or any other area that may contain a significant indigenous ecosystem or has important environmental or social values.

Across the Thames Coromandel District there are a number of groups working to improve our indigenous biodiversity and environment, through a number of projects from re-vegetation to kiwi protection and recovery initiatives, and a number of groups and

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Greenspot Guardians

individuals working hard to conserve and protect the special areas we already have - allowing mining activities to progress in these areas would be a failure on the part of the Council. Further, Council must ensure that it is vigilant against naivety in the context of early stage mining activities, such as prospecting and exploration; these activities are the precursors to mining, and as such must be prohibited in areas where mining is prohibited.

Surface mining has the obvious impact of the destruction of the receiving environment and significant infrastructural impacts; underground mining has similar infrastructural pressures; while it does not involve the same levels of destruction to the receiving environment, surface mining has impacts that have the potential to be significant including impacts above ground such as those resulting from vibration.

The Thames Coromandel District economy is largely based around the environment – with key industries including hospitality, accommodation, adventure tours. marine tourism being largely reliant on the many attractive qualities of our environment - outstanding indigenous ecosystems, pristine creeks and streams, world renowned landscapes and coastlines and a rich and diverse marine area. Mining is an activity that we consider to be incompatible with these qualities, and potentially an activity that threatens the viability and integrity of these qualities upon which our economy is reliant.

The specific provisions of the PDP that this submission relates to, the decisions sought and our discussion is set out in the table below.

Submission on the Thames Coromandel District Council Proposed District Plan
(PDP)

Provision	Support/ Oppose	Discussion	Decision Sought (requested additions <u>underlined</u>, omissions struck through)
Part II – OVERLAY ISSUES, OBJECTIVES AND POLICIES – Section 6: Biodiversity			
Section 6 Biodiversity	Support in part	In later parts of the plan, mining is treated as a separate activity, distinct from "subdivision, use and development"; as such, to avoid confusion, this chapter must either refer specifically	Include special note that <u>in this section 'use and development' includes mining activities</u>

		or specify that mining is included in the term 'use and development'.	
		<p>NOTES: It is with concern that we note the Councils failure to fully map biodiversity across the Peninsula. Council must not allow any potentially destructive activities (including indigenous vegetation clearance) as a permitted activity in the absence of adequate mapping of areas identified as having high natural character, biodiversity values or other significant natural areas. Doing so could result in the loss, degradation or compromise of significant natural areas including habitat, landscape and amenity areas. In its present state, this section of the plan does not fully uphold, give effect to or reflect the purpose and principals of the Act.</p>	
PART III - DISTRICT-WIDE ISSUES, OBJECTIVES AND POLICIES – Section 14: Mining Activities			
		<p>Note: We support mining activities being treated separately under the Plan; this makes the provisions clearer, and gives a clear indication of the significance of this issue within the Thames Coromandel District although we note that it must be clear that the intent is effective management, not promotion.</p>	
14.1 Background	Oppose	<p>The first paragraph of this section acknowledges the historic contribution of mining to the area during the early 20th century but does not acknowledge the more recent history of opposition to the practice in contemporary times. If one is included, the other must be also.</p>	<p>Prior to the 1920's the District has had a long history of mining for gold and other minerals. <u>In contemporary times, attempts to renew this industry have met with significant opposition from the wider community.</u> Some minerals are <u>may be</u> in areas that have high landscape, natural character or biodiversity values. Deciding whether, where and how to extract minerals is an important and significant resource management issue for the District.</p>
		<p>This section should be clear that, to date, Council have no clear or formal indication of the locations of mineral deposits. It is not appropriate that any rules should be set down requiring subdivision, use or development plans to take into account mineral resources that are as yet unknown.</p>	<p>As well as the historic mining areas, there <u>may be</u> are known but not yet quantified mineral resources <u>within</u> throughout the District. The District's mineral resources have been identified so far using historical information and the results from more recent prospecting and exploration. <u>However, a</u> As of November 2013 the mining industry has not confirmed any specific locations where significant mineral concentrations have potential for a viable mining operation. The Plan</p>

			<p>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.</p>
		<p>This section should acknowledge that there are some areas in the District where, regardless of the potential economic benefit, the value of the ecosystem is of greater importance.</p>	<p>Reword: While mining can have economic benefits to the District, mining operations also have the potential to <u>significantly</u> adversely affect the natural and built environment, unless carefully managed. These impacts depend on the sensitivity and importance of the area, the scale of the operation, and how well the operation is managed must be avoided in areas with high <u>natural character, landscape, amenity or biodiversity values or areas within the coastal environment where such activity is not appropriate.</u></p>
<p>S14.2 Issues</p> <p>14.2.1</p>	<p>Support in part</p>	<p>Suggest inclusion of the word 'or' in order to acknowledge that the following points could be degraded without being lost; Include the word exploration in this issue, as exploration activities can result in the same</p>	<p>Change to: Mineral <u>exploration</u>, extraction and processing can result in the degradation and/or loss of: a) Coastal and rural amenity b) Outstanding and amenity landscapes c) Natural character of the coastal environment and ecosystems d) Areas of significant indigenous biodiversity e) Sites and areas of significance to Māori f) Historical and archaeological sites g) Public land access and enjoyment <u>and use</u> h) <u>Soils</u> including high class soils.</p>
		<p>Alteration of the points c) and d) to ensure that these points are not too narrow</p>	<p>c) Natural character of the coastal environment and ecosystems <u>including coastal environments</u> d) Areas of significant indigenous biodiversity <u>including significant areas</u></p>
		<p>Addition of some social impacts in this list; social impacts can be overlooked in the context of mining. If our</p>	<p>Add: i) social factors such as community integrity and values l</p>

		economy was to move from a tourism focussed economy to an extractive industry based economy there would be significant social impacts across the District.	
14.2.2	Oppose	While the Plan must give effect to the RPS, this point effectively promotes the mineral industry above any other industry.	Remove this point, if retained edit as follows: Access to mineral and aggregate resources can <u>potentially</u> be compromised by land uses or developments above or near mineral deposits, thereby inhibiting the community's ability to provide for its social and economic wellbeing. Add: <u>The community's ability to provide for its social and economic wellbeing can potentially be compromised by restricted land uses or developments above or near mineral deposits</u>
14.2.3	Support in part	There is a definite potential for adverse effects to be significant, which is one of the main issues that drives opposition to mining. In line with increasing international developments relating to the rights of the environment, recognition should also be given to the health and safety of the environment.	Mineral exploration, extraction and processing can result in contamination of the environment and has the potential to <u>significantly</u> adversely affect the health and safety of communities <u>and the environment</u> .
14.2.4	Support in part	There should also be some mention of the potential for these demands to significantly increase the costs of maintaining this infrastructure – a significant consideration for all rate payers	Mining activities can increase use and maintenance demands <u>and costs of maintenance</u> on roads, utilities and other infrastructure beyond their planned capacity.
S14.3 Objectives and Policies			
Objective 1a	Support in part	Until such time as such landscapes, areas of natural character or biodiversity values has been 'identified' and	Mining activities do not compromise or significantly adversely affect <u>identified have an adverse effect that is more than minor on outstanding</u>

		mapped by Council on both public and private land, it is not appropriate to include this word. Further, 'significantly adversely affect' is too low an expectation. Landscape, natural character or biodiversity values is a narrow scope for areas not to be compromised, should be amended.	<u>landscapes, amenity landscapes, natural character areas, significant biodiversity areas and the coastal environment, or have a significant effect on any area with ecological value, or landscape or amenity or natural character values</u> within the District.
Objective 1b	Oppose	<p>This objective implies that provided there is economic, social or environmental benefit, any adverse effects can be remedied, mitigated or compensated for, whereas there will be occasions when, regardless of the benefit, remedies, mitigation or compensation would not be adequate. An objective must clearly reflect this.</p> <p>It remains unclear in this objective what the priority of avoid, remedy, mitigate or compensate is, and in which circumstances Council would accept any or all measures. This should be clarified appropriately. It is similarly unclear what level avoidance, mitigation, remedies or compensation must meet to be acceptable.</p>	<p>Rewrite objective to reflect expected benefits not trade-off potential.</p> <p>If this is retained, change wording to: Mining activities provide <u>significant long-term</u> economic, social and environmental benefits to the District, and avoid, remedy, mitigate or compensate for any adverse effect <u>that is more than minor</u> on the environment.</p> <p>Clarify: priority with avoid remedy mitigate and compensate.</p>
Policy 1a	Support with addition	We support this but it does not include all the areas it should in order to fulfil requirements under the Resource Management Act. Further, there are some areas that the Council has mapped as significant amenity areas these should also be included.	Include: reference to Coastal Environment, Conservation Zone, amenity areas and ecological areas.
Policy 1b	Oppose	In its present form, this policy does not fulfil the Council's obligations to give effect to the New Zealand Coastal Policy	If this policy is retained, edit: Mining activities shall avoid, remedy, mitigate or compensate adverse effects on existing natural values within the

		Statement 2010. This policy also contradicts the objective; it does not provide for adequate protection of this sensitive area; mining is not appropriate within the coastal environment of the Coromandel Peninsula.	Coastal Environment
Policy 1c	Support in part	While we support the intent of this policy, as above, emphasis is placed on mitigation etc. points a) and c) are contradictory with one requiring remedy or mitigate water quality, and one requiring avoid or mitigate for water catchments. Further, any adverse effect on water supply catchments should be required to be avoided.	If retained, should read a) Avoid or remedy or mitigate land modification and <u>avoid</u> adverse effects <u>that are more than minor</u> on the ecological, landscape, heritage, natural character, soils, water quality, cultural and amenity values of surrounding areas and on the amenity values of settlements; <u>where effects on these areas are considered minor, effects should be remedied or mitigated</u> and.... c) Avoid or remedy adverse effects on water supply catchments;
Policy 1d	Support in part	This policy is too vague. It must be clear that all such rehabilitation must be agreed at the consenting stage.	Sites of mining activities shall be fully rehabilitated <u>to a standard agreed at the time of consent</u> and able to be reused for a <u>purpose agreed at the time of consent</u> .
Policy 1e	Support	This policy should however reflect the priority of avoid/remedy/mitigate that is best practice, as suggested earlier.	Minor edit: New mining activities shall avoid, remedy or mitigate any adverse effects on existing coastal, rural, <u>recreational</u> or local community amenity values.
Policy 1f	Oppose	This Policy should be removed; however, if it must be retained, the wording needs to be altered. The term impractical is too broad, and allows too much room for interpretation. Further, clarification of what constitutes compensation should be inserted i.e. offsetting, financial.	Remove. However, if retained, reword: Where avoidance is impractical , <u>unable to be achieved, but the activity is still considered of a very high level of importance</u> , mining activities shall remedy, <u>mitigate</u> or compensate for the adverse effects on the environment. Also, clarify what constitutes compensation.
Policy 1g	Support	We support this policy, and agree that there are times where effects cannot be	Retain.

		remedied.	
Objective 2	Oppose	<p>Mining activities should not be given precedence above other industry or development on the Peninsula; particularly in any circumstance where the effects of both activities is deemed similar, or where the effects of mining may be greater than other activities. While industrial mining contributed to our districts economy historically, it should be noted that that contribution was nearly 100 years ago, and now only contributes insofar as its history is a tourism attraction. Further, in the absence of any formal mapping of mineral deposits, this objective is unrealistic.</p> <p>It is unclear what would constitute 'undue restraint'.</p>	<p>Remove.</p> <p>If this policy is retained edit: <u>New</u> mining activities are not unduly constrained by subdivision, use and development</p>
Policy 2a		<p>As in previous Objective, it must be clear that this policy relates to a new use.</p> <p>It is likely that the 'efficient operation of' a mine would require the mine to "be located and use appropriate buffers to safeguard" existing subdivision and use, and that failure to include this in this policy creates an unfair bias against subdivision, use and development in favour of mining.</p> <p>Query why aggregate is included where has not been in Objective.</p>	<p>Subdivision, use and development shall be located and use appropriate buffers to safeguard the efficient operation of and access to existing aggregate extraction and <u>new</u> mining operations, and <u>new mining operations shall be located and use appropriate buffers to safeguard the efficient operation of and access to existing subdivisions, uses and developments.</u></p>
Objective 3	Support	<p>We support the overall intent of this policy, but the objective must not be restricted to residual risk.</p>	<p>People, property and the environment are protected from contamination and residual <u>residual risks (including residual risks)</u> posed by mining activities.</p>

Policy 3a	Support	We support this policy.	
Policy 3b	Support in part	All risks of contamination to people, property and the environment should be avoided, not only residual risks. Any risks should be avoided, minimised would provide inadequate protection.	Mining activities shall be located so that any residual risks (<u>including residual</u>) to people, property and the environment, particularly soil and water contamination, are minimised <u>avoided</u> .
Objective 4	Support in Part	This objective is too permissive, and subject to interpretation. As 'inappropriate' is not defined, it should be removed (preferably) or if not prefaced as shown. Council is responsible for the preservation of historic and cultural heritage values of archaeological sites and Māori cultural sites for future generations.	Edit: Historic and cultural heritage values of archaeological sites and Māori cultural sites are protected from inappropriate mining activities.
Policy 4a	Support		
		<p>NOTES: It does not appear that the Proposed District Plan adequately gives effect to either the Purpose of the Act, specifically sections 6 or 7. Thames Coromandel District Council (the Council), if it accepts the Proposed District Plan (PDP) in its current form, will fail in its obligations, specifically by not 'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while— (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems, failing to 'recognise and provide for ... matters of national importance' in section 6, and 'having particular regard to'(c) the maintenance and enhancement of amenity values ,(d) intrinsic values of ecosystems; (f) maintenance and enhancement of the quality of the environment; (g) any finite characteristics of natural and physical resources.</p> <p>While we understand that some mining activities can have similar effects to other activities, this is dependent on</p> <ol style="list-style-type: none"> 1. How council manages the effects of the activity; 2. The effects of the activity that is incomparable to other industries for example vibration, extendibility (particularly relating to underground mining, and mining permitting system), and potential for low likelihood/high impact effects. 	
PART VI - OVERLAY RULES - Section 32 - Landscape and Natural Character Overlay			
S32.3 Rule 7	Oppose	Outstanding Landscape Overlay identifies areas that are	Change Rule status to <u>Prohibited</u>

		considered important to the District and as such should be afforded full protection from all mining activities. This will ensure that the Plan gives full effect to s5 and s6 o the Act (ACT).	
S32.3 Rule 8	Support		
S32.5 Rule 13	Oppose	Amenity values are a significant contributing factor to one of the Peninsulas most significant industry – tourism. This can be said for areas across the Peninsula	Change Rule status to <u>Prohibited</u>
S32.5 Rule 14	Support		
S32.7 Rule17	Oppose	Surface mining within any area included in the Natural Character Overlay must be considered prohibited to preserve these areas for the benefit of future generations. Areas of outstanding natural features and landscapes are considered to be of National Significance under s6 of the ACT, and should be afforded adequate protection in order to give effect to the Act.	Change status to <u>Prohibited</u>
S32.7 Rule 18	Support		
		<p>NOTES:</p> <p>The purpose of the Resource Management Act ‘is to promote the sustainable management of natural and physical resources’.</p> <p>With sustainable management meaning ‘managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p> <p>Enabling surface mining would compromise this purpose in most areas across the District; similarly, allowing underground mining to occur below many areas in the District will prevent the Council from meeting</p>	

		their obligations under the Act. The Act is clear regarding matters of national significance and this Proposed District Plan does not give effect to these provisions within the Act.	
PART VII - DISTRICT-WIDE RULES – Section 37: Mining Activities			
S37.1 Background	Support in part	<i>Paragraph 1:</i> As mineral resources have not been identified, it is unreasonable to state that the district contains ‘a range’ of them.	Edit: Lying in the Hauraki Epithermal Zone, the District <u>may</u> contain a range of mineral resources...
		<i>Para 1:</i> Adverse effects need to be managed carefully relating to a range of natural values which may not necessarily be classed as ‘high’ i.e. amenity values. There should also be acknowledgement in this paragraph of the importance of protecting social attributes.	Edit: Mineral extraction and quarry activities carried out in the District need to be managed carefully to prevent adverse effects on <u>high a range of natural values, community values, wāhi tapu and archaeological sites.</u>
		<i>Para 1:</i> The Peninsula has a well-documented history of significant high rainfall, a phenomenon which is likely to increase as the effects of climate change continue to develop (United Nations International Panel on Climate Change) which should be referenced in the plan – particularly given that the expected duration of the plans operation is minimum 10 years.	This is particularly important because of the District’s geomorphology with steep slopes, <u>heavy rainfall that is periodically experienced throughout the district, creating unstable circumstances,</u> extensive vegetation cover and vast stretches of coastline
		<i>Paragraph 2:</i> It is quite likely, given current exploration activities that some mineral deposits have been identified by some private companies, just not by TCDC. <i>Para 2:</i> Query relevance of reference to prospecting and exploration activities; these re being undertaken independently of Council by private enterprise.	Areas where mineral extraction might be viable have not been identified <u>or mapped by Thames Coromandel District Council though prospecting and exploration activities are on-going.</u>
S37.3 Rule 1.1	Oppose	Allowing prospecting, which requires a certain amount of investment on the part of the prospector, and is the first stage	Amend: <u>Prohibited</u> in all areas where mining is prohibited. <u>Controlled</u> in other areas.

		<p>of the mining process, to be categorised as a permitted activity limits the Councils ability to consider cumulative impacts.</p> <p>All mining activities including prospecting should be a prohibited activity within all areas in which mining has a Prohibited status.</p>	
S37.3 Rule 2.1	Oppose	<p>In order to fulfil its duty and function under s31 of the Act, Council shall act to “achieve integrated management of the effects of the use, development...” Exploration is the penultimate stage to mining.</p>	<p>Add:</p> <p><u>1. Exploration is a prohibited activity in areas where mining is a prohibited activity.</u></p>
S37 Rule 2.2	Oppose	<p>Exploration must not be a permitted activity; given the potential for mineral exploration to result in industrial mining, coupled with the potential impacts of exploration activities themselves, particularly cumulative effect, the activity status for exploration must be discretionary at minimum. The Plan identifies in section 14.1 that exploration is an activity that is distinct from prospecting, potentially requiring the removal of tonnes of material. It is inappropriate not to differentiate between the zones listed; The Conservation Zone should be afforded full protection via a prohibited activity status, the rural zone should be treated more strictly; ultimately, Council should retain greater control over this activity in all zones. In the interests of consistency, in any area where mining is a prohibited activity, exploration should be also, as</p>	<p><u>2. Exploration in areas where mining is not a prohibited activity is a permitted restricted discretionary activity, provided:</u></p> <p>a) It is in the Industrial Area, the Rural Area or the Conservation Zone; and</p> <p>b) No more than 50 m2 of indigenous vegetation is cleared <u>per approved permit</u>; and</p> <p>c) Prior to commencing exploration, a rehabilitation plan is provided to the Council detailing the steps that will be undertaken to rehabilitate the site upon completion of exploration <u>including timeline, expected outcome, standards and any other instruments required to adequately ensure that any negative effects of this activity are minimised.</u></p> <p>d) Exploration that is not permitted under Rule 2.1 a) b) or c) is a restricted discretionary discretionary activity.</p>

		with prospecting.																			
S37 Rule 2.3	Neutral	It is appropriate for the Council to restrict its discretion to a table; however, Table Three in its current content is not adequate.	Review contents of Table to which Council restricts its discretion.																		
S37 Rule 2.4	Oppose (redundant)	This point becomes redundant, and should be replaced with a new 37.2.4 relating to notification. Ideally, where a consent is sought and Council assess the effect as more than minor, notification should be given.	4. Exploration that is not permitted under Rule 2.1 a) is a discretionary activity. 4. A resource consent application for <u>an activity listed in Rule 1 or Rule 2 that is restricted discretionary or discretionary shall be publicly notified under sections 95 and 95A of the ACT.</u>																		
S37.4 Rule 3.1 Table 1	Support in part	Rural and Rural lifestyle accounts for a significant portion of the Peninsula lifestyle, intrinsic quality and contributes significantly to the local economy. In light of this, it should be afforded greater activity status.	<table border="1"> <tr> <td>Rural</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Rural Lifestyle</td> <td>Non-complying</td> <td>Restricted discretionary</td> <td>Discretionary</td> <td>Discretionary</td> <td>Non-complying</td> </tr> <tr> <td></td> <td></td> <td></td> <td><u>Prohibited</u></td> <td><u>Non-complying</u></td> <td></td> </tr> </table>	Rural						Rural Lifestyle	Non-complying	Restricted discretionary	Discretionary	Discretionary	Non-complying				<u>Prohibited</u>	<u>Non-complying</u>	
		Rural																			
		Rural Lifestyle	Non-complying	Restricted discretionary	Discretionary	Discretionary	Non-complying														
			<u>Prohibited</u>	<u>Non-complying</u>																	
As a significant amount of the Industrial zone abuts residential, coastal and other zones, underground mining should be a non-complying activity in this zone.	<table border="1"> <tr> <td>Industrial</td> <td>Discretionary</td> <td>Restricted discretionary</td> <td rowspan="2">Prohibited</td> <td>Discretionary</td> <td>Non-complying</td> </tr> <tr> <td>Light Industrial</td> <td>Discretionary</td> <td>Restricted discretionary</td> <td><u>Non-complying</u></td> <td>Prohibited</td> </tr> </table>	Industrial	Discretionary	Restricted discretionary	Prohibited	Discretionary	Non-complying	Light Industrial	Discretionary	Restricted discretionary	<u>Non-complying</u>	Prohibited									
Industrial	Discretionary	Restricted discretionary	Prohibited	Discretionary		Non-complying															
Light Industrial	Discretionary	Restricted discretionary		<u>Non-complying</u>	Prohibited																
Conservation land is an extremely prominent and even iconic aspect of the Peninsula and should be awarded the highest levels of protection under the plan. While it is acknowledged that there are other protective measures in place (e.g. Schedule 4 THE ACT1991), these are not under the control of the TCDC and are subject to the intentions of central Government. The plan	<table border="1"> <tr> <td rowspan="2">Conservation</td> <td><u>Non-complying</u></td> <td rowspan="2">Discretionary</td> <td><u>Non-complying</u></td> <td>Discretionary</td> <td rowspan="2">Prohibited</td> </tr> <tr> <td><u>Prohibited</u></td> <td><u>Prohibited</u></td> <td><u>Prohibited</u></td> </tr> </table>	Conservation	<u>Non-complying</u>	Discretionary	<u>Non-complying</u>	Discretionary	Prohibited	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>											
Conservation	<u>Non-complying</u>		Discretionary		<u>Non-complying</u>	Discretionary		Prohibited													
	<u>Prohibited</u>	<u>Prohibited</u>		<u>Prohibited</u>																	

		<p>should ensure that it reflects and supports the community, and the conservation lands of the Peninsula are renowned by local and visitor alike.</p>						
		<p>Underground mining in the coastal living area should be given the prohibited activity status; this area is of high value, both economic and intrinsic, and is utilised and enjoyed by residents and visitors alike. Underground mining in this area is likely to have significant negative economic effects in this area (including but not limited to reduction in real estate value as per Waihi).</p>	Coastal Living	Non-complying	Non-complying	Prohibited	Discretionary <u>Prohibited</u>	Prohibited
<p>S37.4 Rule 3.5</p>	<p>Oppose</p>	<p>This rule point allows for Council to exercise discretion regarding applications. Mining (including exploration) should be considered a ‘special circumstance’; given the significant and very well documented intent of the community to be involved in any decision relating to the establishment of mining on the Peninsula, this rule should reflect s77D(a) (a specific rule created requiring notification). This would not restrict Council to only consider if the activities effects are likely to be more than minor on the environment alone, but enables Council to consider broader aspects i.e. social factors. Further, given the staged process of establishing a mine, Council has a duty to enable communities to participate as early as practicable. If Council do not include such a rule, then the wording should be altered to clarify the</p>	<p>Rewrite: 5. A resource consent application for an activity listed in Rule 3 that is non-complying shall <u>must</u> be publicly notified in accordance with section 77D (a) under sections 95 and 95A of the Act. <i>or</i> 5. A resource consent application for an activity listed in Rule 3 that is non-complying shall be publicly notified (<u>not limited notified</u>) under sections 95 and 95A of the Act.</p>					

		notification must not be on a limited notified basis.	
Table 3	Support in part	<p>This table is not adequate as it overlooks most environmental effects; there is no consideration given to habitat loss, biodiversity loss or cumulative effect.</p> <p>Exploration permits can cover huge areas – one current active permit covers 5704 hectares, and as such theoretically could potentially drill multiple times within the permit area, resulting in a cumulative impact which could be more than minor on the area and result in significant loss or impact to habitat and biodiversity. The thresholds given for individual ‘exploration activities’ coupled with this table a clear and decisive indication of whether it applies to an entire minerals permit (granted by the New Zealand Government) and its entire area or to each individual drilling site. Activities including significant abstractions of water from fragile aquatic systems should be considered.</p>	<p>Add:</p> <p><u>9. Environmental Factors:</u></p> <p><u>a) Whether habitat could be lost or otherwise negatively impacted from the activity or associated activities</u></p> <p><u>b) Whether any significant biodiversity could be lost or otherwise negatively impacted from the activity or associated activities</u></p> <p><u>c) Whether the activity will effect natural waterways and aquatic ecosystems</u></p> <p><u>d)The potential cumulative impact caused by the activity and associated activities such as multiple exploration sites per exploration permit area are likely to result in either a), b)or c).</u></p>
		<p>The table makes little or no reference to the ongoing infrastructure costs (for example roading) that heavy machinery could cause. As exploration permits generally are ‘worked’ for several years, the coming and going of large trucks and other vehicles is a cost that will be passed on to the communities.</p>	
		<p>The table must take into account the impacts and effects of activities likely to be associated with the activity such as trucking haulage, increased</p>	

		traffic including air traffic (helicopters).	
		<p>NOTES: The Council decision not to map SNA's on private land is not ideal, and places many of these areas at risk; it is possible that this will result in the district potentially losing significant areas without being aware of that the area is, for example, the last type of habitat for a threatened species in the district, or the only remaining example of a stand of mature trees. If the community is not aware of the significance of a site, they are unlikely to be able to make informed decisions about their use. This will not enable Council to consider the cumulative impact to these sites.</p> <p>It is our view that, to avoid undue confusion, quarrying is treated as a separate activity from mineral extraction for the purposes of this Plan. These two activities are treated quite differently by the wider community, and occur with vastly different frequency across the district.</p>	

Greenspot Guardians wishes to be heard in support of its submission.

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

Thank you for considering this, our submission, on the Proposed Thames-Coromandel District Plan.

.....

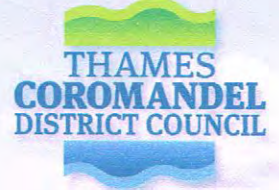
Address for service of submitter: 85 Robinson Road, Whitianga. 3510.

Telephone: 07-8662463

Email: greenspotguardians@gmail.com

Contact: Augusta Macassey-Pickard/ Adele Smail

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)	Jennifer Moya Cook	
or Organisation (if relevant)		
Email Address	jennifercook@clear.net.nz	
Postal Address	25 Christine Tce, Hahei, R.D. 1, Whitianga 3591	
Phone no. include area code	07 8695 352	Mobile no. 021 320 666

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)

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 *J. Cook* Date 15.03.2014

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 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

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 JENNIFERCOOK@CLEAR.NET.NZ

15 March 2014

Submission on Thames – Coromandel District Council Proposed District Plan

Section 41 COASTAL LIVING ZONE

Section 41.7 R24

I support the inclusion of these activities as Discretionary Activities in the Coastal Living Zone. In particular, with regard to restaurants, and given the concerted drive from our elected representatives to promote tourism, that restaurants proximate to beach frontages would be well-received by all but the neighbours.

Coastal Living Rules, Table 5

8. Maximum height in relation to boundary 2m and 45°

I oppose the provision. I think the rule is too restrictive given the site sizes in this zone. Such restrictive provisions lead to very ugly mis-shapen buildings as people try to maximize their built space and outlooks. It unselectively forces buildings in to the centre of a site, no matter what the orientation.

I seek that the provision be amended to 3 m and 45°, or to a more subtle regulation that will allow buildings to have open space to the north, and take cognizance of privacy and daylighting for neighbours to the south. Regulation of a 3.0 metre yard to the south could assist in the amenity of southern neighbours.

11. Maximum solid fence height in a front yard, or a side yard within 10 m of the front boundary that adjoins a public walkway or Recreation area.

I oppose the provision. I think the rule intends an exposure to the public and lack of privacy for property occupants which is invasive and overbearing. I think owners and occupants must have the option of achieving privacy and security without having to sacrifice 3.0 metres of their property to “front yard” rules. Although owners can plant hedges and thus gain privacy within this rule, such development takes time, and enforces a bulky vegetation strip which might well reduce amenity within the site. In particular exposure to reserves and recreational areas risks an invasion of privacy and lack of security that can be very problematic.

I propose a height restriction of 1.6 m minimum, which should prevent the easy scaling and overlooking of such fences by would-be intruders, and yet would not be overbearing for innocent passersby on the public side of such a solid fence.

Table 6 Restricted Discretionary Matters

“4. The suitability of the site for the scale of the proposed activity a) Whether the site can accommodate all aspects of the activity without compromising coastal living amenity values.”

I support the provision. However I would like to see it amended to say “a) Whether the site can accommodate *sufficient* aspects of the activity without *significantly* compromising coastal living amenity values.” Because I can imagine situations where adjacent council parking reserves could accommodate parking for some activities, without significant impact on the surrounds.

MAP 19A ZONES

Coastal Living Zone attributed to numbers 2, 4, and 6 Hahei Beach Road, and numbers 1, 3, 5, 7, 9, and 11 Harsant Ave.

I oppose the provision for these sites, because I believe it is too restrictive and not an appropriate land use.

I would like to see these properties re-designated as Village Zone in order to provide the option of better facilitating visitor-related commercial development relating to the beach, so that the expectations of visitors are more aptly met.

Rural Lifestyle Zone attributed to 40 Grange Road, and to 94, 111 and 122A Hahei Beach Road

I oppose the provision, because I perceive it is a misattribution of the zone.

57.1 Zone Description states “They have been created to enable areas of rural land to be managed as part-time farms or 'lifestyle blocks'. Any intensification of land use and development beyond that provided in the Plan is likely to impact on the character and amenity values of the Rural Lifestyle Zone.”

I believe these properties would be more appropriately designated Low Density Residential as the land in these lots more suitably fits that zone description.

I would like to see a change of zone to Low Density Residential, which would facilitate potential future growth of Hahei.

Section 56 RURAL ZONE**Section 56.8 ASSESSMENT STANDARDS AND CRITERIA table 6 – Standards**

4. Maximum Building Height 8m

I object to this rule in this zone because undulating terrain on rural properties often leads to the need for built form that is greater than 8m above rolling height.

