

**COROMANDEL PROPERTY OWNERS ALLIANCE INCORPORATED (CPOA)-PRESENTATION TO PROPOSED DISTRICT PLAN SUBMISSIONS AND FURTHER SUBMISSIONS HEARINGS PANEL-CPOA TIME BLOCK-0915-0945 HOURS THURSDAY 12 MARCH 2015**

**PART 1-INTRODUCTION-SECTION 3-DEFINITIONS**

<b>ORGN NAME AND NO</b>	<b>ORIGINAL SUBMSN PAGE NO/ SUMMARY SUBMSN POINT NO</b>	<b>ORIGINAL SUBMISSION ISSUE FOR CPOA</b>	<b>CPOA REASONS FOR OPPOSITION OR SUPPORT AND REQUESTED OUTCOMES</b>
TCDC-397	1533/397.2	Building – excludes vehicle... <i>“immediately”</i> legally driven i.e. Needs current Warrant of Fitness and Registration.	<ul style="list-style-type: none"> <li>• CPOA considers that this proposal puts any vehicle/caravan that is not registered or warranted into a building category.</li> <li>• CPOA therefore opposes this amendment which would require all vehicles/caravans to have a valid Warrant of Fitness and Registration at all times.</li> <li>• CPOA considers that this proposal particularly affects on-site caravans of which there must be hundreds throughout the District.</li> <li>• CPOA believes that it also affects any single caravan on private property that has its registration put on hold by the owner due to intermittent use.</li> <li>• CPOA questions the legality of this proposal as caravans/vehicles do not require a Warrant of Fitness or Registration unless they are going to be used on a public road.</li> <li>• CPOA also believes that this proposed definition impacts on yard setbacks and where a caravan etc. can be parked in respect to a boundary. Usually caravans are parked in yards.</li> <li>• CPOA notes that the Staff Report– para 25 – states that adding the word <i>“immediately”</i> before <i>“legally driven or towed”</i> is with the intention of ensuring <i>“former vehicles”</i> without wheels or with structures attached are not classed as</li> </ul>

			<p>vehicles when they function as buildings.</p> <ul style="list-style-type: none"> <li>• CPOA disagrees with the Staff Report on this point. Adding the word “<i>immediately</i>” indicates that all vehicles would need a current registration and warrant at all times. This is not required by law if the vehicle is not being driven on the road. This would also capture <u>all</u> vehicles on private land, whether mobile or not.</li> <li>• CPOA understands that the Building Act includes as a building, a vehicle “<i>that is immovable and is occupied by people on a permanent or long-term basis</i>”. This implies that a caravan used intermittently for holiday purposes does not constitute a building, even if it is on blocks.</li> <li>• CPOA believes that if there is an issue that needs to be dealt with, then it should be, case by case.</li> <li>• CPOA therefore opposes this proposal.</li> </ul> <p><i>CPOA requests that this TCDC submission point be disallowed.</i></p>
TCDC-397	1533/397.11	<p>Building exclusion only applies if an existing dwelling on lot.</p> <p>Can only have <u>one</u> freestanding enclosure per lot.</p>	<ul style="list-style-type: none"> <li>• CPOA believes that existing dwelling requirements excludes utility shed on empty section or remote non-resident property. This raises a security issue for owners.</li> <li>• CPOA considers that allowing only one structure per lot– garden shed, wood shed, and utility shed – for a rural property is not practical.</li> <li>• We also ask what is the significance of this e.g. for a rural subdivision?</li> <li>• CPOA notes that the Staff Report– para 25, 29. Regarding- only applying if there is an existing dwelling on a lot – states that this aligns the Plan with Building Act consent exemptions.</li> <li>• CPOA disagrees with the Staff Report on this point – the Building Act (Schedule 1 Nov 2013) 3.1d) states “<i>...does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities</i>”. From this, CPOA believes that “detached” (i.e. separate) structures &lt;10m2 used for other purposes (e.g.</li> </ul>

			<p>storage for trailers, farm-bikes, kayaks, ride-on mowers i.e. machinery and equipment beyond the capacity of a small garden shed), should be exempted from the necessity of a building consent as the Building Act (Schedule 1 Nov 2013-S3.1 a.-d) clearly intends. CPOA has studied this exemption section of the Building Act and cannot find any reference to the fact that there must be an existing dwelling on site.</p> <ul style="list-style-type: none"> <li>• CPOA also notes that regarding only one freestanding enclosure per lot – the Staff Report states that this submission point is to “clarify the intent” of the definition. However no further explanation is given as to why there is a restriction to only one structure.</li> <li>• CPOA disagrees with the Staff Report on this point. This is too restrictive, especially for rural properties, where there is a need for secure dry storage for a number of different purposes, e.g. Garden equipment, wood shed, art/hobby studio, machinery storage).</li> <li>• CPOA therefore considers that normal site coverage rules should apply in this case; i.e. all buildings cannot cover any more than the permitted site coverage per property; e.g. 10% for Rural and 30-35% for Residential. In addition, Building Act provisions; e.g. requiring buildings to be away from the boundary by the same distance as the height of the building; i.e. two metres high, then two metres from the boundary should apply.</li> </ul> <p><i>CPOA requests that these TCDC submission points be disallowed.</i></p>
TCDC-397	1534/397.13 ,.114 and .116	Campground - vehicle...”immediately” legally driven i.e. Needs current Warrant of Fitness and a valid Registration.	<ul style="list-style-type: none"> <li>• The Oxford Dictionary defines a vehicle “as a car, lorry or other thing used for transporting people or goods” and a caravan as “a vehicle equipped for living in, able to be towed by a vehicle.” and a building as a “house or similar structure”</li> <li>• CPOA therefore concludes that a vehicle is a vehicle, a caravan is a caravan and neither of these are buildings.</li> <li>• CPOA opposes this amendment as it would affect all</li> </ul>

