

COROMANDEL PROPERTY OWNERS ALLIANCE INCORPORATED (CPOA)-PRESENTATION TO PROPOSED DISTRICT PLAN SUBMISSIONS AND FURTHER SUBMISSIONS HEARINGS PANEL-1300-1330-10 FEBRUARY 2015

PART II-OVERLAY ISSUES-SECTION 6-BIODIVERSITY

ORGN NAME AND NO	ORIGINAL SUBMSN PAGE NO/ SUMMARY SUBMSN POINT NO	ORIGINAL SUBMISSION ISSUE FOR CPOA	CPOA REASONS FOR OPPOSITION OR SUPPORT AND REQUESTED OUTCOMES
EDS-320	1250/320.4	6.2.2 <i>“Poor land management practices contribute to the degradation and loss of important indigenous habitats...”</i> EDS amending “important” indigenous habitats to “all”.	<ul style="list-style-type: none"> • CPOA opposes this amendment because: <ul style="list-style-type: none"> ○ It implies that all indigenous habitat is degraded by land management practices, and CPOA refutes this. ○ No evidence (robust science-based research statements or cited reports from credible experts) of any biodiversity loss has been provided. ○ The S32 report (Part IVA Consultation, Section 6-Biodiversity-Page 5-Section 2.1-Introduction) states-<i>“ Indigenous biodiversity in the District is improving, but largely because of the goodwill of landowners and community groups who replant and let regenerate, remove pests from land and help indigenous flora and fauna to thrive.”</i> This statement confirms that there is biodiversity gain in this district. • We note that the Staff Report – para 21 – accepts the EDS submission point, stating that changes are recommended to the Proposed District Plan to “improve its clarity and intent”. The word “important” is deleted in Appendix 2. <ul style="list-style-type: none"> ○ While Council consider it may be consistent with other documents to delete “important” before “indigenous habitats”, it becomes all the more critical to provide

			<p>evidence of whether and how land management practices cause degradation or loss of indigenous habitats, if this clause is to be part of a regulatory document. In this regard we disagree with the statement in Point 19 of the Staff Report which states –“Similarly, a summary of biodiversity gains and losses during the Operative District Plan is not helpful in this Section.” CPOA would ask “not helpful to whom?” CPOA considers that such an analysis needs to precede any changes to a regulatory document for such changes to be seen as credible.</p> <ul style="list-style-type: none"> • CPOA therefore disagrees with the Staff Report recommendation. <p><i>CPOA requests that this EDS submission point be disallowed</i></p>
EDS-320	1251/320.4	Add Policies-no net loss 6.3 policy1a,b	<ul style="list-style-type: none"> • CPOA opposes this amendment because: <ul style="list-style-type: none"> ○ No evidence (robust science-based research statements or cited reports from credible experts) of any biodiversity loss has been provided. ○ The S32 report ((Part IVA Consultation, Section 6- Biodiversity-Page 5-Section 2.1-Introduction) states-“ <i>Indigenous biodiversity in the District is improving, but largely because of the goodwill of landowners and community groups who replant and let regenerate, remove pests from land and help indigenous flora and fauna to thrive.</i>” This statement confirms that there is biodiversity gain in this district. ○ S5 (2) RMA provides for avoiding, mitigating and remedying any adverse effects on the environment <u>not just avoiding.</u> • CPOA notes that the Staff Report – para 14 – addresses the concept of “no net loss”, stating that the draft biodiversity consent order of the WRC Proposed RPS indicates no net loss will be assessed across the region, not at individual activity or

		<p>6.3 P1a g) – wants to replace “consider” with “require”, regarding management of priority locations mapped in S38.</p>	<p>site level. It acknowledges that some activities will lead to biodiversity loss but this will be offset by other regulatory and non-regulatory methods.</p> <ul style="list-style-type: none"> • Further, CPOA notes that the Staff Report recommends major changes to policy 1a, including addition of a policy 1aa, and deletion of policy 1b. No reference is made to “no net loss”, although the end result of the suggested new policy would be the same. • CPOA agrees with the Staff Report inasmuch that the “no net loss” concept has not been included. • CPOA disagrees with the Staff Report inasmuch that the suggested changes do not allow for any activities that may lead to biodiversity loss. This is contrary to the PWRPS (11.1.3, 11.2.2) and the RMA which allows for avoidance, mitigation and remedying adverse effects. • CPOA also has a grave concern with the implied approach that this District’s property owners may be required to compensate for biodiversity loss in the Waikato Region as a whole (unless it is through subdivision-based restoration). This is a very real potential possibility if <i>“no net loss will be assessed across the region, not at individual activity or site level.”</i> • CPOA understands that these sites have been identified as priorities <u>for consideration</u> of protection opportunities through subdivision, not to be <u>required</u> during any subdivision, use and development. • CPOA therefore believes that this proposal is inappropriate, because to <u>require</u> protection amounts to land confiscation. • CPOA notes that the Staff Report does not directly address this EDS submission point but retains the word “<u>consider.</u>” • CPOA concurs with this approach. <p><i>CPOA requests that these EDS submission points be disallowed.</i></p>
EDS-320	1252/320.4	6.3 Policy 1c – provide for transferable development rights, net biodiversity gain	<ul style="list-style-type: none"> • CPOA opposes this amendment because: <ul style="list-style-type: none"> ○ There is no provision in the Proposed District Plan for

		<p>6.3 Policy 1d – sustainable use provided no net effects result, requiring remediation or mitigation on site only.</p>	<p>transferable rights. This would require a plan change.</p> <ul style="list-style-type: none"> ○ No evidence (robust science-based research statements or cited reports from credible experts) of any biodiversity loss has been provided. ○ The S32 report ((Part IVA Consultation, Section 6- Biodiversity-Page 5-Section 2.1-Introduction) states-“ <i>Indigenous biodiversity in the District is improving, but largely because of the goodwill of landowners and community groups who replant and let regenerate, remove pests from land and help indigenous flora and fauna to thrive.</i>” This statement confirms that there is biodiversity gain in this district. <ul style="list-style-type: none"> ● CPOA notes the Staff Report – para 14, 16, and 22 – outlines reasons why transferable development rights have not been included in the Proposed District Plan, and why the Proposed District Plan supports subdivision for restoration/enhancement where appropriate. CPOA supports the Proposed District Plan approach in this regard. ● CPOA also notes that the Staff Report – para 25 – recommends deleting P1d (sustainable use) and replacing it with a policy about “reasonable use”. EDS has supported sustainable use, with conditions, however the staff report has taken this further by deleting the provision, with no reason given. ● CPOA supports the addition of a policy about reasonable use although the wording needs some modification. This is explored under a later submission point in this document. ● However, CPOA disagrees with deleting any provision for sustainable use of any kind. CPOA considers that sustainable use does not appear to be adequately covered by other policies, and should be provided for. Examples of sustainable use (with adequate controls) may include (not exhaustive) firewood for sale, wood for furniture-making, tree fern
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			<p>harvesting and tea tree oil etc. These are all important considerations for the District’s economy (The difficulties of which in this regard for Thames Coromandel District were mentioned in the Royal Society Our Futures Report 2014). A provision for sustainable development would also be consistent with the Looms Discussion Paper (Framework for Developing Sustainable Communities) of 2002 which stated (Page 7)-“Sustainable development is often identified with environmental protection or preservation of natural resources. It is much more than that. Sustainable development is a balanced inclusive approach that seeks to meet the needs of the present generation without compromising ability of future generations to meet their own needs. Technically, ecological economists define sustainable development as choices and actions regarding all kinds of “stocks” and resources that attain non-declining welfare (wellbeing) over time. Sustainable development integrates the aims of social development and economic development.”</p> <ul style="list-style-type: none"> • CPOA therefore disagrees with the Staff Report recommendation to delete Policy 1d in its entirety, and requests the essence (consistent with any change to reflect Council’s recommendation in the Staff Report to introduce reasonable use provisions) of the wording of the Proposed District Plan be retained , so that remediation/mitigation may be on site or off site. <p><i>CPOA requests that this EDS submission point be disallowed</i></p>
EDS-320	1253/320.4	6.3 P1e – Want significant ecological areas mapped Want to add policy specifically related to NZCPS policy 11b, and map these.	<ul style="list-style-type: none"> • CPOA considers that the existing limits to these areas as per map in S38 of the proposed District Plan are okay provided we know the process, basis and validity, but any future maps affecting property must go through a plan change so as to be challengeable. • CPOA also believes that the proposal may potentially imply that ecological areas “<u>everywhere</u>” should be mapped.