I seek that the rule be amended to 10 metres.

Section 58 VILLAGE ZONE**Section 58.8 ASSESSMENT STANDARDS AND CRITERIA table 4 – Standards**

8. Privacy Buffer 8 m

I oppose this provision as I think it is impractically large for a typical site in the areas that have been zoned “Village”. Complying redevelopment would be severely restricted.

I would like to see the provision deleted.

11. Maximum solid fence height in a front yard, or a side yard within 10 m of the front boundary that adjoins a public walkway or Recreation area.

I oppose this provision for the same reasons as above, and propose the same amendment – 1.6 m high fence.

Submission on the Thames-Coromandel District Council

Proposed Thames-Coromandel District Plan 2014

By: Name/Organisation **Michelle Dobson**

116 Pinewood Court, RD2, Whitianga 3592

Postal Address

info@thematarangibeachpaper.co.nz

Email

021 949 722

Telephone

I am concerned that the Thames Coromandel District Council Proposed District Plan (PDP) **does not** adequately protect the Districts intrinsic values; these values, environmental, social and economic, are appreciated and enjoyed by residents and visitors alike.

As this plan is likely to have duration of in excess of 10 years, I think that it is **vital** that it provide appropriate protection of these values for future generations, and the Council is charged with this responsibility under the Resource Management Act 1991.

Specific points that I oppose in the plan:	Changes Sought:
Section 14: It seems that mineral extraction is being promoted at the expense of any other industry/development. Amenity areas are not afforded adequate protection.	Remove requirements to restrict other activities in preference to as yet unknown mineral deposits. Include Amenity Overlay in Policy 1a.
Section 32: I believe that all mining should be prohibited in Outstanding Landscape, Amenity Landscape and Natural Character areas.	Amend Overlay Rules to prohibit all mining activities in these areas.
Section 37: This section does not adequately protect many important areas including the Rural or Conservation areas from surface mining, or the Rural, Industrial, Conservation, Recreational, Coastal Living or Residential from underground mining.	Amend Table 3 to prohibit all surface and underground mining in these areas.

Specific points that I support in the plan:	Suggested Additions:
Section 14: I support Objective 3: people, property and the environment have a right to be protected from contamination and residual risks posed by mining activities, and TCDC must ensure that this is clearly reflected throughout the plan.	People have a right to be protected from contamination and risks (including residual risks)...
Section 32: I support Council prohibiting all mining in areas that have been identified as significant.	Map these areas on private land also to ensure that there can be no loss of biodiversity or amenity value in our district, and include underground mining as prohibited in these areas. Underground mining can have significant impacts such as vibration which can effects factors above ground.

**Opito Bay Ratepayers Association
Submission on the Proposed Thames-Coromandel District Plan**

TO: Thames Coromandel District Council
Private Bag, Thames 3540
customer.services@tcdc.govt.nz

FROM: Opito Bay Ratepayers Association
Contact Name: Paul Cook
[Address]
[Email]

Name of submitter: OPITO BAY RATEPAYERS ASSOCIATION (“OBRA”)

1. This is a submission on the Proposed Thames-Coromandel District Plan (“the **PDP**”).
2. OBRA 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. OBRA’s submission is set out in Appendix 1.
5. OBRA considers that unless the relief sought in this submission is granted the PDP and in particular the specific provisions challenged:
 - 5.1 Will not promote the sustainable management of resources;
 - 5.2 Will be inconsistent with the resource management principles addressed in Part 2 of the Resource Management Act 1991 (“RMA”);
 - 5.3 Will variously be inappropriate, unnecessary and contrary to sound resource management practice;
 - 5.4 Will not warrant confirmation in terms of section 32;
 - 5.5 Will be contrary to relevant provisions in the New Zealand Coastal Policy Statement 2010, other National Policy Statements and National Environmental Standards; and
 - 5.6 Will enable the generation of significant adverse effects on the environment that warrant being addressed through PDP provisions.
6. OBRA incorporates into this submission the more specific reasons articulated in Appendix 1.
7. OBRA seeks the decisions from Thame Coromandel District Council set out in Appendix 1 or similar and consequential relief.
8. OBRA wishes to be heard in support of its submission.
9. If others make a similar submission, OBRA will consider presenting a joint case with them at a hearing.

DATED 14 March 2014

Paul Cook
OPITO BAY RATEPAYERS ASSOCIATION

APPENDIX 1 – OBRA SUBMISSION

1. INTRODUCTION

- 1.1 OBRA represents 250 Opito Bay ratepayers.
- 1.2 OBRA has participated in a number of recent planning processes including the Long Term Council Community Plan, the Opito and Matapaua Bay Community Plan, Freedom Camping Policy and Bylaw, and the Draft Waste Management and Minimisation Plan.
- 1.3 OBRA is also involved in local community initiatives including removal of wilding pines and dune rehabilitation.
- 1.4 This submission addresses issues of particular concern to the ratepayers of Opito Bay.

2. NEW ZEALAND COASTAL POLICY STATEMENT

- 2.1 Opito Bay is located within the coastal environment and therefore the New Zealand Coastal Policy Statement 2010 (NZCPS) is a primary consideration. The PDP must 'give effect' to the NZCPS. Provisions of particular relevance to Opito Bay include:
 - (a) Policy 6(1)(c): encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth.
 - (b) Policy 7(1)(b): identify areas of the coastal environment where particular activities and forms of subdivision, use and development are inappropriate and may be inappropriate...
 - (c) Policy 13: To preserve the natural character of the coastal environment... avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and avoid significant adverse effects and avoid, remedy, mitigate other adverse effects of activities on the natural character of all other areas of the coastal environment...
 - (d) Policy 15: To protect the natural features and natural landscapes (including seascapes of the coastal environment... avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and avoid significant adverse effects and avoid, remedy, mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment...

3. COROMANDEL PENINSULA BLUEPRINT

- 3.1 OBRA supports the vision contained in the Coromandel Peninsula Blueprint for development to be concentrated within three main urban hubs (Thames, Whitianga and Whangamata) and for the special character of small coastal settlements, such as Opito Bay, to be preserved.
- 3.2 OBRA requests that the PDP reflect the Coromandel Peninsula Blueprint vision.

4. COASTAL LIVING ZONE

- 4.1 Zoning:
 - (a) Maps 14A and 14B identify areas of Opito Bay proposed to be zoned 'coastal living'.
 - (b) OBRA supports the application of the 'coastal living' zone to the existing Opito Bay settlement.
 - (c) OBRA does not support the application of the 'coastal living' zone to the area north-west of the existing Opito Bay settlement (identified in Appendix 2). Although a subdivision consent has been granted for this area that subdivision has not yet occurred. The subdivision consent was granted due to the operative plan providing controlled activity status. It is widely recognised that the subdivision is undesirable in planning terms. Furthermore, in the event that the existing subdivision consent is not exercised, the application of a coastal living zoning would allow relatively intensive development to occur (in excess of that consented). Such an outcome is

undesirable given the above. As a result, the zoning should reflect the existing rural values of the area. OBRA requests that the area identified in Appendix 2 is zoned rural.

4.2 Objectives and Policies (Section 23):

- (a) Policy 1g: OBRA supports the direction that residential development in the Coastal Living Zone should maintain or enhance the small coastal settlement character unique to the District. OBRA requests amendments to this policy to reflect the need to avoid further residential development except where it preserves the special character of small coastal settlements.
- (b) Policy 2c: OBRA supports the direction that subdivision, use and development in the Coastal Living Zone shall retain the existing built character of the settlement including the building density, height and rooflines.
- (c) Policy 5d: OBRA supports the direction that limited and small-scale non-residential activities that directly promote the wellbeing and vibrancy of the local community in the Coastal Living Zone should be provided for.
- (d) Objective 7: OBRA supports the direction that subdivision, use and development in the Coastal Environment maintains or enhances the existing recreational, biodiversity and high natural character values of the Coastal Environment. OBRA requests that this policy also refer to the landscape values of the Coastal Environment, to reflect Policy 15 NZCPS. In addition, this objective should reflect the need to avoid further subdivision in the Coastal Environment to preserve the special character of small coastal settlements.
- (e) Policy 7a: OBRA supports the direction that subdivision, use and development in the Coastal Environment should provide public access to the coast in a manner that retains the coast's natural character and does not adversely impact threatened or at risk indigenous species. OBRA requests that this policy also refer to the landscape values of the Coastal Environment, to reflect Policy 15 NZCPS. In addition, this policy should reflect the need to avoid further subdivision in the Coastal Environment to preserve the special character of small coastal settlements.
- (f) Policy 7b: OBRA requests that this policy is amended to ensure that adverse effects on areas of outstanding natural character, outstanding natural landscapes or features, and indigenous species are avoided in accordance with Policies 11, 13 and 15 NZCPS. In addition this policy should reflect the need to avoid further subdivision in the Coastal Environment to preserve the special character of small coastal settlements.

4.3 Rules (Sections 38 or 41):

- (a) Section 41 - Rule 12: OBRA notes that accessory buildings are a permitted activity provided the standards in Table 5 are met. However, Table 5 does not include matters which ensure such buildings have minor effects including the maximum floor area and maximum height. OBRA requests additional standards addressing these matters.
- (b) Section 41 - Rule 14: OBRA does not support permitted activity status for one dwelling per lot. Table 5 does not include matters that will ensure the special character of the coastal environment is preserved. OBRA requests controlled activity status for one dwelling per lot (provided the standards in Table 5 are met) with control to be reserved over matters including location of building platform, floor area, height, colour, reflectivity, planting, earthworks, effects on landscape, natural character and biodiversity, and other relevant matters.
- (c) Section 41 - Rule 21: OBRA does not support restricted discretionary activity status for two or more dwellings per lot. This rule would allow adverse effects equivalent to those resulting from subdivision to occur with much less oversight. It is effectively subdivision as Section 38 Rule 5 allows subdivision around two or more dwelling as a controlled activity. This does not accord with sound planning practice. OBRA requests that 'two or more dwellings per lot' is a prohibited activity so that subdivision consent is required.
- (d) Section 38 – Rule 7: OBRA does not support restricted discretionary activity status for subdivision creating one or more additional lots in the Residential Area (which includes the Coastal Living Zone). The Coastal Living Zone is within the Coastal Environment which must be managed in

accordance with the NZCPS to preserve the special character of this area. OBRA requests discretionary activity status for subdivision creating one or more additional lots.

- (e) Section 38 – Table 2: OBRA does not support the 600 m² (reticulated wastewater) and 1000 m² (no reticulated wastewater) minimum lot sizes proposed for subdivision in the coastal living zone. The minimum lot sizes proposed do not adequately provide for the maintenance of the remote coastal nature of Opito Bay or adequate land for onsite sewerage disposal. OBRA requests that the minimum lot sizes are returned to those specified in the operative district plan - 800 m² (reticulated wastewater) and 1200 m² (no reticulated wastewater).
- (f) Section 38 – Table 5: OBRA does not support the restricted discretionary activity matters which do not include all matters which must be managed to preserve the special character of the Coastal Living Zone. In particular, it does not allow consideration of effects of indigenous vegetation, natural character and landscape values. Additional matters are required to address these and other relevant matters.

5. RURAL ZONE

5.1 Zoning:

- (a) Map 14 identifies areas of Opito Bay zoned 'rural'. OBRA supports the application of the 'rural' zone to the majority of wider Opito Bay area. As set out above, it requests that the area identified in Appendix 2 is also zoned rural.

5.2 Issues, Objectives and Policies:

- (a) Issue 24.2.4: OBRA supports this issue which identifies that subdivision, use and development can detract from the natural values of the Coastal Environment by (a) being inappropriately located, (b) being visually dominant, intrusive or of a scale that detracts from the surrounding landscape, (c) degrading the natural characteristics of the Area, (d) development spreading outside of its naturally contained area in existing settlements leading to ribbon development and adverse effects on natural character. OBRA requests that (d) refer to adverse effects on landscape and amenity values.
- (b) Policy 1a: OBRA requests that this policy be amended to refer to avoiding adverse effects on rural character, the natural environment, outstanding natural landscapes and natural character areas.
- (c) Policy 1c: OBRA requests that this policy be amended to ensure the receiving areas for Transferable Development Rights are identified and that these are located outside of the coastal environment, outstanding natural landscapes, amenity landscapes, natural character areas, and significant ecological areas.
- (d) Policy 1d: OBRA supports this policy which requires subdivision, use and development in the Coastal Environment to provide for public access to the coast. However, OBRA seeks that it is amended to refer to avoiding subdivision in the Coastal Environment outside of existing residential areas.
- (e) Objective 4: OBRA requests that this objective is amended to reflect the need to avoid further subdivision in the Rural Zone.
- (f) Policy 4d: OBRA requests that this policy is amended to ensure that buildings and structures in the Rural Area avoid headlands and ridgelines.
- (g) Objective 5: OBRA requests that this objective is amended to direct that subdivision will be avoided in the Coastal Environment. In respect of use and development OBRA supports this objective which activities to maintain and enhance coastal ecosystems, indigenous biodiversity, coastal water quality, natural features and landscapes, ecological functions and physical processes.
- (h) Policies: OBRA requests an additional policy setting out that subdivision will be avoided in the coastal environment and , use and development will be avoided where there are adverse effects

on natural character areas, outstanding natural features or landscapes, amenity landscapes or significant ecological areas.

- (i) Objective 6: OBRA supports this objective of retaining and enhancing the natural character and landscape values of the Coastal Environment, particularly outside existing settlements.
- (j) Policy 6a: OBRA supports this policy which requires new buildings in the Coastal Environment to avoid ridgelines, hilltops or prominent landforms. OBRA requests that the exception for existing settlements is deleted and a specific reference to avoiding headlands is added.
- (k) Policy 6b: OBRA supports this policy which requires new buildings in the Coastal Environment to be designed, constructed and finished to visually integrate with the surrounding landscape and be visually recessive and of low reflectivity. OBRA requests that this policy is limited to locations where new buildings are not to be avoided.
- (l) Policy 6c: OBRA supports this policy which requires subdivision, use and development of the Coastal Environment to incorporate landscaping and screen planting measures where visible from public land. OBRA requests that public roads are included in this policy. OBRA requests that this policy is limited to locations where new buildings are not to be avoided.
- (m) Objective 7: OBRA supports the objective which requires the open, unspoilt character of the District's coastal to be maintained and future developments to avoid sensitive coastal and natural environments and undeveloped parts of the coast.
- (n) Policy 7a: OBRA supports the policy of directing residential development in the Coastal Environment to existing coastal settlements. However, as set out above and below, OBRA requests that "should be" is replaced with "must be".

5.3 Rules:

- (a) Section 38 – Rule 9: OBRA opposes discretionary activity status for subdivision creating one or more additional lots in the Rural Area. OBRA requests that subdivision in the Rural Area (including within the coastal environment) is a prohibited activity. This recognises that further subdivision in the rural area (including the rural coastal area) is undesirable.
- (b) Section 38 – Table 2: OBRA does not support the 20 ha minimum lot size proposed for subdivision in the rural zone. This minimum lot size does not adequately provide for the maintenance of the rural coastal nature of the Opito Bay surrounds or for the maintenance of rural lots which can viably maintain farming operations. OBRA requests that the activity status for subdivision in the Rural Zone is prohibited.
- (c) Section 56 – The Zone Purpose does not recognise the important values of the Rural Area within the coastal environment overlay. OBRA requests that these values are identified and need for stronger management in the coastal environment is reflected in the zone purpose.
- (d) Section 56 – Rule 12: OBRA does not support permitted activity status for one dwelling per lot. This does not provide for achievement of the objectives and policies (with amendments sought above). Table 6 does not include matters that will ensure the special character of the coastal environment is preserved. OBRA requests controlled activity status for one dwelling per lot (provided the standards in Table 6 are met) with control to be reserved over matters including location of building platform, floor area, height, colour, reflectivity, planting, earthworks, effects on landscape, natural character and biodiversity, and other relevant matters.
- (e) Section 56 – Rule 20: OBRA does not support restricted activity status for intensive farming. The standards listed in Tables 7 and 8 are insufficient to ensure the special character of the coastal environment is preserved e.g. they do not require headlands and ridges to be avoided. OBRA requests discretionary activity status for intensive farming.
- (f) Section 56 – Rule 21: OBRA does not support restricted activity status for industrial activities. The standards listed in Tables 7 and 8 are insufficient to ensure the special character of the coastal environment is preserved e.g. they do not require headlands and ridges to be avoided. OBRA requests discretionary activity status for industrial activities.

- (g) Section 56 – Rule 23: OBRA does not support restricted discretionary activity status for two or more dwellings per lot. This rule would allow adverse effects equivalent to those resulting from subdivision to occur with much less oversight. This does not accord with sound planning practice. Tables 7 and 8 do not include sufficient matters that will ensure the special character of the coastal environment is preserved. It is inappropriate to restrict the discretion as set out. Other matters such as requiring headlands and ridges to be avoided are important matters to be considered when development is considered. In particular, effects on indigenous biodiversity, natural character and landscape values should also be considered. OBRA requests that rules for two or more dwellings per lot are deleted and subdivision consent is required.
- (h) Section 56 – Rule 25: OBRA does not support discretionary activity status for refuse transfer station, recycling operation, sanitary landfill, wastewater treatment plant, and treated waste disposal site in the rural zone in the coastal environment. OBRA requests non-complying activity status for these activities.

6. COASTAL ENVIRONMENT OVERLAY

- 6.1 Opito Bay is located within the coastal environment overlay. OBRA supports the extent of the coastal environment overlay.
- 6.2 Objective 1: OBRA generally supports the objective however it requests the following amendments: (1) an additional paragraph referring to maintaining the special remote character of coastal settlements (2) an additional paragraph referring to protecting the indigenous biodiversity values of the coastal environment (3) an additional paragraph stating that subdivision will be avoided and use and development will be avoided where those outcomes will not be achieved.
- 6.3 OBRA notes that there are no specific rules applying to the coastal environment overlay and therefore OBRA has sought amendments to the rules applying to the relevant zones to ensure the objective above is achieved.

7. OUTSTANDING NATURAL LANDSCAPES, AMENITY LANDSCAPES, NATURAL CHARACTER

- 7.1 Overlay extent:
 - (a) OBRA supports the outstanding natural landscape classification of the islands off the western and eastern headlands of Opito Bay.
 - (b) OBRA supports the amenity landscape and natural character overlays applying to the beachfront in Opito Bay.
 - (c) OBRA requests that the areas classified 'amenity landscape' on the western and eastern headlands of Opito Bay (identified in Appendix 3) are classified as outstanding natural landscapes.
 - (d) The Environment Court has identified the following criteria for the identification of Outstanding Natural Landscapes (the *Wakatipu* decisions):
 - (i) Natural science factors – geological, topographical, ecological, and dynamic components of the landscape
 - (ii) Aesthetic values – including memorability and naturalness
 - (iii) Expressiveness – how obviously the landscape demonstrates the formative processes leading to it
 - (iv) Transient values – occasional presence of wildlife or its values at certain times of the day or year
 - (v) Whether the values are shared and recognised
 - (vi) Value to tangata whenua
 - (vii) Historical associations

- (e) OBRA believes that the areas identified in Appendix 3 meet sufficient of the criteria above and should be identified as Outstanding Natural Landscapes.

7.2 Objectives and policies:

- (a) Objective 1: OBRA supports the objective of ensuring ONLs remain outstanding.
- (b) Policy 1a: OBRA does not support this policy which assumes that subdivision, use and development is appropriate in ONLs. OBRA seeks that it is amended to specify that activities which result in adverse effects on ONLs will be avoided. OBRA also seeks new paragraphs requiring subdivision, use and development to be avoided on prominent landscape features, including headlands and ridgelines.
- (c) Policy 1b: As above, OBRA requests that this policy is amended to specify that buildings and structures which result in adverse effects on ONLs will be avoided, including avoiding headlands and ridgelines.
- (d) Objective 2: OBRA supports the objective of ensuring the qualities and characteristics of amenity landscapes are maintained or enhanced.
- (e) Policy 2a: OBRA requests that this policy is amended to specify that there will be situations where avoidance of adverse effects is required and requests amendments to (b) to require avoidance of prominent landscape features in all situations and include specific reference to headlands and ridgelines.
- (f) Policy 2b: OBRA supports this policy which gives effect to Policy 15 NZCPS.
- (g) Objective 3: OBRA supports this policy which reflects s6(a) RMA.
- (h) Policy 3a: OBRA supports this policy which gives effect to Policy 13 NZCPS.
- (i) Policy 3b: OBRA opposes this policy which does not give effect to Policy 13 NZCPS. All adverse effects must be avoided in areas of outstanding natural character.
- (j) Policy 3c: OBRA opposes this policy. It does not make any grammatical sense and is inconsistent with Policy 3a. OBRA requests that it is deleted.
- (k) Policy 3d: OBRA supports this policy which provides for the promotion of enhancement of natural character.

7.3 Rules (Section 32):

- (a) Rule 1: OBRA supports a maximum permitted gross floor area for buildings of 50 m² in ONLs. OBRA requests amendments so that activities over 50m² or not meeting any of the Table 1 standards are a discretionary activity.
- (b) Rule 2: OBRA supports a maximum permitted volume for earthworks of 10 m³ per site per calendar year in ONLs. OBRA request an additional assessment criteria for restricted discretionary earthworks that enables compliance with Policy 15 NZCPS.
- (c) Rule 5: OBRA requests discretionary activity status for one dwelling per lot up to a floor area of 250m². In addition, assessment criteria Table 2.2.(c) is inconsistent with Policy 15 NZCPS and needs to refer to the requirement to avoid all adverse effects in ONLs.
- (d) Rule 6: OBRA opposes discretionary activity status for a wind turbine in an ONL. OBRA requests prohibited activity status.
- (e) Rule 7: OBRA opposes non-complying activity status for subdivision and two or more dwellings per lot in ONLs. These activities should be prohibited in order to ensure the adverse effects of these activities do not occur.
- (f) Rule 8: OBRA supports prohibited activity status for mineral processing, quarrying, surface mining and waste rock/tailings storage in ONLs. OBRA requests that the activity status for underground mining is amended to prohibited.
- (g) Rule 10: OBRA supports a controlled activity status for one dwelling per lot in amenity landscapes, provided the relief below in relation to prohibiting subdivision is accepted. If that relief

is not accepted, OBRA seeks discretionary activity status for one dwelling per lot in amenity landscapes. However, OBRA opposes the exclusion of public or limited notification.

- (h) Rule 13: OBRA opposes discretionary activity status for quarrying, surface mining and underground mining in amenity landscapes. These activities have the potential to cause very significant adverse effects and are inappropriate in amenity landscapes. OBRA requests that prohibited activity status is applied to these activities.
- (i) Additional rules for amenity landscapes: OBRA requests that additional rules for subdivision and two or more dwellings per lot are provided for amenity landscapes. Subdivision and two or more dwellings per lot has the greatest potential to adversely affect the values of amenity landscapes and non-complying activity status should be applied to reflect this.
- (j) Rule 17: OBRA opposes non-complying activity status for quarrying, surface mining and underground mining in natural character overlay areas. These activities have the potential to cause very significant adverse effects and are inappropriate in in natural character overlay areas. OBRA requests that prohibited activity status is applied to these activities.
- (k) Additional rules for in natural character overlay areas: OBRA requests that additional rules for buildings, subdivision and two or more dwellings per lot are provided for natural character overlay areas. Buildings are likely to degrade the natural character values and should generally be avoided and non-complying activity status should be applied to reflect this. Subdivision and two or more dwellings per lot has very high potential to adversely affect the values of natural character overlay areas and prohibited activity status should be applied to reflect this.

8. STRUCTURE PLANS

- 8.1 OBRA does not support the removal of structure plans from the PDP, in particular the structure plan applying to the land at the eastern end of Opito Bay entitled 'Structure Plan for Opito to Matapaua'.
- 8.2 That structure plan included environmental protections which strengthened the underlying zone provisions. This structure plan resulted from an **extensive process** which recognised the values of the location.
- 8.3 OBRA seeks the re-inclusion of environmental protection matters included in the structure plan entitled 'Structure Plan for Opito to Matapaua' in the PDP.

9. ACCESS TO CRAYFISH BAY AND RED BAY

- 9.1 The Crayfish Bay and Red Bay areas are a valuable recreation resource for Opito Bay and the Thames Coromandel district and have been identified as an essential part of the 'Coromandel Great Walk'. OBRA supports the 'recreation passive' zoning of these areas. However, OBRA is concerned about the lack of walking access to Crayfish Bay and Red Bay. There is no safe public access from Opito Bay to Crayfish Bay or from Crayfish Bay to Red Bay and beyond. The lack of walking access is caused by (1) the track through the DOC reserve is dangerous in parts because it is 'pinched' between the cliff edge and fences bordering the neighbouring land, and (2) the neighbouring landowner is not willing to allow access.
- 9.2 OBRA seeks that additional area is zoned 'recreation passive' to provide for access to the Crayfish Bay and Red Bay areas or any alternative relief to remedy the issue outlined in paragraph 9.2.

10. COASTAL EROSION

- 10.1 Coastal erosion is an important issue for coastal settlements and it is important that landowners have clear information about projected coastal erosion and how this will be managed in accordance with the NZCPS.
- 10.2 OBRA supports the identification of a Current Coastal Erosion Line and a Future Coastal Protection Line and associated provisions.

11. MINING

11.1 OBRA opposes mining in the Thames-Coromandel District. OBRA seeks prohibited activity status for mining activities throughout the district. In particular, mining should be prohibited in high value areas including the coastal environment, outstanding natural landscapes and features, areas of high or outstanding natural character, and areas with significant indigenous biodiversity values.

12. HERITAGE

12.1 . OBRA supports measures to protect historic heritage within the Thames Coromandel district, which is a matter of national importance under section 6(f) of the RMA.

12.2 OBRA supports the identification of archaeological sites in the Opito Bay area.

12.3 Section 8 – Objective 2: OBRA opposes this objective which does not provide for the protection of all historic heritage from inappropriate subdivision, use and development. OBRA seeks that this is amended to require that subdivision, use and development avoid, remedy or mitigate all adverse effects on archaeological sites and Maori cultural sites.

12.4 Section 8 – Policy 2a: OBRA opposes this policy which does not set out how the objective (amended as requested above) will be achieved. OBRA requests amendments to the policy which will ensure the protection of historic heritage by avoiding any degradation caused by subdivision, use and development.

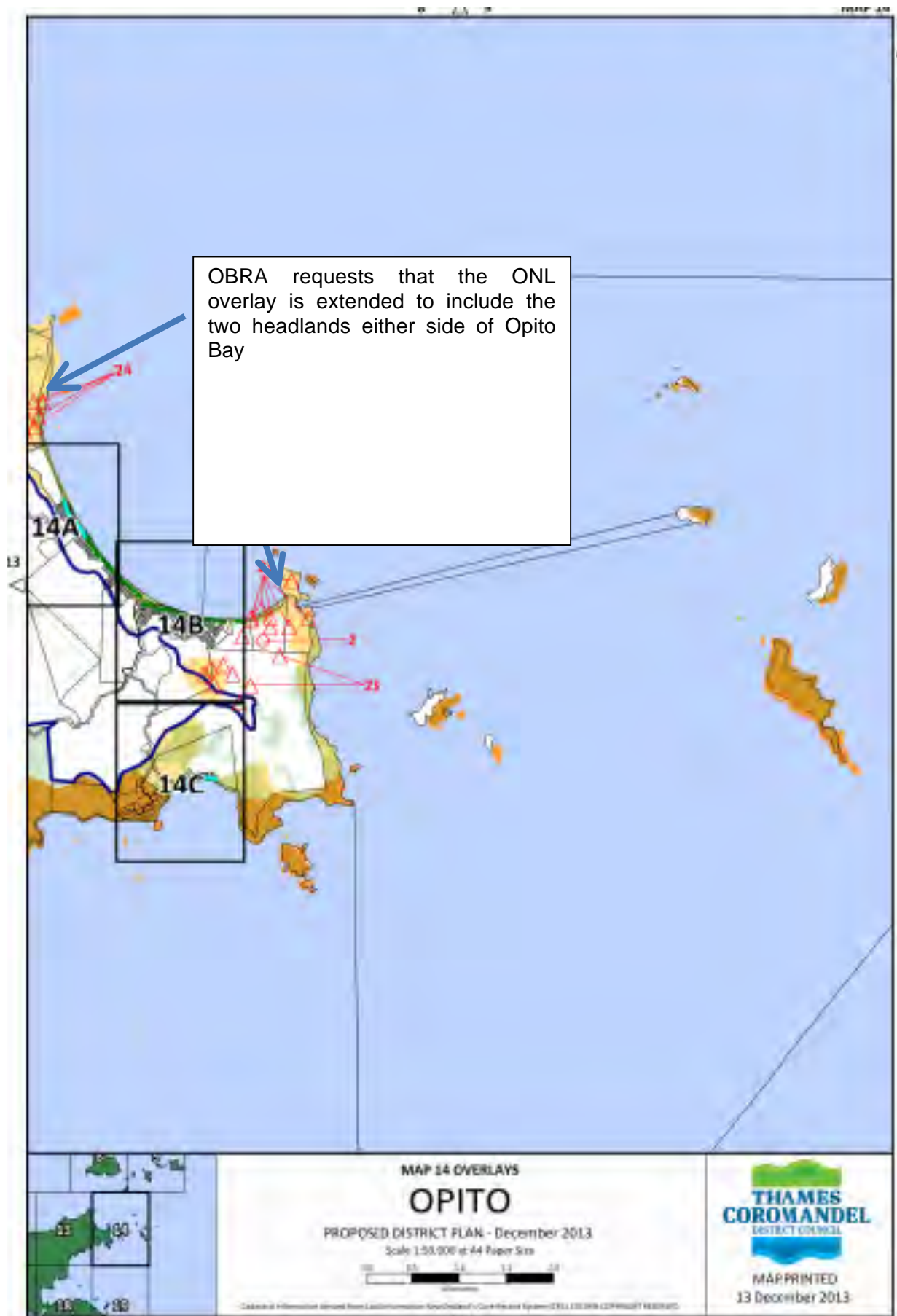
12.5 Section 31 – Rule 2: OBRA opposes controlled or restricted discretionary activity status for subdivision activity affecting an archaeological site. OBRA requests discretionary activity status for subdivision activity affecting an archaeological site.

12.6 Section 31 – Rule 3: OBRA supports discretionary activity status for land disturbance affecting an archaeological site.

