

# **Sugarloaf Operational Management Plan**

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<b>TO</b>	Coromandel-Colville Community Board
<b>FROM</b>	Simon Stephens - Programme Manager
<b>DATE</b>	26 September 2014
<b>SUBJECT</b>	<b>Sugarloaf Wharf - Operational Management Plan</b>

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## **1 Purpose of Report**

The purpose of this report is twofold:

- to inform the Coromandel-Colville Community Board of progress made with the review of the Sugarloaf Operational Management Plan (OMP) and
- to obtain final input from the Coromandel-Colville Community Board on the proposed OMP before it is submitted for formal sign-off.

## **2 Background**

The original Land Use consent K02/30/1044 was granted by Thames-Coromandel District Council (TCDC) in 1992 and the expired Reclamation Permit 920214 in 1993. Both consents required an OMP to be developed and signed off by the TCDC Chief Planner and Waikato Regional Council (WRC) by a specific date as stated in conditions of the consent and permit. The December 1993 version of the OMP was signed off by TCDC in December 1993 and finally by WRC on 30 May 1994 in line with applicable consent conditions.

In 2011, due to operational issues at the site, an attempt was made through consultation with affected parties to establish a more up to date OMP. The 2011 OMP review process wasn't completed and the document not signed off by the TCDC Planning Department.

The proposed June 2014 OMP was presented to the Coromandel-Colville Community Board in workshop forum on 22 May 2014 prior to releasing the document for further limited consultation with affected parties. Affected parties included Iwi, Coromandel Marine Farmers Association (CMFA), Recreational Fishing Association, Waipapa Bay Protection Society and Te Kouma Residents and Ratepayers.

The feedback received was considered in line with the purpose of the OMP and restrictions with regards to the relevant consents. Where applicable, proposed changes were included in the revised OMP. A submission was also received from Waipapa Bay Projection Society (Attachment B) and assessed in line with the original land use consent and proposed OMP by TCDC's legal counsel.

Although TCDC is choosing to complete this process to review and update the OMP, it is not a requirement of the original land use consent, nor any subsequent consent issued for land use related activities at the wharf. The 1993 OMP remains the operative management plan in line with the original land use consent conditions.

## **3 Issue**

### Consultation Process

The original land use consent K02/30/1044, doesn't include requirements for review of the OMP and is also mute on any consultation or formal process to follow if the consent holder chose to review the OMP. The current review affects the consented users. It is also acknowledged that local iwi and local residents may be affected by the activities at this site.

As a result the revised OMP was submitted for comment to:

- Coromandel Marine Farmers Association
- Recreational Fishing Association
- Waipapa Bay Protection Society
- Te Kouma Residents and Ratepayers Association
- Ngati Whanuanga
- Ngati Huarere
- Patukirikiri iwi
- Ngati Maru
- Ngati Tamatera

Comments were received from the consented users and Waipapa Bay Protection Society only.

#### Issues and Concerns

This version of the OMP attempts to include the various comments received and addresses concerns not specifically dealt with in resource consents and/or bylaws. Some of the main issues and concerns addressed through the revision process include:

- a. Provision of a comprehensive all-inclusive management plan for the facility to deal with a wide range of matters including matters required by the 1992 land use consent.
- b. Health & Safety concerns and legislative requirements.
- c. Environmental management of the facility and emergency maintenance grid.
- d. Traffic flow, loading areas and parking for the two consented user groups along with wardens, Harbour Master and Sea Rescue.
- e. Consent compliance with regards to the original land use consent and subsequent consents issues for activities and uses associated with the Sugarloaf facility.
- f. Confirmation of the restrictions at this facility with regards to maintenance of vessels at the wharf and emergency maintenance grid.
- g. Elaboration on storage of specific materials and equipment at the wharf in line with the restrictions in the wharf bylaw (without overriding provisions of the bylaw).
- h. Confirmation of the intention of the OMP and the order of precedence with regards to the OMP, consents and applicable bylaws.