		6.4 – non-regulatory methods	<ul style="list-style-type: none"> • CPOA notes that the Staff Report – para 10 and 26- does not address the request for mapping of any of the requested items, and does not recommend any such mapping. CPOA concurs with this. • CPOA notes that the Staff Report supports the EDS request to add policy specifically covering the NZCPS Policy 11b and has reproduced an adaptation of Policy 11b into the tracked changes for Policy 1e. • CPOA disagrees with the Staff Report on this point. CPOA believes that TCDC’s responsibility to give effect to the NZCPS Policy 11b is met in other parts of the Proposed District Plan and does not need repeating here. Policy 6.3.1a and Policy 6.3.1b, as well as opportunities under 6.4 Non-Regulatory Methods collectively cover all aspects of NZCPS Policy 11b. • CPOA considers that rates relief is the business of Council. • CPOA also believes that there could be ratepayer concern reference funding. Possibly double dipping— significant ecological area means reduced resale value lowering rates anyway. • CPOA believe that Non-regulatory methods should be given more priority but with a preference for voluntary methods that don’t incur huge cost on ratepayers. • CPOA believes that Non-regulatory methods, based on collaboration/consultation with affected property owners, could have considerable biodiversity preservation benefits for both Council and owners. • CPOA notes that the Staff Report – para 28 – does not support specifying non-regulatory methods in the Plan, since the direction and intention of Council is not clear. No reference to rates relief or other methods is recommended. • CPOA concurs with this present Council approach, in the absence of an up-to-date Biodiversity Strategy but also
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			<p>recommends that the formulation of such a strategy become a Council priority.</p> <p><i>CPOA requests that this EDS submission point be disallowed</i></p>
WRC-534	2224-2226/534.2	<p>Biodiversity</p> <p>6.1 Background</p> <p>Seeks to amend text in several places requiring TCDC to quote S5 (2) (b), Section 7 (d), and Section 31 of the RMA.</p> <p>Also seeks to introduce a defined lengthy descriptive paragraph on flora and fauna, a theory on why it has survived, and a statement that “large portions of the once extensively forested peninsula have been cleared or strongly modified by human activity”</p>	<ul style="list-style-type: none"> • CPOA consider this amendment to be overly prescriptive; WRC appears to seek to dictate to TCDC how it reflects RMA requirements in the Proposed District Plan. That has the effect of appearing to instruct TCDC how it will <u>implement</u> policy requirements. CPOA does not consider that to be the role of a regional council. TCDC mentions matters of national importance (under Section 6) in the RMA. TCDC also mentions ecosystems. CPOA considers that to be sufficient. • CPOA considers that the lengthy descriptive paragraph on flora and fauna is potentially unbalanced; it implies that all human activity has been adverse. It fails to recognize that human activity may have also been responsible for why so much of the natural environment remains intact. Again; WRC appears to seek to direct TCDC on the implementation of policy. CPOA considers that the TCDC text “<i>The district has extensive biodiversity values</i>” is sufficient. • CPOA notes that the Staff Report – para 18 and 19 – supports the WRC submission points and has substantially added to the text in 6.1. <u>CPOA disagrees with the Staff Report on this.</u> <p><i>CPOA requests that this WRC submission point be disallowed</i></p>
WRC-534	2226-2227/534.2	<p>6.2 Issues</p> <p>Seeks to broaden and strengthen with amended text.</p> <p>Seeks to add a new issue 4 “that reflects the importance of managing impacts on the range of habitats used by threatened and endemic species including kanuka/manuka scrubland and production forestry environments.”</p>	<ul style="list-style-type: none"> • CPOA considers that WRC’s amended text is overly prescriptive. CPOA consider that the negative effects listed by WRC are general and lack scientific robustness. The specific ecological/scientific analysis that was carried out, and over what time period needs to be stated. Using generalisations such as are contained in this list are not considered to be sufficient evidence, particularly where it leads to regulation affecting “reasonable use” by property owners. • TCDC has reported that “<i>Indigenous biodiversity in the District</i>”

			<p><i>is improving, but largely because of the goodwill of landowners and community groups who replant and let regenerate, remove pests from land and help indigenous flora and fauna to thrive.”</i></p> <ul style="list-style-type: none"> • The WRC amendments tighten these generalisations further without providing the evidence. By WRC’s own admission in its technical report on SNAs, ground truthing of private properties on site has not been done. CPOA believes that WRC cannot make such sweeping statements regarding manuka/kanuka scrubland and production forestry environments without providing evidence (robust science-based research statements or cited reports from credible experts). • CPOA also believes that the issue of potential loss of habitat is covered under Issue 1 a), b) and c), and no further repetition is required. • CPOA notes that the Staff Report – para 23 – supports the WRC submission point, and suggests adding a new Issue 4 specifically related to loss of habitat of threatened species. • CPOA disagrees with this for the reasons outlined above. <p><i>CPOA requests that this WRC submission point be disallowed</i></p>
WRC-534	2228/534.2	6.3 Objective 1 Seeks to widen the TCDC PDP text beyond “at the time of subdivision, use and development”	<ul style="list-style-type: none"> • CPOA opposes this amendment as it has the effect of broadening the scope of potential restrictions for owners. • CPOA notes that the Staff Report – para 18 and 19 – suggests removing this text, therefore supports the WRC submission. The Staff Report also rewords the Objective, which does not appear to be related to this or other’s submissions. The new suggested wording is broader in scope and would need to go beyond the parameters of the Proposed District Plan to meet it fully (i.e. including contents of a Biodiversity strategy). • CPOA therefore prefers the current wording of the Objective, including retaining the words “<i>at the time of subdivision, use and development.</i>”

			<i>CPOA requests that this WRC submission point be disallowed</i>
WRC-534	2228/534.2	<p>6.3 Policy 1a</p> <p>Quoting the PWRPS policy 11.1 in part to support their actions, seeks to delete Policy 1a and replace with the following-Subdivision, use and development maintains and enhances ecosystems, their intrinsic values, natural processes and their ecological benefits by providing for:</p> <p>a) Connectivity within and between habitats, particularly along riparian margins; and</p> <p>b) Buffering of sensitive sites from intensive land use; and</p> <p>c) Retention of habitat for threatened species; and</p> <p>d) Avoidance of edge effects and increased risk of plant and animal pests; and</p> <p>e) Incentives that achieve permanent protection or enhancement of indigenous ecosystems and habitats.</p>	<ul style="list-style-type: none"> • CPOA objects to this amendment as it is another example of where WRC, a regional organisation, is directing TCDC as to specific text that must be inserted in the District Council’s Proposed District Plan. The amendment also imposes additional restrictions. • CPOA notes that the Staff Report – para 20 – suggests adding a new policy 1aa, and substantially modifying and adding to policy 1a, in response to this and other submissions. CPOA considers this to be unnecessarily complicated, and in some cases confusing e.g. Policy 1a a) relating to areas of <i>non-significant</i> vegetation/habitats, when these have not been defined. • CPOA disagrees with the approach of the Staff Report on this point. <p><i>CPOA requests that this WRC submission point be disallowed</i></p>
WRC-534	2228-2229/534.2	<p>6.3 Policy 1b</p> <p>Seeks to delete all text and substitute it with their own; quoting the PWRPS policy 11.1 and Method 11.1.3 in part to support their actions.</p>	<ul style="list-style-type: none"> • CPOA’s previous comments regarding WRC scripting text for a District Plan apply here as do our previous comments on the PWRPS. S74 RMA requires only that the TCDC have regard to it. • Staff Report – para 21 – supports the WRC submission point and suggests deleting Policy 1b, also stating that the suggested changes in policy 1a render it superfluous. CPOA disagrees with the Staff Report on this point. Policy 1b acknowledges that there will be situations where vegetation clearance will take place, and specifically addresses this. CPOA considers this to be appropriate and balanced. Conversely, suggested changes to Policy 1aa and 1a make this section overly complicated and confusing. • CPOA requests that the current Proposed District Plan wording