APPENDIX 2 – MAP 14A SHOWING AREA OF COASTAL LIVING ZONING OPPOSED



APPENDIX 3 – MAP 14 SHOWING AREAS FOR WHICH OBRA SEEKS ONL OVERLAY



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) ELIZABETH MARY BROCKWHERST

or Organisation (if relevant) _____

Email Address lizziekrock@outlook.com

Postal Address P. O. Box 11324 ELLENBUE AUCKLAND 1542

Phone no. (include area code) (09) 579 5147

Mobile no. 027 579 5147

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)

COASTAL EROSION SECTION 10
OVERLAY MAP 26C TE PUKU
REVIEW 5.2.2.7

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:

ASSESSMENT THEORETICAL NOT ACTUAL

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

Retained Deleted Amended as follows:

TO REFLECT EVIDENCE OF EROSION (NONE IN THE LAST 90 YRS)
--

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 14/3/14

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

Trade Competition

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

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

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

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

- a) adversely affects the environment; and
- 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





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14 March 2014

District Plan Manager
Thames-Coromandel District Council
Proposed Thames-Coromandel District Plan
Private Bag
THAMES 3540

Dear Sir / Madam

Proposed Thames-Coromandel District Plan Submission

Thank you for providing the NZ Transport Agency (Transport Agency) with the opportunity to comment on the Proposed Thames-Coromandel District Plan. These comments build on earlier comments and feedback provided to Council during the development of the draft Plan.

Overall, there are a number of key issues the Transport Agency is and continues to be concerned about as follows:

1. The proposed rule hierarchy – in particular the lack of weight provided to District Wide Rules (including Section 39 Transport).
2. The accessway standards contained in Section 39 are not in accordance with the Transport Agency's Planning and Policy Manual (2007).
3. There is no specific requirement for integrated transport assessments to be carried out, including for high trip generating activities.
4. Reverse sensitivity effects of land use on the state highway have not been managed.
5. The Transport Agency wants to be notified where an activity has the potential to adversely affect the safety and efficiency of State Highways 25,25a and 26.
6. The general lack of provision for consideration of effects of activities on the transportation network.

The attached submission addresses these matters in more detail.

The Transport Agency submission seeks consistency with the Proposed Waikato Regional Policy Statement, and provisions which enable meeting the Land Transport Management Act 2003 (LTMA) purpose of achieving a safe, effective and efficient land transport system in the public interest.

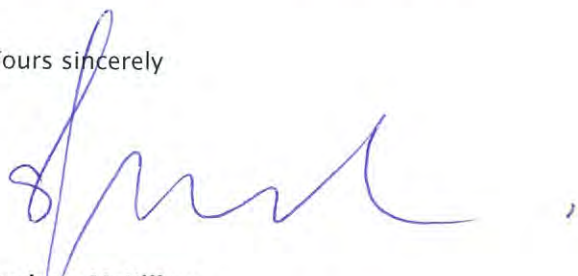
We look forward to working closely with Council staff throughout the remainder of the process, and would be happy to discuss or provide clarification on any matters required. Similarly, we would be happy to attend any relevant pre-hearing meetings.

The Transport Agency does wish to be heard in respect of this submission, and would consider presenting a joint case at hearing with other parties if appropriate.

The Transport Agency cannot gain an advantage in trade competition through this submission.

If you wish to discuss any of the comments in more detail, please feel free to contact Jenni Fitzgerald (Senior Planning Advisor) on 07 958 7220.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew McKillop', with a small comma at the end.

Andrew McKillop
Planning and Investment Manager
NZ Transport Agency

Thames-Coromandel Proposed District Plan Submission

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Whole Plan		Support in part	<p>The NZ Transport Agency (Transport Agency) generally supports the Thames-Coromandel Proposed District Plan (Proposed Plan) with the addition of changes set out in this submission.</p>	<p>Retain as notified with the addition of the changes sought by the Transport Agency.</p>
Whole Plan		Oppose	<p>The Transport Agency is responsible for the safe, effective and efficient land transport system (as required by the Land Transport Management Act 2003); and as the road controlling authority of state highways and for all purposes (section 61 Government Roading Powers Act 1989).</p> <p>The Agency is concerned that the Proposed Plan does not sufficiently recognise the important role of the state highways within the district, and the impact inappropriate subdivision, use and development can have on their functioning, safety and efficiency. This is partly due to the way the Proposed Plan has been structured, including the proposed hierarchy.</p> <p>The Agency is concerned about the application of and weight given to the District-wide Rules, and in particular Section 39 (Transport). All activities should be required to consider the actual/potential effects, including cumulative effects, on the transportation network. The district faces particular challenges associated with its transportation network due to the nature of the environment and development patterns. It is important these challenges are not exacerbated by inappropriate subdivision, use and development. It is therefore not appropriate that Section 39 is subservient to other sections of the Proposed Plan.</p> <p>The Transport Agency supports the Proposed Waikato Regional Policy Statement Policy 6.3.9 and Waikato Regional Plan Transport Strategy integrated land use and transport Policy A 7.10, which directs</p>	<p>Amend the Proposed Plan to ensure that all activities require an assessment of any actual/potential effects, including cumulative effects, on the transportation network. This may be achieved by:</p> <ul style="list-style-type: none"> • Ensuring Part VII District-wide Rules clearly apply to all activities, particularly Section 39 and the proposed new Section relating to signs sought elsewhere in this submission - it should be clear that all activities are subject to compliance with the District-wide Rules. • Ensuring the NZ Transport Agency is considered an affected party when there is direct access to a state highway, or the potential to affect the functioning, safety and efficiency of the state highway network. • Requiring an assessment of any effects on the functioning, safety and efficiency of the transportation network as part of the standard AEE requirements. • Requiring Integrated Transport Assessments for high trip generating activities, or activities otherwise having the potential to affect the functioning, safety or efficiency of the state highway network. • Inclusion of rules and criteria relating to effects of reverse sensitivity on state highways. <p>And consequential changes, including cross-referencing, to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 1 Background and How to Use the Plan	1.6 How to use the District Plan	Oppose	<p>territorial authorities to require Integrated Transport Assessments (ITAs) to support structure plans, plan changes or resource consent applications where developments may result in high trip generating activities.</p> <p>As a result of its functions and responsibilities, the Transport Agency has an interest greater than the public at large, as confirmed by the Environment Court Case ENV A567/04 'on any functional test the statutory roading authority must be 'affected' in all but the clearest and simplest cases'. It is therefore necessary for the Transport Agency to be identified as an affected party whenever there is potential impact (either direct or indirect) on a state highway, including on its functioning, safety or operation.</p> <p>There are a number of instances in the Proposed Plan where it states that an activity will not be notified. While this may be appropriate in certain circumstances, the Agency is concerned that there is no overarching provision for assessment of actual/potential effects on the transportation network in the Proposed Plan, and so no certainty that any such effects will be identified and/or addressed. Without this certainty, the Agency cannot support a <i>carte blanche</i> approach to non-notification.</p>	<p>In the alternative, the Agency seeks amendments in all sections (particularly Section 26 Site Specific Activities, Section 40 Airfield Zone, Section 41 Coastal Living Zone, Section 42 Commercial Zone, Section 43 Conservation Zone, Section 44 Extra Density Residential Zone, Section 45 Gateway Zone, Section 46 Industrial Zone, Section 47 Light Industrial Zone, Section 48 Low Density Residential Zone, Section 54 Residential Zone, Section 56 Rural Zone, Section 57 Rural Lifestyle Zone, Section 58 Village Zone) to provide for:</p> <ul style="list-style-type: none"> • assessment of effects of activities on the transportation network. • identification of NZ Transport Agency as an affected party and/or provision for limited notification of NZ Transport Agency for those activities directly accessing a state highway, or having the potential to affect the functioning, safety or efficiency of the state highway network.
			<p>Section 1.6.8 states that 'if the proposed activity is associated with any of the District-wide activities go to the District-wide Rules in Part VII of the Planning text and find the relevant section.'</p> <p>The Transport Agency considers this could be misleading for some plan users who might not necessarily recognise their activity is "associated with" transport activities. As outlined previously, all proposed activities within the district should consider any actual/potential effects on the</p>	<p>Amend to read as follows:</p> <p>Section 1.6</p> <p>'...if the proposed activity is associated with any of the District-wide activities go to the District-wide Rules in Part VII of the Planning text and identify any rules relevant to your proposed activity.'</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Whole Plan		Oppose	<p>transportation network, including cumulative effects. The Transport Agency considers it would provide more guidance to ensure all users are directed to the District-wide Rules as Section 39 will be relevant to most activities.</p> <p>There appear to be unintended conflicts created by the structure of the Proposed Plan that will cause confusion for users. For example, an airfield is a permitted activity under Rule 1.1 of Section 39, with the only condition being that it is within the Airfield Zone. However, within the Airfield Zone (Section 40), an airfield is not listed within the activity table and is therefore subject to Rule 13 (being an activity not provided for in Section 40) and is to be considered a non-complying activity. Rule 1.2 of Section 39 states that an airfield that is <u>not</u> within the Airfield Zone is a discretionary activity, however, no zones appear to provide for an airfield, so in each zone the activity becomes non-complying. In accordance with the rule hierarchy, the more onerous applies, therefore, an airfield would become a non-complying activity throughout the district, including within the Airfield Zone.</p> <p>The same applies to other activities listed as "Zone-Related Transport Activities" in Section 39, including road formation.</p>	<p>Resolve conflicts between Section 39 and Part VIII, ensuring that Section 39 provisions apply as sought elsewhere in this submission.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 3 Definitions	All definitions	Support in part	<p>The Transport Agency supports the inclusion of definitions particularly the Access Terms, Building, Designation, Dwelling, Environment, Habitable Room, Network Utility Operator, Noise Terms including Noise Sensitive Activity, and Reverse Sensitivity.</p>	<p>Retain as notified with the addition of changes sought by the Transport Agency.</p>
Section 3 Definitions	Home Business	Support in Part	<p>The Transport Agency is generally supportive of the definition of Home Business, however home-based businesses which use heavy vehicles can create effects on the transport network that are greater than anticipated for an activity that is mainly</p>	<p>Amend definition of Home Business as follows: Home Business means a craft, profession or service that is accessory to a dwelling on the same site. Home business does not include on-site purchase of goods</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
			classified as permitted in the Proposed Plan.	<p>except as incidental to the home business, or activities involving heavy vehicles.</p> <p>Introduce a new definition for Heavy Vehicle as follows:</p> <p>Heavy Vehicle means a motor vehicle that has a gross vehicle mass (GVM) exceeding 3500 kilograms.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 3 Definitions	Industrial	Support in Part	The Transport Agency is supportive of the definition of 'Industrial', however industrial activities also involve extraction, transport and distribution of goods which are not covered in the current definition.	<p>Amend definition of Industrial to read as follows:</p> <p>Industrial means the manufacturing, extraction, processing, transportation, assembly, repair storage and/or distribution of any materials, goods, products, vehicles or industry related equipment. An office accessory to an industrial activity is included in this definition. A home business is not an industrial activity.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 3 Definitions		Oppose	The Agency considers a definition of Lifeline Utilities consistent with the Proposed Regional Policy Statement should be included in the Proposed Plan.	<p>Introduce a new definition for Lifeline Utilities as follows:</p> <p>Lifeline Utilities means entities named or described in Part A, or that carries on a business described in Part B of Schedule 1 of the Civil Defence and Emergency Management Act 2002 and their associated essential infrastructure and services.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 3 Definitions	Network Utilities	Oppose	The Agency considers that the definition of Network Utilities should correspond with the definition of Network Utility Operator. It is unclear why transport infrastructure has been excluded from the definition of Network Utilities, particularly when the definition of Network Utility Operator (as taken from the Resource Management Act 1991) in the Proposed Plan specifically includes roads.	<p>Amend the definition of Network Utilities as follows:</p> <p>Network Utilities means infrastructure, excluding infrastructure for vehicles, for supplying the following services to multiple users: road and rail, electricity, water, sewerage and stormwater reticulation, telecommunications, and hydrocarbons .</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 3 Definitions	Noise Sensitive Activity	Support in Part	<p>The Transport Agency supports the inclusion of the definition the Agency initially proposed, and seek the extension of the definition to become consistent with the Proposed Regional Policy Statement Version 1 1 Feb 2014 or latest version.</p>	<p>Amend to read as follows:</p> <p><u>Noise Sensitive Activity</u> – <u>activities that are affected by the adverse effects typically associated with some lawful activities, for example, dust or noise from a quarry/port facility, noise in an entertainment precinct or smells from a sewage treatment facility.</u></p> <p><u>Activities considered sensitive include residential activity (encompasses: dwelling-and minor unit), building designed for large gatherings of people, education and childcare facilities, hospitals, health clinics, respite care facilities, residential-care facility, commercial office, visitor accommodation.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Amend to read as follows</p>
Section 3 Definitions	Produce Stall	Support in Part	<p>The term produce stall doesn't cover all types of roadside vendors along Thames Coromandel District's state highways. Some of these vendors are currently adversely affecting the safety and efficiency of the state highway in this District.</p> <p>Also note that roadside vendors located on state highways with speed limits greater than 50 km/hr, require a licence from the NZ Transport Agency (Transport Agency) in accordance with the NZ Transport Agency (Roadside Vendors) Bylaw 1993/2.</p>	<p><u>Produce Stall-Roadside Vendor</u> means any land, vehicle, building or part of a building that is used for the sale and display (including advertising) of primary produce, food, goods, wares, merchandise or-crafts produced by a home business, produced on the same site as the stall.</p> <p>Also change the term "produce stall" to "roadside vendor" in relevant zone sections.</p> <p>Include the following advice note within the definitions or relevant zone sections.</p> <p><u>Note: Roadside vendors located on a state highway with speed limits of greater than 50 km/hr will require a licence from the NZ Transport Agency in accordance with the Transport Agency (Roadside Vendor) Bylaw 1993/2</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 3 Definitions		Oppose	<p>A number of terms are used within the Proposed Plan that have not been defined. For clarity and ease of interpretation the Transport Agency considers there is a need to define the following terms:</p> <ul style="list-style-type: none"> • Infrastructure • Integrated Transport Assessment • Limited Access Road • Multi Modal Transport • Regionally significant infrastructure • Temporary Activity <p>The Transport Agency recommend that definitions are consistent with the Proposed Regional Policy Statement Decisions Version 1 February 2014 or latest version.</p>	<p>Introduce definitions as set out below:</p> <p><u>Infrastructure means –</u></p> <p>a) <u>pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy;</u></p> <p>b) <u>a network for the purpose of telecommunication as defined in sections 5 of the Telecommunications Act 2001;</u></p> <p>c) <u>a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989;</u></p> <p>d) <u>facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person –</u></p> <p>i) <u>uses them in connection with the generation of electricity for the person's use; and</u></p> <p>ii) <u>does not use them to generate any electricity for supply to any other person;</u></p> <p>e) <u>a water supply distribution system, including a system for irrigation;</u></p> <p>f) <u>a drainage or sewerage system;</u></p> <p>g) <u>structures for transport on land by cycleways, rail, roads, walkways, or any other means;</u></p> <p>h) <u>facilities for the loading or unloading of cargo or passengers transported on land by any means;</u></p> <p>i) <u>an airport as defined in section 2 of the Airport Authorities Act 1966;</u></p> <p>j) <u>a navigation installation as defined in section 2 of the Civil Aviation Act 1990;</u></p> <p>k) <u>facilities for the loading or unloading of cargo or passengers carried by sea, including a port-related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988; or anything described as a network utility operation in regulations made for the purposes of the</u></p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
				<p><u>definition of network utility operator in section 166 of the Resource Management Act.</u></p> <p><u>Integrated Transport Assessment means a comprehensive review of all the potential transport impacts of a development proposal. The purpose of an ITA is to assess the potential effects a proposal could have on the transport network and any mitigation needed to ensure that any adverse effects of a proposal are avoided, remedied or mitigated. It should be prepared by a transport planner or other suitably qualified professional.</u></p> <p><u>Limited Access Road means any road declared to be a limited access road under the provisions of either the Local Government Act 1974 or the Government Roading Powers Act 1989, including the corresponding provisions of any former enactments.</u></p> <p><u>Multi-modal Transportation/Transport System means a transport system that contains and supports various modes (i.e. walking, cycling, automobile, public transport) and connections among modes, so each mode fulfils its optimal role in the overall transport system.</u></p> <p><u>Regionally significant infrastructure - includes:</u></p> <ul style="list-style-type: none"> a) <u>pipelines for the distribution or transmission of natural or manufactured gas or petroleum;</u> b) <u>infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;</u> c) <u>radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;</u> d) <u>the national electricity grid, as defined by the Electricity Industry Act 2010;</u> e) <u>facilities for the generation of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);</u> f) <u>significant transport corridors;</u> g) <u>lifeline utilities, as defined in the Civil Defence and</u>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
				<p><u>Emergency Management Act 2002, and their associated essential infrastructure and services; Waikato Regional Council;</u></p> <p><u>h) Temporary Activity - means an activity involving people engaged in recreational, leisure or meetings or similar pursuits either as participants or spectators and includes events (including sports), public meetings, festivals, carnivals, concerts, craft or trade fairs, displays, and filming, but excludes customary activities.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 4 Information Requirements for Resource Consents	4.3 Assessment of Environmental Effects Requirements	Support in part	To ensure all likely impacts on the transportation network from land use, subdivision and development are considered and Section 18 Transport Objectives and Policies are met, an Integrated Transport Assessment (ITA) should be required for high trip generating activities. For further justification on the introduction of ITAs refer to the Transport Agency's submission points on Section 39. Consequentially information requirements need to be updated to provide guidance on ITAs.	<p>Introduce a new provision 4.3.9 including the Integrated Transport Assessment information requirements included in Appendix 1 to this submission.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 5 Cross-Boundary Matters	5.2 Issues	Support	The Transport Agency supports the identification of inconsistent policy and plan provisions leading to inefficient provision of local and regional infrastructure as a cross-boundary issue.	Retain as notified.
Section 5 Cross-Boundary Matters	5.3 Processes	Support in part	The identification of the Transport Agency in 5.3.12, as a relevant agency with resource management functions and responsibilities, with who consultation by applicants will be encouraged, is supported. In addition to this, the Agency seeks active collaboration with the Council for matters affecting the transportation network, for example, similar to that identified in 5.3.4. This will enable a more strategic approach to management of the	<p>Introduce a new provision 5.3.13 as follows:</p> <p><u>1.3. Collaboration with NZ Transport Agency to help ensure the integration of land use and infrastructure in a way that does not compromise the efficiency and safety of the transportation network.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 5 Cross Boundary Issues	5.4.8 Activities in the Road Zone	Support in part	<p>network, as opposed to case-by-case application considerations.</p> <p>Section 5.4.8 provides useful advice to users regarding the need for Transport Agency approval for non-transport related activities on the state highway network, however, this could be more usefully split into two separate provisions for clarity.</p>	<p>Amend to read as follows:</p> <p>5.4.8 Activities in the Road Zone</p> <p><i>... The Road Zone does not apply to the state highway network, as it is Crown land managed by the NZ Transport Agency under a designation (see below). For state highways the adjoining zone goes to the centre of the state highway to deal with any non-transport related activities (eg a festival/event). Any such activity would still need NZTA approval before it happens.</i></p> <p>5.4.8A State highway network</p> <p><i>The NZ Transport Agency is responsible for the effectiveness, efficiency, and safety of the land transport system in the public interest (as required by the Land Transport Management Act 2003); and as the road controlling authority of state highways and for all purposes (section 61 Government Roadway Powers Act 1989).</i></p> <p><i>For state highways the adjoining zone goes to the centre of the state highway to deal with any non-transport related activities (eg a festival/event). Any such activity will require NZTA approval before it happens.</i></p> <p><i>Transport Agency approval is required for any direct access to a state highway that is a Limited Access Road (Section 18, Figure 1). The Agency also has an interest, and will be considered an affected party, for any proposal that has the potential to impact on the function and safe and efficient operation of the network (whether or not it involves direct access onto a state highway).</i></p>
Section 5 Cross Boundary	5.4.10 The Code of Practice for	Support	The Transport Agency support the clarification that the Code of Practice may change over time however the standards relevant to and referenced in the Plan	Retain as notified.

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Issues	Subdivision and Development		will only change through the Schedule 1 RMA process providing an opportunity for input.	
Section 6 Biodiversity	6.3 Policy 2a	Support in part	To ensure that the roading network can function safely and efficiently, some clearance of indigenous vegetation can be required to ensure sightlines and a clear road. For consistency with the objective and throughout the Proposed Plan the term “network utilities” should be used.	Amend to read as follows: <i>Limited indigenous vegetation clearance shall be enabled where necessary for the safe maintenance and functioning of roads, accessways and network utilities.</i> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 9	9.3 Policy 1c	Support	The Transport Agency supports this policy.	Retain as notified
Part II Overlay Issues, Objectives and Policies		Support in part	It is important that existing regionally significant infrastructure located in areas of high value is able to be maintained and upgraded to ensure its continuing safe and efficient operation. In particular, state highways in the Thames-Coromandel District are often located adjacent to high value areas such as landscape, biodiversity, and natural character areas, it is essential that there are provisions enabling their operation, maintenance and upgrading.	Introduce new objectives and policies to recognise existing regionally significant infrastructure within overlay areas and provide for its maintenance and upgrading. And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 10 Natural Hazards		Support in part	In the event of natural hazard (and other) events, lifeline utilities are critical to provide for emergency response and the provision of essential services to the community. Also important to provide for ongoing maintenance/upgrade...	Introduce new provisions providing for the protection, operation, upgrading and maintenance of lifeline utilities as follows: 10.2 Issues <u>5. The functioning and operation of lifeline utilities are critical to provide essential services to the community in the event of natural hazard events.</u> 10.3 Objectives and Policies Objective 5 <u>The functioning and operation of lifeline utilities servicing the district is protected from inappropriate subdivision, use and development.</u> Policy 5a <u>The functioning and operation of lifeline utilities shall</u>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
				<p><i>not be compromised by subdivision, use and development.</i></p> <p>Policy 5b</p> <p><i>Maintenance and upgrading of lifeline utilities shall be enabled to ensure the ongoing functioning and operation.</i></p> <p>And consequential changes to the plan provisions, including rules, and/or similar amendments to achieve the same outcome.</p>
Section 10 Natural Hazards	10.3 Objective 4	Support in part	The Transport Agency supports the use of hard coastal defences being established only where there is no alternative option available. For certainty the Agency seeks specific reference to lifeline utilities within the provision.	<p>Amend to read as follows:</p> <p><i>New 'hard' coastal defences to reduce coastal hazard risk are not established in the coastal environment, except where no other option is available to safeguard life, existing dwellings and existing key community assets, including lifeline utilities.</i></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 13 Financial Contributions		Support	The Transport Agency supports the taking of financial contributions to mitigate the effects that subdivision use or development can have on transport infrastructure.	Retain as notified.
Section 15 Settlement Development and Growth		Support in part	The Transport Agency supports this section of the Proposed Plan as the 'Issues' acknowledge that unplanned and ad-hoc development can impact infrastructure, including the transportation network. Further, planned growth which doesn't compromise existing infrastructure and transport connectivity is promoted.	<p>Retain Section 15 as notified with the addition of changes sought by the Transport Agency.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 15 Settlement Development and Growth	15.3 Objective 1	Support	The Transport Agency supports this objective which seeks to control settlement development and growth of land unless appropriate infrastructure is available.	Retain as notified.
Section 15 Settlement Development	15.3 Policy 1g	Oppose	While the Transport Agency acknowledges the importance of access for industry being located near strategic transport networks, the safety and	<p>Amend to read as follows:</p> <p><i>Industry shall be located where there is good access to strategic transport networks including roads and</i></p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
and Growth			<p>efficiency of these networks should not be compromised by such development.</p> <p>Further the term strategic transport network is not defined in the Proposed District Plan.</p>	<p><u>harbours, providing adverse effects on the transport network are avoided, remedied or mitigated.</u></p> <p>In addition, insert a new definition for “strategic transport network” by including words similar to those set out below and ensure consistent use of the term.</p> <p><u>Strategic Transport Network includes Regional Road Corridors identified in Section 18.4 Figure 1 Road Hierarchy. The network performs a significant strategic role for moving goods and people as part of the wider national and regional transport network. The function and form are defined in Section 18.4.</u></p> <p>In addition, amend 18.4 Non Regulatory Methods to include form and function information sought in the Transport Agency’s submission on Section 18.4 and contained in Appendix 2 of this submission.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Amend to read as follows:</p> <p><u>Settlement development and growth should maintain the efficiency and safety of the District’s existing and planned key infrastructure including the transportation network (including road, wharves, marinas and airfields), water, wastewater and stormwater. Particular regard should be given to protection of regionally significant infrastructure, including lifeline utilities.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 15 Settlement Development and Growth	15.3 Policy 1h	Support in Part	<p>The Transport Agency recognises the need to ensure the safety and efficiency of both existing and planned infrastructure.</p> <p>For clarity specific reference should be made to regionally significant infrastructure and lifeline utilities.</p>	<p><u>Settlement development and growth should maintain the efficiency and safety of the District’s existing and planned key infrastructure including the transportation network (including road, wharves, marinas and airfields), water, wastewater and stormwater. Particular regard should be given to protection of regionally significant infrastructure, including lifeline utilities.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 15 Settlement Development and Growth	15.3 Policy 2b	Support in part	<p>The Transport Agency generally supports the intent of this policy with regard to the use of existing infrastructure investment. However, infrastructure investing should not be the only determinant for directing the location of businesses and industrial activities. The most important factor should be whether the activity is located in the most appropriate zone.</p> <p>In addition, while the Transport Agency acknowledges the importance of access for business and industry being located near existing and planned infrastructure the safety and efficiency of transport infrastructure should not be compromised.</p> <p>Further, in this context the word 'maximised' should apply to obtaining the greatest possible benefits and value from existing and planned infrastructure investments, not its use. The word should be replaced with 'optimised'.</p> <p>The policy also refers to two separate issues: the need for business and infrastructure to be located near existing or planned infrastructure and minimising adverse effects of business/industry on residential activities, farming and forestry. For clarity the policy should be clearly delineated.</p>	<p>Amend to read as follows:</p> <p><i>Business and industrial activities should:</i></p> <p>a) <u>locate in the commercial or industrial zone (as appropriate) where existing and planned infrastructure investment is maximised <u>optimised</u>, provided <u>adverse effects on the transport network are avoided, remedied or mitigated; and</u></u></p> <p>b) <u>minimise adverse effects on residential, and farming and forestry activities are <u>mitigated</u>.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 15 Settlement Development and Growth	15.3 Policy 2e	Support in part	<p>The Transport Agency considers that it is important to ensure reverse sensitivity effects from land uses in close proximity to a state highway are managed appropriately.</p>	<p>Amend to read as follows:</p> <p><i>Land uses should not be located where they cause or worsen undue reverse sensitivity effects, particularly adjacent to Industrial Areas, significant mineral resources and their access routes identified in an RMA plan, and <u>energy transmission corridors and regionally significant infrastructure.</u></i></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 15	15.3 Objective	Support	The Transport Agency supports of the intent of	Retain as notified.

