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Dear Francois,

TE KOUMA SUGARLOAF MANAGEMENT PLAN

Thank you for the opportunity to have input into the process of reviewing the Operational Management Plan for the Te Kouma Sugarloaf Boat Ramp and Landing Facility. The following is the view of the Waipapa Bay Protection Society in respect of this matter.

Scope and purpose of management plan

A management plan relating to day to day operations at the Sugarloaf is required to be in effect under conditions imposed on the resource consents originally granted by the Waikato Regional Council on behalf of the Minister of Conservation (Coastal Permit 920214) and the Thames-Coromandel District Council (K02/30/1044). It should be noted that through the resource consent process relating to the Coromandel Marine Farmers Association's (CMFA) application for refuelling at the Sugarloaf (RMA2009/23), it was confirmed that Coastal Permit 920214 authorising the reclamation on which the existing Sugarloaf landing facility has been built is now "spent" and ceases to have any effect. In addition, other resource consents have since been retrospectively granted by the TCDC for the two containers illegally placed on the Sugarloaf hardstand area and to regularise the existing kiosk/toilet building. Therefore, the following TCDC land use consents apply to operations at the Sugarloaf undertaken on reclaimed land above MHWS and under the jurisdiction of the District Council:

- Original land use consent (K02/30/1044);
- Refuelling consent (RMA2009/23);
- Greenshell NZ Ltd container (RMA2010//154);
- TCDC kiosk and toilet building (RMA2010/174);
- North Island Mussels Ltd container (RMA2012/268).

Any Operational Management Plan for the Sugarloaf boat ramp and landing facility should relate only to the foregoing consents under the jurisdiction of the TCDC. While the desire to have one comprehensive management plan document covering all Sugarloaf related activities including dredging operations and use of the adjacent "emergency" haul-out grid, may be understandable, this results in a blurring of the distinction between the respective consents and their own specific conditions. It also blurs the responsibilities of the relevant consent authorities and raises the question as to what input (if any) the Waikato Regional Council (WRC) has had in this Management Plan review process, particularly in respect of the clauses relating to activities under their jurisdiction (ie dredging operations and use of the haul-out grid).

The Management Plan is subservient to the relevant resource consents themselves and its content cannot be in conflict or be inconsistent with the terms and conditions of those consents.

Storage and boat maintenance activities on the Sugarloaf

The TCDC land use consent makes no provision for the storage of **any** material at the Sugarloaf and condition 3 of the consent specifically prohibits a number of activities, including in particular refuelling, boat maintenance and the erection of any structures. It was the prohibition on refuelling which necessitated the recent CMFA resource consent application seeking to authorise that activity. Similarly, retrospective resource consents were obtained for the two containers and the kiosk/toilet building, none of which were authorised by the original resource consents.

In the past, WBPS has been supportive of and actively participated in the Management Plan review process undertaken by the Sugarloaf Liaison Committee, but throughout that process we continually expressed concerns in respect of the proposed provisions relating to storage and boat maintenance. On a number of occasions we expressed the view that any such provisions within the Management Plan could not be lawfully given effect to until the relevant conditions of the existing land use consents were varied or separate resource consents authorising such activities were obtained.

We are not opposed to limited provision for temporary storage where such storage is an integral part of the short-term loading and unloading operations which regularly occur at the Sugarloaf, nor are we necessarily opposed to limited provision for minor boat maintenance work to be undertaken provided the nature and scope of such activity is clearly defined. However, in both cases the activities (storage and boat maintenance) need to be first authorised by amended or new resource consents. Similar authorisation was required for the existing warden's kiosk and toilet building as well as for the two shipping containers illegally placed on the Sugarloaf hardstand area.

Specific Management Plan provisions

In the context of the above, the following comments and suggested amendments are made to particular provisions of the currently proposed Management Plan:

Clause 5 – Noise limits

While the additional red font text proposed to be added to this clause appropriately identifies the need for all users of the Sugarloaf facility to exercise consideration to other users and neighbours, the wording seeks to minimise the potential for noise nuisance to be created by mussel barge operations by equating it to the potential nuisance created by recreational boats. In our experience by far the majority of noise nuisance is created by activities relating to mussel barge loading and unloading operations. It is suggested that the following more neutral wording be used:

All users of the facility (marine farming and recreational) should give consideration to the time of day of their activities and the potential for them to cause nuisance to residential neighbours in the near vicinity during late evening and early morning hours.

Clause 6(b)(ii) – Parking, Loading and Manoeuvring on Landing Facility

The clause refers to fifteen (15) parking spaces set aside for tow vehicle boat trailer units whereas the attached plan shows 16.

Clause 6(e) – Other on-site storage

It is again noted that the resource consents currently applying to the Sugarloaf do not allow **any** uncovered storage of material at the facility. While provision for some storage may be reasonable (eg of the nature set out in paragraphs 2-4 of this clause such activities still need to be authorised by

either a new resource consent or an amendment to the existing TCDC consent K02/30/1044. The suggested “temporary” storage of “clean gear in industry’s own car parks” as set out in the final paragraph is unacceptable. We note that this activity has been and continues to be ongoing at the Sugarloaf and is not “temporary”, but **permanent**. We are totally opposed to the use of designated parking spaces for storage purposes. Not only does such use require specific authorisation by way of an amended or new resource consent, but existing congestion problems are exacerbated by rendering any parking spaces so used unavailable for their clearly intended purpose. In addition, and as has already been demonstrated by marine farmers’ practices to date, such outdoor storage is likely to create adverse visual and odour effects leading to a degradation in the amenity values of the locality.

Clause 6(f) – Marine vessel maintenance

As previously noted, it is not considered appropriate for the Sugarloaf Management Plan to include matters relating to the adjacent haul-out grid which is subject to its own separate WRC resource consent and conditions. It is also noted that while the original consent for the haul-out grid appropriately limited its use to “emergency maintenance” only, the current consent (RC 118568), which somewhat unbelievably was processed by WRC without notification to any other parties, contains no such limitation. Paragraphs 2-4 of this clause should be deleted in their entirety.

Clause 6(i) – Dredging and Protection of Structures

Again, for reasons previously stated, this clause should be deleted in its entirety as it goes beyond the proper scope of a management plan applying to operations at the Sugarloaf.

Clause 6(j) – Commercial Operations

Reference in this clause to the CMFA’s Code of Practice is inappropriate as in the context of the existing resource consents relating to authorised activities at the Sugarloaf, that document has no legal status and many of its provisions are in conflict with the relevant resource consents.

We ask that the foregoing matters are taken into account in the final version of the proposed new Sugarloaf Operational Management Plan before it is adopted by Council. If there is any doubt in respect of the concerns we have raised (particularly regarding the need or otherwise for amended or new resource consents to be obtained), you may consider it appropriate for Council (as regulatory authority) to seek its own independent legal advice before the Management Plan is formally adopted.

If in the meantime you have any queries or wish to discuss any of the foregoing matters, please do not hesitate to contact me.



Yours sincerely,

Russell De Luca

On behalf of Waipapa Bay Protection Society