			of policies 1a and 1b be retained <i>CPOA requests that this WRC submission point be disallowed</i>
WRC-534	2230/534.2	<p>6.3 Policy 1d</p> <p>Questions “sustainable use” as it could be viewed as a vegetation clearance policy that is permissive and that <u>biodiversity will not be achieved through use of permitted or controlled activities</u>. WRC also views it as being too permissive and it would not achieve <u>PWRPS biodiversity policy directions</u>.</p> <p>Seeks to delete 1d and replace it with a very restrictive definition of “Provide for the reasonable use and enjoyment of land through:</p> <p>a) <i>The maintenance and operation of lawfully established infrastructure and utilities;</i></p> <p>b) <i>The continuation of existing lawfully established uses of land where the effects of such land use remain the same or similar in character, intensity, and scale;</i></p> <p>c) <i>Activities undertaken for the purpose of maintenance or enhancement of indigenous biodiversity;</i></p> <p>d) <i>The collection of material for maintaining traditional Maori cultural practices; and</i></p> <p>e) <i>Actions necessary to avoid loss of life, injury or serious damage to property.”</i></p>	<ul style="list-style-type: none"> • CPOA’s previous comments regarding WRC scripting text for a District Plan apply here. • CPOA rejects the WRC contention that biodiversity cannot be maintained through the <u>application of permitted or controlled activities</u>. It clearly has been so maintained up until now because TCDC states (in their S32 Report) that there has been <u>biodiversity gain</u>. • CPOA considers that WRC is dictating what reasonable use will be as opposed to what is defined in S85 (2) of the RMA which states, inter alia, “.....any person having an interest in land to which any provision or proposed provision of a plan or proposed plan applies, and who considers that the provision or proposed provision would render that interest in land incapable of reasonable use, may challenge that provision or proposed provision on those grounds.....” This is the correct definition which is designed to protect those with an interest in land from having it taken or being injuriously affected. • Further, CPOA considers that the phrase “<u>the continuation of lawfully established uses of land</u>” in the proposed WRC amendment is potentially restrictive. It implies existing use rights only which itself implies that some sort of formal permission (Letter, certificate or memorandum) has to be issued by Council. We are reasonably certain that this is what is required because the RMA also uses this term “<u>lawfully established</u>.” CPOA therefore can only conclude that a legal permission document from Council is required. • Further, CPOA believe that it is a basic humanitarian requirement for owners to be able to cut sufficient firewood off their land for cooking, heating water and keeping families warm-there are people in the Coromandel who are off the power grid; there are a number of people in the peninsula

			<p>who are vulnerable through sickness or other personal circumstances. The suggestion of this new rule therefore potentially violates human dignity. It therefore contravenes the social and cultural well-being of the people conferred in S5 (2) of the RMA.</p> <ul style="list-style-type: none"> • WRC cannot on the one hand state that <i>“allowing property owners’ reasonable use and enjoyment of their land is an important policy direction”</i> then on the other dictate their definition of “reasonable use” which potentially contradicts or appears to constrict S85 of the RMA. • CPOA notes that the Staff Report – para 25 – , in line with the WRC submission, suggests deleting Policy 1d re “sustainable use”, and replacing it with a new policy 1d re “reasonable use.” • CPOA considers the deletion of an appropriate sustainable use clause is in itself a violation of reasonable use rights. The effects-based approach of existing Policy 1d ensures that activities under sustainable use maintain or enhance indigenous biodiversity, and this is appropriate. • CPOA’s previous comments regarding sustainable use in this document (EDS-320-1252/320.4) are also considered to be relevant and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ <i>CPOA disagrees with deleting any provision for sustainable use of any kind. CPOA considers that sustainable use does not appear to be adequately covered by other policies, and should be provided for. Examples of sustainable use (with adequate controls) may include (not exhaustive) firewood for sale, wood for furniture-making, tree fern harvesting and tea tree oil etc. These are all important considerations for the District’s economy (The difficulties of which in this regard for Thames Coromandel District were mentioned in the Royal Society Our Futures Report</i>
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			<p>2014). A provision for sustainable development would also be consistent with the Looms Discussion Paper (Framework for Developing Sustainable Communities) of 2002 which stated (Page 7)-“Sustainable development is often identified with environmental protection or preservation of natural resources. It is much more than that. Sustainable development is a balanced inclusive approach that seeks to meet the needs of the present generation without compromising ability of future generations to meet their own needs. Technically, ecological economists define sustainable development as choices and actions regarding all kinds of “stocks” and resources that attain non-declining welfare (wellbeing) over time. Sustainable development integrates the aims of social development and economic development.”</p> <ul style="list-style-type: none"> • CPOA therefore disagrees with the deletion of the current Policy 1d Sustainable Use and suggests, as discussed above, that a modified version be retained. • <u>CPOA, whilst supporting the principle of introducing “a reasonable use” provision into S6 Biodiversity, does not support the text used</u> as it is based on the restrictive WRC suggested text which CPOA opposes (for the reasons already discussed above on this submission point) and the three “may includes” in the tracked change text does not make any provision for private reasonable use by any property owners and is therefore potentially out of sync with the proposed tracked changes rules amendments/proposals in Appendix 2 for S29. Consequently a potential conflict situation between “policies” in the tracked changes for S6 and “the proposed new rules” in the tracked changes for S29 has been created. • CPOA also notes that the Staff Report-para 12- in support of its “reasonable use” recommendation refers to “The draft RPS
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			<p><i>consent order on biodiversity includes a new method enabling the Plan to provide for permitted activities where they will have minor adverse effects in relation to the maintenance or protection of indigenous biodiversity.”</i></p> <ul style="list-style-type: none"> • CPOA therefore recommends the following modification to the text in the tracked changes to S6 Policy 1d around “Reasonable Use:” <ul style="list-style-type: none"> ○ <i>“Reasonable use and enjoyment of land shall be provided for, including the use of permitted activities where there are minimal adverse effects on biodiversity. The recommended parameters and rules regarding such activities are contained within the tracked changes for S29 Biodiversity of this Proposed District Plan.”</i> <p><i>CPOA requests that this WRC submission point be disallowed</i></p>
WRC-534	2231-2233/534.2	<p>6.3 New Objective and Policies</p> <p>Seeks to add a new objective and policies to provide for the protection of SNAs including retention of biological diversity, protecting the values and characteristics, of SNA , mitigating against or remedying any loss of indigenous vegetation or habitat that cannot be avoided to achieve no net loss of biodiversity, including through legal protection, re-vegetation and biodiversity enhancement, pest control and stock exclusion, as well as building setbacks and enhancement or restoration of buffers around SNA and ecological connections and corridors between SNAs are encouraged.</p>	<ul style="list-style-type: none"> • CPOA consider that SNAs- <ul style="list-style-type: none"> ○ Have not been ground-truthed (WRC SNA Technical Report 2010 Page 12) ○ Desktop exercise only (WRC SNA Technical Report 2010 Pages 8, 12 and 92) ○ 10% were analysed and from roadside only (WRC SNA Technical Report 2010 Page 12) ○ CPOA considers that the process used was a scientifically insufficient process to determine “significance” of all areas. Any process needs to identify what significance means (for this District). This district is different from others due to amount of indigenous forest that is extant here. The Natural Solutions report (<i>Are Covenants Working? Biodiversity Protection through the TCDC District Plan, August 2010, 2.3.1, p.7</i>) quotes BIOVEG data which indicates 61% of the district has indigenous vegetation cover. • WRC strongly advised in its SNA Technical Report of 2010

			<p>(Page 95) that the data be used only in conjunction with subsequent field surveys, especially if the data will be used to help with decisions on resource consents, the development of district plan and regional plan schedules, or funding priorities.</p> <ul style="list-style-type: none"> • Given such clear advice from WRC regarding its report, CPOA considers that these SNAs should not be used for any Council process without proper analysis on the ground. • This particularly, is of concern to CPOA because, as can be seen from the Regional SNA Map over 80% of the District is covered by SNA (green) and if these SNA areas are going to be used to exercise greater control and restrictions, then this will affect any economic or social activity in those areas or near them. This is contrary to the provisions of S5 (2) of the RMA and ignores the fact that families and communities live and work here in the Coromandel. • CPOA notes that the Staff Report – para 9 – supports the WRC submission point in that it suggests the inclusion of a new policy 1aa related to areas of significant indigenous vegetation and significant habitats of indigenous fauna. It is unclear whether this assumes these to be the same as the SNAs as identified by WRC. • CPOA’s previous comments in this document (WRC-534-2228/534.2) apply here. CPOA considers the wording of Policy 1aa and 1a in the staff report to be unnecessarily complicated and un-clear, and prefers the original wording. • CPOA disagrees with the Staff Report in this regard. <p><i>CPOA requests that this WRC submission point be disallowed</i></p>
WRC-534	2233-2234/534.2	6.4 Method 2. Seeks to replace the TCDC review of its biodiversity strategy with a Joint WRC/TCDC review to give effect to Method 11.1.10 of the PWRPS and <u>impose</u> strategies on the District.	<ul style="list-style-type: none"> • It appears that WRC wishes to drive implementation of policy around biodiversity within the District by setting down what the District’s strategies will be. CPOA considers that this is not the role of a Regional Council. • CPOA also particularly objects to the use of the word “<u>impose</u>” in the proposed amendment.