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Settlement Development and Growth	5, Policy 5b, 5c, 5d(g)		Objective 5, Policies 5b, c, and d(g) which ensures settlement development and growth maintains and enhances transport connectivity, ensures road safety risks are not added to and encourages multi-modal transport options.	Retain as notified with the addition of changes sought by the Transport Agency.
Section 16 Subdivision		Support in Part	The Transport Agency is generally supportive of the intent of the Issues, Objective and Policies contained within this section and in particular Issue 5 and Objective 4 and associated policies.	Retain as notified
Section 16 Subdivision	16.3 Objective 2	Support	The Transport Agency considers it important to ensure reverse sensitivity effects from land uses in close proximity to the state highway are managed appropriately.	Retain as notified
Section 16 Subdivision	16.3 Policy 2a	Support in part	While Objective 2 refers to “existing activities”, the corresponding policies only refer to known quarries and mineral resources. The Transport Agency considers it important to ensure reverse sensitivity effects from land uses in close proximity to the state highway and other regionally significant infrastructure are managed appropriately.	Amend to read as follows: <i>Subdivision shall take into account the location of existing quarries and regionally significant infrastructure. Subdivision shall be designed to ensure that future sensitive land use activities cannot locate close to a quarry or regionally significant infrastructure.</i> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 16 Subdivision	16.3 Objective 4, Policies 4a and 4b	Support in part	The Transport Agency supports Objective 4 and associated policies. With the exception of Policy 4a the Transport Agency supports the intent to ensure subdivision is connected to existing networks, key community and public spaces. However, in linking to the existing transportation network, it is important that existing and new subdivision does not impact on its safe and efficient operation.	Amend to read as follows: Policy 4a <i>Subdivision shall provide transport infrastructure that connects to existing and planned networks/nodes, areas of public space and community focal points, and maintains or improves the safety and efficiency of the networks.</i> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 16 Subdivision	16.3 Objective 9	Support in part	Objective 9 relates to utilities and infrastructure but the supporting policies do not include reference to roading, access and or the transport network.	Introduce a new policy as follows: Policy 9h <i>Subdivision shall demonstrate how multi-modal</i>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
				<p><i>transport options have been provided for.</i></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 17 Tangata Whenua	17.3 Policy 4b	Support in part	The Transport Agency supports the policy as it ensures that there is appropriate connection to the transport network. However, the number of accesses should also be limited on state highways to protect the road function.	<p>Amend to read as follows:</p> <p><i>Maori land development shall provide connections for vehicles within the development and to the transport network whilst limiting the number of accesses onto a Council maintained roads or state highways.</i></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 18 Transport		Support in part	The Transport Agency considers that as proposed (subject to a number of changes mentioned below) Section 18 is necessary to ensure sustainable management of the land transport system consistent with the purpose of the RMA and Council's functions under it. These also promote an effective, efficient and safe land transport system in the public interest as per the Land Transport Management Act, the Proposed Waikato Regional Policy Statement and the Waikato Regional Land Transport Strategy.	<p>Retain as notified with the addition of changes sought by the Transport Agency.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 18 Transport	18.3 Policy 1a	Support in Part	The Transport Agency while generally supportive of the intent of this section, considers that there should be specific reference to the roading hierarchy in Policy 1a. The Transport Agency supports the inclusion of an identified road hierarchy within the Proposed Plan that aligns with the hierarchy contained in the Proposed Waikato Regional Policy Statement and the Regional Land Transport Strategy.	<p>Include specific reference to the roading hierarchy in Policy 1a as follows:</p> <p><i>A-The roading hierarchy functional classification of roads based on the relative importance of their movement and access functions should guide the design ...</i></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 18 Transport	18.3 Policy 1c	Support in part	The Transport Agency is the road controlling authority for state highways. The Transport Agency Planning Policy Manual 2007 sets out specific design and construction standards for state highways and new accessways. These standards should also be referenced.	<p>Amend to read as follows:</p> <p><i>New roads, vehicle parking and manoeuvring areas, accessways, cycling infrastructure, footpaths and other elements of the transport network should be designed and constructed in accordance with the Council's Code of Practice for Subdivision and</i></p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 18 Transport	18.3 Policy 2c	Support in part	<p>Policy 2c sets a potentially impossible threshold for the Transport Agency to comply with in certain circumstances. The use of the terms "shall avoid" appears to imply that any route option within the areas outlined or that may affect these resources is prohibited. This prohibition of roading development in many locations within the Coromandel Peninsula, we believe, is inconsistent with the purpose of the Act. It is acknowledged that this may not be the intent of the policy, which then goes on to state that where this is not possible adverse effects should be remedied. This needs to be amended or clarified.</p>	<p><u>Development (October 2013) or the relevant road controlling authority's specifications.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Amend to read as follows: <i>New transport networks shall avoid within or traversing areas of outstanding landscapes, large-scale clearance of indigenous ecosystems, areas of cultural/ heritage value, and areas of high natural character, and/ or that may result in large-scale clearance of indigenous ecosystems shall be discouraged, unless the route selection process has identified no feasible alternative. Then adverse effects on these values should be remedied or mitigated.</i></p> <p>And consequential changes the plan provisions (e.g. Section 19 Policy 1f) and/or similar amendments to achieve the same outcome.</p>
Section 18 Transport	18.3 Objective 3	Support	<p>The intent of this objective is supported. This objective will assist the Transport Agency meeting its statutory objectives under the LTMA to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest.</p>	<p>Retain as notified.</p>
Section 18 Transport	18.3 Policy 3a	Support in part	<p>The Transport Agency considers that as proposed allowing high traffic generating land uses to be located on roads which have capacity (e.g. typically rural roads) are a risk with the potential to adversely affect the safe and efficient operation of the state highway.</p>	<p>Amend to read as follows: <i>Land uses with the potential to generate significant increases in traffic:</i></p> <ul style="list-style-type: none"> a) <i>will be required to provide an Integrated Transport Assessment; and</i> b) <i>should be located in accordance with road function as set out in the roading hierarchy; and</i> c) <i>should be located on or near classes of roads that are able to receive the increased volume, while maintaining traffic flow and road user safety.</i> <p>And consequential changes to the plan provisions and/or</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 18 Transport	18.3 Policy 3b	Support in part	Protecting the efficient and effective operation of the transport network so it can continue to provide its wider transport functions is a critical outcome. As such when examining vehicle access onto a state highway, effects on both vehicle movement and the road's core function need to be considered.	similar amendments to achieve the same outcome. Amend to read as follows: <i>Vehicle access to a state highway or district arterial road should not hinder the existing efficiency and safety of vehicle movement on that road <u>or adversely affect the function of that road and the roading network.</u></i> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 18 Transport	18.3 Policy 3c & 3 d	Support	State highway clearways are important to the Transport Agency so that landscaping and planting does not compromise driver visibility. The Transport Agency supports the provision of a wide range of travel mode choices.	Retain as notified
Section 18 Transport	18.3 Policy 3e including Note 1	Support in part	The Transport Agency supports the intent of this policy to recognise and protect the strategic importance of state highways, however seeks it is broadened to include activities other than new dwellings and minor units. Reverse sensitivity effects arising from new and altered noise sensitive activities near to existing and designated state highways are a significant issue. It is important that new noise sensitive land uses and alterations to existing noise sensitive land uses are designed and constructed so that occupants are not exposed to unacceptable levels of noise and vibration that exceed World Health Organisation guidelines. The Transport Agency supports the inclusion of the note that standards NZS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.	Amend to read as follows: <i>New dwellings, and minor units, <u>and sensitive activities, located adjacent to a rail corridor or within 80m of a state highway should be located and designed, shielded, or use building materials to avoid, remedy or mitigate reserve sensitivity effects such as noise and vibration.</u></i> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 18 Transport	18.3 Objective 3	Oppose	In order to give effect to Objective 3 and to the Proposed Regional Policy Statement Policy 6.3.9 and	Introduce a new policy as follows:

Section	Second level section	Support / Oppose	Reasons	Requested Decision
			<p>the Waikato Regional Land Transport Strategy 2011-2041 integrated land use and transport Policy A 7.10 (which directs territorial authorities to require Integrated Transport Assessments to support structure plans, plan changes or resource consents where developments may result in high trip generating activities), Integrated Transport Assessments for high trip generating activities need to be introduced to this Proposed Plan.</p> <p>Refer to the Transport Agency's submission points on Section 39 for further justification.</p>	<p><u>Policy 3f</u></p> <p><u>Integrated Transport Assessments shall be required for new subdivision, use or development of a nature, scale or location that has the potential to generate adverse transportation effects.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 18 Transport	18.3 Objective 4, Policy 4a	Support	<p>The Transport Agency supports the integration of transport networks with the District's strategic pattern of settlement development and growth. This will provide for:</p> <ul style="list-style-type: none"> • Alignment of growth with long term infrastructure provision; • Efficient transport connectivity; and • Minimise conflict between land use and transport networks. 	<p>Retain as notified.</p>
Section 18 Transport	18.3 Policy 4b	Support in part	<p>Whilst the Transport Agency supports the requirement for development to take into account the timing and availability of funding for Council's Transport Infrastructure the Transport Agency are the road controlling authority for state highways and should also be considered.</p>	<p>Amend to read as follows:</p> <p><u>The demand for transport infrastructure and services for any development or subdivision shall take into account the timing and availability of Council's the road controlling authority's funding for transport infrastructure.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 18 Transport	18.3 Objective 4	Oppose	<p>The Transport Agency seeks the introduction of a policy to address Objective 4 which relates to the integration for transport networks with settlement development and growth. More specifically to ensure development is connected with community services, centres and social infrastructure and integrated.</p>	<p>Introduce a new policy as follows:</p> <p><u>Policy 4c</u></p> <p><u>Development and subdivision will be integrated with the transport system which connects residents to essential community services, centres and social infrastructure through:</u></p> <p>a) <u>Transport oriented development</u></p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 18 Transport	18.4 Non Regulatory Methods	Support in part	<p>The Transport Agency supports the classification of the District's roads in accordance with the Waikato Regional Land Transport Strategy and the inclusion of the road hierarchy plan.</p> <p>It is essential that the functions of each road hierarchy classification are explained to enable plan users to understand the importance and use of each road. In addition the function of a road explains where access points are appropriate for different uses.</p> <p>We note that Local Government New Zealand in partnership with the Transport Agency have been working on the development of a nationally consistent classification system – One Network Rooding Classification (ONRC). The benefits of a single road classification process include nationally consistent standards for the form of the transport network. While still in development, the Agency would support the Council considering ONRC as a relevant classification tool.</p>	<p>b) <u>Well-integrated and connected communities;</u> c) <u>Development that is conducive to active modes of travel, particularly walkable communities which reduce demand for vehicular travel, particularly by private vehicle;</u> d) <u>Land use that is integrated with the transport network;</u> e) <u>Transport assessments for high traffic activities as part of an application for consent for new developments;</u> f) <u>Development that ensures adequate access and space for all modes, including pedestrians, people with mobility problems, cyclists, public transport and private car travel.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
				<p>Amend to include descriptions of the function of each classification of road. An example is contained in Appendix 2.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 19 Utilities		Support	The Transport Agency supports the inclusion of a dedicated utilities section.	Retain as notified.
Section 20 Commercial Area	20.3 Objective 3	Support	The Transport Agency supports the need for adequate infrastructure in Commercial areas.	Retain as notified.
Section 20 Commercial Area	20.3 Policy 3c	Support in part	The Transport Agency generally supports the intent of the policy to ensure commercial developments consider vehicle parking access, manoeuvring's effects on the safety and efficiency of the transport network. However it is not clear how to interpret the word 'align'. Clarification is required.	Amend to read as follows: <i>Commercial development's location, vehicle parking, access and manoeuvring should be consistent with the function of the road and connect with high with existing transport infrastructure to maintain the safety and efficiency of the transport network.</i> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 21 Industrial Area		Support in part	The Transport Agency is supportive of the references in the Issues, Objectives and Policies to the potential for industrial activities to adversely affect infrastructure (Policy 1b); and providing clear direction that industrial development should create road layouts and access that efficiently and safely handles the heavy loads and traffic volumes. However, the objectives and policies do not address the potential adverse effects of high traffic generating industrial activities on the network.	Introduce the requirement for Integrated Transport Assessments for high trip generating activities in Section 39 and ensure cross referencing to Section 18 is included (refer to earlier submission point regarding ensuring District-wide Rules apply to all activities). Refer to the Transport Agency submission points on Section 18 for further details. And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 23 Residential Area	23.3 Objective 6	Support in part	The Transport Agency considers that it is important to ensure reverse sensitivity effects from land uses in close proximity to the state highway are managed appropriately.	Amend to read as follows: <i>Existing commercial, community, industrial and rural activities or the state highway are not affected by any significant reverse sensitivity effects because of an adjoining Residential Area.</i> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Section 24 Rural Area	24.3 Policy 3a	Support in Part	The Transport Agency supports Council's Objective 3 in recognising the need to avoid reverse sensitivity effects on lawfully established physical resources and activities (such as state highways).	Retain as notified.
Section 25.2	25.2.2g) and	Support in	The Transport Agency supports the purpose of the	Amend to include Diagrams 344.9 Visibility Splays and

Section	Second level section	Support / Oppose	Reasons	Requested Decision				
15 Wharekaho Road Site Development Plan	Diagram A	Part	<p>Wharekaho Site Development plan to achieve a safe, efficient, single point of access to State Highway 25 in the location shown on Diagram A, and the indication that land has been set aside for a pedestrian cycle bridge and future widening of SH25 if it is required and proven to be safe in the future.</p> <p>The access design plans currently contained within the Operative District Plan have not been included in the Proposed Plan. These plans formed part of the original structure plan and are essential in providing accessway formation and consultation requirements not covered by the Proposed Plan. For example the accessway formation and changes in state highway alignment must fit within the existing SH25 corridor.</p>	<p>Proposed Access from the Operative TCDC Plan.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>				
Section 25.2 15 Wharekaho Road Site Development Plan	25.2.3 Rule 2 Subdivision and Table 2 – Restricted Discretionary Activity Matters	Support in part	<p>The Transport Agency supports the restricted discretionary activity status for subdivision provided layout of roads is consistent with Diagram A and relief sought by the Transport Agency above is provided (e.g. access design plans are included).</p> <p>If these provisions are not met, the activity becomes a non-complying activity, which is appropriate and allows a full assessment of potential transport effects. The Transport Agency further supports the transport network assessment criteria but in order to address potential adverse effects on the safety and efficiency of the state highway seeks that additional criteria be added.</p>	<p>Amend to add an additional assessment criteria as follows:</p> <table border="1" data-bbox="783 147 983 864"> <thead> <tr> <th data-bbox="783 555 839 864">Table 2 Restricted Discretionary Activity Matters Matter</th> <th data-bbox="783 147 839 555">Assessment Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="839 555 983 864">3 Transport network: roads, cycle and pedestrian infrastructure</td> <td data-bbox="839 147 983 555">c) <u>The extent to which the safety and efficiency of the state highway is maintained.</u></td> </tr> </tbody> </table> <p>Or consequential changes resulting from relief sought by the Transport Agency on the whole plan to introduce standard transport network safety and efficiency assessment criteria to the whole plan.</p> <p>Or similar amendments to achieve the same outcome.</p>	Table 2 Restricted Discretionary Activity Matters Matter	Assessment Criteria	3 Transport network: roads, cycle and pedestrian infrastructure	c) <u>The extent to which the safety and efficiency of the state highway is maintained.</u>
Table 2 Restricted Discretionary Activity Matters Matter	Assessment Criteria							
3 Transport network: roads, cycle and pedestrian infrastructure	c) <u>The extent to which the safety and efficiency of the state highway is maintained.</u>							
Section 25.6 Coromandel Business Park Site Development Plan	25.6.2 c) and e) Purpose	Support	<p>The Transport Agency supports the inclusion of c) and e) ensuring safe and efficient access to State Highway 25 (SH25) and the construction of an intersection prior to activities or subdivision occurring.</p>	<p>Retain as notified.</p>				

Section	Second level section	Support / Oppose	Reasons	Requested Decision						
Section 25.6 Coromandel Business Park Site Development Plan	25.6.3 Rule 1.1	Support	The Transport Agency supports the direction that vehicle access shall be to the access road and only a single access point onto SH25, and no industrial activity direct access onto SH25.	Retain as notified						
Section 25.6 Coromandel Business Park Site Development Plan	25.6.3 Rule 2	Support	The Transport Agency supports the inclusion of setbacks and restricted access for industrial activities onto SH25 and the non-complying activity status for any activity not complying with conditions.	Retain as notified						
Section 25.6 Coromandel Business Park Site Development Plan	25.6.3 Table 1.2 Roading and vehicle access	Support	The Transport Agency supports the inclusion of agreed activity standards.	Retain as notified						
Section 25.6 Coromandel Business Park Site Development Plan	25.6.3 Table 2.3 Roading	Support in part	The Transport Agency supports the roading assessment criteria which covers the extent to which the access point is safe and maintains the functioning of the road. However it is also essential that the Transport Agency have been consulted.	Amend as follows: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Table 2 - Restricted Discretionary Activity Matters</th> </tr> <tr> <th>Matter</th> <th>Assessment Criteria</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">3 Roading</td> <td style="text-align: center;"><u>b)</u> <i>The extent to which comments from the Transport Agency have been addressed and whether written approval has been obtained.</i></td> </tr> </tbody> </table>	Table 2 - Restricted Discretionary Activity Matters		Matter	Assessment Criteria	3 Roading	<u>b)</u> <i>The extent to which comments from the Transport Agency have been addressed and whether written approval has been obtained.</i>
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3 Roading	<u>b)</u> <i>The extent to which comments from the Transport Agency have been addressed and whether written approval has been obtained.</i>									
Section 25.9 Part Manaia 6 Block Site Development Plan	25.9.3 Rule 1 and Table 1	Support in part	The Transport Agency supports the intent of this site development plan to provide for the relationship Maori shareholders and their culture and traditions with their ancestral lands. Due to the site having dual access to both SH25 and a local road, access to the site should be from the local road and not directly from SH25.	Amend to read as follows: Rule 1 Dwelling <i>A dwelling is a permitted activity provided....</i> <u>e) Access from the development site is to be taken from the local road not State Highway 25.</u>						

Section	Second level section	Support / Oppose	Reasons	Requested Decision						
27.2 Kopu Structure Plan		Support	<p>The Transport Agency generally supports the Kopu Structure Plan. In particular the provision of a transport system promoting alternative forms of transport, with a comprehensive internal roading layout to provide for safe and efficient travel reducing reliance on and frontage to SH25 and the need to stage and sequence infrastructure.</p>	<p>Introduce new matter to Table 1 as follows:</p> <table border="1" data-bbox="300 147 419 864"> <tr> <td colspan="2" data-bbox="300 147 331 864"><i>Table 1 - Restricted Discretionary Activity Matters</i></td> </tr> <tr> <td data-bbox="331 147 363 864">6</td> <td data-bbox="363 147 419 864"><i>Access from a Local Road</i></td> </tr> <tr> <td colspan="2" data-bbox="419 147 451 864"><i>a) The extent to which access is provided from a local road.</i></td> </tr> </table> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Retain as notified.</p>	<i>Table 1 - Restricted Discretionary Activity Matters</i>		6	<i>Access from a Local Road</i>	<i>a) The extent to which access is provided from a local road.</i>	
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Section	Second level section	Support / Oppose	Reasons	Requested Decision
27.2 Kopu Structure Plan	27.2.7 Kaiwhenua Rules Table 2	Support in part	<p>While the Transport Agency generally supports the intent behind the Kaiwhenua area and the assessment criteria in Table 2 there is a need to ensure the area is designed to:</p> <ul style="list-style-type: none"> • prevent any additional intersection between the Kaiwhenua area and State Highway 25. • prevent any direct access from the Kaiwhenua area onto SH 25. • Ensure premises are adequately located to meet setback from SH 25 and provide sufficient on-site car parking and loading areas and thereby assist in the prevention of off-site and on-state highway parking, loading, u-turning and other undesirable and unsafe movements. • ensure appropriate signage provisions that comply with Manual of Traffic Signs and Markings (MOTSAM) and the district plan standards. • ensure that reverse sensitivity provisions apply to any sensitive development, that may be allowed within the Kaiwhenua area. • ensure the stormwater system in the Kaiwhenua does not result in flooding or interference with the state highway drainage. • ensure less than minor effect of landscape and amenity planting in area on the adjoining state highway stormwater system. <p>All of which the Transport Agency seek continued consultation on.</p>	<p>Amend 27.2.7 as follows or introduce the following as performance standards or assessment criteria:</p> <p><u>XXX shall be a permitted, controlled, restricted discretionary activity provided:</u></p> <ol style="list-style-type: none"> <u>there is no additional intersection between the Kaiwhenua area and State Highway 25.</u> <u>There is no direct access onto SH25.</u> <u>Premises are set back 15m from SH25.</u> <u>Signage complies with MOTSAM.</u> <u>Reverse sensitivity noise provisions are met</u> (as outlined in the Transport Agency's submission points on noise and reverse sensitivity). <u>Kaiwhenua development does not result in flooding or interference with the state highway drainage.</u> <u>Landscaping and amenity planting adjoining the state highway stormwater system are not adversely affected.</u> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
27.5 Whitianga Waterways Structure Plan		Support	<p>The Transport Agency supports Objective 2 and Policy 2a in providing a multi-modal transport network and directing access from the structure plan area onto Joan Gaskell Drive rather than the State Highway 25.</p>	<p>Retain as notified.</p>
Part VI Overlay Rules		Support in part	<p>It is important that existing infrastructure located in areas of high value is able to be maintained and upgraded to ensure its continuing safe and efficient operation. In particular, roads in the Thames-Coromandel District are essential lifeline</p>	<p>Amend as necessary to provide for the maintenance and upgrade of existing lifeline utilities within Overlay Areas. And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision		
Section 33 Maori Land Overlay	33.3 Permitted Activities	Support in part	<p>infrastructure routes often located adjacent to or within high value areas such as landscape and natural character areas. It is important that there are district plan provisions enabling the operation, maintenance and upgrading of existing lifeline infrastructure.</p> <p>The Transport Agency supports the provisions which require consideration of effects of and provide for connections to the roading network. However, these provisions should be broadened to include roads which are managed by the Transport Agency to manage and address the effects of connections to these roads.</p>	<p>All references to "Council maintained roads" should be broadened to include roads maintained by the Transport Agency.</p> <p>For example Council <u>Road controlling authority maintained road</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>		
Section 38 Subdivision		Support in part	<p>The Transport Agency generally supports the subdivision chapter with inclusion of proposed changes sought by the Transport Agency on the entire plan particularly those contained in Chapter 39 Transportation and zone rules.</p>	<p>Retain as notified with the addition of changes sought by the Transport Agency on the entire plan particularly those contained in Chapter 39 Transport.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>		
Section 38 Subdivision	38.7 Table 5 - Restricted Discretionary Activity Matters Matter 7	Support in Part	<p>To avoid potential reverse sensitivity effects on the continued operation of the state highway the establishment of new noise sensitive activities located within 80m of the state highway needs to be addressed.</p>	<p>Amend to read as follows:</p> <table border="1" data-bbox="906 159 1177 846"> <tr> <td data-bbox="906 533 1177 846"> <p>7. Efficient use of mineral resources <u>Reverse sensitivity effects on mineral resources and state highways</u></p> </td> <td data-bbox="906 159 1177 533"> <p>a) <u>Whether the subdivision design takes into account the effects of existing lawfully established quarries and state highways and ensures that future activities do not result in reverse sensitivity effects.</u></p> </td> </tr> </table> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>	<p>7. Efficient use of mineral resources <u>Reverse sensitivity effects on mineral resources and state highways</u></p>	<p>a) <u>Whether the subdivision design takes into account the effects of existing lawfully established quarries and state highways and ensures that future activities do not result in reverse sensitivity effects.</u></p>
<p>7. Efficient use of mineral resources <u>Reverse sensitivity effects on mineral resources and state highways</u></p>	<p>a) <u>Whether the subdivision design takes into account the effects of existing lawfully established quarries and state highways and ensures that future activities do not result in reverse sensitivity effects.</u></p>					

Section	Second level section	Support / Oppose	Reasons	Requested Decision				
Section 38 Subdivision	38.7 Table 5 - Restricted Discretionary Activity Matters 5 and 6	Support in Part	<p>The Transport Agency supports the inclusion of roading, access and subdivision design assessment criteria. The Transport Agency has a legal requirement to promote the safe and efficient function of state highways. These roads have local and regional functions. Therefore, it is necessary to include the Transport Agency in the consideration of subdivision or development that may affect these roads, to ensure their designed function is not compromised.</p> <p>Further, it is important to minimise the number of vehicle access points on state highways to ensure their continued efficiency. Moreover, if a site has access available from both a state highway and a lower status road then access should be gained from the lower order road to better enable the intended function of the high order roads..</p>	<p>Amend to read as follows:</p> <p>Table 5 - Restricted Discretionary Activity Matters</p> <table border="1" data-bbox="296 163 352 846"> <thead> <tr> <th data-bbox="296 734 352 846">Matter</th> <th data-bbox="296 163 352 734">Assessment Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 734 1066 846">5-</td> <td data-bbox="352 163 1066 734"> <p>d) <u>Whether access requirement for the subdivision has the potential to undermine the safe and efficient operation of the transport network.</u></p> <p>...</p> <p>g) <u>The comments of the relevant road controlling authority.</u></p> <p>h) <u>The extent to which the proposal minimises the number of vehicle access points to the regionally significant transport corridors, taking into account:</u></p> <ul style="list-style-type: none"> i) <u>Opportunities that exist for shared access with adjoining sites.</u> ii) <u>The hierarchy of the fronting transport corridor and opportunities that exist for access to transport corridors of a lower status (e.g. collector or local transport corridors or service lanes).</u> iii) <u>The siting of the access points with respect to adjacent access points, visibility and flow.</u> <p>iv) <u>The operational requirements of the proposal</u></p> <p>v) <u>Potential obstruction for access to network utilities.</u></p> <p>vi) <u>The impact of multiple vehicle entrances (which break up berm, landscaping, footpath and cycleway continuity) on streetscape amenity, retail frontage areas and pedestrian</u></p> </td> </tr> </tbody> </table>	Matter	Assessment Criteria	5-	<p>d) <u>Whether access requirement for the subdivision has the potential to undermine the safe and efficient operation of the transport network.</u></p> <p>...</p> <p>g) <u>The comments of the relevant road controlling authority.</u></p> <p>h) <u>The extent to which the proposal minimises the number of vehicle access points to the regionally significant transport corridors, taking into account:</u></p> <ul style="list-style-type: none"> i) <u>Opportunities that exist for shared access with adjoining sites.</u> ii) <u>The hierarchy of the fronting transport corridor and opportunities that exist for access to transport corridors of a lower status (e.g. collector or local transport corridors or service lanes).</u> iii) <u>The siting of the access points with respect to adjacent access points, visibility and flow.</u> <p>iv) <u>The operational requirements of the proposal</u></p> <p>v) <u>Potential obstruction for access to network utilities.</u></p> <p>vi) <u>The impact of multiple vehicle entrances (which break up berm, landscaping, footpath and cycleway continuity) on streetscape amenity, retail frontage areas and pedestrian</u></p>
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Section	Second level section	Support / Oppose	Reasons	Requested Decision
				<p><u>and cycle movements.</u></p> <p><u>The cumulative effects on traffic safety and efficiency from multiple vehicular accesses on to major arterial routes and whether this can be adequately addressed.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 38 Subdivision	38.7 Table 3.3 Access, road and street lighting Standards	Support in Part	<p>The Transport Agency supports the inclusion of access standards and the note advising plan users that if access is from a state highway which is a Limited Access Road then a notice is required. However, Table 3.3c) requires subdivided land at intersections to create corner splays of not less than 6m along each site. If the site is located on a state highway intersection these corner splays would not be sufficient. Further if a site is located on the intersection of a state highway then access should be provided from the lower order road. Once relief sought by the Transport Agency on Section 39 is provided which increases access requirements to be consistent with the Transport Agency PPM 2007 this will ensure appropriate access is provided.</p>	<p>Amend as follows:</p> <p><u>c) Except when located on a state highway, where land at an intersection is subject to subdivision, or where a new subdivision involves creating an intersection, corner splays of not less than 6meters along each street/road frontage must be provided for and shown as 'road to vest in the Council on the survey plan. For land located on a state highway refer to Section 39 of this plan.</u></p> <p>In addition, action relief sought by the Transport Agency in Section 39 through the introduction of accessway requirements being consistent with the Transport Agency PPM 2007.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Section 39 Transport	39.1 Activity Table and User Information	Support in part	<p>To give effect to the Proposed Waikato Regional Policy Statement Policy 6.3.9 and the Regional Land Transport Strategy 2011-2041 integrated land use and transport Policy A 7.10 (which directs territorial authorities to require Integrated Transport Assessments to support structure plans, plan changes or resource consents where developments may result in high trip generating activities); and in accordance with best practice processes in New Zealand it is standard practice for the Transportation Chapter of Proposed District Plans to both assess the intensification of land use on the capacity of existing transport networks and the effects of activities on the transportation network.</p> <p>Development processes need to ensure that the intensity of land use and the capacity of the transport networks are compatible and able to support each other. For example, locating compact housing in areas supported by roads and other transport connections which can accommodate higher demand while continuing to provide a safe and efficient transport network. Development processes need to work to ensure that situations of incompatible land use and road networks do not occur; for example, cluster or ribbon development within the rural environment.</p>	<p>Amend the first paragraph to read as follows:</p> <p><i>This Section of the Plan manages land use and transport including provision of existing and planned transport infrastructure, and integration with land use particularly</i></p> <ul style="list-style-type: none"> <i>whether the intensity of land use and the capacity of the transport networks are compatible; and</i> <i>whether development can have an adverse effect on the adjoining transport network, transport development and infrastructure.</i> <p><i>In relation to the establishment of infrastructure</i></p> <p>Generally once the asset or infrastructure is established, the Plan does not manage the transport activities themselves. For example, construction of a new road is controlled under Rule 10, but the transport activities on the road once it is constructed (e.g. driving cars, walking) are not directly managed by the rules in this section. However, resource consent conditions may specify controls on transport activities.</p> <p>And consequential changes to the plan provisions including the activity table and/or similar amendments to achieve the same outcome.</p>
Section 39 Transport	39.1 Activity Table and User Information	Support in part	<p>The statutory objective of the Transport Agency is "to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest" (Section 94 LTMA). The Transport Agency's functions are "to contribute to an effective, efficient, and safe land transport system in the public interest" (Section 95(1)(a)) and the "management of the state highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Roadway Powers Act (GRPA) 1989" (Section 95(1)(c)).</p>	<p>Amend the second paragraph to read as follows:</p> <p><i>The District Plan manages land use effects on the function, capacity, effectiveness and efficiency of state highways does not manage transport activities within the scope of a state-highway designation. The New Zealand Transport Agency (Transport Agency) is the controlling authority for state highways. The Government Roadway Powers Act 1989 establishes what is an offence to do, cause or permit on a state highway, without the written permission of Transport Agency, including the construction of vehicle crossing</i></p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
			<p>The LTMA and GRPA do not have the statutory ability to control land use planning adjoining a state highway. The GRPA only controls new accessways on Limited Access Roads (LAR). Not all state highways are LARs, in the Thames-Coromandel District only portions of the state highway are LARs - refer to Chapter 18 Figure 1. Further Resource Management Act controls (i.e. through the Proposed Plan) are needed to protect the form, function, safety and efficiency of state highways.</p>	<p><i>to a state highway. Transport Agency has its own design and construction standards for vehicle crossings onto a state highway and approval for these must be obtained from Transport Agency. Approval will be required by the Transport Agency for new accessways onto a state highway, for any physical works undertaken on a state highway or if accessing a state highway which has been gazetted as a Limited Access Road.</i></p> <p><i>For the purpose of activities outside of the scope of a designation, the adjoining zoning applies to the centreline of the state highway. There is also the case for unformed roads.</i></p> <p><i>The NZ Transport Agency will be notified as an affected party and/or provided limited notification of resource consent applications, in all situations where activity is likely to affect the efficiency or safety of the state highway network...</i></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision																																																																								
Section 39 Transport		Support in part	<p>Land use activity can adversely affect aspects of the district's transportation system. This is particularly sensitive for the Thames-Coromandel District, where the state highway network provides a significant proportion of the transport system. Adverse effects on the efficiency and safety of the system may occur, such as:</p> <ul style="list-style-type: none"> • Generation of traffic and increased volumes of traffic; • Parking and loading impacts, including heavy vehicles in residential areas; • Effects on vehicle visibility and safe sightlines; • Implications for vehicle entrances and crossings; • Increased infrastructure maintenance costs from extraction industries and other generators of heavy traffic being located on roads; • Greater conflict and impact at and on intersections resulting in increased risk; • Effects on traffic safety from signs and distractions; and • Reverse sensitivity effects from locating residential activities close to busy transport areas. <p>In order to address these issues and further to the justification provided in 39.1 Activity Table and User Information above ITAs are required.</p> <p>The Proposed District Plan focuses solely on traffic and some of the wider effects of developments have been missed in assessments of effects particularly the generation of traffic and increased volumes of traffic.</p> <p>It is best practice in New Zealand for the Transportation Chapter of Proposed District Plans to both assess the intensification of land use on the capacity of the existing transport network and to address the effects of activities on the transportation network.</p> <p>An appropriate regulatory method to meet Section 18 Transport objectives and policies and to address activities of a:</p> <p>a) Scale – including the intensification of land use resulting in significant trip generators;</p>	<p>Amend to read as follows:</p> <p>39.1 Activity Table</p> <table border="1" data-bbox="363 147 512 862"> <thead> <tr> <th colspan="2" data-bbox="363 389 387 501">ACTIVITY TABLE</th> </tr> </thead> <tbody> <tr> <td data-bbox="387 501 427 862"><u>Activity required to provide a Simple or Broad Integrated Transport Assessment</u></td> <td data-bbox="387 389 427 501"><u>Rule 12</u></td> </tr> </tbody> </table> <p>Introduce a new rule as follows:</p> <p><u>RULE 12 Integrated Transport Assessment</u></p> <ol style="list-style-type: none"> 1. <u>Any activity required to prepare a simple or broad Integrated Transport Assessment by Section 39.1 Rule 12.2 is a restricted discretionary activity.</u> 2. <u>An Integrated Transport Assessment (Simple or Broad) shall be prepared, based on the vehicle trips generated by the activity, and road type, as specified below:</u> 	ACTIVITY TABLE		<u>Activity required to provide a Simple or Broad Integrated Transport Assessment</u>	<u>Rule 12</u>																																																																				
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			<p>The Transport Agency also considers that the responsibilities of the Agency with respect to the land transport system generally, and the state highway network in particular, necessitates the Transport Agency's involvement to determine the transport effects of development. Therefore, the Transport Agency should be consulted for all activities requiring an ITA which may have an impact on the state highway network.</p> <p>Accessways on the state highway should be rationalised where possible. If a site can be accessed from two roads then access should be through the lower order road.</p>	<p><u>Except that the following will be exempt from these requirements</u></p> <ol style="list-style-type: none"> a) <u>Events and temporary activities where a Traffic Management Plan is required, and has been approved by the road controlling authority or</u> b) <u>Dwellings that comply with parking, accessway location and manoeuvring area requirements; or</u> c) <u>Dwelling additions; or</u> d) <u>All vehicles that are associated with a permitted farming activity.</u> <ol style="list-style-type: none"> 3. <u>The Council restricts its discretion to matters in Table 7 at the end of Section 39.</u> 4. <u>The Transport Agency should be consulted during the development of an ITA where the activity has the potential to impact on the state highway network.</u> 5. <u>The Council restricts its discretion to matters in Table 7 at the end of Section 39.</u> <p>And amend Table 7 as follows:</p> <table border="1" data-bbox="927 147 1385 864"> <thead> <tr> <th colspan="2" data-bbox="927 147 986 259">Table 7 Restricted Discretionary Activity Matters</th> </tr> <tr> <th data-bbox="927 259 986 371">Matter</th> <th data-bbox="927 371 986 864">Assessment Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="986 147 1098 259">2</td> <td data-bbox="986 259 1098 864"> <ol style="list-style-type: none"> i) <u>Whether access from a lower order road is provided where alternative access is possible.</u> </td> </tr> <tr> <td data-bbox="1098 147 1385 259">7</td> <td data-bbox="1098 259 1385 864"> <ol style="list-style-type: none"> a) <u>Whether major trip-generative activities have been prepared and submitted an Integrated Transport Assessment or Traffic Impact Assessment has been prepared and submitted that assesses and recommends how the activity can integrate</u> </td> </tr> </tbody> </table>	Table 7 Restricted Discretionary Activity Matters		Matter	Assessment Criteria	2	<ol style="list-style-type: none"> i) <u>Whether access from a lower order road is provided where alternative access is possible.</u> 	7	<ol style="list-style-type: none"> a) <u>Whether major trip-generative activities have been prepared and submitted an Integrated Transport Assessment or Traffic Impact Assessment has been prepared and submitted that assesses and recommends how the activity can integrate</u>
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				<p><u>successfully into the wider transport network given the effects of an activity's vehicle generation on road function, capacity, safety, efficiency, hierarchy, connectivity, and infrastructure. and The extent to which those recommendations have should been given effect.</u></p>
				<p><u>Introduce a new definition as follows:</u></p> <p><u>Equivalent Car Movements Per Day (ecm/d)</u> <u>Equivalent car movements per day (averaged over a year) is defined as follows:</u></p> <ul style="list-style-type: none"> • <u>1 car to and from the property = 2 equivalent car movements</u> • <u>1 truck to and from the property = 6 equivalent car movements</u> • <u>1 truck and trailer to and from the property = 10 equivalent car movements</u> <p><u>A single residential dwelling is deemed to generate 9 equivalent car movements per day (ecm/d).</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>
Section 39 Transport	39.2 Rule 5 and 39.4 Table 7	Oppose	<p>In order for the Transport Agency to undertake its functions under the LTMA and GRPA and to give effect to the RMA in promoting the sustainable management of the transport network, vehicle crossing standards, and minimum sight distances need to meet the standards set out in the Transport Agency's PPM (2007). The current provisions do not provide for this. Direct access through a vehicle crossing onto a state highway under the proposed rules is considered a permitted activity. In urban settings with speed environments under 70km this</p>	<p>Amend to read as follows:</p> <p>Rule 5</p> <ol style="list-style-type: none"> 1. A vehicle crossing is a permitted activity provided: <ol style="list-style-type: none"> e) <u>it does not have direct access onto a state highway where the speed environment is 70km or over.</u> ... 4. <u>The NZ Transport Agency will be considered an affected party where vehicle access is required onto a state highway.</u>

