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

PART VI-OVERLAY RULES-SECTION 29-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	1240/320.6	Seek publically notified resource consents for the removal of indigenous biodiversity (vegetation including for firewood?) particularly from areas classed as significant.	• CPOA understands that under present Council fee structures, public notification will involve expenditure of $15000.00 plus for every owner in these areas for every resource consent involving these activities. For a single retired person, this exceeds her/his total superannuation for a year. An economically crippling provision which breaches RMA provisions that allow for social, economic and cultural wellbeing of people and communities. • CPOA therefore considers that this requirement for public notification is unbalanced, unreasonable and does not take account of particular situations that may occur which have effects on the environment that will be "no more than minor". That is the public notification test. • Further, CPOA believe that if personally owned tea tree firewood is included here, then this proposal breaches S85 RMA regarding reasonable use. • CPOA notes that S32 (Part IVA P. 67) analysis considered this issue carefully, and concluded that evaluation of a consent application by WRC, TCDC (including an ecologist), and DOC, in addition to adjacent neighbours, would be adequate for evaluating the effect on ecosystems, and that while other

			people or organisations may have philosophically-based opinions, these would not generally improve the quality of the assessment. The S32 analysis also points out that resource consent costs and processes should not be increased unnecessarily. • CPOA notes that the Staff Report – para 43 relating to Rule 3.6, supports the EDS submission point, and suggests deleting Rule 3.6. Justification for this change is based on the high level of public interest in Biodiversity, and the claim that effects on ecosystems may extend well beyond adjoining properties. While this second point may be true, CPOA contends that evaluations from TCDC, DOC and WRC should be more than capable of assessing the effects of an activity. A high level of public interest in biodiversity, in our opinion, has been equally to do with property owners seeking to ensure that a balance is maintained between any regulatory measure and reasonable use of privately owned assets. "A high level of public interest," as it is described in the Staff Report, is not therefore sufficient justification for enabling public notification. • CPOA therefore disagrees with the Staff Report and recommends retention of Rule 3.6. *CPOA requests that this EDS submission point be disallowed.*
EDS-320	1254/320.6	Biodiversity Rules Want SNA areas mapped.	• CPOA's previous comments on SNAs regarding S6 Biodiversity apply and are repeated here for ease of reference. • CPOA consider that SNAs- o Have not been ground-truthed (WRC SNA Technical Report 2010 Page 12) o Desktop exercise only (WRC SNA Technical Report 2010 Pages 8, 12 and 92) o 10% analysed were from roadside only (WRC SNA Technical Report 2010 Page 12) o 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. More than 60% of its area is covered in indigenous forest, 32% more than the average for other parts of New Zealand. • 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, as can be seen from the Regional SNA Map around 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 further considers that: o This process should be part of a formal plan change process. o SNAs shouldn't be mapped through this submission process. o Any process needs to identify what significance means (for this District), also needs collaboration with property owners o This district is different from others due to amount of indigenous forest that is extant here. • CPOA recommends that council review and set new criteria for

			the process of identifying significant biodiversity. – start again re SNAs not use WRC ones which are inaccurate (as our previous comments in the document presented on S6 under WRC-534 2231-2233/534.2, under RNZFB-780 3311/Nil and under DOC-827 3751/ 827.5 indicated). • CPOA notes that the Staff Report – para 60-62 - addresses the reasons why the WRC SNA maps are not included in the PROPOSED District Plan, since they are not accurate and have not been ground-truthed. • CPOA concurs with SNAs being excluded from the Planning Maps, however our concerns remain as above. *CPOA requests that this EDS submission point be disallowed*
EDS-320	1255/320.6	29 R3 - Reduce range of clearance activities and impose limits per annum	• CPOA considers that setting proposed limitations per annum would be an administration nightmare and would be very difficult and costly for the Council to monitor. • CPOA notes that the Staff Report – paras 32-36, 39-50 gives a general explanation of the management of rules 2 and 3. It acknowledges the need to provide for reasonable use and that there is no indication the similar provisions in the operative district plan have not been effective in maintaining biodiversity. However it appears that, as EDS requested, some further limitations have been proposed in the Staff Report Appendix 2, in particular CPOA notes: o insertion of 5m3 of wood from trees or 50m2 of other vegetation per site per year. o "indigenous" has been deleted throughout, thus applying the rules to exotic vegetation also. • CPOA supports the provision for 5m3 (wood from trees). • CPOA opposes the limitation of 50m2 other vegetation. We appreciate the intent of this clause, i.e. to prevent plants such as flax, fern, rush being captured in the 5m3 (para 35). However 50m2 applied to all vegetation, including manuka/kanuka and exotic vegetation, is woefully inadequate

			to enable reasonable use, particularly where large hill country farms are concerned. This limitation would capture weed control, clearance of rogue pines and other exotic trees (e.g. Wattle, privet), gorse. It would also prevent large farms from clearing clumps of re-growth manuka/kanuka within their paddocks, unless this is explicitly allowed within New R2.1d) • CPOA opposes the inclusion of exotic vegetation within the rules. Para 44-45 indicate this was considered necessary in order to meet the requirement to protect "significant habitats of indigenous fauna". However no evidence is given that areas of exotic vegetation (or individual trees) that do not fall into the definition of plantation forestry (i.e. <4ha), actually are providing "significant" habitat for indigenous species, or that they are providing even non-significant habitat. CPOA considers that, given the large proportion of the district that already has indigenous vegetation (>60%), that there is no need to seek control of exotic vegetation to this degree of minutiae. Further, these controls would only serve to disable property owners from protecting their indigenous vegetation from infestation of unwanted exotic species. • CPOA commends the Staff Report for generally providing for practical solutions to enable reasonable use of private assets. CPOA also commends the acknowledgement in para 47 that by not over-regulating, people generally act responsibly. CPOA confirms this to be true in our experience. • CPOA recommends that an approach to solving the issues discussed would be to amend the permitted rules as follows: o Reinstate the word "indigenous" vegetation throughout the new Rules 1 and 2, so that exotic vegetation and weeds are not captured within the rules. o Clarify that clearance of clumps of regrowth manuka/kanuka within areas of pasture are permitted

			under new R3.2d). ○ Retaining all other provisions in the new Rules 1.1 and 2.1, as stated in the Staff Report Appendix 2. *CPOA requests that this EDS submission point be disallowed.*
EDS-320	1255/320.6	29 New Rule-Clearance within SNA non-complying	• CPOA believe that reasonable use must be allowed for clearance within SNAs, otherwise breaches S85, RMA – especially given the vast extent of land coverage of the WRC SNA maps. • CPOA considers that this proposal ignores the basic human requirement to reasonably clear vegetation for safety reasons and to cut sufficient firewood 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 who are vulnerable through sickness or other personal circumstances. • CPOA therefore considers that the suggestion of this new rule potentially violates human dignity. • Farmers too need to be able to get equipment and materiel to strategic areas of their land using the best and safest means to do so; this involves the establishment and maintenance of tracks to ensure safe operation of tractors and other plant. • S5 (2) of the RMA allows for "*the enabling of people and communities to provide for their social, economic and cultural well-being and for their health and safety…"* • This section of the RMA must be recognised by everyone who proposes such rules. • Previous discussion regarding SNAs and the lack of accuracy also applies here. Permitted activities that do not require resource consent should still be permitted, whether or not it is within an SNA. • CPOA notes that the Staff Report does not directly address EDS's request, but also does not impose any extra restrictions in the rules for SNA's.