			<p>campgrounds throughout the District where there are on-site caravans.</p> <ul style="list-style-type: none"> <li>• CPOA notes that the Staff Report– para 40- as per para 25, states that the submission point is to ensure vehicles (caravans etc.) where the wheels, engine or fuel are removed do not become ‘de facto’ buildings.</li> <li>• CPOA disagrees with the Staff Report on this point. It is not reasonable to require caravans to be registered and warranted at all times when they are not being driven/towed on the road.</li> <li>• CPOA’s previous comments in this document(TCDC-397-1533/397.2) apply and are repeated here, in part, for ease of reference: <ul style="list-style-type: none"> <li>○ CPOA believes that if there is an issue that needs to be dealt with, then it should be, case by case.</li> </ul> </li> <li>• CPOA understands that on site caravans are a prevalent part of the recreational culture of this district and should be provided for. Caravans can be moved if/when needed, either by towing or by transporter, but they should not be required to be in “immediate” readiness.</li> <li>• CPOA therefore opposes this proposal.</li> </ul> <p><i>CPOA requests that these TCDC submission points be disallowed.</i></p>
TCDC-397	1535/397.17	Temporary Living Place – “A vehicle that can be <u>immediately</u> legally driven/towed to a different location on request” Requires a Warrant of Fitness and a valid registration.	<ul style="list-style-type: none"> <li>• CPOA’s previous comments in this document (TCDC-397/1533/397.2 and TCDC-397/1534/397.13,.114 and .116) apply and are repeated here for ease of reference: <ul style="list-style-type: none"> <li>○ <i>CPOA considers that this proposal puts any vehicle/caravan that is not registered or warranted into a building category.</i></li> <li>○ <i>CPOA therefore opposes this amendment which would require all vehicles/caravans to have a valid Warrant of Fitness and Registration at all times.</i></li> <li>○ <i>CPOA considers that this proposal particularly affects on-site caravans of which there must be hundreds throughout the District.</i></li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>○ CPOA believes that it also affects any single caravan on private property that has its registration put on hold by the owner due to intermittent use.</li> <li>○ CPOA questions the legality of this proposal as caravans do not require a Warrant of Fitness or Registration unless they are going to be used on a public road.</li> <li>○ CPOA considers that this proposed definition also impacts on yard setbacks and where a caravan etc. can be parked in respect to a boundary. Usually caravans are parked in yards.</li> <li>○ The Oxford Dictionary defines a vehicle “as a car, lorry or other thing used for transporting people or goods” and a caravan as “a vehicle equipped for living in, <u>able</u> to be towed by a vehicle.” and a building as a “house or similar structure”</li> <li>○ CPOA therefore concludes that a vehicle is a vehicle and a caravan is a caravan and neither of these are buildings.</li> <li>○ CPOA believes that if there is an issue that needs to be dealt with, then it should be, case by case.</li> <li>● CPOA notes that the Staff Report– para 126 – as previously discussed, this submission point was requested by TCDC to indicate a vehicle “that cannot be moved is a ‘building’ under the Plan”. No further explanation was given to justify this point, or to identify what the problem is that needs addressing. CPOA sees no reason why a caravan that doesn’t have a current registration, or even has been put on blocks temporarily for the sake of stability, should be excluded from the definition of a temporary living place.</li> <li>● CPOA therefore opposes this amendment as it would adversely affect every property that has a caravan on it throughout the District.</li> </ul>
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			<i>CPOA requests that this TCDC submission point be disallowed.</i>
HNZ-531	2177/531.5	<p>Historic Heritage Section 3</p> <p>Seeks to introduce two new amendments for the definition of demolition-</p> <p><i>“Partial Demolition: means to demolish a substantial part of any building or structure. Partial demolition includes facades retention which normally involves the demolition of the rear or a substantial part of the building or structure and the retention of the front of main façade and the construction of a new building or structure behind the preserved façade.”</i></p> <p><i>“Demolition: means to damage and demolish a building or structure.”</i></p>	<ul style="list-style-type: none"> <li>• CPOA considers this definition to be too prescriptive in that it restricts scope to very limited parameters, which for any demolition intent, may not always fall within those restrictive parameters.</li> <li>• CPOA considers that <i>“damage”</i> is not demolition. The Oxford dictionary definition of <i>“damage”</i> includes <i>“harm”</i> whereas demolition involves <i>“pulling or knocking down or destroying.”</i></li> <li>• CPOA therefore supports the existing definition in the PDP- <i>“Demolition means the destruction or removal of 30% or more of the building footprint of a building or structure.”</i></li> <li>• CPOA notes that the Staff Report – does not appear to address this point either in this Section or in the Historic Heritage section, and no change is proposed. CPOA concurs.</li> </ul> <p><i>CPOA requests that this HNZ submission point be disallowed</i></p>
RNZFB-780	3315/Nil	<p>RNZFB seek the addition to the Proposed District Plan of the following definition of waterway:</p> <p><i>“Waterway: means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof (including ephemeral), that is not located within the coastal marine area</i></p>	<ul style="list-style-type: none"> <li>• CPOA considers that the following existing RMA definitions: <i>“water—</i> <i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i> <i>(b) includes fresh water, coastal water, and geothermal water:</i> <i>(c) does not include water in any form while in any pipe,</i></li> </ul>