			<ul style="list-style-type: none"> • TCDC should be working with owners to review its strategy in this regard to ensure maximum opportunities for effective non-regulatory measures. • CPOA notes that the Staff Report – para 28 – does not support WRC’s submission point. • CPOA concurs with this. <p><i>CPOA requests that this WRC submission point be disallowed.</i></p>
GRUBB-568	2413/568.41	Objective 1 –Indigenous biodiversity is maintained, restored or enhanced at the time of subdivision, use and development. Grubbs - Amend to remove “at the time of subdivision use and development”. Have also changed “ <u>or enhanced</u> ” to “ <u>and enhanced</u> ”.	<ul style="list-style-type: none"> • The Proposed District Plan is a regulatory document, so CPOA considers that it is appropriate to focus on subdivision, use and development. CPOA believes that other aspects of land management related to biodiversity should be the prerogative of property owners (i.e. voluntary measures), and can be addressed via 6.4.2 (review Biodiversity strategy). • The proposed changing “or” to “and” implies that in all cases biodiversity must be enhanced. It is CPOA’s understanding that this is not a requirement of any regulatory document, and in some cases is not appropriate, especially in a productive land use situation. • CPOA notes that the Staff Report – para 18 and 19 – supports removing the words “<i>at the time of subdivision, use and development</i>”. CPOA disagrees with this for the reasons outlined against this particular submission point above. • CPOA notes that the Staff Report suggests new wording of Objective 1, is very broad and the implication is that potentially any effects (temporary or otherwise) that cause the “<i>full range of the District’s indigenous ecosystems and biodiversity NOT to be maintained in a healthy and functional state</i>” will be unacceptable. This could potentially close off any option for subdivision and use and development and is contrary to the RMA’s regime of adverse effects being avoided, mitigated, or remedied. In addition, the proposal only addresses maintenance, not enhancement. This is at

			<p>odds with some of the content of policies under Objective 1, e.g. Policy 1c. Therefore CPOA submits that the original wording, “<i>biodiversity is maintained, restored or enhanced...</i>” is both more appropriate and more accurate.</p> <ul style="list-style-type: none"> • CPOA therefore disagrees with the Staff Report on this point. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
GRUBB-568	2413/568.42	<p>Objective 1 – <u>create new Policy 1 for non-regulatory methods, adding to 6.4.1 and 6.4.2 (a and b):-</u></p> <p><i>“c) – Council will support initiatives for biodiversity improvement from Community Boards and Community organisation when appropriate and fiscally possible.</i></p> <p><i>d) Council will grant rating exemption for areas of privately owned un-subdivided land that are permanently retired from productive or residential use for the purpose of maintaining, restoring, enhancing and protecting significant indigenous biodiversity.”</i></p>	<ul style="list-style-type: none"> • CPOA considers that: – • c) is a nice idea, but any support should be cost neutral to Council, due to the cost on ratepayers, and there are other sources of funding available to such groups. • d) – would be cost prohibitive to Council, due to the amount of land in indigenous vegetation. • These costs on ratepayers are not justified especially as the District has a biodiversity gain, largely due to voluntary activities which are ongoing. • CPOA notes that the Staff Report – para 28 – does not support the inclusion of specific methods in the Proposed District Plan, due to lack of clarity regarding Council’s intention. • CPOA supports this approach, and believes that there would be mutual benefits if non-regulatory methods could be developed in collaboration/consultation with property owners. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
GRUBB-568	2413/568.43	<p>Policy 1a d) – “<i>Apply buffers around land use activities to minimise adverse effects on areas of indigenous vegetation</i>” – <u>wish to change “minimise” to “avoid”.</u></p>	<ul style="list-style-type: none"> • CPOA believes that “<i>avoid</i>” is excessive – “<i>minimise</i>” is more than adequate. • CPOA questions the need for such buffers-width-size-length-maintenance-loss of land-costs. • This district has a biodiversity gain, and indigenous vegetation proliferates on its own, especially manuka - It wouldn’t be long before “<i>buffers</i>” were filled with it. • CPOA notes that the Staff Report – para 20 – does not

			<p>specifically address this point, but the wording change makes the submission point irrelevant</p> <ul style="list-style-type: none"> • CPOA supports the retention of the word “minimise.” <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
GRUBB-568	2413/568.43	Policy 1a g) – “Consider on-going management of priority locations mapped in Section 38 Subdivision, including legal protection, restoration, enhancement, pest control and stock exclusion.” – <u>wish to change “consider” to “ensure”.</u>	<ul style="list-style-type: none"> • CPOA believes that “consider” is more appropriate, since it would not be appropriate for all subdivision, use and development to need to address Section 38 areas in this way. • CPOA notes that the Staff Report – para 20 – does not specifically address this point, but does not change the word “consider”. CPOA concurs. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
GRUBB-568	2413/568.43	Policy 1b – “Where subdivision, use and development will result in the clearance of indigenous vegetation, the clearance should be undertaken in a way that:” – <u>wish to change “should” to “shall”.</u>	<ul style="list-style-type: none"> • CPOA considers that “should” is more appropriate as there needs to be some flexibility to treat different situations according to the needs and priorities on specific sites. Since we have biodiversity gain in this District, the use of “shall” here is unnecessary and excessive. Breaches S85, RMA. • CPOA notes that the Staff Report – para 21 – suggests deleting Policy 1b in preference for new policy wording in Policies 1aa and 1a. Therefore this submission point becomes irrelevant. • CPOA supports retaining the original wording in the Proposed District Plan as being more simple and appropriate, while still meeting other policy requirements. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
GRUBB-568	2413/568.43	Policy 1c – “Subdivision for restoration or enhancement of indigenous biodiversity shall be considered in the Rural Area where indigenous biodiversity is increased, and protected in legal perpetuity, by one or more of the following:....” – <u>wish to delete this policy.</u>	<ul style="list-style-type: none"> • CPOA understand that no rationale has been given for deleting this policy. This is one of the tools available to Council (at no cost to ratepayers) for incentivising biodiversity enhancement and legal protection via subdivision, and should be retained as an option. • CPOA considers that conservation lots have been successfully created in the past and has no doubt increased the areas of

			<p>protected or covenanted bush in the District that otherwise would not have happened.</p> <ul style="list-style-type: none"> • CPOA notes that the Staff Report – para 22-24 – does not specifically address this submission point, but retains this policy. CPOA concurs. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
GRUBB-568	2413/568.43	<p>Policy 1e – <i>“Subdivision, use and development in the Coastal Environment shall avoid adverse effects on:”</i> - <u>Wish to rewrite to say “Subdivision, use and development shall not be permitted in areas where human activity could affect:”</u></p>	<ul style="list-style-type: none"> • CPOA believe, importantly, that this clause specifically relates to the Coastal Environment, and this has been omitted from the Grubb’s clause. • Secondly, CPOA understands that RMA issues are intended to be effects based, so “shall avoid adverse effects on” is more appropriate and is sufficiently directive as it stands. • CPOA considers that human activity is a necessary part of life, and people are part of our environment. In many cases human activity serves to enhance ecosystems and threatened species etc. • CPOA notes that the Staff Report – para 26 – does not address this specific submission point, but does not appear to support it, nor make any changes it requests. CPOA concurs with this. <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
GRUBB-568	2413/568.43	<p>Policy 2a – <i>“Limited indigenous vegetation clearance shall be enabled where necessary for the safe maintenance and functioning of roads, access-ways and utilities.”</i> <u>Grubbs wish to preface with “where there is no alternative”.</u></p>	<ul style="list-style-type: none"> • CPOA considers that this amendment creates uncertainty for essential services, as whose opinion regarding reasonable alternatives would be heard? Roads and other utilities must be able to be maintained freely without interference. This district has biodiversity gain so this is not justified. • CPOA notes that the Staff Report – para 27 – does not support this submission point, and in fact suggests deleting the Objective and its policies. The Staff Report suggests that the issues would be covered under a “reasonable use” clause. • CPOA supports the staff report, as per the new policy relating to reasonable use - Policy1d (a) in Appendix 2. CPOA raises a