			• The approach in the S6 staff report also is that SNAs are referenced only when resource consent is required. • CPOA concurs with this approach. *CPOA requests that these EDS submission points be disallowed*
TCDC-39 7	1540/397.37	Biodiversity Rules 1-4 – apply permitted exemptions in R3 to clearance outside Rural Area. Reorganise rules layout with sub-headings for clarity.	• CPOA agree, allowances also needed for e.g. Coastal Living Zone and other non-Rural zones. • CPOA would need to review the reorganisation before agreeing, to make sure that all permissions are included. Difficult to assess real effects of change without the detail being shown. • CPOA considers that permitted activities all need to remain permitted, with addition of – clearance for firewood, wider margin for fencing (allow for movement and operation of machinery), formation/maintenance of tracks and other normal farming activities. • Further, CPOA believes that permitted activities need to remain permitted in all overlays in order to meet the requirements of reasonable use. • CPOA notes that the Staff Report – Appendix 2 Tracked changes – the range of permitted activities in Rule 2 (now R1, Outside the Rural Area) appear appropriate for reasonable use. • CPOA agrees with the Staff Report on this. *CPOA requests that this TCDC submission point be allowed, as per the suggested changes in Appendix 2 of the staff report, and in line with CPOA's recommended changes as outlined earlier in this document (EDS-320-1255/320.6) relating to S29, R3.*
TCDC-397	1541/397.38	Table 2 Restricted Discretionary matters – addition of 5 extra matters. Parts of Table 2 as follows:- 1a) Whether mapped as priority Sect 38 Subdivision 1b) Whether in WRC SNA	• CPOA queries why were these added now and not in original Proposed District Plan? • CPOA believes that this proposal implies that it may not be allowed – have property owners been consulted in setting these priority areas?

		2a) and b) New clauses – regarding plant and animal pests 3a) and 4b) new clause – whether the clearance will maintain or <u>enhance</u> biodiversity values	• CPOA's previous comments on SNAs in this document (EDS-320 1254/320.6) apply here; SNAs are inaccurate and inappropriate for this District. Need reasonable clearance options in SNAs. • CPOA queries which animals are pests and in whose opinion? In what ways could the proposed vegetation clearance increase threats from plant and animal pests? CPOA contends this would be unlikely • The district has biodiversity gain and it is happening through goodwill and voluntary means. Restricted Discretionary matters need to consider economic impacts of imposing too many conditions which may be unnecessary. • CPOA does not consider that "enhance" is a requirement of the RMA. • CPOA notes that the Staff Report – para 53-57 – indicates that changes have been accepted in part, but does not address each submission point individually. • CPOA also notes in Appendix 2 that: o Reference to S38 Priority areas is not included. CPOA concurs. o Whether in WRC SNA is included, and Table 2 appears to require an ecologist assessment even for activities outside of SNAs i.e. Non-significant areas. CPOA opposes this due to the prohibitive cost of consents. o A clause is included addressing plant and animal pests. CPOA opposes this in the context of clearance activities, other than as potential tools for mitigation o A clause is added including "maintain or enhance" biodiversity values. CPOA disagrees with this, since "maintain" the biodiversity values is what is required, and if the activity goes further to "enhance" those values, that should be on a voluntary basis only. *CPOA requests that this TCDC Submission point be disallowed.*

WRC-534	2266-2267/534.13	Biodiversity Seeks the showing of SNAs on Planning Maps thus identifying significant biodiversity sites so that rules can be linked to them.	• CPOA's previous comments on SNAs in this document (EDS-320 1254/320.6) apply here. • CPOA understands that the SNAs have created uncertainty amongst private property owners. • This particularly, is of concern to CPOA because, as can be seen from the SNA regional map over 80% of the District is covered by SNA 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 60-62 - addresses the reasons why the WRC SNA maps are not included in the PDP, since they are not accurate and have not been ground-truthed. • CPOA concurs with this. *CPOA request that this WRC submission point be disallowed.*
WRC-534	2267-2268/534.13	29.1 Background and 29.3 Permitted Activities Stipulates that further clarity is required as to how the rule distinguishes between areas that have been assessed as significant and those that have been assessed as important but not significant.	• CPOA considers that therein lies the problem. No proper assessment has been conducted on the ground to establish just what areas have been assessed as "significant" and why. This is a major failing of the overall process which has been primarily done off a map; compounded by the fact that where local assessments have been done (just 10%), they have been done from roadsides. That is not ground-truthing as CPOA would understand it to be. • CPOA is not aware of the existence of another level of assessment, i.e. "important" as opposed to "significant"?? • CPOA notes that the Staff Report does not appear to address this point, but no changes are proposed as a result. CPOA concurs. *CPOA requests that this WRC submission point be disallowed*
WRC-534	2267-2268/534.13	Seeks to amend 29.1 Background and 29.3 Permitted Activities to clarify that for biodiversity	• CPOA's previous comments on SNAs in this document (EDS-320 1254/320.6) regarding S29 apply here.

		outside of SNAs any clearing of indigenous vegetation in any zone or area should be a restricted discretionary activity, unless it is captured by the following WRC reasonable use provision: "Provide for the reasonable use and enjoyment of land through: *a) The maintenance and operation of lawfully established infrastructure and utilities;* *b) 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;* *c) Activities undertaken for the purpose of maintenance or enhancement of indigenous biodiversity;* *d) The collection of material for maintaining traditional Maori cultural practices; and* *e) Actions necessary to avoid loss of life, injury or serious damage to property."*	• 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 being taken or injuriously affected. • Further, CPOA considers that the phrase *"the continuation of lawfully established uses of land" in the proposed WRC amendment"* means that only those owners who have formally applied for an existing use right would be able to exercise it. Further, CPOA considers that the phrase *"lawfully established "*must mean that a certificate, letter, memorandum, or email must be issued to signify that such permission has been lawfully given. This, in our view, is reinforced by advice given to CPOA by its by members that "an existing use right" does need to be formally applied for and in one case such an application took two years to be granted. • If all this is true, CPOA strongly oppose the replacement of permitted and controlled activities with such an instrument, which clearly WRC, through this proposal, seeks to do. It is a basic humanitarian requirement for people to be able to cut sufficient firewood off land that they own 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 who are vulnerable. As previously mentioned today, the suggestion of this new rule therefore potentially violates human dignity. • CPOA considers that this use must also include normal farming operations, and clearing vegetation within pasture.