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Section 39 Transport	39.2 Rule 5.1c)	Oppose	<p>could be considered appropriate, however in high speed environments over 70km it is not acceptable. The potential risk to motorists of accidents occurring as a result of accessways not being designed to the Transport Agency's standards is too high, and the effect of this is not consistent with a permitted activity status. Providing for new activities with direct access onto state highways as a restricted discretionary activity provides Council with the ability to fully consider the area of non-compliance, impose conditions (where necessary), and turn down a consent if required.</p> <p>The Transport Agency considers that it should be made clear in the Plan that direct access to a strategic network or arterial transport corridor is generally undesirable. Individually and cumulatively, such accesses can adversely impact the purpose and function of the roading network and undermine the investment in these roads. If a site can be accessed from two roads then access should be through the lower order road. Further accessways on the state highway should be rationalised where possible.</p>	<p>Update Table 7</p> <table border="1"> <thead> <tr> <th colspan="2">Table 7 Restricted Discretionary Activity Matters</th> </tr> <tr> <th>Matter</th> <th>Assessment Criteria</th> </tr> </thead> <tbody> <tr> <td>2 Location, number and design of vehicle crossings.</td> <td>i) <u>For vehicle access directly onto state highways the extent to which the accessway standards in Tables 3 and 4 are exceeded and whether proposed mitigation measures can reduce adverse effects to a minor level.</u> j) <u>The extent to which comments from the Transport Agency have been incorporated and whether written approval has been obtained.</u></td> </tr> </tbody> </table> <p>Amend to read as follows</p> <p>c) <u>Where a site has two road frontages, the vehicle crossing is from the road with the same or a lesser lowest classification in the Road Hierarchy (see Section 18 Transport Table 1) and...</u></p> <p>Update Table 7 to include new matter and criteria.</p> <table border="1"> <thead> <tr> <th colspan="2">Table 7 Restricted Discretionary Activity Matters</th> </tr> <tr> <th>Matter</th> <th>Assessment Criteria</th> </tr> </thead> <tbody> <tr> <td>2 Location, number and design of vehicle crossings.</td> <td>k) <u>Whether access from a lower order road is provided where alternative access is possible.</u></td> </tr> <tr> <td></td> <td>l) <u>Whether it is possible to rationalise the number of accessways.</u></td> </tr> </tbody> </table> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Amend to read as follows</p>	Table 7 Restricted Discretionary Activity Matters		Matter	Assessment Criteria	2 Location, number and design of vehicle crossings.	i) <u>For vehicle access directly onto state highways the extent to which the accessway standards in Tables 3 and 4 are exceeded and whether proposed mitigation measures can reduce adverse effects to a minor level.</u> j) <u>The extent to which comments from the Transport Agency have been incorporated and whether written approval has been obtained.</u>	Table 7 Restricted Discretionary Activity Matters		Matter	Assessment Criteria	2 Location, number and design of vehicle crossings.	k) <u>Whether access from a lower order road is provided where alternative access is possible.</u>		l) <u>Whether it is possible to rationalise the number of accessways.</u>
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Section 39 Transport	39.2 Table 4 Note 1	Oppose	<p>The operating speed of 95th percentile is not Austroads industry standards, which informs best</p>	<p>Amend to read as follows</p>														

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Section 39 Transport	39.2 Table 3 – Minimum Sight and Separation Distances for Vehicle Crossings to State Highways	Support in part	<p>practice. Austroad uses the 85th percentile, rather than the 95th proposed within this plan. All other councils in the region use the 85th percentile. Therefore in the interests of consistency and best practice, the operating speed should be identified as the 85th percentile speed.</p> <p>In order for the Transport Agency to meet its statutory requirements, minimum accessway standards need to be provided on state highways. These accessway standards are contained in Table App5B/1,3 and 4 and Diagrams C, D and E the Transport Agency's Planning Policy Manual (2007) (contained in Appendix 3 to this submission).</p>	<p>1. <i>'Signposted' speed is that which is gazetted for a particular stretch of road and which, is demarcated at the beginning of that stretch by way of an official sign. 'Operating' speed is the 985th percentile speed in the vicinity of the access.</i></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Introduce the Transport Agency accessway requirements for state highways table App5B/4 and Diagrams C, D and E from the Transport Agency's Planning Policy Manual 2007 (contained in Appendix 3 of this submission) and incorporate compliance into Rule 5.1a) as follows:</p> <p>Rule 5 <i>1 A vehicle crossing is a permitted activity provided:</i> <i>a) It meets the sight and separation standards in Table 3 or 4 and State Highway Diagrams C, D and E.</i></p> <p>Also Introduce relevant assessment criteria as follows:</p>

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Section 39 Transport	39.2 Rule 5.1	Oppose	Typically the Transport Agency would not agree to lower minimum sight distances than those required in the Transport Agency Planning Policy Manual. However, in urban settings with lower speed environments (lower than 70km per hour) this could be considered reasonable for the proposed	<p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Amend to read as follows:</p> <table border="1"> <thead> <tr> <th>Signposted Speed of Operation</th> <th>Sight Distance</th> <th>Location of Property Access</th> <th>Distance Between Property</th> </tr> </thead> <tbody> <tr> <td>Øf</td> <td>Ø</td> <td></td> <td></td> </tr> </tbody> </table>	Signposted Speed of Operation	Sight Distance	Location of Property Access	Distance Between Property	Øf	Ø						
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Section	Second level section	Support / Oppose	Reasons	Requested Decision			
				g-Speed Where Less	Relative to Intersection	Access	
			provisions to apply as a permitted activity. However in higher speed environments which generate a greater safety risk (those greater than 70km per hour) the Transport Agency Planning Policy Manual Appendix 5B Accessway Standards and Guidelines must apply. If these are exceeded then as per Rule 5.2 those activities will be considered a restricted discretionary activity.	100	282	200	200
				90	250 m		
				80	240	200	200
					203.70 m	100	100
				70	170	100	40
				60	140 m		
				≤ 50	115m	50m	N/A
					85m	30m	N/A
Part VII District-wide Rules		Oppose	Signs adjacent to state highways can create potential traffic hazards and adversely compromise traffic safety by distracting drivers. Managing the proliferation of signage, overly detailed signage, off-site (third party) signage, and illuminated, moving or flashing signs reduces potential traffic hazards caused by distracted drivers and improves road journey safety. There are no cross references to District-wide Rules applying within zone sections. The Agency considers cross-referencing is one way by which the linkages between sections, and user-friendliness of the Proposed Plan, could be improved.	And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome. Introduce a new Part VII Section for 'Signage'. Introduce new objectives, policies and rules. An example is contained in Appendix 4. And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.			
Part VIII Zone Rules		Support in part		The Transport Agency prefers that within all zone sections particularly all industrial, commercial, rural and residential sections insert the following general standard: <i>The provisions of Part VII District-wide Rules apply to all activities within this Section as relevant.</i> Or alternatively insert the following after the activity status tables in each zone: <i>The activity status in the table above is subject to compliance with any relevant Overlay Rules and all District-wide Rules.</i> And consequential changes to the plan provisions and/or			

Section	Second level section	Support / Oppose	Reasons	Requested Decision
<p>Part V, VI and VII where applicable and all of Part VIII - Zone Rules</p>	<p>Festival Event Rules</p>	<p>Oppose</p>	<p>Festivals and other events with direct access onto the state highway typically generate high traffic volumes over short periods of time adversely affecting the safe and efficient operation of the state highway. It is important to ensure that the traffic impacts of any event are carefully managed. A traffic management plan should be a requirement of any event which has the potential to effect the safe and efficient operation of the transportation network. The Transport Agency as the road controlling authority for the state highway network must also be consulted for any event which may affect the operation of the state highway in the district. Other temporary activities not captured by the definition of Festival, Event should also be catered for.</p>	<p>similar amendments to achieve the same outcome.</p> <p>Amend relevant rules as follows: Rule X Festival, Event Temporary Activity A festival, event or <u>temporary activity</u> is a permitted activity provided: ... i) <u>It is not located on a site that has direct access, adjoins or has impact on the safe and efficient operation of a state highway unless:</u> i) <u>The event has a Council approved traffic management plan, which needs to be submitted at least 10 days in advance of the event. The plan shall include details of the consultation with, and the approval of, the NZ Transport Agency.</u></p> <p>Introduce relevant restricted discretionary assessment criteria and add cross-reference to the rule where Council restricts its discretion to include the new matter:</p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
				<p>Matter</p> <p>x. <u>Adverse effects on the transport network</u></p> <p>Assessment Criteria</p> <p>a. <u>Whether high traffic generating events have prepared and submitted either a Traffic Management Plan or an Integrated Transport Assessment and the extent to which those recommendations should be given effect.</u></p> <p>b. <u>Whether the event minimises the frequency of car trips by encouraging other transport modes.</u></p> <p>c. <u>How comments from the relevant road controlling authority have been implemented.</u></p>
Part V, VI, Part VII, Part VIII – Zone Rules		Oppose	There is potential for any new noise sensitive activity located in close proximity to a state highway to have reverse sensitivity effects on the transportation network.	<p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Introduce new noise standard which must be complied with to be considered a permitted activity.</p> <p>Rule XXX <u>The noise meets the noise standards in Table XXX and Rule XXX.</u></p> <p>a. <u>Noise sensitive activities located within 80m of the seal edge of a state highway shall be constructed to meet noise performance standards for noise from traffic on the state highway that will not exceed 35dBA L_{eq,24hr} in bedrooms and 40dBA L_{eq,24hr} in other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard</u></p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision
				<p><u>AS/NZ21197:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.</u></p> <p><u>b. Prior to the construction of any ‘habitable buildings’ on the site, an acoustic design certificate, from a qualified acoustic engineer, shall be provided to Council demonstrating that the internal sound levels of AS/NZ 21072000m as per a) above, will be achieved. The report shall be to the satisfaction of Council and supplied with an application for building consent.</u></p>

Section	Second level section	Support / Oppose	Reasons	Requested Decision				
Section 42 Commercial Zone	42.4 Rule 14	Support in part	The Transport Agency supports the location of service stations within the relevant commercial zone, however the Agency is concerned that the default activity status if a service station is not a	<p>c. <u>Vibration close to roads can cause annoyance and possibly damage to building. Vibration is site specific and applicants are advised to undertake a vibration assessment to determine whether it will be an issue for their particular development.</u></p> <p>Introduce new assessment criteria or amend existing assessment criteria in the relevant table to address reverse sensitivity and cross-reference the rule in the rule which sets out matters to which Council restricts its discretion.</p> <table border="1" data-bbox="624 163 1155 846"> <thead> <tr> <th data-bbox="624 622 651 846">Matter</th> <th data-bbox="624 163 651 622">Assessment Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="651 622 735 846">XX. <u>Reverse sensitivity effects on the state highway</u></td> <td data-bbox="651 163 1155 622"> <p>a. <u>The extent to which reverse sensitivity issues and adverse effects, are avoided.</u></p> <p>b. <u>Whether noise sensitive activities located within 80m of the seal edge of a state highway meet the satisfactory AS/NZ21197:2000 sound levels.</u></p> <p>c. <u>The extent to which noise mitigation measures and/or sufficient acoustic treatment is provided to reduce noise levels received inside a habitable building.</u></p> <p>d. <u>Comments from the road controlling authority.</u></p> </td> </tr> </tbody> </table> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Amend as follows:</p> <p><u>Note: If the service station gains access to a state highway the NZ Transport Agency will be considered an affected</u></p>	Matter	Assessment Criteria	XX. <u>Reverse sensitivity effects on the state highway</u>	<p>a. <u>The extent to which reverse sensitivity issues and adverse effects, are avoided.</u></p> <p>b. <u>Whether noise sensitive activities located within 80m of the seal edge of a state highway meet the satisfactory AS/NZ21197:2000 sound levels.</u></p> <p>c. <u>The extent to which noise mitigation measures and/or sufficient acoustic treatment is provided to reduce noise levels received inside a habitable building.</u></p> <p>d. <u>Comments from the road controlling authority.</u></p>
Matter	Assessment Criteria							
XX. <u>Reverse sensitivity effects on the state highway</u>	<p>a. <u>The extent to which reverse sensitivity issues and adverse effects, are avoided.</u></p> <p>b. <u>Whether noise sensitive activities located within 80m of the seal edge of a state highway meet the satisfactory AS/NZ21197:2000 sound levels.</u></p> <p>c. <u>The extent to which noise mitigation measures and/or sufficient acoustic treatment is provided to reduce noise levels received inside a habitable building.</u></p> <p>d. <u>Comments from the road controlling authority.</u></p>							

Section	Second level section	Support / Oppose	Reasons	Requested Decision								
			<p>permitted activity is controlled. Service stations are typically high trip generating activities and have the potential to adversely affect the safe and efficient operation of the state highway.</p> <p>The Transport Agency support earthworks being a permitted activity for the installation, maintenance, upgrading and/or removal by the Council or a network utility operator. The Transport Agency is considered a network utility operator under the Proposed Plan. The maintenance and upgrade of transport infrastructure is essential in the continued efficient and effective operation of the state highway network.</p>	<p><u>party.</u></p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p> <p>Retain Earthworks rules as notified.</p>								
<p>Part V, VI, VII, and VIII –Rules</p>	<p>Support</p>	<p>Support</p>	<p>The Transport Agency supports comprehensive residential development as it optimises existing infrastructure. However for clarity we seek the term is defined.</p>	<p>Introduce a new definition and information requirements for comprehensive residential development plans and an explanation regarding how they operate within the district plan.</p> <p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>								
<p>Section 44 Extra Density Residential Zone</p> <p>Section 54 Residential</p>	<p>44.5 Rule 15 Comprehensive Residential Development</p> <p>54.5 Rule 18 Comprehensive residential development</p>	<p>Support in part</p>	<p>The Transport Agency oppose the 6m front yard requirement in the Industrial Zone and Light Industrial Zone. A buffer of at least 15m is required between the state highway and buildings due to noise and vibration effects.</p>	<p>Amend 46.8 Table 4 and 47.8 Table 3 as follows:</p> <table border="1" data-bbox="884 147 1027 864"> <tr> <td colspan="2" data-bbox="884 147 940 864">Table x - Standards</td> </tr> <tr> <td data-bbox="940 147 979 864">1</td> <td data-bbox="979 147 1027 864">Front Yard</td> </tr> <tr> <td colspan="2" data-bbox="1027 147 1083 864">6m; or 1.5m when adjoining a state highway.</td> </tr> </table>	Table x - Standards		1	Front Yard	6m; or 1.5m when adjoining a state highway.			
Table x - Standards												
1	Front Yard											
6m; or 1.5m when adjoining a state highway.												
<p>Section 46 Industrial Zone</p>	<p>46.8 Assessment Standards, Matters and Criteria Table 4</p> <p>47.8 Assessment Standards, Matters and Criteria Table 3</p>	<p>Support in part</p>	<p>The Transport Agency requires a minimum 5m front yard setback in the residential zone to reduce potential effects of reverse sensitivity (particularly noise and vibration).</p>	<p>And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.</p>								
<p>Section 54 Residential Zone</p>	<p>54.8 Assessment Standards, Matters and</p>	<p>Support in part</p>	<p>Amend as follows:</p> <table border="1" data-bbox="1302 864 1388 1503"> <tr> <td colspan="2" data-bbox="1302 864 1342 1503">Table 5 - Standards</td> </tr> <tr> <td data-bbox="1342 864 1382 1503">a) Front yard</td> <td data-bbox="1382 864 1388 1503">3m; except 5m when adjoining a state highway.</td> </tr> </table>	Table 5 - Standards		a) Front yard	3m; except 5m when adjoining a state highway.	<p>Amend as follows:</p> <table border="1" data-bbox="1302 147 1388 864"> <tr> <td colspan="2" data-bbox="1302 147 1342 864">Table 5 - Standards</td> </tr> <tr> <td data-bbox="1342 147 1382 864">a) Front yard</td> <td data-bbox="1382 147 1388 864">3m; except 5m when adjoining a state highway.</td> </tr> </table>	Table 5 - Standards		a) Front yard	3m; except 5m when adjoining a state highway.
Table 5 - Standards												
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a) Front yard	3m; except 5m when adjoining a state highway.											

Section	Second level section	Support / Oppose	Reasons	Requested Decision				
	Criteria Table 5			And consequential changes and/or similar amendments to achieve the same outcome.				
Section 56 Rural Zone Section 57 Rural Lifestyle Zone	56.8 Assessment Standards, Matters and Criteria Table 6 57.8 Assessment Standards, Matters and Criteria Table 6	Support in part	The Transport Agency requires a minimum 20m front yard setback in the rural zone and rural lifestyle zone. This is particularly important for land adjoining the state highway which will experience reverse sensitivity effects of noise and vibration.	Amend as follows: <table border="1" data-bbox="395 163 483 846"> <tr> <td colspan="2" data-bbox="395 163 419 846"><i>Table 6 - Standards</i></td> </tr> <tr> <td data-bbox="419 163 459 846">a) Front Yard</td> <td data-bbox="419 163 483 846"><u>15m, or 20m when adjoining a state highway.</u></td> </tr> </table> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.	<i>Table 6 - Standards</i>		a) Front Yard	<u>15m, or 20m when adjoining a state highway.</u>
<i>Table 6 - Standards</i>								
a) Front Yard	<u>15m, or 20m when adjoining a state highway.</u>							
Section 58 Village Zone	58.4 Rule 11 Industrial	Support in part	The Transport Agency is concerned that permitting industrial activities in the Village Zone along state highways could adversely affect the safety and efficiency of the transport network. The Transport Agency supports including the provision Rule 11.1e) and f) which only permits industrial activities that involve no more than 100 vehicle movements per day, and only between 6am and 8pm. However, the Agency seeks that this figure is converted to equivalent car movements per day (ecm/d). Industrial activities can generate high heavy vehicle truck movements and this will be calculated more effectively through the use of ecm/d rather than vpd. ECM is defined in the Transport Agency's PPM (2007). The Transport Agency also sought relief in Section 39 to introduce the requirement for an ITA based on trip rates, this will also assist in addressing the Transport Agency's concerns.	Amend to read as follows: <i>Rule 11 Industrial</i> <i>1. Industrial is a permitted activity provided:</i> <i>a) It does not involve more than 100 ecm/d vehicle-movements-per-day; and</i> <i>b) No vehicle movements occur from 8pm and 6am.</i> And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.				
Planning Maps	All	Support		Retain zone maps as notified with the exception of specific changes being requested as a result of other Transport Agency submissions.				

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Maps 17 & 18 Whitianga	Racecourse Road rezoning from rural to residential	Oppose	The land proposed to be rezoned adjoins State Highway 25 and the S32 report does not provide justification or consideration of cumulative traffic effects on the state highway. It is not clear what the impact of the zone change will be in relation to traffic generation and how those effects are proposed to be mitigated. It is recommended that this area of land is subject to a structure plan process with rationalised access and full ITA.	Revert zoning to 'Rural' until evidence is provided which demonstrates that effects on the state highway have been assessed and mitigated. And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Maps 17, 17A and 17B	Rezoning Rural to Airfield	Support in part	The Transport Agency generally supports the conversion of 'Rural' zoned land to 'Airfield' zone for the main runway strip and adjoining land as it is more consistent with the purpose and use of the land. This support is provisional on the relief sought by the Transport Agency in Sections 39 and 40 of the Proposed Plan regarding the introduction of ITA triggers being provided. Otherwise the Transport Agency would be concerned regarding the traffic effects associated with permitted activities such as service stations, restaurants, community facilities and campgrounds.	Refer to relief sought on Sections 39 and 40.
Maps 17, 17B	Moewai Road rezoning Rural to Industrial	Oppose	This submission point relates to the rezoning of 32ha of land located approximately 400m north of the Moewai Road/SH25 intersection. The S32 report does not provide an assessment of cumulative traffic effects as a result of rezoning approximately 32 ha of rural land to industrial. Industrial activities have significantly different traffic effects than rural activities which have not been considered.	Revert zoning to 'Rural' until evidence is provided which demonstrates that effects on the state highway have been assessed and mitigated. And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.
Map 31G	Totara Valley Road and Maramarahi Road Rezoning	Oppose	This submission point relates to the rezoning of 21ha of 'Rural Future Development' zoned land and 10ha of 'Housing Low Density' zoned land within the Operative District Plan to 'Residential' in the Proposed Plan. The rezoned area is located approximately 1km from the intersection of Totara Valley Road and SH25. The S32 report does not provide an assessment of cumulative traffic effects as a result of rezoning approximately 31 ha of land to residential. The type of traffic anticipated will change as a result and effects of this on the safety	Revert zoning to 'Rural' for the previously zone "Rural Future Development" area and 'Low Density' residential for the previously 'Housing Low Density' area until evidence is provided which demonstrates that effects on the state highway have been assessed and mitigated. And consequential changes to the plan provisions and/or similar amendments to achieve the same outcome.

Section	Second level section	Support / Oppose	Reasons	Requested Decision
Appendix 2 Designation Schedule	A2.10 NZ Transport Agency	Support	and efficiency of the state highway have not been considered. The Transport Agency supports its designations as notified.	Retain as notified.
Appendix 2 Designation Schedule	A2.10 NZ Transport Agency NZTA1; NZTA2; and NZTA3	Support in part	The designation purpose has incorrectly referenced the Land Transport Management Act's name and year of enactment	Amend as follows: <i>To manage the state highway system, including planning, funding, design, supervision, construction, maintenance and operations and improvements in accordance with the Land Transport Management Act 2013 2003 and the Government Roadway Powers Act 1989.</i>

Appendix 1 Integrated Transport Assessments Information Requirements

Appendix 2 Road Classification Form and Functions

Appendix 3 The Transport Agency Access Standards Table App5B/1, 3 and 4 and Diagrams C, D and E Planning Policy Manual 2007

Appendix 4 Sign Provisions

Appendix 1. Integrated Transport Assessment (ITA) Information Requirements

(a) ITAs shall be completed by suitably qualified practitioners and should follow the approach and guidelines of NZTA Research Report 422: Integrated Transport Assessment Guidelines, November 2010.

(b) Use the following checklist to ensure all relevant information is provided.

Simple ITA checklist

Item	Item Description	Details to be included
1	Background	Description of proposed activity, purpose and intended use of ITA
2	Existing land data	Description of location, site layout, existing use, adjacent and surrounding land use
3	Existing transport data	Description of access arrangements, onsite car parking, surrounding road network (including hierarchy, traffic volumes and crash analysis). Comment on public transport, walking and cycling networks
4	Committed environmental changes	Consideration of other developments and land use in the immediate vicinity
5	Existing travel characteristics	Trip generation of existing use
6	Proposal details	Description of the proposal (site layout, operational hours, vehicle access, on site car parking, internal vehicle circulation, end of journey facilities)
7	Predicted travel data	Trip generation of proposal. Consideration of other modes
8	Appraisal of transportation effects	Assessment of safety, efficiency and environmental effects
9	Avoiding or mitigating actions	Details of any mitigating measures and revised effects
10	Compliance with policy and other frameworks	Thames Coromandel District Plan objectives, policies and rules. Assessment against other relevant local, regional and national strategies e.g. the Regional Land Transport Strategy, Regional Policy Statement.
11	Discussion and conclusions	Assessment of effects and conclusion of effects
12	Recommendations	Proposed Conditions (if any)

Broad ITA Checklist

Requirements for Broad ITA

Item	Item Description	Details to be included
1	Background Description of proposed activity	purpose and intended use of ITA, outline of any previous discussions with the Council
2	Existing land data	Description of location, site layout, existing use and consents (if any), adjacent and surrounding land use
3	Existing transport data	<ol style="list-style-type: none"> 1. Description of existing access and service arrangements, onsite car parking 2. Description of surrounding road network (including hierarchy, traffic volumes, crash analysis, congestion and intersections) 3. Description of public transport modes, walking and cycling networks
4	Committed environmental changes	Consideration of other developments and land use and transport network improvements (including public transport, walking and cycling)
5	Existing travel characteristics	Existing trip generation, modal split, assignment of trips to the network
6	Proposal details	<ol style="list-style-type: none"> 1. Description of the proposal (site layout, operational hours, vehicle access, on site car parking and drop off, internal vehicle circulation, end of journey facilities, travel demand management) 2. Construction management
7	Predicted travel data	Trip generation of proposal, modal split, trip assignment to the network, trip distribution and trip type proportions. Future traffic volumes and trip generation. Consideration of appropriate assessment year (e.g. 10 year forecast for collector and local roads: 30 year forecast for arterials)
8	Appraisal of transportation effects	Assessment of safety, efficiency, environmental, accessibility, integration and economic effects. Sensitivity testing
9	Avoiding or mitigating actions	Details of any mitigating measures and revised effects, including measures to encourage other modes. Travel planning and TDM measures and sensitivity testing mitigations
10	Compliance with policy and other frameworks	Thames Coromandel District Plan objectives, policies and rules. Detailed assessment against relevant local, regional and national strategies e.g. the Regional Land Transport Strategy, Regional Policy Statement.

11	Discussion and conclusions	Assessment of effects and conclusion of effects. Confirmation of the suitability of the location of the proposal
12	Recommendations	Proposed Conditions (if any)

Appendix 2 – Road Classification Form and Functions

Function

a) The hierarchy groups transport corridors into five main classifications based on the transportation functions they perform. These classifications are:

i. Regional Road Corridor

ii. District Arterials

iii. Collector (Urban and Rural).

iv. Local.

d) A Regional Road Corridor's principal function is the movement of significant levels of goods and people between parts of existing settlements and beyond. Inter- and intra-settlement heavy freight and through traffic should generally be directed to these corridors. This classification includes all corridors managed as Motorway or Expressway by the New Zealand Transport Agency. Property access is either non-existent or heavily controlled. Inter-city passenger transport services are expected to use these routes. Intra-city passenger transport services may traverse these routes.

e) A 'District Arterial' transport corridor's principal function is the movement of high levels of goods and people between parts of the City. Heavy freight distributing goods to parts of the City may use these corridors. Through-traffic moving between parts of the City may use these corridors. Property access is managed. Intra-city passenger transport services are likely to use these routes.

f) A 'collector' transport corridor performs both a movement and property access function. These transport corridors often move goods and people between local destinations or to higher order transport corridors for further travel. Property access is provided with few restrictions. Depending on the land use environment heavy freight and through traffic may be limited on these corridors. Intra-city passenger transport services are likely to use these routes.

g) A 'local' transport corridor's principal function is the provision of property access. The movement of goods and people is directed to higher-order transport corridors. Property access has few restrictions. The land-use environment dictates whether heavy freight movement is supported. Through-traffic is generally discouraged. Intra-city passenger transport services are unlikely to use these routes where an alternative higher-order transport corridor is available.

