

TCDC PROPOSED DISTRICT PLAN - SUBMISSION HEARING NOTES

**CHRISTINE VICKERMAN SUBMISSION NUMBER 578
AND BRUCE VICKERMAN SUBMISSION NUMBER 619
12 FEBRUARY 2015**

SUBMISSION POINT	ISSUE	REASONS and REQUESTED OUTCOME
<p><u>BIODIVERSITY</u></p> <p>Section 6</p> <p>Submissions and Further submissions</p>	<p>I opposed Section 6 in its entirety for the following reasons:</p> <ol style="list-style-type: none"> 1. Lack of identification of a real problem 2. No recognition of biodiversity gain 3. No account taken of over one third of the District being protected in DOC estate 4. Current management may be more than meeting RPS requirements 5. No recognition for cultural traditions and rights related to property ownership, stewardship by owners. 	<p>There appears to us to be a disconnect with what is happening on the ground:-</p> <p>I would have thought that the starting point should be to ask – how well are we doing in meeting our goals for Biodiversity? Do we need to change our Plan and if so how?</p> <p>We <u>do</u> know that:-</p> <p>45% of the District is already legally protected indigenous vegetation. More is being voluntarily protected by landowners. Over 60% of the District is in indigenous vegetation. If you look at the map, maybe it's closer to 80%. Most farmers on the Peninsula are unable to keep up with the vegetation "creep", and face the threat of significant pasture loss, even without further biodiversity protections.</p> <p>TCDC Covenant Monitoring Field Reports – 2011/12, 2010/11:-</p> <p>Trends on TCDC covenants – overall, condition improving over last 5 years. However an overall trend outlook shows net decline in condition mainly due to plant pests (2011/12 Field Report, p. 5). Brown kiwi "reliably recorded" in 37% of covenants (2010/11 Report, p. 2) Condition improving, Trend worsening (both 2010/11 and 2011/12 reports) from 2006 baseline.</p> <p>The assumption tends to be, if we increase vegetation (eg.no net loss), then we are maintaining or enhancing biodiversity. But are we? Do we really need more trees?</p>

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		<p>Nick Smith (Speech to Nelson Rotary, 2014) – <i>“Nor is deforestation a substantive issue today. The area of indigenous forest in New Zealand has actually increased slightly since 2000”</i>.</p> <p>Nick Smith, 2014 – <i>“The cause of ongoing decline....comes from predator pests”</i>.</p> <p>In contrast to the staff report para 19, we believe a starting point <u>should</u> be a summary of the state of our biodiversity. Which ecosystems are threatened and by how much? As an indicator, what is our estimated kiwi/Archey’s frog population? What are the trends? What are the threats? What is our goal? Then policies can be targeted to the needs in a meaningful and transparent way.</p> <p>The SNA project has been credited with helping to provide a “state of biodiversity”, but this was only a desk-top exercise, it is not accurate..... and only served to alienate property owners who saw it as an attempt to “lock up” areas of private land.</p> <p>We could say a lot more about SNAs, but suffice to say this was a major reason for our opposition to Section 6, since much of the policy seemed to be based on this unverified, desk-top exercise (e.g. Priority locations for subdivision incentives).</p> <p>Section 32 Report (p.62) re SNAs:- <i>“consultation on biodiversity started early and was extensive”</i>. Letters to property owners potentially affected by SNAs – late 2011. Council received a “flood” of reactions from landowners. Meeting (short-notice) in Coromandel, attracted over 200 people. WRC and TCDC involved. Landowners there expressed strong opposition to overlays, maps over their land. People were subsequently told “don’t worry, we won’t be putting SNAs in the District Plan”.</p> <p>Section 32 Report, P.62 – <i>“a key aspect that was consistently expressed during conversations with the community was the fact that landowners feel that they have been caring well for the District’s biodiversity, that they do not feel that there is a tendency of decline...”</i></p> <p>Our families have been maintaining and enhancing indigenous biodiversity for generations. On our little block, we have some areas fenced off, and have been actively planting indigenous vegetation. Others have been doing much more. We believe that by and large, we are all on the same page, wanting to care for our environment and leave it in a better state than we found it.</p>