			• CPOA believes that WRC cannot on the one hand state that *"allowing property owners' reasonable use and enjoyment of their land is an important policy direction"* then on the other dictate their narrow definition of "reasonable use" which contradicts S85 of the RMA."
		Further, WRC seeks to <u>impose any clearance of indigenous vegetation in an SNA in any zone or area should be a discretionary or non-complying activity unless it meets the WRC definition of "reasonable use"</u>	• CPOA considers that clearance for normal farming activities must be permitted, regardless of overlay.
		Further. WRC seeks to Amend Rule 29.5 Table 2 to distinguish appropriate Restricted Discretionary Activities assessment matters for <u>non-significant biodiversity.</u>	• CPOA wishes to reinforce that there has been no apparent robust methodical process to distinguish between "significant", "non-significant" and "important" biodiversity. Amendments which will potentially impose on owners' reasonable economic, cultural and social use of their land have to be properly justified. An approach that potentially appears to be "doctrinaire" driven as opposed to being based on stated evidence, in CPOA's view, is just not acceptable. This creates uncertainty and will no doubt create costs associated with any resource consent process.
		Quotes PWRPS Policies 11.1 and 11.2 and Methods 11.1.3 and 11.2.2 in support of the above.	• PWRPS is provisional. Until consent orders have been issued, there is no requirement to effect them, only to have regard for them (S74 (2) RMA). • CPOA is deeply disappointed in the lack of meaningful consultation and collaboration prior to the formation of policy provisions for biodiversity. We see this as a lost opportunity, in light of the fact that property owners, in general, are very good stewards of the natural resources on their land. The WRC submission point advocates for Discretionary or Non-Complying status on vegetation clearance within <u>potential SNAs.</u> Since 80% of the District has been mapped as potentially significant, this seems excessive. CPOA supports retention of the permitted activities in all areas, including within potential SNAs. Beyond the permitted activities, CPOA also opposes

			discretionary or non-complying status in potential SNAs as being overly onerous and unnecessary. • CPOA notes that the Staff Report– para 16-22 and para 39-50 does not address the WRC submission point but also does not suggest any changes. • CPOA concurs. *CPOA requests that this WRC submission be disallowed.*
WRC-534	2267/534.13	Seeks to extend these vegetation clearance rules to include-*" other activities, including earthworks and drainage, buildings and structures, pests and weeds, and storm water run-off as discretionary activities and provide appropriate assessment criteria to address adverse effects on biodiversity values."*	• CPOA considers that this amendment would violate S85 of the RMA whereby "reasonable use" would be seriously curtailed through additional costs (discretionary consents and additional assessments) as well as practical aspects of land use and care by owners. • CPOA consider this to be a really restrictive addition which has not been effectively justified. • CPOA considers there are other sections of the Proposed District Plan that deal with these other matters. • CPOA notes that the Staff Report acknowledges but does not specifically address this submission point. No changes are suggested in response. • CPOA concurs with this. *CPOA requests that this WRC submission be disallowed.*
WRC-534	2268-2269/534.13	29.3 Rule 2 WRC states : "This rule provides for the clearance of indigenous vegetation outside of the Conservation Zone, Rural Zone and Rural Lifestyle Zones as a permitted activity. This approach implies that biodiversity within urban or coastal living areas is not important, whether it is an SNA or not. This is inconsistent with a traditional overlay approach which applies rules/provisions to where the values exist.	• CPOA considers that the existing rule in the Proposed District Plan is adequate and allows reasonable use by owners. • PWRPS is provisional. Until consent orders have been issued, there is no requirement to effect them, only to have regard for them (S74 (2) RMA). • Small patches of indigenous vegetation might be important in the Waikato dairy farm areas, but on the Coromandel, over 60% is covered in indigenous vegetation. WRC needs to recognise this difference by engaging in a more practical, reasonable and balanced approach when recommending such proposals.

		Data analysis to support such an approach needs to be re-visited. The majority of SNA and other biodiversity within urban areas will be small, less than 0.5ha. Many of these small areas will not be identified as part of WRC's SNA database due to the regional scale of data capture. The PWRPS relies on district plans to adequately provide for such small but important areas. Under the proposed direction this will not occur and therefore, it will not give effect to the PWRPS. Proposals for managing SNAs and biodiversity in the coastal living zone, which presumably occur largely within the coastal environment, appear to be at odds with both the NZCPS (Policy 11) and the PWRPS (Policy 11.1, 11.2 and 11.4). These policy directions require adverse effects on indigenous biodiversity in the coastal environment to be avoided, or avoided, remedied or mitigated where such values occur. However the proposed direction provides no regulatory framework for indigenous biodiversity in the coastal living zone on lots less than 4000m2 whether or not biodiversity values exist. Requests that RULE 2 be deleted.	• CPOA does not consider the existing Rule 2 to be at odds with the NZCPS Policy 11 because subparagraph (b) of Policy 11 states-" *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:* *areas of predominantly indigenous vegetation in the coastal environment;"* The permitted activity provisions are only those considered to be necessary to provide for reasonable use, and do not cause adverse effects, so are entirely appropriate. • Currently Rule 2.2 allows for activities that are not permitted, to be Restricted Discretionary. This would provide for consideration of requirements regarding the Coastal Environment, and CPOA considers that no extra restrictions are required. There is no justification for a Discretionary resource consent to be required in order to meet the requirements of the NZCPS. • CPOA notes that the Staff Report- para 32-36 – regarding Rule 2, outlines the "reasonable use" approach taken, and points out that lot sizes outside the Rural Area are often smaller than 4000m2. Para 34 indicates that no submitters asked for Rule 2 to align with R3.4 for clearing vegetation in the Coastal Environment, "*although it is likely that this will be addressed in the S42A Hearing Report for the Coastal Environment*". As indicated in the bullet point immediately preceding this one, CPOA considers any further restrictions to be overly onerous and unnecessary, and consider that a Restricted Discretionary consent within the Coastal Environment (in all areas) with the relevant matters for assessment, to be appropriate. • CPOA notes that no changes are proposed in Appendix 2 as a result of this submission point. • CPOA concurs with this. *CPOA requests that this WRC submission point be disallowed.*

WRC-534	2269-2270/534.13	29.3 Rule 3 Opposes "permitted activity " rules because they will not maintain indigenous biodiversity or protect the values and characteristics of SNAs"	• TCDC in its S32 report (Part IVA Consultation, Section 6-Biodiversity) on the Proposed District Plan stated that: *"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."* • There is therefore no basis for the WRC concern regarding the maintenance of biodiversity. • Further CPOA cites its previous comments on SNAs above (in their comments on WRC submission point 534.13 earlier in this document on S29) as being relevant here.
		Seeks to delete Rule 3.1and "replace with following list of exemptions that have less than minor adverse effects on indigenous biodiversity. *a) The maintenance and operation of lawfully established infrastructure and utilities;* *b) 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;* *c) Activities undertaken for the purpose of maintenance of indigenous biodiversity* *d) The collection of material for maintaining traditional Maori cultural practices; and* *e) Actions necessary to avoid loss of life, injury or serious damage to property."* Also seeks to amend Rules 3.2 and 3.4 so that vegetation clearance <u>is considered as a non-</u>	• Once again, WRC seeks to impose its definition of "reasonable use " ignoring the RMA "reasonable use " provisions at S85 (2) • CPOA considers that the proposed changes in this complete Section 29 demonstrate that WRC appears to be seeking to direct TCDC to implement WRC's policies to the extent of driving the "implementation text in detail." CPOA considers that by this approach, WRC is potentially dictating what the ratepayers of a District will or will not do, and CPOA considers this is not appropriate. • Further, CPOA cites its previous comments on WRC's "reasonable use provisions" above (in the WRC submission on Section 29) as being relevant here. Rule 29.3 must allow (as permitted activities) for all normal farming activities. • CPOA considers that this WRC proposal breaches reasonable use S85 (2) of the RMA as well as S5 (2) of the same Act. • CPOA considers that WRC is effectively widening the additional restrictions and that it seeks to cover all areas and zones. This too, breaches reasonable use S85 (2) of the RMA as well as S5