			<p>concern that the full range of required infrastructure may not be covered by this as of right, and if there is any doubt about this, CPOA suggests retaining the current Proposed District Plan wording of Objective 2 and its policies.</p> <p><i>CPOA requests that this submission point from B and D Grubb be disallowed</i></p>
RNZFB-780	3309/Nil	<p>In their opening paragraph under “general comments.” RNZFB make a number of statements about extensive adverse environmental effects, resulting from extensive land use changes, including the expansion of production forestry since the previous District Plan became operative. No evidence is provided for the wide-ranging assertions that have been made. These effects, according to RNZFB include indigenous biodiversity loss.</p>	<ul style="list-style-type: none"> • TCDC in its S32 report (Part IVA Consultation, Section 6- Biodiversity) on the Proposed District Plan stated that: <p><i>“Indigenous biodiversity in the District is improving, but largely because of the goodwill of landowners and community groups who replant and let regenerate, remove pests from land and help indigenous flora and fauna to thrive.”</i></p> • There is therefore no basis for the RNZFB concern regarding the maintenance of biodiversity. • Further, CPOA rejects the assertion by RNZFB that the surface has been degraded, that ground water, coastal waters, important landscapes and natural character have also been adversely affected. No evidence (robust science-based research statements or cited reports from credible experts) is offered to substantiate these claims or the extent of the deterioration. For something as serious as widespread adverse land management practices and adverse environmental effects, CPOA would reasonably expect evidence or practical examples to be provided. • CPOA notes that the Staff Report – does not specifically address the RNZFB general comments, however under 6.1 Background – para 19 – the staff report claims that an analysis of biodiversity gains/losses during the operative District Plan would not be helpful.

			<ul style="list-style-type: none"> As outlined earlier in this document (EDS-320-1250/320.4), CPOA disagrees with this comment, since such an analysis is the only way to evaluate the effectiveness or otherwise of the operative District Plan in meeting the requirements of indigenous biodiversity and therefore establishing the need for any change. <p><i>CPOA requests that this RNZFB submission point be disallowed</i></p>
RNZFB-780	3310/Nil	RNZFB maintain that a biodiversity net gain approach should be applied across the district.	<ul style="list-style-type: none"> CPOA's immediately preceding comments apply here. Indigenous biodiversity in the District is improving. <p><i>CPOA requests that this RNZFB submission point be disallowed</i></p>
RNZFB-780	3310/Nil	RNZFB maintain that it is important that adverse effects are avoided first, and remedied or mitigated only if this is not possible.	<ul style="list-style-type: none"> CPOA considers that this is contrary to S5 (2) (c) of the RMA which allows for the adverse effects of activities on the environment to be avoided, remedied or mitigated without priority being allocated to any one of these. In this regard, we believe that the RMA is reasonable and that the RNZFB proposal is unreasonable. <p><i>CPOA requests that this RNZFB submission point be disallowed</i></p>
RNZFB-780	3311/Nil	RNZFB supports the retention of SNAs and wants them to be shown on planning maps.	<ul style="list-style-type: none"> CPOA consider that SNAs- <ul style="list-style-type: none"> Have not been ground-truthed (WRC SNA Technical Report 2010 Page 12) Desktop exercise only (WRC SNA Technical Report 2010 Pages 8, 12 and 92) 10% analysed were from roadside only (WRC SNA Technical Report 2010 Page12). CPOA considers that the process used was a scientifically insufficient process to determine "significance" of all areas. Any process needs to identify what significance means (for this District). This district is different from others due to amount of indigenous forest that is extant here. The Natural Solutions report (<i>Are Covenants Working? Biodiversity Protection through the TCDC District Plan</i>, August 2010, 2.3.1, p.7) quotes BIOVEG data which indicates

			<p>61% of the district has indigenous vegetation cover.</p> <ul style="list-style-type: none"> • WRC strongly advised in its SNA Technical Report of 2010 (Page 95) that the data be used only in conjunction with subsequent field surveys, especially if the data will be used to help with decisions on resource consents, the development of district plan and regional plan schedules, or funding priorities. • Given such clear advice from WRC regarding its report, CPOA considers that these SNAs should not be used for any Council process without proper analysis on the ground. • This particularly, is of concern to CPOA because over 80% of the District is covered by SNAs and if these SNA areas are going to be used to exercise greater control and restrictions, then this will affect any economic or social activity in those areas or near them. This is contrary to the provisions of S5 (2) of the RMA and ignores the fact that families and communities live and work here in the Coromandel. <p><i>CPOA requests that this RNZFB submission point be disallowed</i></p>
RNZFB-780	3321/780.1	<p>Biodiversity 6.1 Background RNZFB seeks to add to Para 2: <i>“These species are under threat from continued loss of native habitat, in particular dune land, 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.”</i></p>	<ul style="list-style-type: none"> • The Coromandel has 61% indigenous vegetation cover. • CPOA is therefore concerned that such a general statement regarding threat to species and losses of habitat is made without supporting examples or evidence (robust science-based research statements or cited reports from credible experts). E.g. Where is there <u>continued</u> loss of dune land, wetlands and coastal forest? • Further, The RMA defines biological diversity as follows: <i>“biological diversity means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.”</i> CPOA considers that this definition adequately reinforces that ecosystems are part of biological diversity. • CPOA’s previous comments regarding TCDC’s acknowledgement (in the S32 Report) that indigenous biodiversity has improved in the Coromandel are valid here.

			<ul style="list-style-type: none"> • CPOA notes that the Staff Report – para 18 and 19 – gives support to this and similar submissions. Suggested changes in Appendix 2 Section 6.1 state that “ecosystems such as duneland, wetlands and coastal forest have been reduced in area and/or ecological viability,” but it does not give any indication over what time period, whether this is a recent happening, what the trend is (improving or worsening), or what percentage area is remaining. • CPOA also notes that the Staff Report-para 19-states that it considers that it would not be helpful to include comment on biodiversity losses or gains during the Operative District Plan. CPOA’s earlier comments on this particular statement in this document (EDS-320-1250/320.4) are relevant here and are repeated for ease of reference: <ul style="list-style-type: none"> ○ <i>In this regard we oppose the statement in Point 19 of the Staff Report which states –“Similarly, a summary of biodiversity gains and losses during the Operative District Plan is not helpful in this Section.” CPOA would ask “not helpful to whom?” CPOA considers that such an analysis needs to precede any changes to a regulatory document for such changes to be seen as credible.</i> • CPOA also notes that the Staff Report-para 19-also directs submitters to the Natural Solutions Report (August 2010). This Report indicates that 45% of the District’s area is already legally protected, including 37% of the District’s area designated legally protected “High Ecological Natural Character”. It indicates that areas in “threatened environments” are under-represented in Development Covenants, but does not include any overall statistics related to Threatened Species or Environments. • CPOA notes that in a recent voluntary sampling of some of its members, it was established that an average of 40% of their
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			<p>privately held land was indigenous biodiversity under some form of voluntary protection. It is clear to CPOA that significantly more than 45% of the District’s land is in protected indigenous vegetation. CPOA also notes the Staff Report’s reference to the S32 Report-para 12 and 19. However, CPOA’s analysis of S6 Biodiversity in the S32 Report confirms that a detailed analysis of the biodiversity gain or loss has not been done. It is CPOA’s view, that such an analysis should precede proposed changes.</p> <ul style="list-style-type: none"> • CPOA therefore disagrees with the Staff Report on this point. The current Proposed District Plan already mentions nationally threatened species contained within the District. The suggested additions imply that there is progressive reduction in habitats. CPOA seriously doubts that that is the case, and we suggest that an accurate and factual analysis of the current state of indigenous biodiversity, including threatened species/habitats and including trends, is an essential starting point, prior to the necessity for any changes being assessed. Broad statements of whether the operative plan has worked or not in terms of being “too specific “or “generic” on matters of biodiversity is not evidence, as CPOA understands it to be <p><i>CPOA requests that this RNZFB submission point is disallowed</i></p>
RNZFB-780	3321/780.1	<p>6.2.3 Biodiversity Issues RNZFB seeks to amend the text as follows: <i>“3. <u>The health and ecological functioning of natural ecosystems requires enhancement and protection, 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></i></p>	<ul style="list-style-type: none"> • CPOA’s previous comments regarding the RMA definition of biological diversity including ecosystems are valid here. Also that no evidence that there is a problem has been proffered. This district has biodiversity gain-S32 Report). • CPOA does not support RNZFB’s request regarding the establishment of additional ecological corridors and connections. Property owners’ experiences are that there are enough of these already which facilitate free movement throughout the District. • CPOA notes that the Staff Report— para 22 – does not directly mention the RNZFB submission point, and does not appear to