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<p>6.2 6.2 Issue 1</p>	<p>Subdivision, use and development does not always cause loss of biodiversity in every case.</p>	<p>We don't need tighter controls or lines on maps - that is only alienating us and causing us to see indigenous vegetation as a liability. We do need more support to do more of what we are already doing, while still putting food on the table.</p> <p>Section 32 Part IV A p.5 – <i>“Indigenous biodiversity in the District is improving, (but) largely because of the goodwill of landowners and community groups...”</i>.</p> <p>Section 32, P. 64 – <i>“Management of biodiversity on private land needs to be carefully thought through, and has greatest success through landowner support”</i>.</p> <p>Requested Outcomes – In S6.1 Background –</p> <ul style="list-style-type: none"> • Include a paragraph acknowledging the stewardship and positive actions of many landowners and other parties with a commitment to our environment, along with an expressed desire for Council to support this through a collaborative process. • Alter wording in 6.4 Non-Regulatory Methods no. 2 – <i>“The Council <u>will collaborate with landowners to</u> review its Biodiversity strategy”</i> – or similar. • Either delete the reference to the WRC Technical Report 2010/36 in S6.1, since the data has not been ground-truthed and therefore cannot be used in the PDP. • OR – clarify in Para 3 that this project was only a desk-top exercise and cannot be used unless it is ground-truthed. • If there is useful information available on the state of our Biodiversity, include this in S6.1 (Don't commission another report for this). <ul style="list-style-type: none"> • The staff report suggests adding the word “can” before contribute. • We agree with this change as a minimum to meet our concerns.

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6.2 Issue 2	We strongly oppose this clause. "Poor land management practices" is a subjective value judgement.	<p>The staff report suggests deleting the word "poor" and inserting "can", as a result of our and other submissions.</p> <p>While this is some improvement, it also makes generalisations with the examples given that are not helpful or particularly accurate. This is why we both requested its deletion in our submissions.</p> <p>The examples of "inadequate fencing of farm animals, and stock grazing" depends on your point of view. E.g. Ecologist or farmer, conservation land or primary production land.</p> <p>Well-meaning people can be quick to assume that livestock should always be kept out of all indigenous bush on private land.</p> <p>Our property has several ridges and gullies. In each gully our family, over many decades, has retained small stands of native bush. It provides the following functions:-</p> <ol style="list-style-type: none"> 1) Erosion control in the steep gullies 2) Essential shelter for livestock during storms, and for shade in hot summers. 3) Pasture and other foliage under the canopy provide essential feed for livestock during dry months. <p>And they have been labelled SNAs.</p> <p>It would not be practical to isolate these areas from the functioning of the paddocks as a whole. It would put our cattle at risk on a number of fronts. And we would lose a lot of grazing land.</p> <p>Farmland must be preserved for farming, including allowing stock to access bush for shelter.</p> <p>We believe that Issue 2 does not contribute anything to the Plan that is not covered by Issue 1.</p> <p>Requested Outcome</p> <ul style="list-style-type: none"> • Delete Issue 2 please.
6.3	6.3 Policies 1a and 1e I submitted that these clauses were too directive for "use" as applied to existing farmland.	<p>The staff report (Appendix 2) recommends an almost complete rewrite of 6.3 Objectives and Policies. While we appreciate that this is with a desire to specifically cover the requirements of higher level policies, we believe that the end result has made these policies unnecessarily complex and even more directive, and has removed the more practical clauses of Policy 1b and 1d.</p> <p>One issue we note in particular - Policy 1a in the staff report has been reworded to include "areas of non-</p>