		complying activity. Also seeks to amend the Rule so that it applies across all zones/areas (i.e. replaces Rule 2) Quotes PWRPS Policies 11.1 and 11.2 in support of the above.	(2) of the same Act. • PWRPS is provisional. Until consent orders have been issued, there is no requirement to effect them, only to have regard for them (S74 (2) RMA). • CPOA notes that the Staff Report–Para 39-50 – outlines the "reasonable use" approach, which leads to the list of permitted activities. This provides essential certainty to property owners and CPOA supports this approach. The request for non-complying status from WRC is not specifically mentioned and is also not applied. • CPOA concurs with this. *CPOA requests that this WRC submission point be disallowed.*
WRC-534	2270/534.13	29.4 Controlled Activities Alleges that assessment of adverse effects on biodiversity from such an approach is required to ensure that biodiversity is being maintained. This will not be achieved through use of permitted or controlled activities. The definition of sustainable use is also considered to be too permissive and will not achieve PWRPS biodiversity policy directions. Reasonable use can be provided for as a permitted activity against a list of exemptions that have less than minor adverse effects on indigenous biodiversity (as part of revamped Rule 3).	• TCDC in its S32 report (Part IVA Consultation, Section 6-Biodiversity) on the PDP stated that: *"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."* • There is therefore no basis for the WRC concern regarding the maintenance of biodiversity. • Further, CPOA cites its previous comments on WRC's "reasonable use provisions" (in the WRC submission on Section 29) as being relevant here. • PWRPS is provisional. Until consent orders have been issued, there is no requirement to effect them, only to have regard for them (S74 (2) RMA). • CPOA notes that the Staff Report– para 44 and 50 – discusses the provision for the harvest of indigenous (as well as exotic) trees that have been "purposely planted" for wood products, as a permitted activity under afforestation. Therefore the Staff Report supports the WRC submission point by suggesting Rule 29.4 and Table 1 be deleted, thus removing the Sustainable Use option.

			• CPOA has a number of concerns with the approach in the Staff Report:
			  ○ A large proportion of the usable and suitable land in the District is within the Proposed District Plan Coastal Environment line (often several km inland), wherein afforestation becomes a restricted discretionary activity, and any vegetation clearance that is not permitted becomes discretionary. These requirements would automatically prevent (due to the cost of consent requirements) any small-scale sustainable use of indigenous vegetation, including planting for the purpose of wood products. Examples of commercial activities that could be provided for under Sustainable Use include planting new areas (or sustainable use of existing areas) of manuka/kanuka for honey, tea tree oil or firewood. For a District that grows manuka so well, and has such a need to promote income opportunities for its residents, removing R29.4 is a lost opportunity.
			• CPOA's first preference is to retain the Sustainable Use option via Controlled Activity status, i.e. Retain R29.4 and Table 1, in accordance with our submission in Section 6.
			• If however, R29.4 was deleted, CPOA believes a compromise could be reached that would meet all requirements, but it would require that:
			  ○ Afforestation (new planting) of indigenous vegetation in the Coastal Environment be a permitted activity. There is no reason to believe that this activity would not support the requirements of the NZCPS.
			  ○ Clearance activities in the Coastal Environment that are not permitted, be Restricted Discretionary (in all zones), to reduce the cost of consent requirements. Suitable assessment matters could be provided for the

			Coastal Environment. ○ Property owners do not bear the cost of ecologist assessments (other than for subdivision). *CPOA requests that this WRC submission point be disallowed.*
WRC-534	2270/534.13	Seeks deletion of Rule 29.4.	• CPOA considers that this deletion breaches reasonable use S85 (2) of the RMA as well as S5 (2) of the same Act. • CPOA's comments regarding the Staff Report, against the immediately previous WRC submission point above apply here. *CPOA requests that this WRC submission point be disallowed.*
WRC-534	2270-2273/534.13	29.5 Seeks to amend Table 2 to read: *"Table 2 – Biodiversity assessment matters for Non-Complying and Discretionary Activities."* Delete contents of current Table 1 and replace with: *"that deem the area to be a significant natural area and the extent to which the activity adversely affects those characteristics and values including, in terms of:* *(i) Fragmentation and isolation of indigenous ecosystems and habitats; and* *(ii) Reduction in the extent of indigenous ecosystems and habitats (including loss of riparian and buffer vegetation) and impact on the ecological functions and integrity of the Significant Natural Area; and* *(iii) Impact on the ecological relationship between the Significant Natural Area and other SNAs or areas of biodiversity (e.g. connectivity and buffering); and* *(iv) Loss or disruption to migratory pathways in water, land or air; and*	• The degree to which this proposal changes the criteria in the existing Table 2 is very extensive. CPOA considers that WRC appears to seek to treat privately owned land as conservation estate, council reserve or covenanted property and seemingly ignores the fact that families and communities live and work in these areas that it arbitrarily appears to potentially "take" by regulation. Several points within the replacement text are more aligned with regional matters and not District Plan matters, such *as 'migratory pathways in water, land or air' and 'hydrological flows',* which is very concerning. • CPOA strongly opposes such imposition of overly restrictive rulemaking in that it breaches S85 (2) of the RMA as well as S5 (2) of the same Act. • Further, CPOA cites its previous comments on SNAs above (in their comments on Section 29) as being relevant here. • TCDC in its S32 report (Part IVA Consultation, Section 6-Biodiversity) on the PDP stated that: *"Indigenous biodiversity in the District is improving, but largely because of the goodwill of landowners and community groups*

		(v) Loss or diminishment of hydrological flows, water levels and water quality; and *(vi) Changes resulting in an increased threat from animal and plant pests; and* *(vii) Effects which contribute to a cumulative loss or degradation of indigenous habitats and ecosystems; and* *(viii) Loss or reduction of amenity values, cultural values or natural character; and* *(ix) Any proposals for rehabilitation including riparian management; and* *(x) A reduction in the value of the cultural and spiritual association with indigenous biodiversity which are held by tāngata whenua; and* *(xi) Noise and disturbance [from people and vehicles] on indigenous species; and* *(xii) Loss of habitat that supports indigenous species under threat of extinction; and* *(xiii) A demonstrated necessity to locate the activity within the SNA, including the ability for the activity to be reasonably located or undertaken on another part of the site in a way that will result in a nil or lesser impact on the Significant Natural Area; and* *(xiv) The extent to which any runoff or storm water resulting from the establishment of the activity will lead to siltation; and* *(xv) The extent to which the activity can provide opportunities for enhancement of ecological health and values of the Significant Natural Area."*	*who replant and let regenerate, remove pests from land and help indigenous flora and fauna to thrive."* • There is therefore no basis for the WRC concern regarding the maintenance of biodiversity. • CPOA considers that the resource consent costs to ensure compliance with these new WRC rules and assessment criteria will be high and beyond the means of owners. • CPOA's previous comments relating to the SNA process (desktop exercise with just 10 percent of affected properties checked from roadsides only) apply here. • "Significance" of any area has not been accurately established and the "on the ground" valuation of each affected property that WRC insisted must take place (On page 95 of its SNA technical Report of 2010) has not occurred. This fact was confirmed in the TCDC S32 report for this Proposed District Plan. • SNA's, therefore, are invalid and by that implication are challengeable. • PWRPS is provisional. Until consent orders have been issued, there is no requirement to effect them, only to have regard for them (S74 (2) RMA). • CPOA notes that the Staff Report– para 53-57 - states that the approach has been to "*strike a balance between Council's obligations under the RMA and (P) RPS while allowing a degree of practicality within the context of the district*". Extensive changes to Table 2are suggested in Appendix 2, based on this and other submissions. • CPOA could accept these proposed changes, with the following recommended minor modifications: o 1b) delete "or planned". A resource consent should not have to take into account something that does not exist, unless there is a formalised land use change or similar.