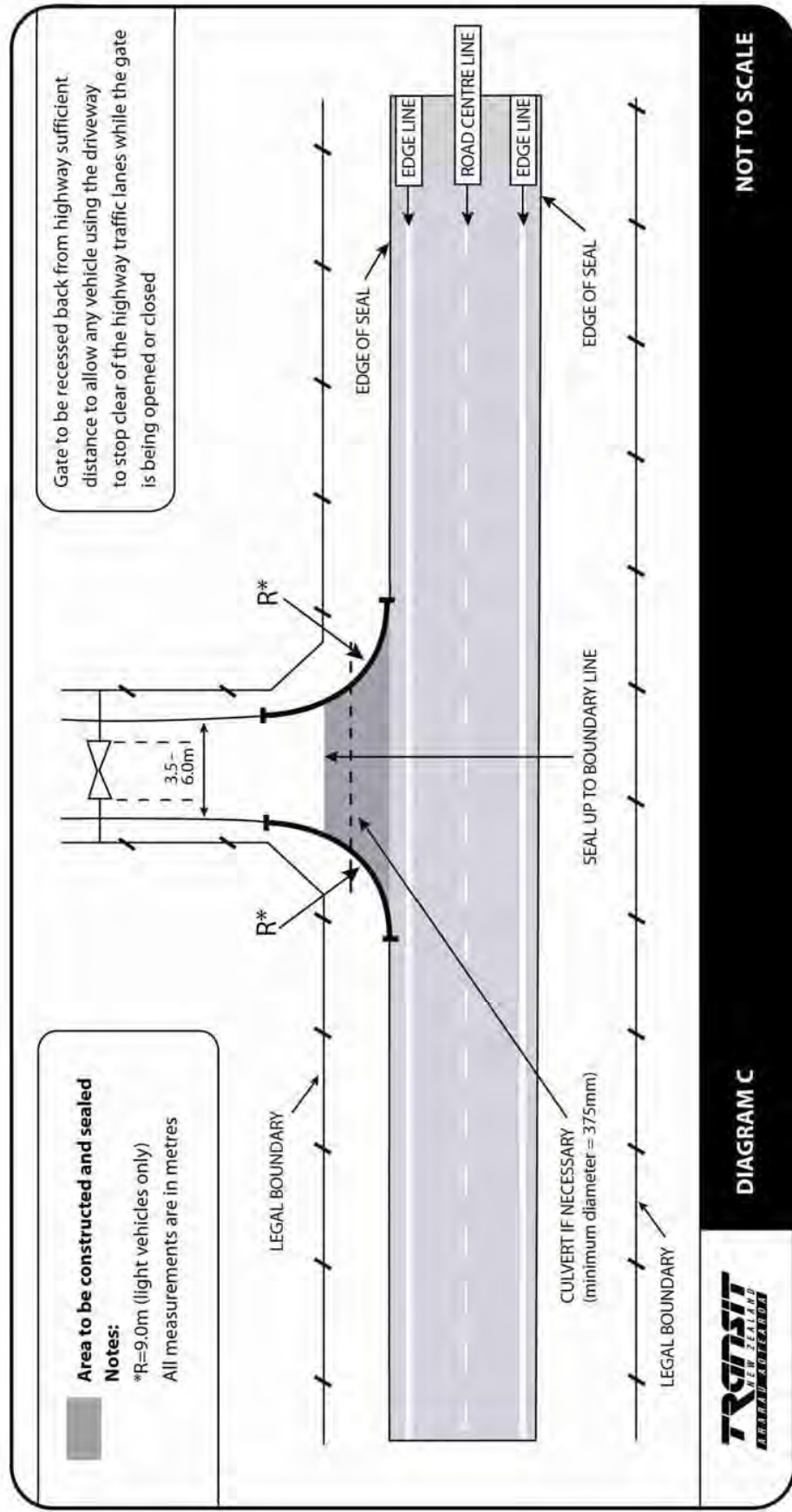
Note

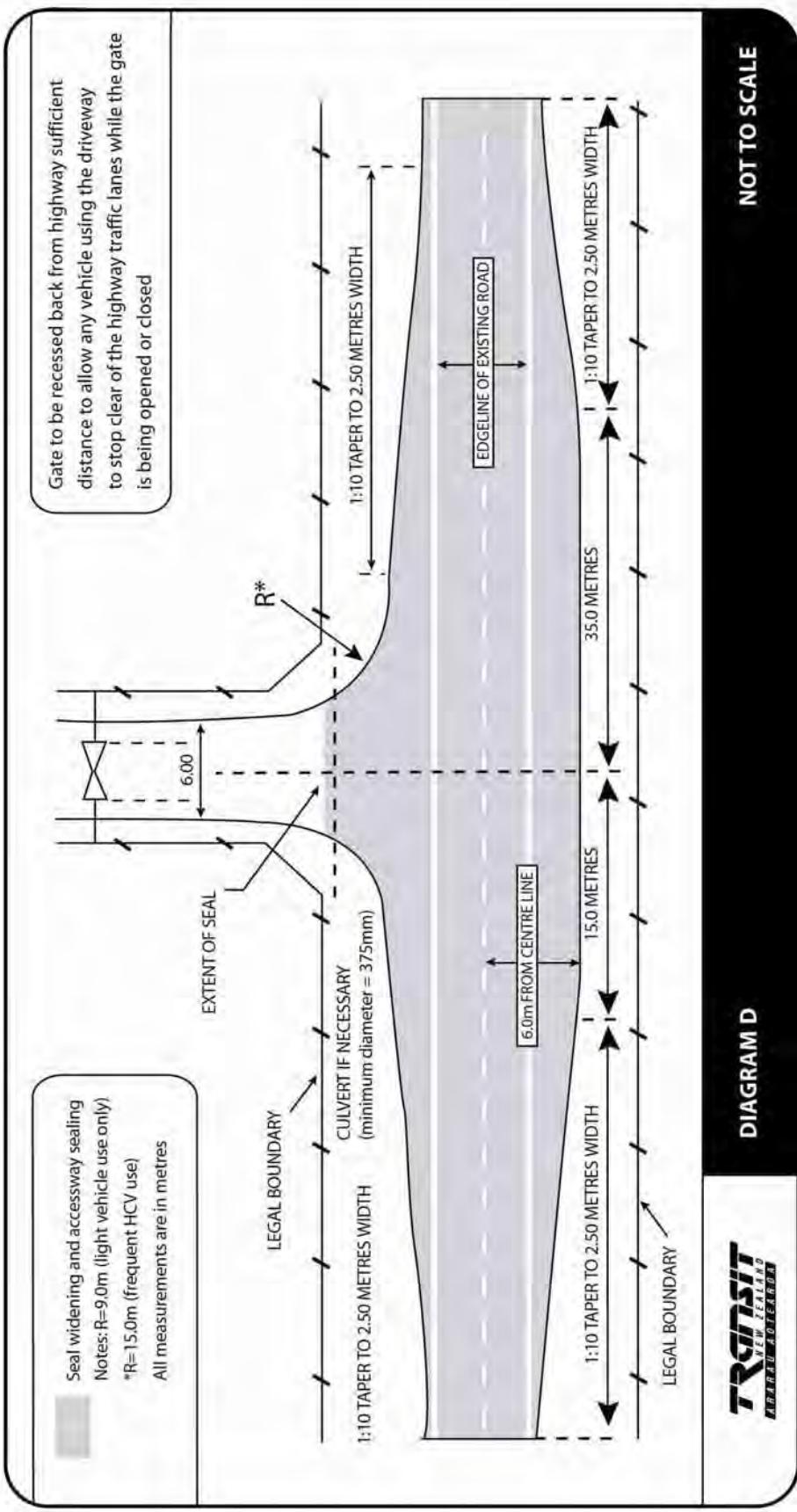
1. Shared zones (Land Transport (Road User) Rule 2004) or pedestrian malls (Section 336 of Local Government Act 1974) may be used as a means of managing the use of transport corridors in a way to give greater priority to pedestrian and cyclists. These mechanisms are very case specific and not likely to be applied generally to parts of the City. They are also unlikely to be appropriate outside of local transport corridors or Central City transport corridors within pedestrian-focus areas.

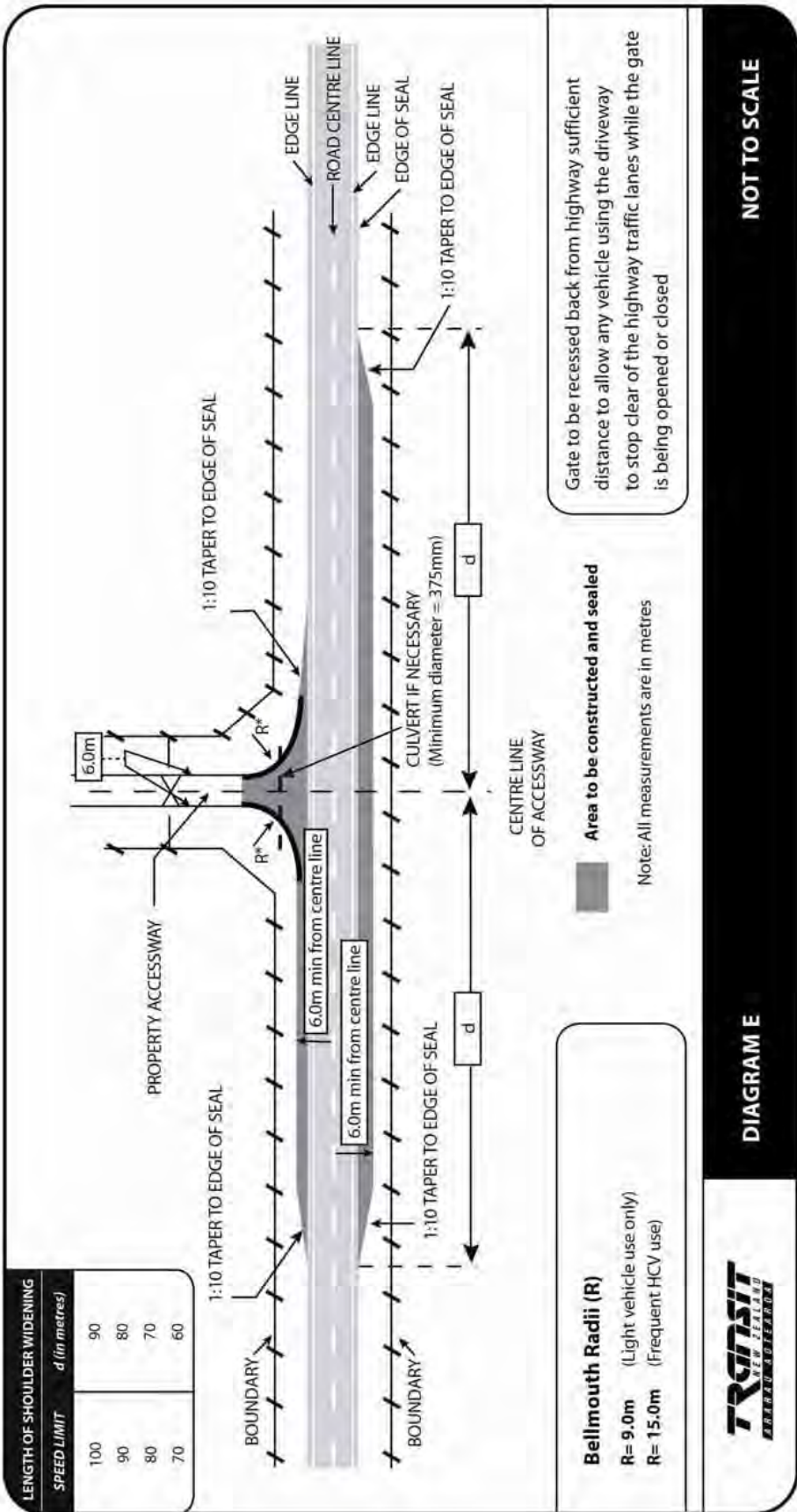
Form

The form and design elements of transport corridors are determined through the balancing of a corridor's function within the network with the needs and sensitivities of adjacent land uses.

Appendix 3 The NZ Transport Agency Planning Policy Manual Appendix 5 B - Accessway Standards and Guidelines Diagrams C, D and E







Appendix 4 Signs Section Example

Objective 1 Signs do not compromise visual amenity and transport safety.

Policy a The number, size, location and appearance of signs visible from public places shall maintain the character of the area.

Policy b Signs shall not create adverse effects from illumination, light spill, flashing or reflection.

Policy c Messages or images on signs visible from transport corridors shall not confuse or distract transport corridor users.

XX.1 Signs

Signs and other outdoor advertising displays are important for communicating information to the public. In particular they provide directions, identify premises, assist businesses in selling goods and services, and promote events and activities.

The quality and location of signs have the potential to contribute positively to an area but also have the potential to create adverse visual effects, particularly in areas where high amenity levels are expected. The location of signs, particularly on or adjacent to transport corridors, also has the potential to adversely affect traffic safety. The District Plan controls signs to preserve accepted levels of amenity and safety. In particular, the District Plan controls high-intensity signs in all zones

XX.2 Activity Table and User Information

(Include standard blurb on how rules apply)

Activity	Rule
a) <u>Temporary signs</u>	R1
b) <u>Low-intensity signs</u>	R1
c) Any low-intensity sign which is not visible from beyond the site on which it is located	R1
d) Traffic control devices and signs erected by a public authority	R1
e) Safety signs required to meet legislative requirements	R1
f) <u>Medium or High-intensity signs</u>	R2

xx.3 PERMITTED ACTIVITIES

Rule 1 Temporary, Low intensity, Safety and Traffic Control Devices and Signs

Temporary signs

Low intensity signs

Traffic Control devices and signs

Safety signs

1. An activity listed in Rule 1 is a permitted activity provided:
 - a) It meets the standards in Table 1 at the end of Section XX; An activity that is not permitted under Rule 1 is a restricted discretionary activity.
3. The Council restricts its discretion to matter XXX in Table XX at the end of Section XX. Rule 2 Discretionary

XX.4 DISCRETIONARY ACTIVITIES

Rule 2 High Intensity Signs

High Intensity Signs are a discretionary activity.

Note

Signs on state highways are controlled under the New Zealand Transport Agency's 'Manual of Traffic Signs' and 'Markings and Traffic Control Devices Manual'.

XX.5 Assessment Standards, Matters and Criteria

Table 2 Standards for Signs	
a)	Signs that are not visible from outside the site on which they are located
b)	Signs shall not project over a transport corridor or be located within a transport corridor, other than a traffic sign or safety sign erected by, or at the direction of, a public authority or a sign controlled under a Council bylaw.
c)	Signs shall not be placed so they block sight distances at intersections or driveways.
d)	Signs should not create a distraction to motorists.
e)	Signs shall not be required to meet the setback requirements specified in the underlying zone rules.
f)	No illuminated sign shall produce: <ol style="list-style-type: none"> i) More than 1000 candelas/m² for signs less than 10m² in area. ii) More than 800 candelas/m² for signs equal to or greater than 10m² in area.
g)	Any sign shall conform to the luminance levels in Table 2f) if the face of the sign is: <ol style="list-style-type: none"> i) Within 20m of a transport corridor and 20 degrees of either side of a motorist's or train driver's line of sight, or ii) At a transport corridor intersection or railway level crossing.
h)	The lighting filament used to light any sign shall not be visible from any point measured within 2m of ground level
i)	Low Intensity Signs (a) A sign stating occupant's name, occupation, or property name limited to a maximum area of 0.5m ² .
J)	In Rural, Rural Lifestyle, Recreational and Open Space Zones Signs up to a maximum

	cumulative area of 3m ² per lot for the purposes of advertising the services offered or the sale of goods/produce manufactured or grown on the lot (stalls) on which the signs are to be located.
k)	In Commercial, Gateway and Industrial, Light Industrial Zones: i) One freestanding sign not exceeding 10m in height, and up to 2m in width. ii) One freestanding sign not exceeding 3m in height and 2m in width for every 30 linear metres of road frontage. iii) Signs, whether painted or attached, covering up to 30% of each wall of the building, within the profile of the building.

Matter		Assessment Criteria	
1	Effects of not meeting the standard(s)	a)	Whether methods, if any, taken to address the adverse effects of not meeting the standard(s) are effective.
2	Effects on the safety of the transport network	a)	The extent to which the location, size, type and content of the sign or signs would create a potential traffic hazard and adversely compromise traffic safety by distracting drivers.
3	Sign location, size, type and content		The extent to which the location, size, type and content of the sign has adverse effects on the locality by contributing to visual clutter or detracting from the existing character of an area.
4	Integrated signs		The extent to which the proposed sign visually integrates into the surrounding environment taking into account the materials used, the colour and design of the sign, associated support structures and the scale and nature of landscaping.
5	New signage reducing number of signs on site		The extent to which the new sign results in a number of other existing signs being removed from the site.

Introduce definitions

“Sign/Signage” means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance or any other things of similar nature to attract attention for advertising or information purposes, and shall include all parts, portions, units and materials composing the same, together with the frame, background, structure and support or anchorage thereof, and shall also include any of the foregoing things when displayed on a stationary vehicle but shall exclude all traffic signs as detailed in the Fourth Schedule of the Traffic Regulations 1976.

For the purpose of the provisions within Section XX, the definition of Sign is further divided into three following types.

- Low Intensity Signs – Signs which are painted or similar and have no illumination and low reflectivity.
- Medium Intensity Signs – Signs which incorporate a static illuminated sign, device or symbol.
- High Intensity Signs– Active signs which incorporate illumination which has a flashing or moving component

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)		
or Organisation (if relevant)	Harbour Terraces Ltd	
Email Address	btrail@surveyingservices.co.nz	
Postal Address	40 Surveying Services Ltd PO Box 201, Paeroa 3640	
Phone no. <small>include area code</small>	07 862 8963	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)

Please see attached 2 pages

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 B. Trail Date _____

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

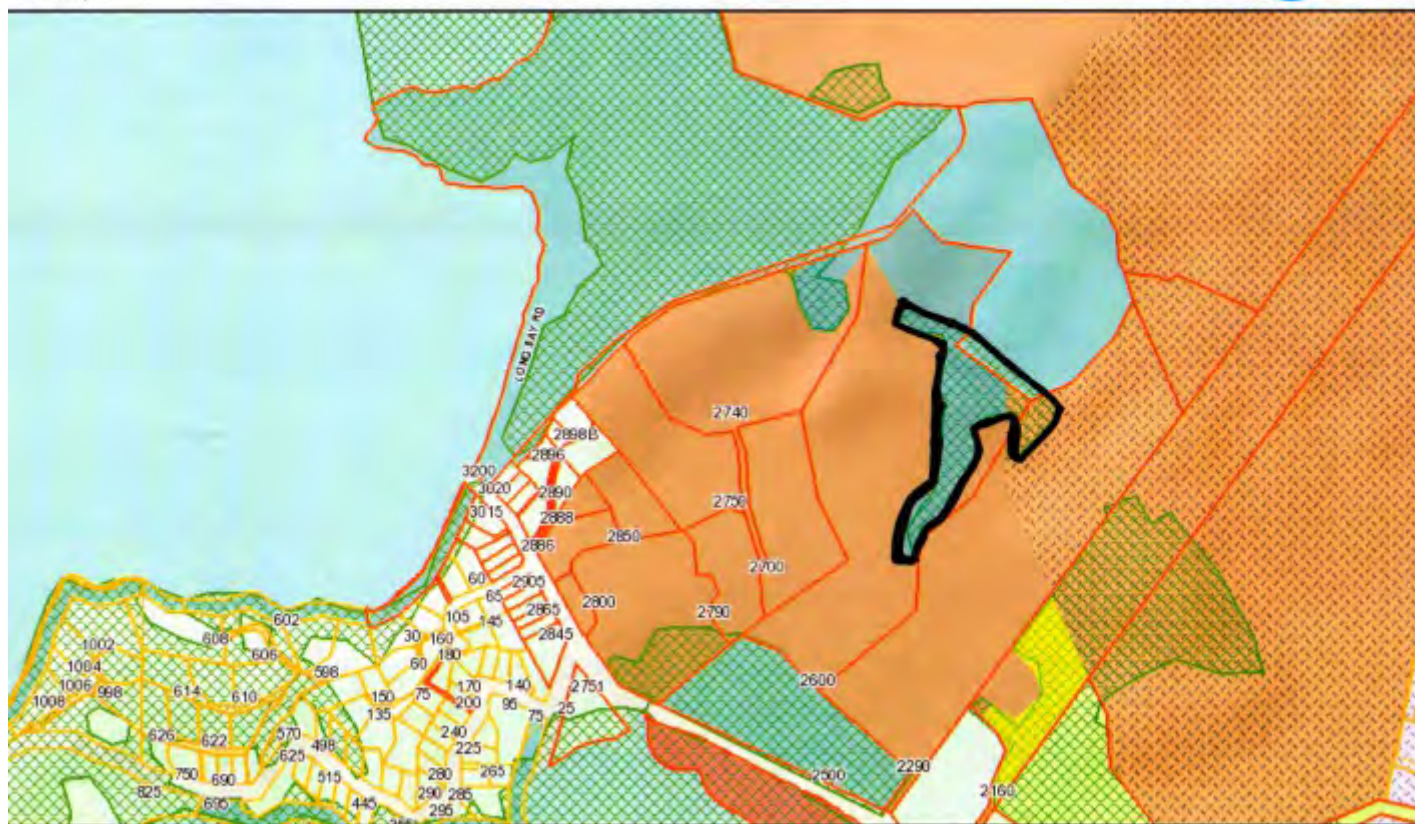
TCDC Proposed District Plan Submissions
Terraces Ltd

Harbour

Section/ Rule	Support/ Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
Planning Map 10C - 2600 Long Bay Rd, Coromandel: Lot 2 DPS 48837	O	Not appropriate as this area is mature eucalyptus.	Remove the two overlays (Natural Character overlay & Location for Conservation Lot) in the area outlined in black on my property on the below map. Retain Location for Conservation Lot in the northern part of the property.

rint

Size A4
Wednesday, 12 March 2014
12:51:50 p.m.



Scale: 1:7500

Projection: NZGD2000 / New Zealand Transverse

Photography sourced from NZ Aerial Mapping Ltd. Cadastral information from LINZ Core Record System (CRS). Crown Copyright reserved. Geographic information shown on this map comes from Thames-Coromandel District Council's records. It is published in good faith but its accuracy and completeness cannot be guaranteed and should not be relied upon without independent verification. For further information please contact the Council's GIS Department (phone (07) 868 0200, E-Mail customer.services@tcdc.govt.nz).

Proposed Thames-Coromandel District Plan



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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)	Jacko Van Dyk	
or Organisation (if relevant)		
Email Address	btrail@surveyingservices.co.nz	
Postal Address	% Surveying Services Ltd PO Box 201, Paeroa 3640	
Phone no. <small>include area code</small>	07 862 8963	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)

Please see attached pages

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 B. Trail Date 13/3/14

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

Trade Competition

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

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

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

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

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

If you require further information about the Proposed District Plan please visit the Council website www.tcdc.govt.nz/dpr

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



Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
PART I			
3			
Minor unit	O	The 50m ² size does not, in my opinion, allow for a sensible size minor dwelling. I believe that this size needs to be increased by at least 50% to say 80 square metres. This would allow for a decent design, including a separate bedroom or hobby room. This would allow the occupant to enjoy a reasonable amenity and perhaps even accommodate a guest a times.	Increase maximum size to 80m ²
PART VII			
38.4			
RULE 2			
1.	S	Controlled activity	Controlled
a)	O	This is extremely low and as long as other points achieved it is not so relevant	Replace 5% with 20%
b)	S		
c)	S		
d)	A	Boundary adjustments can involve several lots at times.	Amend to “ The adjustment involves a common boundary(s) between two or more contiguous lots; and”
e)	S		
2.	S		
3.	S		
Insert a boundary relocation rule		Often we are required to move title and change significantly in size. This produces no more titles but may make the land more 'Productive'	Add Boundary relocation as a controlled activity.

TCDC Proposed District Plan Submissions

J Van Dyk

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
RULE 3			
1.	S		
2.	S		
RULE 4			
1.	S - A		Alter as follows:
a)	A	There is not one "requiring authority" especially in the case of telecommunications.	Amend to "The applicant is a bona fide network utility supplier; and"
b)	S		
c)	O	covered in 2. below	Delete
d)	O	not needed – irrelevant with 2. below	Delete
2.	S		
3.	S		
38.6			
RULE 9			
1.	S		
2.	S		
RULE 10			
1.	S		Support discretionary status
a)	A		Add "Protection of existing ecosystem"
(i) to (vi)			
vi)			Add to end "including estuarine wetland."
b)	A	There is a variety of means of protection included in a) i-vi.	Delete "set aside for restoration or enhancement and protection" and replace with "protected".

TCDC Proposed District Plan Submissions

J Van Dyk

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
c)	S		
d)	S		
i)	S		
ii)	A		Add after enhancement "or protection"
iii)	A		Amend to "... the steps to be taken to create, restore or enhance the area/feature and/or its ongoing to ensure that the biodiversity is enhanced or maintained."
iv)	S		
e)	S		
f)	O	There should be no limit to the number. This rule is win/win for the owner and community alike. Some real environmental results are seen from these subdivisions and it is often the only way to protect these features.	Delete f) or add a number that will be more effective in protecting all this endangered area. I suggest 10 lots
2.	S	Subject to deletion or amendment of f) above.	Delete or amend f) above
RULE 11			
1.	S		
a)	A	There will be cases where the land on a title with ecological assets does not suit subdivision or the owner will not subdivide. Other land titles have potential for good lifestyle properties (on easy land). A deal should be able to be done between landowners to enable the simultaneous protection and subdivision in different properties. Under these rules this could be achieved between adjoining properties but more flexibility is needed to achieve a better outcome.	Provide for transferable rights from another title that provides protection of a feature. Add: "... subdivided or another site in the zone offers..."
b)	S		
c)	S		
d)	A		

TCDC Proposed District Plan Submissions

J Van Dyk

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
i)-iii)	S		
iv)	A	In some cases, due to management practices and Health & Safety, it is not appropriate to have full time access.	Add iv) The landowner requires continued access and control of the land with restricted public access allowed only
38.7			
15.a)	O	The table should recognise the ability to subdivide down to 5000m ² in some circumstances.	Add: "or 5000m ² with at least 5000m ² ecological covenant."
b)	O	I can't see how this is appropriate - the boundary of a lot has no effect on conservation zone. Perhaps you intend to keep the houses back from the zone boundary.	Delete, or make rule stipulate any building site is 40m from conservation zone.
16.a) - b)	S		
17.a) - c)	S		
Table 3		It would help to reference Table 2 in this list of standards.	Add compliance with Table 2 – Subdivision standards
1.a) - c)	S		
2.a)	O	Several wireless and mobile services, including mobile broadband, exist now. Fixed wire telecommunication is no longer needed by all. This should be deleted. Provided for in Table 5.3(c) - "provided remotely".	Delete "telecommunications"
3.a) - c)	S		
4.a)	S		
Table 4			
1.	S		
2.	O	Several wireless and mobile services, including mobile broadband, exist now. Fixed wire telecommunication is no longer needed by all.	Delete "telecommunications"

TCDC Proposed District Plan Submissions

J Van Dyk

Section/ Rule	Support/Oppose/ Amend (S/O/A)	Reason	Suggestion (Retain/Delete/Amend)
		This should be deleted. Provided for in Table 5.3(c) - "provided remotely".	
3. - 12.	S		
Table 5	S		
39.2			
RULE 1-4	S		
Table 1	O	Individual driveways need a specification and the 1:4 or 25% used in operative plan is appropriate for a permitted activity.	Insert a provision for Internal Access for 1 lot to be at a maximum grade of 1:4.
Table 2			
1.	O	Individual driveways need a specification and the 1:4 or 25% used in operative plan is appropriate for a permitted activity.	Insert a provision for Internal Access for 1 lot to be at a maximum grade of 1:4.
2.	O	The area has steep contour and 20% (1:5) grades are needed. This avoids excessive cut/fill batters when contouring around hillsides. A sealed access at this 1:5 grade is accessible by all vehicles including emergency vehicles. Sealing grades steeper than 16.7% should always be required. Sealing of grades 16.7% or flatter should only be required if the written approval of all users cannot be obtained.	Change to the same specifications as for 1. Table 2 – this could be one specification for all private ways 1 to 8 lots. The existing specifications in 1 and 2 Table 2 are so similar except for limit of 16.7% for 5-8 lots.



Ngaati Whanaunga Submission on the proposed Thames Coromandel District Plan

Ngaati Whanaunga Incorporated Society
P.O. Box 160, Coromandel

To: District Plan Submissions Team
Thames-Coromandel District Council
Private Bag
Thames
3540
New Zealand

By email customer.services@tcdc.govt.nz

Tēnā koutou

We lodge this, our submission on the proposed Thames Coromandel District Plan.

Ngāti Whanaunga

Ngāti Whanaunga is one of the four Marutuahū iwi, and like the other Marutuahū iwi, Ngāti Tamatera, Ngāti Paoa and Ngāti Maru, holds substantial mana whenua interests across the Thames Coromandel District and all surrounding ones. We similarly hold mana moana for substantial areas of Council's coastline and several of the harbours.

We have been active participants in RMA matters since the Act's passing, and have suffered severely from many decisions of this council, the Waikato Regional Council, and central government agencies under the existing District Plan. It is in this light that we have approached the review of the proposed Plan, with an eye on the likelihood proposed arrangements will better accommodate a Māori perspective and aspirations, and protect Ngāti Whanaunga values and interests.

We note that some improvement has been made to the draft plan, and it would appear that some of the issues we and other iwi raised have been addressed. We accordingly give support or partial support to aspects of the plan in this submission. However, there remain a number of previously raised concerns that have not materially been addressed. These matters are raised again here, along with additional recommendations arising out of the final wording of the proposed plan.

At this time we are heading toward the conclusion of negotiations toward settlement of outstanding historic Treaty claims, results of which will be greater participation in local government decision making, statutory acknowledgements across our rohe, and some land. We acknowledge that Council has made some effort within this plan to address a post settlement environment, but comment within this submission on the adequacy of measures intended.

Ngāti Whanaunga observations and recommendations for the TCDC Proposed District Plan are as per the following table.