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6.3 Policy 1a d)	"Buffers" around either activities or biodiversity	<p>significant indigenous vegetation.....", and policy 1e has "areas of predominately indigenous vegetation...". The word "areas" has not been defined in either situation, and in light of the very extensive nature of potential SNAs in the District, it is difficult to see what a non-significant <u>area</u> could look like.</p> <p>It is pleasing to see recognition for 'reasonable use' in the staff report, para 12. We support the inclusion of a policy providing for reasonable use in the Tracked Changes, Appendix 2.</p> <p>Requested Outcomes</p> <ul style="list-style-type: none"> • Retain original PDP wording of Policies, (except Policy 1a d)) – we believe the original wording of policy 1a together with 1b covers the requirements of other policy statements in that it is requiring that the sustainability and natural characteristics of indigenous vegetation is retained, and the items in 1b ensure that the issues raised by the NZCPS and PRPS are covered. This wording is much easier for the user to understand. We also believe that requirements for significant indigenous biodiversity and significant habitats of indigenous fauna would be met by these clauses. • Regardless of decisions on Policy 1a, we request the retention of policy 1b, to acknowledge that some clearance of indigenous vegetation is expected. • Retain policy 1d for sustainable use as a Controlled Activity, for limited activities, with appropriate controls. To avoid confusion with permitted activity rules, remove reference to manuka/kanuka for firewood in the Definitions. • Retain the policy:- "<i>Reasonable use and enjoyment of land with minor adverse effects on biodiversity shall be provided for</i>" (staff report new policy 1d). We suggest either do not list what these might be in the Policy section <u>OR</u> if listed, say "including but not limited to...". <u>OR</u> refer to the rules in Section 29 for the specific provisions. <p>"Buffers" have not been adequately explained or defined in the PDP.</p> <p>If buffers are to mean that there should be some separation distance between indigenous vegetation, wetlands etc. and farming activities, that would render some farmland totally unusable over time. Vegetation such as manuka and rushes are weeds in this context, as they continually encroach into and across pasture. Any such "buffer" would be filled in a very short time.</p>

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		<p>Requiring a change of land use for buffers violates “reasonable use” rights and amounts to confiscation of land. It appears that the question of buffers was not specifically addressed in the staff report.</p> <p>Requested Outcome</p> <ul style="list-style-type: none"> • Delete Policy 1a d) and any other policies calling for buffers for indigenous biodiversity, except perhaps in defined circumstances related to the built environment. • Delete reference to buffers in Issue 3 (addition in staff report).
<p>Section 29 Biodiversity Rules</p> <p>29.3. Rule 3.1</p>	<p>Permitted activity rules</p>	<p>We substantially support the list of permitted activities, 3.1 R3 a)-n), as outlined in Appendix 2 of the Staff Report.</p> <p>We particularly support the provision for –</p> <ul style="list-style-type: none"> - 1d- clearing vegetation from within pasture - 1h and 1i – provisions for driveways, tracks and fences - 1k – Provision for firewood <p>These permitted activities are necessary for the day to day management of rural properties, and are not overly permissive.</p> <p>As outlined in the staff report, para 47, when not over-regulated, people generally act responsibly. I would go further to say that, in this district, anecdotal evidence shows that the overwhelming majority of property owners care deeply about our indigenous biodiversity and are actively pursuing protection measures to varying degrees, usually at their own cost.</p> <p>We also submit that these permitted activity provisions are necessary regardless of the presence of potential SNAs, or other overlays.</p> <p><u>We disagree</u> with the staff report on the following items:-</p> <ol style="list-style-type: none"> 1. Inclusion of <u>exotic vegetation</u> within these rules (staff report Para 44, 45).

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		<p>We may have misunderstood the provisions of plantation forestry, but it appears that clearance of areas of exotic vegetation >50m² and <4ha (see definition of plantation forestry) would not be a permitted activity. The staff report indicates exotic vegetation was included in order to provide for the possibility that these areas were significant habitats for indigenous fauna. However, there is no evidence given to indicate that such small areas of exotic vegetation would do so or are doing so. We believe this to be too restrictive, unnecessary and unworkable.</p> <p>We have mature pine trees that we planted for early wind shelter until other trees grew up, that we are in the process of removing now. We also have 2 small stands of gum trees. This rule would prevent us from removing more than 2-3 trees per year, which is unworkable. We do not consider that this degree of control over small areas of exotic vegetation is required.</p> <p>In light of the lack of evidence for significance (of habitats), and also the extensive nature of indigenous vegetation in this District, we believe that exotic vegetation that is not "plantation forestry" should not be part of this rule, but should be permitted without further restriction.</p> <p>Requested Outcome Reinstate the word "indigenous" (biodiversity) throughout Rule 3 (and consequently rule 2). Clarify (if necessary) that clearance of exotic vegetation that is not plantation forestry is a permitted activity.</p> <p>2. In both of our submissions we advocated for a general provision for the purpose of personal/domestic firewood. If there is to be a stated volume (5m³) of "wood from trees" (for firewood), we believe it should be <u>per household</u>. Otherwise, large farms or tourist operations where there is more than one dwelling per site will be severely disadvantaged. We believe our request in this regard to be reasonable, since large operations would generally involve a large geographical area also.</p> <p>Requested Outcome R 3.1k) Allow for 5m³ wood from trees per household per site per year. OR Delete the specific volume of 5m³, and state that it is a permitted activity provided: "It is for personal use for firewood", or similar.</p>