		Quotes PWRPS Policies 11.1 and 11.2 in support of the above.	○ Delete 1d) – clearance per se does not lead to an increase in animal pests, and weed control is a normal part of land/farm management. It does not require special consideration here. ○ To allow for Restricted Discretionary activity status in the Coastal Environment, add "….or clearance within the Coastal Environment" to the title of clause 2 (currently relating to significant areas only). ○ 3a) – delete "or enhance" from the sentence. This should be on a voluntary basis. The requirement is to <u>maintain</u>. ○ Delete 3b). This is covered by both 3a) and 3c). It relates to non-significant vegetation or non-significant habitat, so the assessment matters need only relate to maintaining biodiversity values, and managing any <u>significant</u> adverse effects. • CPOA believes that the proposed changes in Appendix 2, combined with the requested modifications as above, would provide clear, practical and effective matters for assessment. CPOA would also like to suggest that, for resource consent applications involving minor or incidental indigenous biodiversity clearance, a TCDC planner could waive the requirement for an ecologist assessment. *CPOA requests that this WRC submission point be disallowed.*
GRUBB-568	2420/568.14	Biodiversity 29.1 Grubbs wish to delete the sentences - "*<u>Incentives for subdivision are offered where a priority location is restored or enhanced and protected. Subdivision incentives are also provided in the Rural Lifestyle Zone where biodiversity values are restored or enhanced".</u>*	• CPOA considers that incentives are a practical and cost-effective way of encouraging biodiversity gain and should be allowed for. • CPOA notes that the Staff Report– para 22 – states that subdivision incentives and the priority locations (to do with subdivision) do not relate to any of the rules in S29, therefore these sentences should be deleted. • CPOA concurs with the Staff Report. *CPOA requests that this submission point from B and D Grubb be*

			disallowed.
GRUBB-568	2420/568.16	29.3 Permitted activities. Rule 3 i) -*"It is to create a driveway from the road to a house specified in h) above"* – Grubbs wish to add *"with a maximum cleared width of 3.5m" after the word "driveway".* Rule 3 j) – *"It is for survey work, tracks, fences or existing formed roads, including 1 m clearance to either side"* Grubbs wish to rewrite to say *"It is for survey work, tracks or fencing with a maximum cleared width of 1.5m, or for an existing formed road with 1m clearance on either side."*	• CPOA believe that 3.5m of vegetation clearance for a driveway will not be sufficient, especially where water tables and culverts are required, and depending on terrain. • In the case of tracks, 1.5m is woefully inadequate for any kind of vehicle use, such as tractor, quad bike, bulldozer. In the case of fencing, 1.5m is also inadequate where access is required for machinery e.g. Bulldozer/tractor for fence construction and repair. (3.5m would be more realistic.) • CPOA notes the Staff Report – para 47 – does not support this submission point, and applies a practical approach to what is required to allow activities such as driveways, tracks and fencing. The wording suggested in Appendix 2 is "It is to create a driveway no more than 3.5m wide….". CPOA considers this clear and appropriate, and presents a common sense approach to allow for extra clearance width if/when required for culverts/water tables etc. CPOA agrees with the staff report on this point. • CPOA also notes that R3j), Appendix 2 of the Staff Report allows for a "strip of no more than 3.5m wide" clearance, for survey work, tracks, fences. This allows for essential machinery access. • CPOA also notes that the Staff Report adds a new clause for existing driveways – "It is within the legal width of an existing formed road (which includes road reserve)." • CPOA agrees with the Staff Report on these points, and commends the approach that has been taken. *CPOA requests that this submission point from B and D Grubb be disallowed.*
ROBINSONS-666	2855/666.2-.4	666.2-666.4 – Interpretation of "significant" inappropriate for TCDC area; need assessment criteria appropriate to the District. Cost of	• CPOA supports this amendment. "Significance of vegetation"must be based on criteria that is appropriate for each district. TCDC already has over 60% of its area covered in

		assessments including "ground-truthing" should be borne by Council not the property owner. Owners should be able to cut up to 10 m3 of kanuka and manuka annually for home heating, cooking and hot water. Many owners do not have mains power; many rural owners exist on very low and/or fixed incomes. Tracks need to be cleared for access by farm machinery including UP to a 2m width either side of fence lines.	indigenous forest. • "Significance" in lesser forested Districts could be greater, therefore, than in the Coromandel. • Specific criteria for the Coromandel must be established by TCDC. • Owners should not bear the cost of assessments that may result in additional significant costs and restrictions affecting their existing reasonable use of their land. • Owners should be able to cut tea tree firewood and clear for tracks without requiring a resource consent. • CPOA notes that the Staff Report supports retaining the WRC SNA criteria for significance, in accordance with the PWRPS. • CPOA disagrees with this. We believe there should be new criteria developed that is appropriate for this District. • CPOA notes that para 20 in the Staff Report expresses some agreement that property owners should not have to bear the cost of ecologist assessments and ground-truthing. Some discussion was offered in the Staff Report involving non-regulatory methods, however no conclusion was reached. This remains a major concern for CPOA. CPOA submits that regulatory requirements for such assessments should not be finalised until an acceptable solution is reached regarding costs. • CPOA also notes that Para 35 in the Staff Report proposes reinstating a 5m3 allowance of "wood from trees", to provide for firewood requirements. In that respect the Robinson's submission is only partially accepted. • CPOA considers that 5m3 to be an absolute minimum acceptable limit for firewood. We do note that it is not entirely equitable, in that large farms that have two or more households per site, are still constrained by the 5m3. In this regard, we would ask TCDC to consider amending this to 5m3 per occupied household per site per year. • CPOA also notes that in Para 47, as discussed earlier, the Staff

			Report accepts the intent of this submission point by proposing an allowance of 3.5m clearance for fencing etc. CPOA supports the Staff Report on this point. *CPOA requests that this submission point from the Robinsons be allowed*
RNZFB-780	3312/Nil	RNZFB are concerned that if vegetation is significant then its protection is a matter of national importance. Further the organization believes that the Proposed District Plan elevates matters which may not be matters of national importance above protection	• CPOA accepts that S6 of the RMA deals with matters of national importance. • However, CPOA considers that there is nothing in S6 that states that S6 takes priority over other sections of the Act. • CPOA considers that whilst matters of national importance must be given due credence and be implemented, that does not mean that other sections of the RMA that are relevant to the Proposed District Plan should not also be recognised. • CPOA therefore opposes the inference in this proposal that the Proposed District Plan *"elevates matters which may not be matters of national importance above protection."* • Further, where the RMA addresses protection it is only protection from inappropriate subdivision, use and development, not all subdivision, use and development. *CPOA requests that this RNZFB submission point be disallowed.*
RNZFB-780	3312/Nil	RNZFB considers that vegetation clearance inside an SNA should be prohibited and such clearance outside an SNA should be a discretionary activity.	• CPOA's previous comments in this document on the SNA process are valid here. • CPOA believes that this RNZFB proposal would potentially gravely affect the economic viability of the district's rural land. • Further, CPOA considers that such restrictive rules ignore the fact that families and communities live and work here in the Coromandel and in accordance with S85 of the RMA have an expectation that they can reasonably use resources that are on the property that they own. • CPOA believes that this proposal also ignores health and safety issues where vegetation threatens life or structures or its proximity to buildings is a fire risk.