			<p>make any subsequent changes related to it. CPOA concurs with this approach.</p> <p><i>CPOA requests that this RNZFB submission point be disallowed</i></p>
RNZFB-780	3321-3322/780.1	<p>6.3 Objective 1</p> <p>Seeks to amend the text to read: <i>"Indigenous biodiversity is maintained, restored <u>and</u> enhanced. "</i></p>	<ul style="list-style-type: none"> • CPOA considers that Objective 1 is about subdivision, use and development issues so the existing text –<i>"Indigenous biodiversity is maintained, restored or enhanced at the time of subdivision, use and development"</i> should remain. RNZFB seeks to broaden the scope. • CPOA opposes changing the word "or" to "and" as being unnecessary and overly onerous. The proposal changes the whole context of the existing text in the Proposed District Plan which states-<i>"Indigenous biodiversity is maintained, restored <u>or</u> enhanced at the time of subdivision, use and development."</i> • CPOA notes that the Staff Report –para 18 and 19 – acknowledges this and other submissions, and suggests completely new wording, based on a broad Objective of the Proposed RPS, 3.18: <i>"The full range of the District's indigenous ecosystems and biodiversity is maintained in a healthy and functional state."</i> • CPOA believes the new wording is too broad for, and beyond the scope of a District-level regulatory document primarily tasked with managing subdivision, use and development at District level. • Further, CPOA's previous comments in this document on this point (GRUBB-568-2413/568.41) are relevant and are repeated here for ease of reference:

			<ul style="list-style-type: none"> ○ CPOA notes that the Staff Report suggested new wording of Objective 1, is very broad and the implication is that potentially any effects (temporary or otherwise) that cause the “full range of the District's indigenous ecosystems and biodiversity NOT to be maintained in a healthy and functional state” will be unacceptable. This could potentially close off any option for subdivision and use and development and is contrary to the RMA’s regime of adverse effects being avoided, mitigated, or remedied. In addition, the proposal only addresses maintenance, not enhancement. This is at odds with some of the content of policies under Objective 1, e.g. Policy 1c. Therefore CPOA submits that the original wording, “biodiversity is maintained, restored or enhanced...” is both more appropriate and more accurate. ● CPOA therefore disagrees with the Staff Report on this point, and requests that the current Proposed District Plan wording be retained. <p><i>CPOA requests that this RNZFB submission point be disallowed</i></p>
RNZFB-780	3322/780.1	<p>6.3 Policy 1a</p> <p>Seeks to amend text to read-“a) Retain the ecological resilience and natural characteristics of indigenous ecosystems ; and ...</p> <p>f) Maintain, enhance or restore the functioning of threatened environments, ecological corridors and linkages, wetlands and dune systems; and ...”</p>	<ul style="list-style-type: none"> ● CPOA considers that this amendment goes beyond sustainable management to a resilience state without clear guidelines as to how that will be achieved. Further the emphasis is taken off indigenous vegetation and is moved to ecosystems and threatened environments without any supporting evidence. ● CPOA considers that the proposed amendment is more appropriate to Conservation land than rules around private land; particularly that involved in economic production. ● CPOA notes that the Staff Report – para 9 and 20 – in response to this and other submissions suggests substantial changes and additions to Policy 1a, including adding policy 1aa specifically addressing significant indigenous vegetation and significant habitats of indigenous fauna.

			<ul style="list-style-type: none"> • CPOA disagrees with the proposed additions and changes in the Staff Report for the following reasons: <ul style="list-style-type: none"> ○ The current Proposed District Plan wording is simple yet broad enough to cover all indigenous biodiversity, whether significant or not. ○ Policy 1a “<i>Retain the <u>sustainability and natural characteristics of indigenous vegetation</u></i>” is in line with the PWRPS Policy 11.2 (Protecting significant indigenous biodiversity), while not necessarily requiring total protection of all vegetation. ○ CPOA’s previous comments in this document (WRC-534-2228/534.2) apply here- “<i>CPOA considers the wording of Policy 1aa and 1a in the Staff Report to be unnecessarily complicated and un-clear, and prefers the original wording.</i> “ ○ The proposed changes (e.g. Policy 1a-“<i>Subdivision, use and development of sites with areas of non-significant indigenous vegetation and nonsignificant habitats of indigenous fauna ...</i>” potentially expose property owners to the possibility of requiring ecologist assessments for any and all resource consents, whether or not the activity is within or near vegetation of any sort. • CPOA therefore opposes this approach and recommends that the current wording for Policy 1a be retained. <i>CPOA requests that this RNZFB submission point be disallowed</i>
RNZFB-780	3322/780.1	6.3 Policy 1b Seeks to amend the text for a) and b) as follows: <i>“a) Retains the ... of indigenous ecosystems habitats and species; and b) Does not increase the risk to Nationally At Risk, and Threatened, Taxonomically Determinate and Indeterminate Data Deficient species; and ...”</i>	<ul style="list-style-type: none"> • CPOA notes that the context has been changed from “habitats” to “ecosystems” and considers that it is difficult to plan or regulate for. • CPOA’s previous comments regarding the RMA definition of biological diversity including ecosystems are valid here. • Further CPOA considers that the health of biological diversity is dependent upon habitats.

			<ul style="list-style-type: none"> • CPOA also considers that it is difficult to manage risks for the protection of any species that we do not know much about at this time. • CPOA therefore considers that the existing text in the Proposed District Plan for a) and b) as follows is adequate: <ul style="list-style-type: none"> <i>“a) Retains the viability, integrity and sustainability of indigenous habitats and species; and</i> <i>b) Does not increase the risk to nationally at risk and threatened species; and”</i> • CPOA notes that the Staff Report-para 21 – suggests deleting this policy due to the additions suggested within Policy 1aa and 1a. • CPOA disagrees with the Staff Report on this point. We believe the Proposed District Plan should address activities that will involve some clearance of indigenous biodiversity. The PRPS does not preclude all clearance, rather it focusses on characteristics and sustainability of biodiversity. • CPOA’s previous comments (WRC-534-2228-2229/534.2) in this document on this point apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ <i>“Staff Report – para 21 – supports the WRC submission point and suggests deleting Policy 1b, also stating that the suggested changes in policy 1a render it superfluous.</i> ○ <i>CPOA disagrees with the staff report on this point. Policy 1b acknowledges that there will be situations where vegetation clearance will take place, and specifically addresses this. CPOA considers this to be appropriate and balanced. Conversely, suggested changes to Policy 1aa and 1a make this section overly complicated and confusing.</i> • CPOA therefore believes that the current policies 1a and 1b meet the requirements of other policy statements.
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			<ul style="list-style-type: none"> Accordingly CPOA recommends retention of the current wording of Policies 1a and 1b. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
RNZFB-780	3312/Nil	<p>6.3 Policy 2b</p> <p>RNZFB does not consider it appropriate to “enable” vegetation clearance for new roads, utilities, telecommunications, electricity and other services, particularly where the vegetation concerned is significant vegetation or habitat and requests additional objectives around protection</p>	<ul style="list-style-type: none"> CPOA would ask how is such significance or insignificance ascertained? They are subjective terms unless ground truthing has occurred and TCDC on Page 6 of the Legal Appendix to its S32 Report on the PDP stated: “... SNA's have not been ground truthed. This will occur through resource consents.” CPOA considers that a balance needs to be struck. Services and infrastructure need to keep pace with community needs in a manner sensitive to environmental issues but that takes into account the economic realities of establishing utilities and other services to support families and communities. The provisions of S5 (2) of the RMA apply here. CPOA considers that essential public infrastructure is just that – essential – and must be provided for, whether or not it involves significant areas of biodiversity. Remediation or mitigation of unavoidable biodiversity loss is appropriate and covered in the current Policy 2b. CPOA notes that the Staff Report – para 27 – suggests deleting Objective 2, and Policies 2a and 2b, and including these provisions under a new policy (1d) related to “reasonable use.” CPOA concurs. <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
DOC-827	3751/827.5	<p>DOC support use of WRC SNAs, prefer they were mapped in the Plan. Suggests Council and landowners share cost of ground-truthing.</p>	<ul style="list-style-type: none"> CPOA’s previous comments in this document on SNAs apply here. SNA’s were arrived at, using a desktop exercise. Only 10% were assessed in the field and then only from roadsides.