District Plan Provision	Support / Oppose	Discussion	Relief Sought
<p>Key Submission Themes</p> <p>In this section key submission themes are highlighted by Ngāti Whanaunga to emphasise the significance of the issue. While no specific relief is sought for the key submission themes, they will be given effect through the acceptance of the relief sought in the subsequent sections of the submission.</p>			
<p>Mana whenua - Tribal authority and management of ancestral lands</p>	<p>Support in part</p>	<p>Ngāti Whanaunga does not have any kind of formalised relationship with TCDC, nor participation in the management of any of our significant ancestral lands, including those owned by TCDC.</p> <p>Despite previous plan specific provision for the transfer or delegation of functions to iwi, not one such arrangement took place.</p> <p>Council still has no mana whenua forum or similar.</p> <p>This plan must be proactive in its recognition of and provision for mana whenua. It goes some way toward this, for which we indicate support.</p>	<p>Give effect to the relief sought in this submission.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>If the many opportunities for Mana whenua participation in the management of ancestral lands are to be realised the Plan must provide clear means by which this is to happen. Section 33 and Heritage Orders are available instruments. Further changes are suggested below.</p>	
<p>Kaitiakitanga - Council has obligations under the RMA in terms of kaitiakitanga, but Māori customary rights and values are protected both as customary law, under the Treaty, and in statute. Take a wider view.</p>	<p>Support in part</p>	<p>Kaitiakitanga is larger than a statutory provision, it is our continued practice of environmental management. It includes bundles of customary rights that we continue to exercise, and tangata whenua strive on a daily basis to fulfil obligations to tupuna and mokopuna alike to preserve and improve our places. Past plans have failed to do this. Plan provisions should look past trying to replicate the wording of RMA section 7a. Our district wide planning effort should be substantially informed by mātauranga Māori, and methods used successfully for millennia for balancing the needs of people and their environment should inform our management decisions today - they are simply not heard. We make specific observations about the kaitiaki provisions below, suggesting specific remedies there.</p>	<p>Give effect to the relief sought in this submission.</p>
<p>Wāhi Tapu - Wāhi Tupuna</p>	<p>Support in part</p>	<p>Council goes some way toward a plan that will give likely protection to our treasured and ever diminishing cultural landscape, in particular ancestral sites and places.</p>	<p>Give effect to the relief sought in this submission.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
Ancestral and sacred places		<p>Again, we can point to numerous instances in the life of the last plan where Ngāti Whanaunga fought to preserve wāhi tupuna and failed. Sites are routinely destroyed, the statutory instruments did not deliver what they promised.</p> <p>Council is ignorant as to the state of Māori heritage across its district despite being a Heritage Authority.</p> <p>Opportunities for significantly increasing this knowledge were recently lost, when TCDC refused to contribute a share of resourcing an NZAA field upgrade of its sites database information.</p> <p>Council has commissioned a non-Māori historian to write a history report, but despite numerous calls so far refused to commission similar work for/by Māori.</p>	
Mauri -	Support in part	<p>The waterways and coastal waters of the district continue to be in poor condition, and their various mauri degraded.</p> <p>Some proposed provisions throughout the plan would seem to provide an anticipation of improved practices and the potential for a restoration of both lands and waters within the district. These we support.</p> <p>However, other provisions across a large number of sections might be improved, and we comment to the extent we can below.</p> <p>References to tikanga and mātauranga, critical to addressing concepts like the health of mauri are rare in</p>	Give effect to the relief sought in this submission.

District Plan Provision	Support / Oppose	Discussion	Relief Sought
Utu -	Oppose	<p>the plan.</p> <p>While it is generally accepted that the RMA is a balancing act, balancing between the rights of property owners compared to those of the wider community, and the needs of people in terms of the needs of the environment itself.</p> <p>Utu is a primary component of kaitiakitanga, being the need for a maintenance of balance.</p> <p>Utu is not acknowledged nor mentioned in the proposed district plan, although "balance" is mentioned 14 times, mostly in relation to balance lots, but also in the manner described above.</p> <p>For example at 7.2, dealing with the coastal environment overlay, issue 1 is " <i>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</i>".</p> <p>Putting aside that the paragraph is worryingly complex, and open to multiple interpretation, in the numerous instances we see coastal subdivision prevail, we know that Māori values are light on the scales, and we are doubly impacted by a refusal of councils and the courts to properly quantify and compensate Māori for their continual loss.</p>	<p>Incorporate acknowledgement of the Māori concept of utu as being an important principle in the regulation of the needs of people versus those of the environment.</p> <p>Give effect to the relief sought in this submission.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>This is the final part of the kaitiakitanga approach <i>Take - Utu - Ea</i>, advocated by respected Māori elder and academic Hirini Mead, who considers utu to be a component in a three stage process he describes as take, utu, ea:</p> <p><i>Utu is a response to a take and once the take is admitted the aim is to reach a state of ea, which might be translated as restoring balance and thereby maintaining whanaungatanga. (Mead, H. Tikanga Māori: Living by Māori Values, 2003)</i></p>	
Te Tereti -	Support in part	<p>Current Treaty claims negotiations are near completion, and settlement apparently close.</p> <p>It is supported that Council acknowledges upcoming settlements in the proposed Plan.</p> <p>Apart from some introductory references, there are no Treaty specific issues, objectives or policies</p>	Give effect to the relief sought in this submission.
Submission process	Support	<p>Ngāti Whanaunga strongly supports the use of pre-hearing mediation sessions as a method for discussing and finding agreed outcomes for key areas of concern.</p>	Support the use of pre-hearing mediation.
General submissions			
Entire District Plan	Support	<p>The Plan generally supports achievement of Ngāti Whanaunga aspirations. For this reason, Ngāti Whanaunga supports the overall direction of the Plan.</p>	Retain the Plan as notified subject to the amendments sought in this submission.

District Plan Provision	Support / Oppose	Discussion	Relief Sought
Entire District Plan	Support in part	<p>The Plan provides direction on how resource management issues within the district will be managed and addressed.</p> <p>The efficiency and effectiveness of the Plan in addressing the issues relies on the success of its implementation, monitoring and evaluation. This places an obligation on council to ensure implementation of regulatory and non-regulatory methods identified in the Plan are appropriately resourced and monitored - noting that while the Plan is one of the main tools available to council for achieving positive resource management outcomes there are other opportunities available to achieve key objectives (such as the waiving of council fees, education and advocacy, and rates relief).</p>	<p>Ensure appropriate provision is made within relevant council policies, strategies and budgets for the implementation, monitoring and evaluation of the Plan.</p>
Entire District Plan	Support in part	<p>Ngāti Whanaunga remains concerned with the lack of integration horizontally across the objectives and policies of the Plan, and vertically through the methods and rule framework. It is apparent that the Plan has been developed in sections and amalgamation of these sections has resulted in the integration 'gaps'.</p> <p>Ngāti Whanaunga is concerned at the lack of Māori perspectives included in the many non-Māori-specific sections, which are nevertheless of particular concern to Māori.</p> <p>Biodiversity is an example, the section is void of any Māori perspective, issue, or measure, notwithstanding</p>	<p>Ensure there is integration both horizontally and vertically in the Plan in relation to provisions for Māori. For example, where consideration of Mana Whenua values forms part of the objective and policy framework this needs to be reflected in the relevant rule assessment criteria for controlled and discretionary activities.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>that those included may be important to Māori and the wider community. In contrast, from section 17.3 Policy 1a, readers of the tangata whenua section are informed of the need to refer to, amongst other things biodiversity.</p> <p>As discussed below, nor are there links to Māori-specific sections in which relevant Māori views and protections might be found.</p>	
Entire District Plan	Support in part	<p>Ngāti Whanaunga remains concerned also with adverse effects from activities impacting on customary values, papakāinga and marae on adjoining sites. Adverse cultural effects from incompatible activities from adjoining sites can impact on the cultural values and customary use of a site and must be avoided, remedied or mitigated. Provisions to this effect should be included in the Plan.</p>	<p>Provisions are included in the Plan that recognise adverse effects from activities on adjoining sites can impact on cultural and customary uses, specifically the use and development of Māori and Treaty settlement land, Māori Purpose zones and sites and places with customary values.</p>
Entire District Plan	Support in part	<p>Ngāti Whanaunga is also concerned about difficulties faced by decision makers in assessing cumulative effects, particularly where these involve intangible matters as is often the case for Māori related effects.</p> <p>There are limited attempts at addressing cumulative effects, for example in relation to natural character, habitat preservation, or significant historic heritage places, which should be similarly stated in relation to each of the Māori-relevant issues.</p>	<p>That provisions are included in the plan emphasising the difficulty is identifying and assessing cumulative effects on Māori cultural values, and providing advice as to how this might be done.</p> <p>Add new policy provisions requiring that consideration be given to the difficulty of assessing Māori cultural effects, and in particular cumulative effects, and guidance material should be developed for this purpose in consultation with tangata whenua.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
Entire District Plan	Oppose	<p>Ngāti Whanaunga supports the development of 'ancestral rohe' maps as a means to inform where the resource management interests of Mana Whenua are. This will assist with the implementation of processes included in the Plan. Any information of this nature must be developed in conjunction with Mana Whenua.</p> <p>Iwi have long been talking to TCDC about such maps.</p> <p>These could constitute an overlay, that is of a different nature to the heritage overlay, including other cultural values than just historic sites</p>	<p>Include 'ancestral rohe' maps as a non-statutory map layer, or alternatively include a new method in the Plan identifying that ancestral rohe maps will be developed as a non-statutory map layer.</p> <p>In either case the maps must be developed in conjunction with Mana Whenua.</p>
Entire District Plan Methods	Support in part	<p>There are insufficient methods provided for many of the Māori issues, objectives, and policies that are identified below, so as to provide any confidence that those implementing the Plan might achieve Māori objectives.</p> <p>Difficulties in assessing likely effectiveness of methods, including rules, is compounded by the lack of clear navigation tools.</p>	<p>A systematic assessment of the methods (including rules) identified for the Māori-specific issues, objectives, and policies that are separately identified in this submission, to determine their combined likely effectiveness in achieving stated objectives for Māori.</p>
Entire District Plan Anticipated Environmental Results	Oppose	<p>Council has abandoned the use of Anticipated Environmental Results. These are a means by which environmental outcomes and plan effectiveness can be measured.</p> <p>Ngāti Whanaunga and others have previously criticised Council for failing to monitor and report on</p>	<p>The reinstatement of Anticipated Environmental results across the plan, or their replacement with similar indicators.</p> <p>An undertaking in the plan that Council will facilitate the development of Māori environmental</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		environmental outcomes. AERs are an important tool for such monitoring and reporting.	indicators.
Entire District Plan	Support in part	Ngāti Whanaunga recognises that as a result of the relief sought in this submission there may be consequential amendments required in other parts of the Plan.	Make any consequential amendments required to give effect to the relief sought in this submission.
Entire District Plan	Support in part	Navigation of the plan remains difficult, for example if seeking an overview of relevant Māori provisions that might be triggered by a particular activity. Lack of clear linkages across sections impede the plan's easy and effective use. See below.	Provide a consistent plan mapping approach, such as an advance schematic explaining the many inter-linkages and tables and indices in each section for linking related provisions across the various chapters and parts of the plan.
Part 1 – Introduction			
Section 1			
General	Support	Overall	
Section 1.4	Support in part	Council should insist on ensuring that effects are minor, particularly for non-complying consents by maintaining both bottom lines	Non-complying activities require resource consent. The Council may grant or refuse consent to a noncomplying activity and, if granting consent, may impose conditions. The Council may only approve an application for a non-complying activity if the adverse effects on the environment are no more than minor and the activity will not be contrary to the objectives and policies of the Plan.

District Plan Provision	Support / Oppose	Discussion	Relief Sought
1.6 How to use the District Plan	Support in part	Gives a fair map for the reader intending to navigate the plan.	Improved section navigation matrix or similar approach
Section 3 - Definitions			
Section 3	Support in part	<p>There are few Māori words definitions provided. Most that are referred to sit within other definitions, for example wāhi tapu under <i>Historic Heritage</i></p> <p>The definition for marae recognises that these are functioning centres of Māori communities, this is supported</p>	Increased number or separate glossary for Māori terms used in the plan. An appropriate list to be determined after finalisation of plan from this process in combination with local iwi.
Papakāinga	Oppose	A definition should be provided for Papakāinga. Papakāinga draw on a completely different social housing approach, including notions of shared responsibility, shared resources (such as communal lands) and reciprocity	Add a definition for Papakāinga, recognising that this is more than just a collection of houses, it may include communal buildings and home business facilities
Section 5 - Cross Boundary Issues			
Section 5	Support in part	Iwi authorities and the Hauraki Gulf Forum (HGF) are recognised, along with other councils and Crown agencies, as having resource management functions and responsibilities across the district and its boundaries.	

District Plan Provision	Support / Oppose	Discussion	Relief Sought
5.2 ISSUES	Support in part	Should be issue specifically identifying the numerous iwi whose rohe take in TCDC, and those within it. There are administrative and legal issues stemming from the nature of the Hauraki iwi rohe that the Plan should acknowledge.	Add Issue 5 - articulating issues falling out of the complex pattern of numerous iwi with interests across TCDC boundaries.
5.3 Processes	Support in part	<p>Note that following identification of iwi amongst the responsible authorities that 5.3 Process 3 states:</p> <p><i>Identification of opportunities for the transfer of functions between the two authorities where the particular circumstances indicate that a transfer of functions would result in more efficient, effective and integrated resource management.</i></p> <p>However more explicit statements of intention to transfer, delegate or share management responsibilities with iwi is sought. Furthermore all processes should be read to include iwi where other agencies are referred to.</p> <p>Note that processes 7 and 8 relate to Treaty claims settlements and iwi planning documents. These both support our suggestion of an iwi cross boundary issue, and require substantial bolstering. For example, all the other agencies are identified for cooperation or relationship arrangements of some sort, for Māori Council will consider Treaty settlements and iwi plans.</p>	<p>Bolster consideration of Māori cross boundary issues and processes for dealing with these</p> <p>Make clear that iwi authorities are treated in the same manner as other agencies listed at 5.1 as pertains to 5.3 processes.</p> <p>Iwi relationships should be included as a means of addressing Māori cross boundary issues.</p>
Part II - OVERLAY ISSUES, OBJECTIVES AND POLICIES			

District Plan Provision	Support / Oppose	Discussion	Relief Sought
Section 6 - Biodiversity			
Section 6 - Biodiversity General	Oppose	Apart from a vague reference lost to cultural values as one of the biodiversity loss consequences the section includes no mention of the very important aspects of biodiversity for Māori, or what this means from a Māori perspective, or consideration of Māori management approaches and associated knowledge.	Add introductory Māori perspective on biodiversity Biodiversity issues, objectives and policies need to include Māori-specific responses to pressures on biodiversity This is just one area for which Māori cultural indicators need to be developed in conjunction with tangata whenua.
Section 7 - Coastal Environment			
Section 7 - Coastal Environment General	Support in part	Background includes acknowledgement " <i>Tāngata whenua in the District also have an on-going and enduring relationship with the Coastal Environment which requires specific recognition</i> ". Single issue regarding the coast too generic, should be specific articulation of Māori coastal issues	
7.3 OBJECTIVES AND POLICIES	Support in part	Single objective relates to subdivision, use and development in the Coastal Environment This is entirely reactive - objective should be included aspiring to improved coastlines that is not conditional upon subdivision use and development.	Single Māori-related provision in the objective requires that subdivision, use and development "Recognises the relationship of tāngata whenua with the Coastal Environment" Need to articulate Māori objective for the coastal environment - We are happy to discuss wording

District Plan Provision	Support / Oppose	Discussion	Relief Sought
Policies	Oppose	No coastal environment specific policies. While policies are referred to in 7 other sections, the coastal environment is of such significance it should have its own, retaining links to the other sections where needed.	Bring key coastal environment related policies back to this section
Section 8 - Historic Heritage: Archaeological Sites; Māori Cultural Sites; Historic Heritage Items and Historic Heritage Areas			
8.1 BACKGROUND	Support in part	<p>Background states that <i>"The District has in excess of 11,000 archaeological sites"</i>, and then refers to the NZAA database for this number. The NZAA database includes recorded archaeological sites only, and prominent Hauraki archaeologists have suggested that, for the Eastern seaboard for example, that this might be only a small fraction of actual sites.</p> <p>This is immediately followed by <i>"In the Plan twenty-five archaeological sites and areas are included for protection. These sites and areas have been assessed as meeting the "Criteria for Determining Significance of Natural and Cultural Heritage Resources" in the Waikato Regional Policy Statement (RPS)."</i></p> <p>This gives the impression that only 25 of the tens of thousands of sites met the significance criteria. This is nonsense, the reason few sites are in the plan is that iwi refuse to list their sites with TCDC.</p> <p>8.1.1 states also <i>"The locations listed in the</i></p>	<p>Rephrase background to state "The District has in excess of 11,000 recorded archaeological sites".</p> <p>Indicate that this is likely to represent a small proportion of actual sites.</p> <p>Separate these paragraphs, make clear that there are currently few sites as these have not been registered by iwi, and that this decision has nothing to do with the WRC standard.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p><i>Archaeological Sites Schedule and Māori Cultural Sites Schedule represent some of the most significant heritage resources in the District</i>".</p> <p>Council has no basis for making this claim, and numerous Ngāti Whanaunga sites that we consider of the utmost significance are not listed.</p>	<p>Loose comparative statement.</p>
8.2 ISSUES	Support in part	<p>Note Issue 1 says <i>"Inappropriate subdivision, use and development can destroy, damage or modify an archaeological site; or a Māori cultural site and result in the loss of important historic and cultural heritage values, adversely affecting the relationship of tāngata whenua with that area"</i>.</p> <p>Should modify to include cultural areas, not just sites, in line with Historic Places Act.</p>	<p>Reword as <i>"Inappropriate subdivision, use and development can destroy, damage or modify an archaeological site; or a Māori cultural site or area and result in the loss of important historic and cultural heritage values, adversely affecting the relationship of tāngata whenua with that area"</i>.</p> <p>Same for issue 2, subsequent objectives and policies</p>
8.3 OBJECTIVES AND POLICIES	Support in part	<p>Given identification of lack of knowledge there should be an objective that council bring its knowledge of its historic heritage up to scratch.</p>	
8.4 NON-REGULATORY METHODS	Support in part	<p>Currently 2 non regulatory methods identified:</p> <ol style="list-style-type: none"> 1. <i>The Council will have an up to date heritage strategy.</i> 2. <i>The Council will encourage and support tangata whenua to identify Māori cultural sites for acknowledgment and protection in the Plan.</i> <p>However, as has been discussed with Council for years, iwi are reluctant to lodge information with</p>	<p>Add non regulatory method develop process and technical solutions to facilitate Māori willingness to lodge site information with TCDC</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>councils, lack of protocols and properly developed technical solutions.</p> <p>Therefore need as a method a commitment to addressing these issues so that iwi are able to release information and protect sites.</p>	
Section 9 - Landscape and Natural Character			
Section 9 - Landscape and Natural Character	Support in part	<p>Apart from the occasional reference to cultural use the section is void of any Māori perspective on landscape or associated values.</p> <p>The landscape assessments that Council has commissioned have also not included a Māori perspective.</p> <p>In Policy 2b "Amenity landscapes" are considered, but Māori cultural landscapes are not.</p> <p>There should be an introductory Māori perspective on landscape and natural character, and specific issues, objectives and policies supporting this.</p> <p>Consider this section introduction in contrast to Section 15 - <i>Settlement Development and Growth</i>, which includes a brief paragraph on the Māori perspective on the subject. Landscape and natural character is a subject of equal importance to Māori, why the one treatment in one section and not in others?</p>	<p>Need an additional Māori landscape and natural character issues statement, and specific objectives and policies in support</p> <p>We are available to discuss the wording of these.</p>
Section 11 - Significant Trees			

District Plan Provision	Support / Oppose	Discussion	Relief Sought
11.1 BACKGROUND	Support in part	Background only briefly discusses significance of trees, and offers to Māori-specific introduction	Issues, objectives and policies need to be modified to provide particular recognition and protection to culturally significant trees for Māori.
Section 12 - Contaminated Land and Hazardous Substances			
Section 12 - Contaminated Land and Hazardous Substances General	Oppose	<p>There is no inclusion of a Māori perspective on hazardous sites and substances. Concepts like Tapu encapsulate traditional approaches to dealing with hazardous substances.</p> <p>Iwi have recently partnered in nationally significant clean up operations such as Tui Mine on te Aroha maunga, obligations to those living in our rohe as kaitiaki also necessitate that we be involved in dealing with this issue.</p> <p>Council does not identify the merit in joining with other agencies in response to this issue, including iwi.</p>	<p>Issues, objectives and policies to include Māori perspectives and values relating to hazardous waste and sites required.</p> <p>New objective and policy aimed at a coordinated inter agency response to hazards.</p>
12.3 OBJECTIVES AND POLICIES	Oppose	No Māori component to the existing objectives and policies.	Existing objectives and policies should also be expanded to incorporate Māori perspectives and values
Section 13 - Financial Contributions			
Section 13 - Financial Contributions General	Support in part	There are instances where Māori largely or exclusively bear the costs of development. In those instances Council should be empowered to take financial contributions that are targeted to iwi authorities, or	Issue, Objective and Policy framework needs to acknowledge the potential for iwi/Māori to suffer disproportionately from development and create the potential for their injury to be mitigated using

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		used toward mitigating the particular impact incurred.	financial contributions, including land. Given that the framework adopted invokes Councils LGA Development Contribution process, the same matter needs to be raised in relation to that process.
Section 14 - Mining Activities			
Section 14 - Mining Activities General	Support in part	Background includes no Māori perspective on mining and its effect, or the tikanga that come into play in relation to mining.	Add Māori perspective to background statement
14.2 ISSUES	Support in part	We support the following being included as impacts from mining in the first of 4 Issues: <i>"e) Sites and areas of significance to Māori f) Historical and archaeological sites"</i> However, this intention does not filter through to objectives and policies, as discussed below.	
14.3 OBJECTIVES AND POLICIES	Support in part	Objective 4 <i>Historic and cultural heritage values of archaeological sites and Māori cultural sites are protected from inappropriate mining activities.</i> And Policy 4a <i>Mining activities that are likely to destroy or damage the historic and cultural values of historic sites, archaeological sites and Māori cultural sites shall be</i>	Reword as: <i>Historic and cultural heritage values of archaeological sites and Māori cultural sites or areas are protected from mining activities.</i> And <i>Mining activities that are likely to destroy or damage the historic and cultural values of historic sites, archaeological sites and Māori cultural sites or</i>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p><i>avoided.</i></p> <p>Are supported, subject to change to include cultural and wāhi tapu areas, not only discrete or small scale sites.</p> <p>Also, any mining activity that impacts Māori cultural values is for that reason inappropriate, the word inappropriate is therefore redundant and should be removed</p>	<p><i>areas shall be avoided.</i></p> <p>New Policy 4b</p> <p>"In deciding on applications relating to mining activities consideration will be given to impacts on Māori values and interests"</p>
Section 15 - Settlement Development and Growth			
Section 15 - Settlement and Growth General	Support in part	<p>Background needs to include a Māori perspective on settlement development both historic, contemporary and to deal with future development.</p> <p>Māori have distinct perspectives on urban and residential development, and these should be reflected in this section.</p> <p>Various of the issues, objectives and policies in this section represent potential impediments to iwi post settlement aspirations for development including residential development of returned lands and those subsequently purchased.</p>	<p>Include specific recognition of the potential for settlement aspirations to reveal a landscape that does not align well with Council's current policy framework, including place specific measures such as those included in this section, and zoning.</p>
15.2 ISSUES	Support in part	<p>Last of 8 issues listed is: <i>A need to recognise and provide for the relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga.</i></p>	<p>Add new Issues: Urban and residential design and development has historically failed to incorporate any aspect of Māori perspective or approach.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
15.3 OBJECTIVES AND POLICIES	Support in part	<p>This is supported, but the list does not include consideration of the need and desirability of an integration of Māori perspectives and tikanga around urban design and residential development. The fact that our Pakeha towns have little that reflects their Māori residents or tangata whenua.</p> <p>Various of the objectives and policies might act as impediments to Māori aspirations following Treaty settlement, along with methods such as zone specific rules. It is important that anticipated settlement objectives are expectations are not undermined by District Council instruments.</p> <p>Currently Policy 4f is:</p> <p><i>Māori should be able to use their land according to their traditions.</i></p> <p>And Objective 8</p> <p><i>Iwi authorities can exercise kaitiakitanga in the development and growth of settlements in their rohe.</i></p> <p>Policy 8a</p> <p><i>The relationship of tāngata whenua with their ancestral lands and water shall be recognised and provided for (for example, by incorporating Māori place names, protection of and appropriate access to Māori cultural sites, planting indigenous plants in public spaces).</i></p>	<p>Tangata whenua suffer from a lack of papakāinga and Māori residential development required to enable repatriation</p> <p>There is a district wide need to plan for Māori papakāinga aspirations following Treaty settlement.</p> <p>Policy 8c change to</p> <p><i>Papakāinga housing is supported as a means of realising Māori housing and Treaty Settlement aspirations, and assists Māori to continue their relationship with their ancestral lands.</i></p> <p>And new Policy 8d:</p> <p><i>Residential and urban planning should be informed by kaitiakitanga, mātauranga Māori and Māori planning perspectives</i></p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>Policy 8b</p> <p><i>Iwi authorities should be involved when planning for settlement development and growth and its potential impacts on the natural environment, water bodies, the coastal marine area, and Māori Cultural Sites.</i></p> <p>Policy 8c</p> <p><i>Kaitiakitanga and mātauranga Māori should guide development of papakāinga housing where it provides for Māori to continue their relationship with their ancestral lands.</i></p> <p>These are all supported. However, there is a need to promote the incorporation of Māori values and perspectives in the design and development of our settlements generally, not only in papakāinga.</p>	
Section 16 - Subdivision			
Section 16 - Subdivision General	Support in part	<p>Comments as per Settlement and Development above. Reference in this section Background to:</p> <p><i>"the consolidation of coastal settlements where this will assist with the avoidance or mitigation of sprawling or sporadic patterns of settlement"</i></p> <p>Raises concern that Council's failure in the past to reign in coastal sprawl means that now the potential is used up, and Māori, who have had little say in planning decisions that created the current environment, and now want to realise their own</p>	<p>Include specific recognition of the potential for settlement aspirations to reveal a landscape that does not align well with Council's current policy framework, including place specific measures such as those included in this section, and zoning.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>aspirations, have to miss out.</p> <p>Council should allow for reserve contributions including esplanade reserves to revert to iwi ownership in certain circumstances.</p>	
16.2 ISSUES	Support in part	<p>There is currently no recognition of the scarcity of Māori communities in the district and Māori aspirations in this regard, particularly post settlement.</p>	<p>Amend issue 1 to:</p> <p>Poorly planned subdivision can adversely affect the Districts special values, including natural character, Māori cultural values, landscape, soil, biodiversity and important ecosystems including wetlands, dune systems and the margins of rivers and streams.</p> <p>Add issue 9 acknowledging the scarcity of Māori communities in the district and Māori aspirations in this regard, particularly post settlement</p>
16.3 OBJECTIVES AND POLICIES			
Policy 1a	Support	<p>Policy 1a</p> <p>Subdivision shall not adversely affect the character and amenity of the surrounding built and natural environment (including Historic Heritage Areas and sites with a Historic Heritage Item).</p>	
Policy 3a	Support in part	<p>Policy 3a states conditions under which that public reserves will be required. Māori cultural significance is not currently included</p>	<p>Include new Policy 3a d):</p> <p>Reserve land would serve to protect or maintain Māori cultural values, or mitigate against their loss</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
Policy 5a	Support in part	Policy 5a d) reads: <i>Maori cultural sites or other historic heritage sites.</i> This should be amended to include cultural areas	Reword Policy 5a d) to read: Maori cultural sites and areas or other historic heritage sites and areas.
Policy 8a	Support in part	Policy 8a specifies when an esplanade reserve/strip shall be established at the me of subdivision. It should be expanded to include for cultural significance purposes.	Alter Policy 8a f) to read: Protect the natural character, <u>Māori cultural values</u> and/or amenity values associated with a riparian area.
Section 17 - Tangata Whenua			
Section 17 - Tangata Whenua General	Support in part	Good general background, but lack of a Māori environmental perspective. No effort given to identifying the tangata whenua of the district or reflecting them here. Fair Issues statement, but these are not necessarily articulating the issues that iwi have for the district.	Issues statement should include the massive destruction of Māori cultural interests and values under planning instruments over recent decades.
17.3 OBJECTIVES AND POLICIES	Support in part	Some of the wording is weak, for example: Objective 2 - The historical and cultural relationship of tāngata whenua with the Coastal Environment is retained through subdivision, use and development. RMA section 6e, which this provision draws on, already demands, as a matter of national importance, that decision makers under te Act "shall recognise and provide for" the relationship of Maori and their culture	Reword Objective 2 to: The historical and cultural relationship of tāngata whenua with the Coastal Environment is recognised and provided for in relation to any subdivision, use and development.

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p> <p>Objectives and policies generally are too focused on Māori activities, for example the use of Māori land, rather than assisting in a wide application of provision for Māori values and interests. Given the focusing of almost all Māori effort to this section (save for historic heritage) these objectives and policies need to be comprehensive.</p> <p>This also brings us back to the earlier point regarding navigation of the plan. The various objectives and policies here apply across a wide range of other sections - but tools are not provided to assist readers in this regard.</p>	
17.3. Policy 1b Iwi management plans	Support in part	There is a need for greater assistance from Council in the production of iwi management plans, and support for other RMA processes such as Māori commissioners.	Council policy commitment and associated method for resourcing the drafting of iwi management plans
17.3. Policy 1c		Plan includes a range of measures including the " <i>restoration of mauri through ecosystem enhancement</i> " for development on a Māori cultural site - this should be a widespread aspiration/requirement articulated throughout the plan	More consistent use of Māori key environmental aspirations and measures throughout the plan, e.g. mauri, kaitiakitanga, and associated methods to include indicators for these other environmental management matters.
Policy 1d		The various objectives and policies in this part provide support for papakāinga, but only on Māori land. Whereas, Marae and other non-residential Māori-	Remove the words non-residential from section 17.3 Policy 1d and add papakāinga, as follows:

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>purpose development is anticipated on Māori and general land.</p> <p>The Plan should anticipate and provide for papakāinga development needs, that are distinct from wider residential ones, on both Māori and general land.</p>	<p>Māori non-residential activities such as marae and papakāinga on land other than Māori land should be provided for where they offer cultural and social benefits to the tāngata whenua, provided adverse effects are avoided if the activity becomes a commercial or other development activity.</p>
PART IV - AREA ISSUES, OBJECTIVES AND POLICIES			
Section 22 - Recreation Area			
Section 22 - Recreation Area General	Support in part	<p>Background identifies that many Maori cultural sites and connections to ancestral land and traditions are contained within the district's recreation areas.</p> <p>Incorrectly suggests that only DoC land is governed by the Conservation Act 1987, while in fact council reserve lands subject to the Reserves Act 1977 are also subject to the Conservation Act. This is important because of the greater Treaty responsibility that those administering the Reserves Act are subject to.</p>	Identify that council administered lands are also subject to the Conservation Act by virtue of the Reserves Act.
22.2 ISSUES	Support in part	<p>Support the identification in 22.2 Issues 3:</p> <p>Many Maori cultural sites and ancestral lands are within Council reserves and the conservation estate, where iwi/hapu are not involved in their management.</p>	
22.3 OBJECTIVES AND POLICIES	Support in part	There is generally a lack of reflection of Māori interests, values and aspirations for recreational and conservation lands. The exceptions are:	Need new objective and policies aimed at ensuring tangata whenua are involved in these lands, not just that their values are considered.