			• CPOA notes, as discussed earlier in this document, that the Staff Report supports a "reasonable use" approach and supports a range of permitted activities, with a restricted discretionary status (or discretionary in Coastal areas) for other activities. CPOA agrees with the Staff Report on this point, apart from our earlier comments regarding the Coastal Environment. *CPOA requests that this RNZFB submission point be disallowed.*
RNZFB-780	3314/Nil	RNZFB seeks to amend the rules relating to vegetation clearance in the coastal environment so that where Policy 11 of the NZCPS would apply, vegetation clearance is prohibited (where adverse effects are significant) or otherwise is a non-complying activity.	• CPOA's immediate previous comments regarding overly restrictive effects on families and communities living and working throughout this district apply. • Policy 11 (b), NZCPS states *"avoid significant adverse effects….."* not "prohibit." • CPOA therefore opposes RNZFB's attempt to change the intent of the NZCPS. • The Proposed District Plan requires an assessment as part of a resource consent application, in order to ascertain what, if any, adverse effects there would be. CPOA considers that It is not appropriate to apply prohibited or non-complying status without such an assessment. • CPOA notes that the Staff Report supports a discretionary status for vegetation clearance in the Coastal environment, outside of the permitted activities, and as such does not support this RNZFB submission point. • CPOA concurs with rejecting the RNZFB submission point. *CPOA requests that this RNZFB submission point be disallowed.*
RNZFB-780	3318/Nil	RNZFB states: "Section 11 'Indigenous Biodiversity' of the PWRPS outlines a number of implementation methods that the PDP must give effect to. The focus of these provisions is the identification and protection of SNAs, and the protection and enhancement of indigenous biodiversity.	• PWRPS is proposed. Until consent orders have been issued, there is no requirement to effect them, only to have regard for them (S74 (2) RMA). • CPOA's previous comments in this document on the SNA process apply here. • CPOA's previous quote above regarding TCDC's acknowledgement in its S32 Report that indigenous biodiversity

			has improved in the Coromandel is valid here. • CPOA notes, as discussed earlier in this document, that the Staff Report supports a "reasonable use" approach for permitted activities, and explains why WRC SNAs are not included in the planning maps. *CPOA requests that this RNZFB submission point be disallowed.*
RNZFB-780	3327/780.8	Section 29 Biodiversity 29.1 Background <u>Seeks major amendments to Paras 1, 2 and 3-</u> "Reword as follows: Para 1 - *"Section 6(a) of the RMA identifies "the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development". Section 6(c) of the …"* Para 2 – *"…will be required. Natural character includes natural processes, features and ecological functioning of an area as well as experiential attributes (refer to Section 9). Areas identified as having high ecological natural character are mapped in the Natural Character Overlay."* Para 3 – *"Priority locations for biodiversity restoration and enhancement in the Rural Zone are mapped in Section 38 … and protected."*	• CPOA considers that there are sufficient references in the existing Proposed District Plan text to the requirements of the RMA. • Section 29 relates to Biodiversity rules. These references to natural character are not appropriate here. Natural Character will be addressed in Sections 9 and 32. • CPOA believes that the RNZFB proposal unnecessarily expands the existing text or deletes parts of it; all having the effect of tightening it. It leaves CPOA with the impression that the aim of this is to place further restrictions and controls on owners thus affecting their reasonable use of the land and resources on it. • CPOA therefore considers that the existing text in the Proposed District Plan is adequate- *"Section 6(c) of the RMA identifies "the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna" as a matter of national importance. Under its functions (Section 31 RMA) the Council is also required to control any actual or potential effects of the use, development or protection of land for the purpose of the maintenance of indigenous biological diversity.* *Where subdivision, use or development is proposed and resource consent is required under the rules in this Section, the Waikato Regional Policy Statement will be referenced to determine if the indigenous vegetation area is potentially significant. If the area is shown as being potentially significant then 'ground truthing' by a suitably qualified ecologist will be*

			required. *Priority locations for biodiversity restoration and enhancement in the Rural Zone are mapped in Section 38 Subdivision. Incentives for subdivision are offered where a priority location is restored or enhanced and protected. Subdivision incentives are also provided in the Rural Lifestyle Zone where biodiversity values are restored or enhanced."* • CPOA notes that the Staff Report – para 21- rejects this submission point, stating that natural character processes are well covered in Sections 9 and 32, and it is unnecessary repetition to include them here. • CPOA concurs with this. *CPOA requests that this RNZFB submission point be disallowed.*
RNZFB-780	3328/780.8	29.2 Rule 2 1a Seeks to amend text-"<u>the lot is less than 250m2."</u>	• CPOA considers that this major reduction (94%) of lot size would seriously contravene S5 (2) of the RMA. • CPOA could reasonably ask are there indeed any lot sizes less than 250m2? • Further, CPOA believes that 250m2 could be assessed as being the floor area of an average house. • CPOA therefore considers that the existing text is adequate and allows reasonable use provisions to be met- *"Clearing indigenous vegetation outside of the Rural Area, excluding the Conservation Zone, is a permitted activity provided:* *a) The lot is less than 4,000 m2; and"* • CPOA notes that the Staff Report– para 33 and 34 – retains the 4000m2 lot size and explains the need for reasonable use. • CPOA agrees with the Staff Report. *CPOA requests that this RNZFB submission point be disallowed.*
RNZFB-780	3328/780.8	29.3 Rule 3 <u>Seeks amendments to the text:</u> <u>Reword as follows:</u>	• CPOA opposes the removal from a) of allowing for the managing, maintaining or harvesting of existing production forestry including understorey clearance-this is an economic

		"1. Clearing indigenous vegetation … *Delete all of a) and b) "It is as per an approved production forestry management plan".* *e) (e.g. domestic* *l) a permanent water body…; and* *m) It is not protected …; and* *n) It is not an area identified as an SNA, habitat of indigenous fauna or having high Natural Character; or* *o) It complies with Section 37 Mining Activities Rule 2.1 b) and c)."*	issue for families and communities; especially since small areas of forestry are captured in the existing Proposed District Plan definition. • CPOA objects to the removal from a) of the ability to provide fire breaks and exercise fire risk management-this is a health and safety issue for families and communities. • CPOA objects to the removal from b) of allowing re-planting of a production forest or establishing a new land use within 5 years of production forest harvesting on the site-this is an economic issue for families and communities; • CPOA objects to the removal of the word "forestry" from the phrase in e) "The area to be cleared is dominated by exotic vegetation (e.g. forestry, domestic garden, pasture, horticulture)"-this is an economic issue for families and communities. • CPOA objects to the removal of the words from the original text in l) "wider than 1m" as this would be overly restrictive insomuch that a permanent water body of even minimum width would be captured by this amendment. CPOA would consider this to be very unreasonable. On many hill country sites this would prevent reasonable access and functioning of farmland. • CPOA objects to the addition of the new para n) because: o As previously commented in this document regarding submissions on S6 and S29 of the Proposed District Plan, SNAs- ▪ -Have not been ground-truthed ▪ -Desktop exercise only ▪ -10% analysed were from roadside only o CPOA considers that the process used was a scientifically insufficient process to determine