			<ul style="list-style-type: none"> • SNA’s therefore cannot be termed as being accurate. • SNA’s are therefore invalid as a tool for measuring significance in this District. • CPOA considers that property owners should not have to bear costs for providing evidence regarding a process which is being imposed by a third party and ratepayers should not either. • CPOA considers this to be particularly so when a defined problem has not been demonstrated. • CPOA notes that the Staff Report– para 9 – addresses the issue of SNAs in general, referring to the discussion in the Section 32 report regarding reasons for not including these in the Planning Maps in the Proposed District Plan (primarily due to not being accurate enough for use in a regulatory document). <p><i>CPOA request that this DOC submission point be disallowed.</i></p>
DOC-827	3752/827.5	Want to add objectives and policies to give effect to proposed WRPS on biodiversity.	<ul style="list-style-type: none"> • TCDC have stated that the District has biodiversity gain. • Proposed WRPS is still under appeal and may include changes. Is not operative. • The current RPS is appropriate at this stage. <p><i>CPOA request that this DOC submission point be disallowed.</i></p>
DOC-827	3752/827.5	Want to include a biodiversity offsetting definition and policies, which include no net loss, preferably net gain. Designed to compensate for significant residual adverse biodiversity impacts from development, after prevention and mitigation has occurred. Refer to this giving effect to Proposed WRPS. Also want offsets to happen “in situ”.	<ul style="list-style-type: none"> • CPOA considers that no net loss is not appropriate; this district has biodiversity gain. • Not always appropriate or possible “in situ” (same site). There may be more appropriate, valuable and practical off-setting options at another site. • Proposed WRPS not operative. • S5 of the RMA– potential significant cost increase for Resource Consents. • The no net loss concept is problematic, in that it is unclear what the starting point is, and biodiversity gain or loss is changing all the time.

			<ul style="list-style-type: none"> • CPOA notes that the Staff Report – para 14 – states that the draft consent order for Biodiversity in the PRPS confines no net loss to a regional level, but we do not know what the starting point for this is or how it will be evaluated. • CPOA also notes that the Staff Report does not require offsets to be “in situ”, and CPOA concurs with that. • CPOA believes that a regional “no net loss” approach does not obligate TCDC to compensate for loss in other Districts. CPOA considers that any such compensation must only be achieved through voluntary means. <p><i>CPOA request that this DOC submission point be disallowed.</i></p>
DOC-827	3755/827.6	<p>Sect 6</p> <p>6.2 Issues – DOC supports Issues 1-3 <i>Issue 1- Subdivision, use and development contribute to the continued loss and reduction in the value of the District's indigenous biodiversity resulting in:</i> <i>a) Loss of resilience, and increased vulnerability of ecosystems and species;</i> <i>b) Declining health and quality of ecosystems;</i> <i>c) Loss of ecosystem services;</i> <i>d) Loss of amenity and cultural values;</i> <i>e) Loss of economic opportunities;</i> <i>f) Loss of choices for future generations.</i> <i>Issue 2 - Poor land management practices contribute to the degradation and loss of important indigenous habitats (e.g. pollution from storm water runoff, rubbish disposal, inadequate fencing of farm animals, and stock grazing).</i> <i>Issue 3 - The health and ecological functioning of remaining biodiversity ... require restoration,</i></p>	<ul style="list-style-type: none"> • CPOA opposes DOC’s specific support of this section and considers that: <ul style="list-style-type: none"> ○ We do not have continued biodiversity loss necessarily. ○ Subdivision, use and development sometimes results in gains. ○ Grazing by stock is not “poor land management practices.” On the contrary, it is essential to economic farming. ○ Farms are for farming; it is a working productive environment. ○ Such land use is not primarily for conservation – that is what DOC land is for. ○ If the goal was for biodiversity only Issue 3 could be true in part, however restoration, enhancement and protection goes well beyond maintenance ○ <u>Creation</u> of connections and corridors goes beyond maintenance, and requires a change in land use from working productive units to conservation land. • CPOA considers that this proposal breaches S5 and S85 RMA. • CPOA notes that the Staff Report– para 20-22 – addresses these points as follows:

		<p><i>enhancement and protection, including creation of connections and corridors if they are to maintain their biodiversity values over the long term.</i></p> <p>Retain Non-regulatory Methods 1 and 2.</p>	<ul style="list-style-type: none"> ○ Issue 1 – in response to other submissions the word “can” has been inserted, to indicate that activities do not always cause a loss of biodiversity. CPOA supports this change. ○ Issue 2 – suggests deleting “poor” before land management practices, and inserting “can”, as per Issue 1 above. However, Issue 2 remains problematic in that it appears to be largely based on opinion, and also it appears to be going beyond the bounds of “subdivision, use and development”. CPOA contends that Issue 2 is a badly-worded repetition of Issue 1 and should be deleted. Issues that may not be addressed in Issue 1 would be more appropriately addressed in a Biodiversity Strategy in collaboration with property owners. For this reason CPOA opposes DOC’s support of this Issue. ○ Issue 3 – the Staff Report retains this issue, with the addition of a requirement for creation of “ecological buffers” as well as connections and corridors, and deleting the condition “if they are to maintain their biodiversity values over the long term”. The proposed new wording now implies that all indigenous vegetation in the District must be protected. As above, CPOA disagrees with the Staff Report on this point, and opposes the support of DOC for this Issue. <p><i>CPOA requests that this DOC submission point be disallowed.</i></p>
DOC-827	3755/827.7	<p>Policy 2b-Core infrastructure enabled provided...<i>add clause to identify impacts on fauna, maintain onsite or translocate.</i></p>	<ul style="list-style-type: none"> ● CPOA considers that the current wording for Policy 2b in the Proposed District Plan: <i>“Where there is no alternative option, clearance of indigenous vegetation for the installation of new roads, utilities, telecommunications, electricity and other services should be enabled, provided:</i> <i>a) Actions are taken to minimise the area of clearance; and</i>

			<p><i>b) Actions are taken to restore ecological connections; and</i> <i>c) There is no net loss of biodiversity values (this may be achieved through remediation or mitigation on the site or off the site) meets our obligations under the RMA and is appropriate.</i></p> <ul style="list-style-type: none"> • CPOA notes the Staff Report— para 27 – as before, suggests deleting Objective 2 and its 2 policies, and providing for essential infrastructure through permitted activities. • CPOA concurs. <p><i>CPOA requests that this DOC submission point be disallowed.</i></p>
DOC-827	3755/827.8	<p>6.3-Support In part Policy 1a – want to add reference to habitats of indigenous fauna as well as indigenous vegetation. Apply buffers around land use activities.</p> <p>Support In part Policy 1a – want to add wording change to “threatened or at risk species”</p>	<ul style="list-style-type: none"> • CPOA would ask what are habitats of indigenous fauna if they are not indigenous vegetation? • If other habitats e.g. pine forest and pasture, then they are working environments for production and should not be required to protect indigenous fauna – farmland is for farming, forest is for forestry. • CPOA oppose buffers – i.e. Restrictions on land use adjacent to indigenous vegetation –Breaches S5 and S85 of the RMA. • Existing wording in Policy 1 b (a) of the Proposed District Plan already covers this: <i>“Where subdivision, use and development will result in the clearance of indigenous vegetation, the clearance should be undertaken in a way that:</i> <i>a) Retains the viability, integrity and sustainability of indigenous habitats and species; and”</i> • CPOA notes that the Staff Report – para 20 – as noted previously, suggests substantial additions and changes to Policy 1a, including a new policy 1aa related to significant indigenous vegetation and significant habitats. • CPOA disagrees with these changes for reasons already covered in this document (WRC, RNZFB submissions). CPOA considers the new policy 1aa to be overly complicated. • CPOA also notes that regarding buffers, the Staff Report