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		<p>Objective 4</p> <p>Tāngata whenua values are considered in the management of Council reserves and the conservation estate.</p> <p>And Policy 4a</p> <p>The significance of Māori cultural sites and the cultural/traditional relationship of Māori with their ancestral land should be acknowledged in development of Council reserves and the conservation estate, particularly for activities that may be culturally sensitive or offensive.</p> <p>However these do not go far enough in promoting and providing for Māori participation in reserves management, mechanisms for recognising and giving effect to customary interests and practices.</p>	<p>Links to need for statements in the plan of circumstances where joint management, transfers, or delegations should be used.</p>
Section 23 - Residential Area			
Section 23 - Residential Area General	Support in part	<p>As per comments above regarding residential development, there is a need to include provisions that will ensure Māori participation and perspectives are included in our residential areas generally, not only in Māori-specific developments</p>	<p>Issues, objectives and policies should be added that include recognition that residential areas can impact on Māori values and interests</p>
Section 24 - Rural Area			
Section 24 - Rural Area	Support in part	<p>As per previous comments, rural area provisions have the potential to impact on post settlement aspirations.</p>	<p>Issue, objective and policy required to address Māori aspirations for papakāinga within the rural area.</p>

District Plan Provision	Support / Oppose	Discussion	Relief Sought
		This should be identified in this section. Need to address reverse sensitivity issues and desire for papakāinga and associated activities.	
PART VI - OVERLAY RULES			
Section 31 - Historic Heritage: Archaeological Sites; Māori Cultural Sites; Historic Heritage Items and Historic Heritage Areas Overlay			
Section 31 - Historic Heritage General	Support in part	As per previous comments for Historic Heritage - iwi currently won't invest their sites knowledge with Council, a lack of trust, lack of protocols and mechanisms for intellectual ownership, management of information and technical solutions are all currently impediments to iwi listing sites, including for this overlay.	Council has identified the need for a future plan change to accommodate sites information post settlement. The issues raised here will need to be addressed before iwi will lodge information and list sites.
31.4.4 Assessment of environmental effects to include:		The overlay should trigger a requirement for a Cultural Impact Assessment where required by tangata whenua	Revise item e) to read: Details of any consultation or engagement undertaken with NZHPT or tāngata whenua including any cultural impact assessment required by tāngata whenua or confirmation that such was not required, and any cultural , measures to provide for the relationship of tāngata whenua to the area, or integration of tangata whenua culture and traditions into the development.
PART VII - DISTRICT-WIDE RULES			

District Plan Provision	Support / Oppose	Discussion	Relief Sought
Section 37 - Mining Activities			
37.3 PERMITTED ACTIVITIES	Oppose	Both prospecting and exploration activities have caused more than minor effects on Ngāti Whanaunga and other Hauraki iwi in the past. Both activities should be classified as restricted discretionary activities.	Reclassify prospecting and exploration activities as restricted discretionary activities.

We have indicated in the above table concern regarding a lack of available statutory and informal methods with which those administering the Act might give effect to its intentions as articulated in issues, objectives and policies. We have been unable to undertake the thorough cross referencing required to determine with confidence the likely combined effectiveness of methods for each of the issues/objectives/policies combinations. However, we intend to complete this work and to elaborate at the hearing. Similarly in relation to our request that Anticipated Environmental Results and associated monitoring instruments be included in the Plan.

We would be willing to meet with other submitters toward the resolution of differences of position.

We ask to be given the opportunity to appear in support of our submission.

We would consider appearing with submitters with whom we have substantial points in common.

Tēnā koutou



Nathan Kennedy - Environment Officer

14 March 2014

Submission on Proposed Thames-Coromandel District Plan (December 2013)

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We wish to speak to our submission

General Comment

Whole Plan – oppose

Comment: We oppose the whole/ all the PDP until/ unless there are some changes to the overall thinking and outcomes as to what the plan is to achieve. This includes the S32 analysis. The Regional Policy Statement has changed through appeal and this will need to be taken into account in regard to the Blueprint.

Solution sought: Restructure the direction of parts of the plan, in particular the number of overlays (coastal environment, amenity), conservation rules that work, formatted that follows the last Whitianga zoning. Definitions that can be followed. The Blueprint and growth strategy thinking which follows on from the S32 analysis. Changes from RPS.

Change “shall” to “should” through the document.

Change “will” to “could” throughout the document

Oppose all (so don't have to retype)

Sequential changes: Where a change is made all sequential changes are to take place. Where a definition change take place that view is to be reflected in the main body of the document.

Whole Plan

Comment: It's easy to be looking at the wrong section when turning backwards and forwards through the plan.

Solution sought: Pages that don't have a Section number to have one included eg 97 + 98, 101, 247 + 248

Parts in the plan we wish to specifically comment on:

Part I - Introduction

Section 1.8 Activity Summary Table p1

Comment: Rename General Commercial as who would look for “general” when trying to find an activity that is commercial.

Solution sought: Change to “Commercial general”. This change to happen throughout the entire document.

Section 1.8 Activity Summary Table p12

Comment: abc Contaminated Land and Hazardous substances

Solution sought: Change over - Use or storage ... with Retail sale of

Section 1.8 Activity Summary Table p13 and 14

Comment: Typing error

Solution sought: Remove “commercial” at top of both pages.

Section 3 Definitions p16 to 37

Comment: The definitions are not clearly set out because of the use of categories eg terms. Re-box as explained below.

Solution sought: Remove all lines between abc etc. Now box the term groups only eg removal line between Area yard and Balance lot. Now go back into the ‘a’ group and box the Access terms. Change through out document.

Section 3 Definitions access terms - Road p17

Comment: Road are not restricted to Council ownership or vesting. Private road, State highways and paper road can be included by default. Paper road need an explanation. Private road need to be included.

Solution sought: Includemotor vehicle that is “usually” either on

Section 3 Definitions – Amenity p17

Comment: The RMA description of amenity describes how one interacts about all places by there individual characteristics. This doesn’t imply that one area is better than the next. Amenity should refer to the likes of public amenity as in the definitions on p 33

Solution sought: Remove the amenity overlay throughout the document.

Section 3 Definitions - Beachcare p17

Comment: There are examples without Council involvement

Solution sought:programme “that usually” involve

Section 3 Definitions – Buffer

Comment: What is buffer in relation to Building platform and other land uses?

Solution sought: Define buffer

Section 3 Definitions – Coastal and coastal environment

Comment: This definition maybe the same as RMA or Coastal Policy statement.

Solution sought: Define coastal and coastal environment

Section 3 Definitions – Curtilage

Comment: Include definition for curtilage as appears in a number of contexts eg p221 archaeological, dwelling and land uses. To included appropriate and not a land grab.

Solution sought: Define curtilage.

Section 3 Definitions - Farming p21

Comment: There is a perception that this PDP is directed at removing farming by making more and more rules/ requirements eg. Now we are describing what farming is rather than the farmer out there farming his land.

Solution sought: Remove “that are not otherwise referenced in the Plan” In definition include the words “Include but not limited to “and then add all the terms that people submit that apply to farming.

Add - Fertilizer storage and application, routine earthworks, drain cleaning.

Section 3 Definitions – HH curtilage p25

Comment: This definition is a moving target. Should be what's recognized at the time of listing

Solution sought: add “as recorded at listing with HPT.”

Section 3 Definitions HH Terms – Maintenance and / or repairs p25

Comment: Applying to HH term within the plan. This opens the door to abuse for other archaeological sites. The whole section on overlay for archaeological sites as identified needs removing from the plan as specified because the HP Act has protection and requirements that cover this issue.

Solution sought: Remove “to retain its value”

Section 3 Definitions – Maori Cultural site p 26

Comment: How can “value” money apply to this issue? Sounds like Iwi want to start paying us the landowner a royalty.

Solution sought: remove... “value” and replace with “interest”

Section 3 Definitions – Informal recreation p26

Comment: To stop misunderstanding with the word of ‘open space’

Solution sought: Change to that use “outdoor” space and

Section 3 Definitions – Legal protection p27

Comment: ...biodiversity and subdivision. Doesn't this mean when subdividing as this is when the requirement becomes a requirement.

Solution sought: Add ‘when subdividing’

Section 3 Definitions Lot Terms – Balance lot p27

Comment: Also “parent lot” should be include here

Solution sought: Add “parent lot”

Section 3 Definitions – Maori Land p28

Comment: This is open for abuse. Need to remove general land from this.

Solution sought: Remove “general land”

Section 3 Definitions – Minor Unit p 29/30

Comment: At the time of draft document there was the offer from Mr Sharp to go to his property and see a working one bedroom unit of 60m². This offer was never taken up to see what really works. Surely we are not trying to stuff people in little rooms but make available a living environment. His dwelling is habitable.

Solution sought: Change from 60m² to 70m² and 50m² to 60m².

Section 3 Definitions – Significant Indigenous Vegetation p 34

Comment: Not enough detail. What's in Criteria Section 11A of the RPS. Has this been appealed and what is the out come.

Solution sought: include the whole definition.

Section 3 Definitions – Tangata Whenua p35

Comment: Spelling “Than”

Solution sought: Change to “that”

Section 3 Definitions – Undefined Boundaries

Comment: Add new

Solution sought: means that where two zones boundary divides does not follow a cadastral (surveyed) boundary.

Section 3 Definitions – Yard terms p37

Comment: Figure 5 Different types of yards. On the road if the two 10 m are to represent the diagram then draw front yards equal or if the rear lot access way should be narrow then change the figures to better represent the diagram.

Solution sought: Either change diagram to half and half or change figures to better represent distances.

Section 4.4.1.h) Subdivision application requirements – p40

Comment: This is over the top to require immediately adjoining titles.

Solution sought: Remove h)

Section 4.4.4.1) Subdivision application requirements – p41

Comment: Remove this requirement as it has nothing to do with the surface land owner. It is governed by the Mineral Act and we as landowners have no rights to the minerals.

Solution sought: Remove 4.1)

Section 5.2 Cross-Boundary Matters – Issues – p44

Comment: There appears to be a lack by Regional Council on the understanding of the Territorial Councils of the District. Big brother interfering as they don't understand.

Solution sought: Add 5.2.5 add Lack of Regional Council understanding of the TC District.

Section 5.3.1.3 Processes – p44

Comment: Needs expanding

Solution sought: Add “In particular, the transfer of regional Council functions.”

Section 5.3.11 Processes – p44

Comment: Amend to recognize that the HGF is important to the District.

Solution sought: Re-word to reflect the importance of the Gulf to the district and working with the Forum to ensure our District has a voice.

Section 5.3.3 methods and approaches – p45

Comment: Delete the last sentence as desk top reports only cause heart ache for those on the ground.

Solution sought: Delete last sentence. “There is on going cooperation and coordination with WRC ecologists.

Part II – Overlay issues, Objectives and polices

Section 6 Oppose this entire section

Comment: As there is insufficient analysis of the issue. Where is the problem? Is it perceived or real? When did this so called problem begin? There is no consideration of biodiversity gain. There is no consideration of extent of conservation estate.

Solution sought: Remove section or reconsider the above issues and rewrite to reflect these issues. Change “shall” to “should” through the document.

Section 6.1 third paragraph

Comment: Need positive outcomes identified. It’s not all bad on the Peninsula.

Solution sought:as fauna in the RPS “as a desk top exercise only” At the end of the para add “Over the last 10years (life of the operative plan) that biodiversity has increased from the previous years c50’s, 60’s.

Section 6.2.1 Issues

Comment: Subdivision, use and development doesn’t always contribute to the continued loss etc infact many times now it adds to the value. There’s more restoration etc happening on the Peninsula at huge costs.

Solution sought: Add development “sometimes” contribute

Section 6 Policy 1.a

Comment:

Solution sought: Change “shall where appropriate” or change to “should”

Section 6.3 policy 1.a.b)

Comment: Earthworks can be restricted within but how do you expect to erect a fence beside these areas if you can’t do earthworks adjacent. Use common sense.

Solution sought: Remove “and adjacent”

Section 6 Policy 1.a.d)

Comment: Remove as open to abuse. How far is a buffer? When ever this term of a buffer having added rights have removed from document. Let’s stick to what is important and not the whole peninsula closed up due the word “buffer”

Solution sought: Remove sect 6 policy 1a d and any other time it appears within the document.

Section 6.3 policy 1.a.g

Comment: Maker sure that mapping in section 38 is workable. What does this mean in real terms

Solution sought: Change if needed

Section 6.3 policy 1b

Comment: see above

Solution sought: Remove buffers

Section 7 Oppose this entire section

Comment: This section completely ignores the important of economic development in relation to the use of the coastal environment in the objectives. Needs to be included with a robust RMA section 32 analysis. How much of this section is been covered by the amenity overlay. Needs a rethink.

Solution sought: Remove section or reconsider the above issues and rewrite to reflect these issues. In particular add to objection 1 “and allow for people to live and work” with appropriate policy. Have the amenity overlay interwoven with this and make them sensible.

Section 8

Comment: The RMA requires protection of sites of significant to Maori. Let's show case Maoridom. Remove the number of archaeological site from specific mention in the plan; these sites are not accurately recorded and nor is any buffer. These sites are as important as any other site and have the same protection by the HPT. The background report for this section is questionable as we believe evidence gathered in some digs were not under NZHP procedures. Let's put money into protecting archaeological sites rather than talking about what feels good. For example earlier digs in Whaorei Bay were poorly managed by the NZHP. There was no restoration or follow up. In a recent dig on our property 2012 there has been an improvement with site management during and after the dig but it mostly falls upon the owner of the land to ensure the site is rehabilitate and managed.

Solution sought: Remove the word "value" from document unless Iwi wish to start paying. Through out document change "Maori cultural sites" to "sites of significant to Maori" Remove archaeological site from document and support initiatives that protect this area in real terms. Don't support this section in its entirety. Add "and when an investigation is required on private property the Iwi and NZHPT who benefit from the information gained from the dig should be party to the cost. The dig is for the benefit of the public at large not the landowner. Maori Cultural site – "sites of significant to Maori". Otherwise all sites. Same as HPAct. Stop reinventing the wheel.

Section 9

Comment: Why do the overlay maps have brown on like rural zone yet no key for brown? Amenity landscape is just another word for working environment. It's restrictive without realizing this is what the Peninsula is made up of, in other word a blanket cover. As there is insufficient analysis of the issues. Where is the problem? Is it perceived or real? When did this so called problem begin? There is no consideration of working land. For some reason the amenity has changed to lot boundaries yet that's not what the back ground document shows. It always take a little more.

Solution sought: Don't support this section in it entirety. Remove all brown from overlay maps. Remove section or reconsider the above issues and rewrite to reflect these issues. Change "shall" to "should" through the document. Change the amenity landscape lines to reflect what was notified in the draft doc some months ago or the lesser in this document. For some reason the amenity has changed to lot boundaries. Remove all overlays including amenity from residential properties. eg 39 Otama Beach road. unles requested by the landowner to be included. Remove objective 4 and polices especially reference to "margins" as that's an unknown area.

Section 10 policy 1c

Comment:

Solution sought: Change shall to "May"

Section 10.4 b,c,d

Comment: 4b one can not and is not encouraged to enhance what is on DOC land for example. Changing the stormwater and rebuilding the due system. Why should a farmer watch his property disappeared when some intervention could prevent this? Let's use common sense.

Solution sought: Remove policy 4b, 4c, 4d of reword.

Part III District wide issues, objectives and policies

Section 12.1.2

Comment: Not all fertilisers are harmful eg seaweed based liquid fertilizer though not a fertilizer lime is widely applied over farm land and has a very positive effect on soil structures by increasing the ph in soils. Why is the PDP in this issue which we believed is under WRC jurisdiction?

Solution sought: add “Some” fertilizer and some pesticides “that” are..... Remove chapter or refer to WRC documents.

Section 14

Comment: Strength up quarrying. If you lived on a metal road you would understand the need for metal.

Solution sought: Strength up quarrying.

Section 15

Comment: Oppose this section. This section has been written negatively. The RPS has resolved the appeal on the blueprint to where a more open approach can be taken. Rewrite to show common sense in allowing for growth and types of growth that are need throughout the Peninsula. Use opportunities to gradually expand settlements after all we all continue to breed so where do our children go until we dye off.

Solution sought: Add an issue that all settlements should have at least one sealed road to existing settlements and policy to implement this. Change shall to should. 3cb rewrite to exclude amenity unless it is as in the definitions, public toilets etc. Delete either policy 6a or 6b as the same.

Section 16

Comment: oppose this section. Needs to be rewritten to reflect what is happening. Objective 9 and policy need to reflect what has happened with staging. Need continuity to staged development.

Solution sought: rewrite. Add to objective 9 p88 policy 9h “Where previous subdivision has taken place and there has been a staging element to the subdivision that right should continue into the current plan or words to that affect.

Section 17

Comment: No disrespect to Iwi. Why should we have more sticker requirements that Tangata Whenua. This section needs to not abuse what the Peninsula is about. Significations to Maori need to be show cased for the Peninsula. An example would be information boards explaining the significant of the Mercury Island out from Opito and Otama for the public to better understand and appreciate.

Solution sought: Reword Maori cultural sites to “sites of significance to Maori” Iwi management plans need to reflect the true picture. Iwi need to identify which areas and supply their details for landowners when requiring RC.

Section 18 transport

Comment: Coastal walkway need to respect that some places are better protected without the public in them. Part of the rough and rugged Peninsula. Sealed roads to settlements. Have this section for the future of transport. p98 are these hierarchy for road numbers as I would doubt if the Tapu road would get more traffic than into Opito Bay.

Solution sought: 18.2.2 and 3 change can to ‘may’ 18.2.5 Change can to ‘may’. Include policy to have sealed road to existing settlement. Remove 4a as its restricting.

Section 22

Comment: Or else where in the plan. All dune systems should be fertilized to maintain a robust and health plant. This will help the plant stand up to the coastal elements and human interference. eg walking on, breaking the sand crust that protects the area and plant. Otama dune are a good example of an area that needs more assistance where the foot traffic has made an obvious impact to the dune system.

Solution sought: Other methods. Require Council and Doc to fertilizer the whole dune system within the Peninsula.

Section 23

Comment: Over proscriptive. Doesn’t allow for individuality

Solution sought: Remove policy 23.3 policy 1d and 1e. Remove Objective 2 and the policies. Remove policy 4b, 6a, 7 and 7a, 7b 8 8a, 8b, 8c.

Section 24 rural

Comment: object to whole section. Rewrite to make positive and include ways to make economic viable. Acknowledge that homes in the rural area are called upon in emergence more than the urban counterpart. Policy 4b is over the top because rural areas are expected to receive urban stormwater.

Solution sought: Rewrite to include: In rural zone including coastal overlay. There are many smaller areas of productive land but due to isolation are not economic to expand. In these isolated areas allow horticulture blocks of 4 to 5ha so economic viability can happen.

Section 28 Airfield Height and noise

Comment:

Solution sought: Include helipads as permitted at airfields

Section 29 Biodiversity

Comment: subject to this section in full. There is not opportunity to use conservation rules fully to better this subject. Needs a rewrite to make it practical and sensible

Solution sought: rewrite

Section 31 HH: archaeological site etc

Comment: Refer back to objectives for background. This needs a redraft and rewrite. Archaeological sites need to be removed as already cover by NZHPA see 31.4 within document. Curtilage is open to abuse. Land disturbance applies to whole of title yet title could be 100 ha – unsatisfactory.

Solution sought: Rewrite to reflect what is happening. Remove our property from archaeological overlay.

Section 32 Landscape and Natural character

Comment: Needs a rewrite as doesn’t cover the true things.

Solution sought: Rewrite. Remove 32.5

Section 33 Maori Land

Comment: Needs a rewrite. Remove general land owned by Maori

Solution sought: Rewrite and remove general land owned by Maori.

Section 38 Subdivision

Comment: Needs a rewrite and make it workable for all appropriate zones.

Solution sought: p271 remove the word Productive for rural zone. Change waterfront and village over. Remove 55 for boundary adjustment. Make all the conservation esp P273 and p282 workable. Reduce conservation buffer to 5m like the urban.

Section 39 transport

Comment: Allow helipads in airfield

Solution sought: p291 rule 9 Include helipads in airfield. Permitted allow helipads at continuing care unit like Whitianga

Section 41 Coastal Living Zone

Comment: Rewrite

Solution sought: rewrite to make workable esp 41.2

Section 44 Extra Density Residential zone

Comment: To proscriptive

Solution sought: remove 44.9 table 6.6 and 7. Table 7 remove 5, 6, 7 and 12

Section 45 Gateway

Comment: wrong numbering

Solution sought: change activity numbering from 49 to 45

Section 47 Light Industrial zone

Comment: Activity table marine covered above under industrial

Solution sought: Remove marine

Section 49 Marine service zone

Comment: correct

Solution sought: move General commercial now called commercial general and restaurant to commercial bracket above.

Section 52 Recreation active zone

Comment: Table 4.4 what does this mean

Solution sought: Remove unless reasonable explanation is obtained.

Section 55 Road zone

Comment: Activity table – commercial – restaurant should this be produce stall applies to 55.4 rules 1 as well

Solution sought: Remove unless reasonable explanation is obtained.

Section 56 Rural zone

Comment: Include reverse sensitivity from urban folks.

Solution sought: 56.2 add reverse sensitivity from urban folks and policy to go with this

Section 56 Rural zone

Comment: missing transport - airstrip

Solution sought: Add transport – airstrip permitted. Use items identified in definitions above to add to this rule 6 earthworks eg land contouring, maintenance of widening of existing tracks (safety) earthworks associated with fencing.

Section 56 Rural zone rule 11 1.d

Comment: Object to entire section. This has been re written since the draft so needs more understanding esp looking at the mistakes below.

Solution sought: Should this refer to table 4 not table 3. - 12.1.c) Where is table 9. - 13.1.a) table 6 what this to do with goat farming. - 13.1.e remove

Appendix 1

Comment: object to archaeological overlay on our property. It's not necessary as covered by the NZHPA.

Solution sought: Remove overlay from our property as explained above. If the plan is going to keep overlay then it needs to be accurate and show full extent of areas that are identified as Maori cultural sites (site of significant to Maori). Not a little box. Also PDP needs method that Iwi and Government will pay when NZHPT site excavated. (Public interest/ public pay)

Appendix 4

Comment: Object as to proscriptive. Is a rewrite of what's in the document?

Solution sought: Remove all or parts or re write to reflect what is required.

Proposed Thames Coromandel District plan

Submission

Submission by Sue Edens

Sue.edens@xtra.co.nz

822 Black Jack Road Opito Bay

07 8662075 or 027 4868036

Specific provision of Proposed District Plan we oppose

Zoning of property lot 4 DP 86513 and lot 6 DP 331209 shown on map 13E OTAMA south of Black Jack Road

Reason

This block of land contains about 30 Ha of good quality soils with the remainder of steeper contour and low productive value. The traditional use of this land was as better quality land to support a larger farming operation. The larger farm is no longer economic to continue to farm using the method of the past and the owners are being forced to sell. As a unit this property cannot be utilised profitably for grazing animals using any of the traditional farming methods. Drystock and sheep can produce \$2500 gross income a year per hectare giving this property a maximum potential income of \$70,000. Once expenses such as rates, insurance, maintenance and fertiliser are taken out then there is insufficient income to sustain one worker. The land is not of sufficient size to convert to dairy as it could only run about 65 dairy cows. The property is too isolated to receive a regular milk collection for the small volume that could be produced. It is also too isolated to intensively farm by importing supplement feed. This land could be utilised for horticulture but as it has not in the past been used for this any crop would be experimental. The costs of converting the productive area to a crop such as Kiwifruit would be in the order of nine million dollars which along with the carrying costs until production and the risks of an unknown environment are unlikely to attract any investor. Because of its location being close to the coast this land is best suited to smaller blocks where various owners can invest smaller amounts and live on the property as both a spectacular place to live but also produce a reasonable income from smaller horticultural blocks. One hectare of Passionfruit can produce sufficient income and be managed by one person. 30 Hectares would require a similar capital input as kiwifruit and is too risky as it would flood the market if successful. A couple hectares of tamarillo may also be quite viable to supplement a retired income combine with a homestay. Small blocks provide for many more possible income sources as it provides for income associated with labour input where there is less need for a return on capital. This is because someone

living in central Auckland can sell a house producing no income and purchase a block that has a similar or even less value and grow a crop that justifies the labour but does not produce a return on capital. A commercial farmer with debt is under much more pressure to create a return that is both safe and reliable.

One of the purposes of the RMA is for the social and economic well-being of those who live in the community. To deny the ability to produce an income from this and similar properties does not serve this purpose. It also does not preserve the good quality soils for production where there is a much greater chance of this happening with smaller blocks and the introduction of available capital and labour.

There is only one other farm in this bay which has a site development plan over it to allow it to be used as a summer camping ground. The farming operation on this adjoining property is very low impact and unlikely to cause any reverse sensitivity issues.

There is a good chance that much of this land would change from farming animals to tree crops with an improvement in the quality of storm-water run off to the coastal environment.

Retirement of the steeper land from grazing would also have environmental benefits.

Decision I seek from Council

To Alter the maps to show this land as being zoned Rural Lifestyle

The submitter wishes to be heard on this submission.

The submitter will not gain in trade competition through this submission

This submission does not relate to trade competition or the effects of trade competition.

Signed

Sue Edens.

Proposed Thames Coromandel District plan

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822 Black Jack Road Opito Bay

07 8662075 or 027 4868036

Specific provision of Proposed District Plan we oppose

Zoning of property at OTAMA

Reason

This land is an isolated block of farming land bisected by Black Jack Road and surrounding the Otama settlement. The land immediately behind the house contains a pa site.

There has been no allowance in the proposed district plan for any growth of the Otama Settlement to match the growth in population expected over the next 10 to 15 years. The existing stock of sections in this area are almost all built on and so there is no capacity for future demand.

The higher land to the immediate south of the existing Black Jack road and south of the conservation zoned land is suitable for more holiday homes to be created on it. The land is lower than the higher reserve land to the north of the road and so cannot be seen from the beach or marine environment. A site development plan would allow for some expansion of this village but puts in place requirements that would prevent it from growing to a scale that would impact the environment. As this land is not visible from either the beach or marine environment it would have negligible visual impact from this area.

The realignment of Black jack road to behind this area would move the noise of vehicles away from existing houses and with landscaping reduce the dominant visual impact that these existing houses have when traveling on Black Jack road. All sections would have pedestrian access to the beach without having to cross a collector road. The reserve would be re connected to form a larger area, part of the existing road could be retained as parking to reduce the use of the existing reserve for this purpose.

As part of the site development plan the pa site would be vested as a reserve right down to the rear boundary of the existing properties. This is a significant improvement as both with the existing plan and the proposed plan it would be possible for more buildings to be

constructed above these houses. Building in this area would have an impact on the amenity of the existing houses as well as being visible from the beach, marine environment and from Black Jack Road.

The Pa site has had a walkway developed that if vested would provide for public access to the top of the pa with spectacular views of the beach, surrounding country and out to the islands and bays to the north.

Part of the proposed site development plan would be to create an extension to the existing DOC wetland to the west of this property to run parallel to the re-aligned road which would increase the viability of this ecosystem. It would also act as a silt trap to the run off from the pine forest that surrounds the property to the south. This would reduce the possibility of silt runoff into the ocean.

Once the area is developed it becomes fully contained, will be serviced with plenty of reserves and still be a small coastal settlement.

Decision I seek from Council

To Alter the maps to show this land as being subject to a Site Development Plan.

Introduce into Section 25 a site development plan for this property

As part of this site development plan show the indicative plan as attached.

In the conditions for this Site Development Plan state;

This site development plan may not be exercised prior to 2020.

The developer will develop the new alignment of black jack road entirely at his cost to a 6m wide sealed carriage. The road is to be vested in council.

The land containing the historic Pa site above the existing house is to be vested as reserve along with the lot that is between the pa site and the houses. This will form the reserves contribution for the residential sites contained in the Site Development Plan but no compensation will be payable where this exceeds the value of reserves required under the Local Government Act.

The land indicated as a swamp/wetland is to be developed with planting and covenanted or protected in some other way acceptable to Council in perpetuity.

An off-site sewage system is to be provided to service any new residential sited created.

The developer is to plant a visual barrier between the proposed road and the residential area.

The sections in the Site development plan are to have a minimum average area of 500 square meters.

The submitter wishes to be heard on this submission.

The submitter will not gain in trade competition through this submission

This submission does not relate to trade competition or the effects of trade competition.

Signed

Sue Edens.

Proposed Thames Coromandel District plan

Submission

Submission by Sue Edens

Sue.edens@xtra.co.nz

822 Black Jack Road Opito Bay

07 8662075 or 027 4868036

Specific provision of Proposed District Plan we oppose

Overlay map 14A OPITO

Reason

The Coastal environment line Through our property to the north does not follow the ridge line. It should follow the amenity landscape line and then the rear of the existing sections along Skippers road. From the lower west corner of the last section it should then cross Black Jack road to a point on the next ridgeline behind the intersection Skippers and Black Jack Road.

Decision I seek from Council

To Alter the maps to show this line along the ridge lines.

The submitter wishes to be heard on this submission.

The submitter will not gain in trade competition through this submission

This submission does not relate to trade competition or the effects of trade competition.

Signed

Sue Edens.

Proposed Thames Coromandel District plan

Submission

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Sue.edens@xtra.co.nz

822 Black Jack Road Opito Bay

07 8662075 or 027 4868036

Specific provision of Proposed District Plan we oppose

Map 14A OPITO

Reason

The existing Skippers road from the intersection of Black Jack road to where it does a left turn parallel with the beach does not serve any properties. On this corner of our property at present is where a woolshed, farm workshop storage buildings are at presently situated. These buildings will become redundant as the farming operation is wound down and so the land will become surplus to needs. This area is close to the beach and of no value as farm land. It would be much better utilised for residential development and has little other practical use.

It does not extend the settlement along the coast but helps to consolidate it.

It fits into the proposed policies of the plan, will be able to be serviced by the waste water plant proposed for the subdivision off the north end of Skippers road and will provide for the future residential expansion of Opito.

Decision I seek from Council.

To Alter map 14A to show the area east of a line from the northern most point of the reserve south of Skippers road back to Black Road opposite the eastern boundary of 822 Black Jack Road and change the zoning to coastal living east of this line.

The submitter wishes to be heard on this submission.

The submitter will not gain in trade competition through this submission

This submission does not relate to trade competition or the effects of trade competition.

Signed

Sue Edens.