		<i>but excludes stock water races."</i>	<p><i>tank, or cistern</i></p> <p><i>water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area" are sufficiently clear and descriptive. We do not support a contrary definition.</i></p> <ul style="list-style-type: none"> <li>• CPOA notes that the Staff Report does not refer to this point, and no changes are proposed. CPOA concurs.</li> </ul> <p><i>CPOA requests that this RNZFB submission point be disallowed</i></p>
RNZFB-780	3316/Nil	<p>RNZFB seeks to add the following definition regarding forestry to the Proposed District Plan:</p> <p><i>"Forestry - means the management of land for commercial wood production, inclusive of all phases of the production cycle including ground and or vegetation clearance for access and planting, planting (and re-planting), thinning, spraying, pruning and maintenance, felling and the extraction of timber from the site. Forestry includes any quarrying or gravel extraction activities on the site associated with private access road formation, any traffic movements associated with the production cycle, and forestry-related scientific or research activities.</i></p> <p><i>The term forestry also includes any planting and management of trees for water and soil conservation, carbon sequestration, shelter belts, and farm-forestry activities that are not necessarily commercial-scale wood production.</i></p> <p><i>For the purposes of this plan the term forestry excludes associated processing activities such as</i></p>	<ul style="list-style-type: none"> <li>• CPOA considers that the proposed RNZFB definition is too broad and seeks to encompass every possible associated activity into the definition.</li> <li>• CPOA notes that the Staff Report (Para 25-26) on Forestry for the Hearing held during the period 16-18 Sep 14: <ul style="list-style-type: none"> <li>○ Supports the RNZFB submission point in part, including the phrase <i>"all phases of the production cycle"</i>.</li> <li>○ Disagrees with RNZFB including <i>"management of land"</i> and other activities such as earthworks, quarrying, vegetation clearance, gravel extraction, and private roads as these are addressed in other activity rules.</li> <li>○ Disagrees with the RNZFB request to include other plantings that are not for "wood products", such as shelter belts, water and soil conservation, stating that these are more appropriately managed under the definition of "farming".</li> <li>○ Supports the RNZFB submission relating to excluding sawmills (except for mobile sawmills for less than 3months per year).</li> </ul> </li> </ul>

		<p><i>sawmills, pulp and paper production and other wood processing facilities, except for the operation of mobile sawmill facilities on a site for no longer than 3 months in any 12-month period."</i></p>	<ul style="list-style-type: none"> <li>• CPOA concurs with the Staff Report in relation to this submission point.</li> <li>• CPOA notes the Staff Report for S3-Para 64-65 and we have some concerns related to the deletion of the "more than 4ha in area" phrase, as we believe that planting of up to 4ha is more appropriately captured under the definition of "farming." The tracked change wording would mean potentially mean that, in the Coastal Environment, even planting 10 trees for firewood purposes would be captured under the definition of forestry and would generate a Restricted Discretionary resource consent. CPOA considers that this would be inappropriate. However the real issue for CPOA is that the intent is not fully understood and therefore clarification is needed.</li> </ul> <p><i>CPOA requests that this RNZFB submission point be disallowed.</i></p>
DOC-827	3750/827.1	<p>Definition of minor upgrading of electricity/telecoms allows for tower replacement within existing alignment – <u>want amendment to require resource consent if it could impact Biodiversity values</u></p>	<ul style="list-style-type: none"> <li>• CPOA consider that this work is necessary, cannot expect transmission line corridor to be altered for maintenance issues. District does not have biodiversity loss or problem.</li> <li>• Contravenes S5 (2)-especially economic.</li> <li>• CPOA notes that it appears that the Staff Report has not addressed this point and does not appear to have made any changes to this definition in the Tracked Changes for S3.</li> <li>• CPOA concurs.</li> </ul> <p><i>CPOA request that this DOC submission point be disallowed</i></p>