Some of the main issues and concerns that are not dealt with in this version of the OMP include, among other:

- j. Noise restrictions (Noise limits are contained in the District Plan)
- h. Operating hours (Only applicable to the Refuelling consent).
- k. Lighting restrictions and use of lights on and off the wharf, vessels, cars, trucks and other equipment. (Not applicable with regards to any consent conditions).
- l. Parking provision in the Te Kouma Road (This is dealt with through the parking bylaw).
- m. Enforceability of the OMP (To be dealt with under specific bylaws).

## **4 Discussion**

The Land use consent and reclamation permit required an OMP be submitted by certain date in a specific format and signed off by TCDC and WRC prior to the implementation of the consent and permit. These conditions were met with the preparation and sign-off on the 1993 OMP.

The reclamation permit has lapsed and is no longer valid. TCDC complied with the conditions of this permit. There should be no further reference to any clauses of this permit in the OMP as it doesn't apply to land above mean high water springs (MHWS).

The land use consent doesn't require the OMP to be reviewed or updated - the land use consent conditions have been satisfied. The 1993 OMP was therefore accepted as part of

the compliance on the consent conditions as it was submitted as required prior to giving effect to the works permitted in the consent.

The land use consent states the requirements for the content of the OMP, but doesn't impose any restrictions on content. Consents issued for Sugarloaf wharf since the original land use consent don't have requirements around establishment or updating of an OMP. There is nothing in any legislation to limit what we are able to put in an OMP (including this one).

The conditions of the land use consent are not exhaustive enough to control all aspects of the use of the facility by industry/recreational fishers at Sugarloaf, as such we are recommending inclusion of a number of operational conditions that don't form part of the conditions of the land use consent or even any further consents issued for activities at this site, but would improve operations at the facility.

With the review of the comments and submissions and in specific the submission against an all inclusive OMP as previously proposed, we are left with a number of options at this point as follows:

1. We refer to the 1993 OMP as the operative plan and leave it at that - (Do nothing option)
2. We refer to the 1993 OMP as the operative plan and re-purpose the 2014 version as an internal operational reference document (similar to the H&S manual) - (Do the minimum option).
3. We incorporate all operational issues and applicable consents for the site (logical approach, but not required nor disallowed by the land use or any other consent applicable to this facility) into a comprehensive OMP - (Recommended Option).

It should be noted that the OMP would not have an enforceable status. Enforceable matters are captured in the relevant bylaws that apply to the site and surrounds.

The inclusion of the CMFA's Code of Practice is a means by which the CMFA and their constituents agree to comply with the OMP. It is further proposed that the Community Board seeks a formal resolution from the CMFA on the adoption of the OMP once signed off by the TCDC Planning Department.

#### Next Steps and Formalisation of OMP

The process for review of the OMP concludes with the TCDC Planner Department sign-off. At that point the OMP succeeds the 1993 version and becomes the operative management plan. It is proposed that once the Community Board's final comments are incorporated into the proposed OMP, that it be submitted to TCDC Planning Department for sign-off.

Once signed off, the OMP will be distributed to WRC and CMFA for their records. It will also be requested that the CMFA adopt the current version of the OMP through formal meeting.

Change control will be implemented with all requested changes and proposed amendments recorded by TCDC Coromandel office staff for use in the next revision of the OMP. It is envisaged that the OMP will be reviewed on a three yearly basis to coincide with the long term planning cycle or at such time as legislative changes or major works necessitates.

## **5 Suggested Resolution(s)**

That the Coromandel Colville Community Board:

1. Receives the report
2. Approves (with further wording changes if required) the proposed Operational Management Plan - October 2014 Draft Version 9 (Attachment A) for finalisation and submission to the TCDC Planning Department for final sign-off.

**References-Tabled/Agenda Attachments**

- Attachment A** *Proposed Operational Management Plan - October 2014 - Draft vers.9*
- Attachment B** *Submission to TCDC by Russell De Luca*
- Attachment C** *Sugarloaf Layout*
- Attachment D** *Coromandel Marine Farmers Assn - Code of Practice*

***Attachment A***

**Attachment A - Draft Sugarloaf Operational Management Plan (OMP)**

**Attachment B**

**Attachment B - Sugarloaf Operational Management Plan - Comments Receiv...**

**Attachment C - Sugarloaf Layout**

*Attachment D*

[Attachment D - Coromandel Marine Farmers Assn Code of Practice](#)