			"significance" of 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. Over 60% compared to average of 20% in other parts of New Zealand. ○ WRC strongly advised on Page 95 of its SNA Technical Report of 2010 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. • CPOA also opposes the insertion of the new para n) because: ○ The phrase <u>"habitat of indigenous fauna"</u> is too broad and restrictive insomuch that any area regularly visited by indigenous birds could be captured by this amendment thus rendering reasonable use of an owner's property a prohibited activity. ○ The inclusion of <u>"high Natural Character"</u> in this RNZFB proposal implies that owners of property that have had any natural character overlay arbitrarily imposed upon it would be prohibited from cutting manuka/kanuka firewood for cooking and heating, clearing any vegetation that threatened life or property or clearing any vegetation to erect a dwelling. Further, this amendment would effectively negate the ability of the owners of such property affected by a natural character overlay from engaging in any of the

			permitted activities related to vegetation clearance in the existing text for Rule 3.1. of the Proposed District Plan. CPOA considers these permitted activity provisions to be essential to provide for reasonable use regardless of SNA or overlay, and are not at a scale to create anything more than minimal adverse effects. • CPOA therefore considers that this amendment seriously breaches reasonable use, health and safety requirements and cultural/social/economic wellbeing for families and communities in the Coromandel. • CPOA therefore consider this RNZFB amendment to be unreasonably restrictive. • CPOA notes that the Staff Report – para 44-47 – retains permitted status for existing plantation forestry, removes 1b) relating to establishing a change in land use within 5 years of harvesting forest. Due to changes proposed in relation to definitions, the Staff Report considers that "forest" in clause 3.1e) is now unnecessary. • CPOA also notes that the Staff Report supports the use of these permitted activities, whether or not the activity is within a potential SNA or overlay. Resource consent requirements would be triggered if permitted activity thresholds are exceeded. CPOA concurs with this. • CPOA also concurs with the Staff Report proposals, in relation to forestry, water bodies – retaining the definition of "…..wider than 1m." *CPOA requests that this RNZFB submission point be disallowed.*
RNZFB-780	3328/780.8	29.3 Rule 3.2 and 3.4 Seeks to remove restricted discretionary or discretionary activity status and replace it with "non-complying"	• CPOA opposes this amendment because it imposes additional processes and costs onto owners in the Rural Zone and the Coastal Environment when adequate protection is already provided by the existing text in the Proposed District Plan:- *"2. Clearing indigenous vegetation in the Rural Area (excluding the Coastal Environment) that is not permitted under Rule 3.1*

			a)- l) is a restricted discretionary activity." *"4. Clearing indigenous vegetation in the Coastal Environment that is not permitted under Rule 3.1 a)- l) is a discretionary activity."* • CPOA notes that the Staff Report does not directly address this submission point, and also does not support using a non-complying status for activities outside of the permitted status. • CPOA concurs. *CPOA requests that this RNZFB submission point be disallowed.*
RNZFB-780	3328/780.8	29.5 Table 2 Seeks to amend text: Reword as follows under Assessment Criteria: *"a)Whether the indigenous vegetation is mapped …* *d) Whether the proposed … the functioning of existing or planned ecological corridors and linkages, …"*	• CPOA objects to the removal of the phrase in a) "in the Rural Area" from the original text in the Proposed District Plan because "in the Rural Area" was the intended qualifier. The amendment seeks to broaden the criteria to "everywhere" which is not what was intended. CPOA notes that the Staff Report proposes deleting this whole clause, since it is primarily to do with subdivision, which is not relevant here. Biodiversity values would presumably be assessed for significance in the same way as other areas. CPOA concurs with deleting this clause. • CPOA objects to the addition in d) of the words "planned ecological corridors." Owners can reasonably ask how are these assessed and at whose cost and what are the effects on reasonable use? • It is CPOA's considered view that this amendment takes no account of the responsible work that owners already do to preserve the natural environment. • CPOA considers that this is a productive environment supporting the livelihoods of many Thames Coromandel families and communities. • CPOA notes that the Staff Report has proposed substantial alterations to wording in response to this and other submissions. Appendix 2 shows a new item 1b, which includes

			"existing or planned ecological corridors….." CPOA disagrees with the Staff Report on this point. We believe that consent applicants should not have to have regard for features that do not exist. This would create unacceptable uncertainty. *CPOA request that these RNZFB submission points be disallowed.*
DOC-827	3759/827.24	Biodiversity Identify all SNA on planning maps	• CPOA's previous comments in this document on submissions on S6 and S29 of the Proposed District Plan, regarding SNAs, apply here. • CPOA considers these SNAs to be inaccurate; not verified. WRC state they are provisional only, unless followed up with a field survey. • CPOA, therefore, does not believe that they are robust enough to be included in a regulatory document; they must all be proofed on the ground first. • CPOA notes that the Staff Report– para 60-62 – does not support identifying potential SNAs on the planning maps, due to their inaccuracies and lack of verification. This has been extensively discussed, and CPOA concurs with the Staff Report. *CPOA requests that this DOC submission point be disallowed.*
DOC-827	3759/827.25	29.3.1 Clearance of indigenous vegetation in the Conservation zone that is part of routine maintenance should also be permitted.	• CPOA supports this proposal; routine maintenance should be permitted (in all areas). • CPOA notes the Staff Report – para 25-29 - proposes merging R1 with R3, for the purposes of private parties undertaking work on Conservation land through a permit/concession process. CPOA understands normal DOC activities would not be constrained by this. • CPOA concurs with this approach. *CPOA requests that this DOC submission point be allowed.*
DOC-827	3760/827.26	29.3.2 Oppose Rule 2, allowing for clearance of indigenous vegetation if lot less than 4000m2.	• CPOA considers that 4000m2 is less than half a hectare, and is not much more than a large house section. As such, vegetation clearance should not be limited.

			• CPOA notes that the Staff Report– para 33-36 – explains the "reasonable use" approach for this area, and proposes an expanded version of permitted activities. • CPOA concurs. *CPOA requests that this DOC submission point be disallowed.*
DOC-827	3760/827.27	29.3 Rule 3.1a – wish to apply Restricted Discretionary status for forestry management, maintenance, harvesting and including fire risk management.	• CPOA considers that forestry areas are primarily for forestry production. • Further, CPOA believes that these activities are an essential part of managing the industry and must be permitted. • CPOA notes that the Staff Report does not specifically address this request, but retains the clause as a permitted activity. • CPOA concurs. *CPOA requests that this DOC submission point be disallowed*
DOC-827	3760/827.27	29.3 R3.1b – Oppose permitted status for replanting/new land use within five years of forestry harvest.	• CPOA considers that the land in question is existing productive land (industry –either forestry or farming), not conservation land. • CPOA therefore believe that restrictions should not be placed on the ongoing management of existing productive land. • CPOA considers that communities' ongoing social, economic and cultural well-being depend on this. • CPOA notes that the Staff Report – para 45 – supports permitted status for replanting plantation forestry, and suggests merging this point with clause a). However the staff report agrees with DOC with respect to establishing a new land use following forestry clearance, presumably meaning this would default to a Restricted Discretionary or Discretionary status resource consent. This is due to the need for assessment as to whether the area serves as a "significant habitat of indigenous fauna" CPOA disagrees with the Staff Report on this point as it is taking away the owners ability on land that she/he owns to ascertain, in the conditions prevailing at the time for the owner, whether it is best to replant forestry or revert to pasture; this is especially relevant to small areas of