			<p>suggests changing the focus from buffers around activities to buffers around indigenous vegetation. CPOA particularly opposes buffers around indigenous vegetation, as these areas would soon fill up with either new indigenous vegetation, or weeds.</p> <ul style="list-style-type: none"> • CPOA therefore recommends that the original wording of policy 1a is retained. <p><i>CPOA requests that this DOC submission point be disallowed.</i></p>
DOC-827	3756/827.9	6.3 Policy 1b – wording change to “threatened or at risk species	<ul style="list-style-type: none"> • CPOA supports in part – wording change to bring into line with NZ Classification system, however this clause conditional on allowing normal routine use of private land, which is not conservation land. • CPOA notes that the Staff Report, as noted previously, suggests deleting Policy 1b due to the additions in Policy in 1a. and the new suggested Policy 1aa. • CPOA’s previous comments (WRC-534-2228-2229/534.2) in this document on this point apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ <i>“Staff Report – para 21 – supports the WRC submission point and suggests deleting Policy 1b, also stating that the suggested changes in policy 1a render it superfluous.</i> ○ <i>CPOA disagrees with the staff report on this point. Policy 1b acknowledges that there will be situations where vegetation clearance will take place, and specifically addresses this. CPOA considers this to be appropriate and balanced. Conversely, suggested changes to Policy 1aa and 1a make this section overly complicated and confusing.</i> • CPOA therefore believes that the current policies 1a and 1b meet the requirements of other policy statements. • Accordingly CPOA disagrees with the Staff Report and recommends retention of the current wording of Policies 1a

			and 1b. <i>CPOA requests that this DOC submission point be allowed conditional on CPOA's concerns outlined, in the first bullet point, being addressed.</i>
DOC-827	3756/827.9	6.3 Policy 1b d) – want to add “fire” to natural hazard risk	<ul style="list-style-type: none"> • CPOA considers that this amendment could restrict use e.g. right to build a house/farm building on land near or surrounded by bush. S5, S85 of the RMA applies here. • CPOA notes that S29 of the Proposed District Plan allows for indigenous vegetation to be cleared “ <i>within 10 m of an existing house, a proposed house with resource consent or building consent or an approved building platform</i>” This provision is consistent, in part, with New South Wales Rural Fire Service 10/50 guidelines for such clearance. • CPOA therefore consider that the Proposed District Plan has made a reasonable start to addressing the fire hazard issue. • However, CPOA consider DOC’s proposal to be unreasonable. • CPOA also considers that fire is not a natural hazard risk; it is a management issue. • CPOA notes that the Staff Report, as noted previously, suggests deleting Policy 1b due to the additions in Policy in 1a. and the new suggested Policy 1aa. • CPOA’s previous comments (WRC-534-2228-2229/534.2) in this document on this point apply and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ “Staff Report – para 21 – supports the WRC submission point and suggests deleting Policy 1b, also stating that the suggested changes in policy 1a render it superfluous. ○ CPOA disagrees with the staff report on this point. Policy 1b acknowledges that there will be situations where vegetation clearance will take place, and specifically addresses this. CPOA considers this to be appropriate and balanced. Conversely, suggested changes to Policy 1aa and 1a make this section overly

			<p><i>complicated and confusing.</i></p> <ul style="list-style-type: none"> • CPOA therefore believes that the current policies 1a and 1b meet the requirements of other policy statements. • Accordingly CPOA disagrees with the Staff Report recommends retention of the current wording of Policies 1a and 1b. <p><i>CPOA requests that, this DOC submission point be disallowed.</i></p>
DOC-827	3756/827.11	6.3.1d – seeks clarification re sustainable use and what controls are to be imposed.	<ul style="list-style-type: none"> • CPOA supports in part, provided clearance for firewood and normal farming activities are permitted and therefore not captured within “sustainable use.” • CPOA notes that the Staff Report – para 25 – suggests deleting reference to “sustainable use”, so does not address DOC’s concerns here. • CPOA’s previous comments regarding sustainable use in this document (EDS-320-1252/320.4) are also considered to be relevant and are repeated here for ease of reference: <ul style="list-style-type: none"> ○ <i>CPOA disagrees with deleting any provision for sustainable use of any kind. CPOA considers that sustainable use does not appear to be adequately covered by other policies, and should be provided for. Examples of sustainable use (with adequate controls) may include (not exhaustive) firewood for sale, wood for furniture-making, tree fern harvesting and tea tree oil etc. These are all important considerations for the District’s economy (The difficulties of which in this regard for Thames Coromandel District were mentioned in the Royal Society Our Futures Report 2014). A provision for sustainable development would also be consistent with the Looms Discussion Paper (Framework for Developing Sustainable Communities) of 2002 which stated (Page 7)-“Sustainable development is often identified with environmental protection or preservation of natural resources. It is</i>

			<p><i>much more than that. Sustainable development is a balanced inclusive approach that seeks to meet the needs of the present generation without compromising ability of future generations to meet their own needs. Technically, ecological economists define sustainable development as choices and actions regarding all kinds of “stocks” and resources that attain non-declining welfare (wellbeing) over time. Sustainable development integrates the aims of social development and economic development.”</i></p> <ul style="list-style-type: none"> • CPOA therefore disagrees with the deletion of the current Policy 1d Sustainable Use and recommends the retention of a sustainable use clause. <p><i>CPOA requests that this DOC submission be allowed conditional on CPOA’s concerns outlined, in above bullet points, being addressed.</i></p>
DOC-827	3757/827.12	6.3.1e – wants to add further elements to cover Policy 11b of NZCPS. Elements are not specified.	<ul style="list-style-type: none"> • CPOA considers that it is not possible to review new wording when it has not been included. • Accordingly it is not possible to ascertain whether the proposal is in conflict with reasonable use of private land. • CPOA notes that the Staff Report-para26-supports this DOC submission point, and has reproduced an adaptation of Policy 11b into the tracked changes for Policy 1e. • CPOA disagrees with the Staff Report on this point. CPOA believes that TCDC’s responsibility to give effect to the NZCPS Policy 11b is met in other parts of the Proposed District Plan and does not need repeating here. Policy 6.3.1a and Policy 6.3.1b, as well as opportunities under 6.4 Non-Regulatory Methods collectively cover all aspects of NZCPS Policy 11b. <p><i>CPOA requests that this DOC submission point be disallowed</i></p>
DOC-827	3757/827.14	6.4 – Support Non-regulatory methods	<ul style="list-style-type: none"> • CPOA supports this proposal – and stresses that non-regulatory, voluntary and collaborative methods will be far more successful than imposing restrictive rules. • Respect for and working with responsible caretakers of the

			<p>land is a critical part of achieving environmental/living balance.</p> <ul style="list-style-type: none"> • CPOA notes that the Staff Report– para 28 – acknowledges DOC’s support for non-regulatory methods, but does not support including any further detail due to lack of certainty regarding Council’s direction. <p><i>CPOA requests that this DOC submission point be allowed.</i></p>
FEDFRM-935	4237/935.166	6.1-Biodiversity- Need a clearer statement of the current state and trends of biodiversity in the District during the Operative Plan. Include in Section 6.1 the current state of biodiversity, and losses and gains during the Operative Plan.	<ul style="list-style-type: none"> • CPOA believes that clear evidence (robust science-based research statements or cited reports from credible experts) must be provided regarding biosecurity loss or gain. Only then can meaningful policies and rules be applied. Present TCDC statements indicate that there is biodiversity gain. • CPOA notes the Staff Report – para 19 – does not support the inclusion of analysis of biodiversity losses/gains in 6.1. This means there is no evaluation of whether and to what extent the current operative plan is effective in meeting RMA obligations. • As already discussed several times in this document, CPOA believes that an accurate analysis of the current state and trends of biodiversity should be the starting point for setting new policies and plans, and therefore disagrees with the Staff Report on this point. <p><i>CPOA requests that this FEDFRM submission point be allowed.</i></p>
FEDFRM-935	4237/935.165	6.2.1- Needs to recognise that only inappropriate or poorly managed subdivision use and development contributes to biodiversity loss. So change to add “inappropriate” subdivision, use and development...etc.	<ul style="list-style-type: none"> • CPOA’s previous comments on this issue apply. • CPOA believe that not all subdivision, use and development contributes to biodiversity loss. • CPOA notes that the Staff Report– para 20 – acknowledges the intent of the FedFrm submission, but addresses it by adding the word “can” contribute to, rather than “inappropriate” subdivision etc. • CPOA concurs with the Staff Report on this point. <p><i>CPOA requests that this FEDFRM submission point be allowed.</i></p>

FEDFRM-935	4237/935.5	6.1-Biodiversity--Amend 6.1 to reflect that WRC SNAs are a desktop exercise and that ground truthing needs to confirm if a site is an SNA.	<ul style="list-style-type: none"> • CPOA previous comments in this document regarding SNAs apply here. • This SNA process as such is not accurate enough to be used in a statutory document. CPOA knows of many instances of errors. Following are examples; <ul style="list-style-type: none"> ○ “SNA” Lawn/deck/driveway ○ “SNA” pine block ○ “SNA” macadamia orchard ○ “SNA” vegetable garden ○ “SNA” farm paddock • CPOA notes that the Staff Report-para 19 – does not support this submission point (re desk-top exercise), claiming it “does not improve the efficiency or effectiveness of the background”. • CPOA disagrees with the Staff Report on this point, as this is the primary reason why SNAs have not been included in the Planning Maps, and cannot be used directly in the Proposed District Plan. • CPOA believes that it is important for users of the Plan to understand that SNAs were developed as a desk-top exercise and therefore caution is required. <p><i>CPOA requests that this FEDFRM submission point be allowed.</i></p>