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<p><u>Earthworks</u></p> <p>Section 56 Rural Zone</p> <p>Section 56.4 Rule 6.1</p>	<p>Adequate provision of permitted activities for earthworks for normal farming activities.</p> <p>Clarification required of description of gradient in Table 2 Section 56</p>	<p>In my submission I supported the list of permitted activities listed, on the condition that the general allowance (with standards) in 6.1h) would allow for normal farming activities such as forming and maintaining tracks, and earthworks related to fencing.</p> <p>This was based on the standards in Table 2 and for the Coastal Environment, thresholds in Table 3.</p> <ul style="list-style-type: none"> • Due to my limited knowledge of earthworks industry standards, I had thought that, in Table 2, the definition of “cliff” at a 1:2 gradient or steeper, to be 1 horizontal : 2 vertical. This made sense to me when I think of a “cliff”. • However, I now believe that what is intended in the PDP is <u>1 vertical : 2 horizontal (=50% or 26.5° grade)</u>, which significantly changes what is workable on a hilly Coromandel rural property. • There would be many tracks and fencelines on the Coromandel that are on slopes greater than 1:2 or 26.5° grade. Therefore the limits in Table 2 would preclude many normal day-to-day activities including maintaining tracks, preparing fencelines, and clearing slips. • The <u>Section 32 report</u> (Part IIIB, P. 42) points out that the Regional Plan has responsibility for most effects of earthworks, and the PDP role is more to do with health and safety, visual effects, natural character, and coastal environment effects. Avoidance of duplication of functions between the regional and district councils is important. • The <u>Regional Plan</u> allows for and contains rules, limits and standards pertaining to earthworks in <u>high risk erosion</u> areas, which include on slopes >25°. • The <u>staff report</u> cites the following relevant issues:- <ul style="list-style-type: none"> ○ avoid unnecessary duplication – para 10. ○ The need to be “effects-based” – para 17, 98-101. ○ The different functions between regional and district councils – para 102 • The staff report considers the permitted activity provisions are sufficiently lenient to not trigger resource consent requirements for normal farming activities “including maintenance of existing tracks and forming new tracks, fencelines and races”.

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		<p>While I generally support the approach taken in the PDP and the staff report, I am concerned that the setback distances will not allow for track and fence work in many cases.</p> <p>All the submissions (18) and further submissions (17), with the exception of 320.13/320/14, advocated for permitted activities to cover normal day to day earthworks activities related to farming, as is the stated goal outlined in the staff report.</p> <p>We believe this shows how important this issue is to the rural community, and clearly there is concern that this is not adequately provided for.</p> <p>Requested Outcome –</p> <ul style="list-style-type: none"> • Retain the permitted activity rules as written, with the exception of:- • Add a clause to allow for the creation and maintenance of farm tracks and fencelines, in both the Rural Zone and Coastal Environment. • Rely on the WRC limits for controls, which would also control effects on amenity, natural character and coastal environment issues, health and safety etc. (WRC has limits on volume, area, cut height, length, distance from water bodies) • There is no need to control the thresholds in Table 3 any further since the WRC constraints are more limiting. This includes concern regarding silt and sedimentation in relation to the Coastal Environment. • Change the slope gradient descriptor to be consistent with WRC – i.e. Use degrees instead of a ratio OR if using a ratio, specify which is vertical and which is horizontal.