			forestry on productive farmland. Perhaps a Controlled Activity status for "new land use "might be a reasonable compromise in this instance for both the owner and Council. *CPOA requests that this DOC submission point be disallowed*
DOC-827	3761/827.27	29.3 R3.1c – oppose Permitted status for clearance under Sustainable Management Plan or Permit. (Forests Act 1949).	• If an owner has a permit for sustainable management/harvest, then that should be honoured, just as other owners continue to carry out their various land uses. It is production land not conservation land. Existing use rights would presumably apply here. • CPOA notes that the Staff Report– para 50 – supports DOC's submission point, and deletes R3.1c, claiming that Sustainable Management Plans may not necessarily give adequate protection for RMA requirements. • CPOA disagrees in part with the staff Report. We suggest that R3.1c be retained, with the words "an existing" be inserted before "Sustainable Management Plan", to allow for existing use rights. Also a note to inform that future SFMPs will be required to meet other requirements of the Proposed District Plan, i.e. Resource Consents. *CPOA requests that this DOC submission point be disallowed*
DOC-827	3761/827.27	29.3 R3.1d – Opposes Permitted status for access to existing network utility structures.	• CPOA understands that generally these utility structures would have had access established previously, and this needs to be maintained and re-established where it has become overgrown. They are essential services and should not be hampered. Requiring Restricted Discretionary status only creates extra unnecessary cost. • CPOA considers that this proposal breaches S5 RMA. • CPOA notes that the Staff Report does not specifically address this point, but appears to support DOC's submission by deleting this provision in Appendix 2. CPOA can accept this on the assumption that road access would presumably be maintained under new Rule 2.1j) as a permitted activity. *CPOA requests that this DOC submission point be disallowed*

DOC-827	3762/827.27	29.3 R3.1e – want to give examples for circumstances where clearance within areas of exotic vegetation are appropriate (in DOC's eyes).	• CPOA believes that DOC may have misinterpreted this rule to mean clearance of exotic vegetation is to be allowed, and trying to turn it into purposes of biodiversity restoration. It is for the purposes of protecting exotic vegetation e.g. pasture, as this would otherwise be taken over by indigenous vegetation if left untended. • CPOA consider that the Rule should be retained as is, and should also not have any area/size restriction on it. If the current land use is pasture/forestry/domestic garden/horticulture, then the owner needs to be able to maintain that use without restriction. • CPOA notes that the Staff Report does not propose any changes based on DOC's submission point. • CPOA concurs. *CPOA requests that this DOC submission point be disallowed*
DOC-827	3762/827.27	29.3 R3.1g – want to add reference to habitat restoration works.	• CPOA considers that DOC's additions do not add anything to the rule, so are unnecessary. • It appears to CPOA that DOC is just trying to make it broader than the issue of indigenous vegetation clearance. • CPOA notes that the Staff Report acknowledges DOC's submission in Appendix 2, but proposes adding "or enhancement" rather than habitat restoration. • CPOA considers that neither addition is necessary in this clause. However, CPOA could support the proposed change in Appendix 2 . • CPOA concurs. *CPOA requests that this DOC submission point be disallowed*
DOC-827	3762/827.27	29.3 R3.1i - clearance is to create a driveway from the road to a house or consented house site. DOC want to add an appropriate length and width qualifier.	• CPOA considers that a width qualifier may be appropriate but length is not, as this is dictated by the distance between the access point and the titled house site. • CPOA notes that the Staff Report does not support DOC's request for a length qualifier, and adds a width qualifier of "…a

			driveway no more than 3.5m wide." • CPOA concurs with the Staff Report on this point. *CPOA requests that this DOC submission point be disallowed*
DOC-827	3762/827.27	29.3 R3.1j – allowance is for survey work, tracks, fences or existing formed roads, including 1 m clearance to either side – DOC want to clarify *"land surveying*" and restrict it to *"existing"* fences, tracks etc.	• CPOA would ask if *"land"* survey is necessary? Is there any other type of survey that affects vegetation clearance? • CPOA believes that vegetation clearance must be allowed as "Permitted" for formation of fences and tracks as normal farming activity. • CPOA notes that the Staff Report proposes adding in "land", but does not restrict this clause to existing fences and tracks, thus making provision for normal farming activities and reasonable use. • CPOA concurs with the Staff Report on this point. *CPOA requests that this DOC submission point be disallowed*
DOC-827	3762-3763/827.27	29.3 R3.1k – DOC suggest delete this rule – allows for clearance 5m either side of utility infrastructure.	• CPOA considers that 3.1d covers utility structures, but is not broad enough – presumably this rule would include provision to clear underneath power/phone lines as necessary. • CPOA believes that the existing text should be retained. • CPOA notes that the Staff Report proposes retaining this permitted activity, but excludes existing formed roads from the 5m provision. CPOA understands this would be catered for in the new R2.1j). • CPOA concurs with this approach. *CPOA requests that this DOC submission point be disallowed*
DOC-827	3763/827.28	29.5 Table 1 – (Sustainable use, controlled activity) - DOC wants amendment to show all indigenous biodiversity is covered by the matters of control, not just SNAs.	• CPOA believes that the reference to *"significance of indigenous biodiversity"* is appropriate, as this table is related to <u>sustainable</u> use, so by such nature Council is maintaining indigenous biodiversity and is meeting its RMA obligations in S31. • CPOA understands that Table 1 does not preclude assessments outside of SNAs so no amendment is necessary. • CPOA notes that the Staff Report– para 50 and 56 – proposes

			deleting the "sustainable use" provision as a controlled activity. All activities that are not permitted would default to Restricted Discretionary or Discretionary status. Therefore changes to Table 1 were not supported. • CPOA has concerns with the lack of provision for small-scale sustainable use activities, and our previous suggestions in this document (WRC-534-2270/534.13 regarding 29.4 Controlled Activities) apply here. • CPOA disagrees with the Staff Report approach. *CPOA requests that this DOC submission point be disallowed.*
DOC-827	3763/827.28	29.5 Table 1 – add an extra clause	• CPOA considers that the proposed clause is what the whole Table is about; only the Table spells it out in more detail. The addition is unnecessary and creates doubt. • CPOA notes that the Staff Report proposes deleting Table I as previously noted in the immediate previous submission point. • As above, CPOA disagrees with the approach in the Staff Report. *CPOA requests that this DOC submission point be disallowed.*
DOC-827	3763/827.29	29.5 Table 2 – add extra clause	• CPOA's immediate previous comments apply here- additional clause is unnecessary and repetitive. • Please see CPOA's comment on the Staff Report below against the last DOC submission point. *CPOA requests that this DOC submission point be disallowed.*
DOC-827	3763/827.29	29.5 Table 2, e – reword for clarity: *"Whether the proposed indigenous vegetation clearance increases the risk to At Risk or Threatened flora and fauna".*	• CPOA considers that DOC's suggested alternative is no clearer and appears to be grammatically incorrect – sentence ends in "and measure" without clarifying what is being measured, and how/when/by whom. • CPOA believes original wording should be retained. • Please see CPOA's comment on the Staff Report below against the last DOC submission point. *CPOA requests that this DOC submission point be disallowed.*
DOC-827	3763/827.29	29.5 Table 2, g – want to reword criterion g) for	• CPOA consider that the existing wording in the Proposed

		clarity – *"Whether remediation or mitigation can be undertaken to minimise the adverse effects of the vegetation clearance (i.e. replanting, enhancement of remaining vegetation)."*	District Plan is adequate. • CPOA notes the Staff Report– Table 2- has had substantial re-wording in Appendix 2. The issues in DOC's three submission points above are all catered for in the new wording. • The Staff Report Appendix 2 applies this submission point in 3b) of Table 2, which relates to non-significant areas and habitats. CPOA opposes this clause, and believe non-significant areas are appropriately covered by 3c) (ie. Avoid, remedy, mitigate or offset significant residual adverse effects). CPOA disagrees with the Staff Report on this point, and recommends that 3b) be deleted. *CPOA requests that this DOC submission point be disallowed.*