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HEARINGS PRESENTATION NOTES-GR AND GJ READY-ORIGINAL SUBMISSION TO TCDC PROPOSED DISTRICT PLAN-23  
OCTOBER 2014

SUBJECT FOR HEARINGS	SBMSN PAGE NO/SUMM NO	ISSUE , POINTS AND REQUESTED OUTCOME
Section 24-Rural Area	3554/799.30	<p><b>24.3</b> <b>Objective 5</b> <b>Policy 5b</b> <b>Issue-</b>The statement "Clearance of indigenous vegetation shall be discouraged in the Coastal Environment." <b>Reason</b></p> <ul style="list-style-type: none"><li>• We query what the term "discouraged" in the context of this PDP means.</li><li>• Does it mean that no clearance is to occur?</li><li>• Does it mean that there will be limits; if so how would those be defined and in what circumstances?</li><li>• Our property is zoned rural but lies well within the coastal environment line.</li><li>• We believe that we should be able to cut small amounts of kanuka/manuka for personal use to keep our home warm and to heat our water through our wetback system in the winter months.</li><li>• Further, we do not consider that this level of domestic use would constitute "clearance."</li></ul> <p><b>Original Outcome requested-</b> Amend Policy 5b accordingly or delete it from the PDP.</p> <p>We note the Staff Report comments at Points 100-104 and also note the rejection of our original requested outcome at Recommendation R24.20, Reasons (a) and (d). We note that Reason (a) includes a reference, in support of the implementation of 5b, NZCPS Policy 11 (b) (i) which states- <i>"avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</i></p> <p style="padding-left: 40px;"><i>(i) areas of predominantly indigenous vegetation in the coastal environment;"</i></p> <p>We would therefore ask what studies have been done to ascertain what would be</p>

	<p>considered to be <i>“significant adverse effects”</i> under that section of the NCPS as opposed to <i>“other adverse effects.”</i></p> <p>We consider this to be an important question because we do not believe that cutting small amounts of manuka/kanuka for domestic use on a property of our size would indeed be a <i>“significant adverse effect.”</i> Further, the small quantities involved would surely meet the <i>“other adverse effects”</i> criteria requiring it to be <i>“avoided, mitigated or remedied.”</i></p> <p>The decision to reject our request around domestic use of manuka/kanuka firewood has lead us to the conclusion that such use been deemed by council to be a <i>“significant adverse effect”</i> requiring <i>“avoidance.”</i> There therefore needs to be transparency on what criteria has been used to deem it so.</p> <p>We also note that Reason (a) includes a reference, in support of the implementation of 5b, to new WRPS Policy 11.4 (Safeguard coastal/marine ecosystems) which states- <i>“In managing activities in the coastal environment, have particular regard to maintaining or enhancing:</i></p> <ul style="list-style-type: none"> <li><i>a) any area in the inter-tidal or sub-tidal zone that contains unique, rare, distinctive or representative coastal/marine species or habitats;</i></li> <li><i>b) areas used by marine mammals and wading/coastal birds including breeding, feeding, roosting and haul out sites;</i></li> <li><i>c) whitebait spawning areas and shellfish beds;</i></li> <li><i>d) habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species; and</i></li> <li><i>e) indigenous habitats and ecosystems that are unique to the coastal environment and vulnerable to modification and the impacts of climate change, including estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems, seagrass and saltmarsh.</i></li> </ul> <p>We have studied the list of Consent Orders on the WRC website and we could not definitely establish whether a consent order has been issued in relation to the Proposed WRPS Policy 11.4. In this context, we believe that TCDC only has to have regard to them, not implement them under S74(2)</p> <p>We also note that in the tracked changes for Policy 5b the original text we opposed has</p>
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		<p>now been replaced by "<i>Subdivision, use and development in the Coastal Environment shall maintain or enhance areas of predominately indigenous vegetation.</i>"</p> <p>We seek clarification of this amendment. It appears to be stronger that what was originally there insomuch that it implies that no cutting of indigenous vegetation for any reason can now take place in the coastal environment because "<i>maintenance and enhancement</i>" is required. Perhaps we are misinterpreting the text; perhaps "<i>maintenance</i>" does allow some cutting provided the area so cut is restored (remedied). But which of our interpretations is correct?</p> <p>The new policy 5b is not clear.</p> <p>If it does mean no cutting at all then we would oppose it on the grounds that it affects our well-being under S5 (2) RMA and takes away our reasonable domestic use of resources on the land that we own under S85 RMA.</p> <p><b>New Outcome Requested-</b>That the new text in the tracked changes for Policy 5b in the Proposed District Plan be reviewed again with a view to clarifying the term "maintain"</p>
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