Section 15 Settlement development and Growth

Policy 10b – Moehau

Christine Vickerman - Further comment following staff comment dated 11 November 2014

Section 15, Policy 10b – *Moehau should retain its undeveloped, remote character. Development and growth shall not occur where it increases demand for additional water, wastewater, stormwater and roading network infrastructure.*

1. I made an original submission and Hearing submission on 1 October 2014, requesting the deletion of Policy 10b from the PDP Section 15.
Brief summary of my submission points –
 - Moehau is not a settlement, therefore is not appropriate to include in Section 15.
 - The given reasons for applying restrictive wording to this area (staff report para 162) are all covered within the relevant zone and overlay sections, and do not need to be added to in Section 15 policies as well.
 - The wording “retains its undeveloped character” implies “no development” and is not applied to any other rural area.
 - Various locations within this area could accommodate small-scale development, while meeting all the environmental and infrastructure constraints.
 - The Operative District Plan describes the area as having “*considerable potential to absorb small-scale low-impact development which does not require improved access or services*”.
 - It appears that those who live, work and own land in the area have not been consulted.
2. A **Staff Comment** on my submission point was made (11 November 2014) and circulated, advocating that S15 Policy 10b should be retained.
Reasons given –
 - the Council is keen to keep the Moehau area’s undeveloped character.
 - To reduce demand for new Council services: especially sealed roads, water and solid waste.
 - “To keep a vestige of how the Coromandel ‘used to be’ – remote, rugged, farming communities, summer holidays, native wildlife”.
 - Without a policy to guide development, Council’s goals for this area could be undermined.
3. Following this I sought clarification from staff by email (11 Dec 2014) regarding when and how Council made these decisions, what Council’s goals were and what consultation had taken place with property owners in making these goals.
I also sought to clarify that I had not mentioned Manaia (as had mistakenly been stated in the Staff Comment), and
I also asked why further staff comment was being made at this stage.
4. **Staff email response 15 December 2014** stated that –
Council’s goals are to –
 - not increase demand for new Council services
 - retain Moehau’s rural character (no further ‘urban’ development)Background/Consultation was from –
 - consistent messages from coastal communities around Colville area
 - comments from councillors.
 - Draft plan consultation and background documents.

5. My Comments Today

- There is general agreement that Moehau is not a settlement.
- I fully support the goal of retaining the rural character of the area.
- However the wording in S15 P10b implies no development, primarily by use of the word “undeveloped”.
- I suggest that this rural area should not be singled out in a different way from other rural areas.
- Small-scale development would place far less demand on roading issues than DOC’s five campgrounds in this area, where hundreds of people are using the road in summer months.
- Section 24 Objective 4 Policies 4a-4e address –
 - self-containment of services.
 - Maintain open space character and amenity values of the area.
- Section 24 Objective 5 Policies 5a-5d, Objective 7, Policy 7a – address issues related to the Coastal Environment.
- Section 24 Objective 6 Policies 6a-6c – address landscape and natural character in the Coastal Environment.
- Section 9 – has yet another layer of policies related to landscape and natural character overlays.
- I suggest that we do not need another policy statement on top of all that.
- I do not see any justification for including the Moehau area (northern tip) in Section 15.

Re: Background and Consultation

- Section 32 Part IV A Appendix, P 37 – “*The Moehau being the most ecologically significant mainland locality ...*” – and yet it has been explicitly excluded from the Priority Locations provisions (S32 P. 70, also TCDC submission in S38). No reason is given, other than this being consistent with the DPRC meeting of 20 March, the minutes of which contain no reference to this.
- It appears that nobody asked the people who live and own land in this area what they think or want for their community. Any messages from communities that Council is basing this policy on, do not come from the people most affected.
- The only related public consultation that I know of, was during the Coromandel Blueprint process – feedback at a meeting in Coromandel recorded that, for the northern tip/Colville area, people wanted more employment and income opportunities, road maintenance, and development and population growth around Colville.
- I have not seen any record of any Council decision, nor any other consultation regarding this point at any level.

For these reasons, therefore, I disagree with the staff report and further staff comment on this issue.

Requested Outcome

- Delete Policy 10b from Section 15 please.