

Section 32AA Report on Te Kouma Sugar Loaf Rezoning

TO	District Plan Hearings Panel
FROM	Andrew Wharton - Senior Policy Planner
DATE	7 April 2015
SUBJECT	Section 32AA Report on Te Kouma Sugar Loaf Rezoning

1 Purpose of Report

A Resource Management Act (RMA) Section 32AA further evaluation report for the District Plan Hearing Panel (Panel) to help the Panel with recommendations on submission points 128.10, 242.1, 492.4, 548.1, 565.1 (with FS242.7), 596.2, 770.1, and 796.1, regarding the Te Kouma Sugar Loaf rezoning. The assessment below is further to the RMA Section 42A report on Coromandel-Colville rezoning requests.

2 Background

In the RMA Section 42A Rezoning report prepared for this Proposed Thames-Coromandel District Plan (Plan) hearing on 14–17 April, I recommended that the reclaimed land at the Sugar Loaf/Te Ariki Tahī wharf be zoned to Marine Service Zone. The subject area is about 2,900 m². It has no zone in the Plan. The land above mean high water springs is within the Plan's purview. An overview and analysis of the submissions received is in the Rezoning report that is to be considered at the 14–17 April hearing.

3 Issue

In Russell Wayne De Luca's evidence pre-circulated prior to this hearing, he states that "there has been no RMA Section 32 analysis undertaken in respect of applying a Marine Service Zone to the reclaimed Sugarloaf land, nor has there been any robust assessment of the actual and potential environmental effects of such a proposal."

The Rezoning report references the Coromandel Harbour Facilities Project 2014 (Project report) as the main source of analysis supporting the Marine Service Zone here, alongside the overview in paragraphs 71–75. However the Project report is 145 pages long, and covers many other harbour development aspects around Coromandel Town. The Panel may benefit from this RMA Section 32AA further evaluation. As in RMA Section 32AA(1)(d)(ii), this memo can be referred to in the decision-making record to demonstrate that the further evaluation was undertaken - a separate report is not needed.

4 Discussion

The three main options for this piece of land in the Planning Maps are:

- No zone. No zone means that any activity on the land, aside from those permitted in Part VII District-wide Rules, requires a resource consent. The current loading and unloading of boats and aquaculture material onto trucks is provided for through the land use consent K02/30/1044 issued in 1992, and managed through the operative management plan signed by WRC on May 1994.
- Recreation Passive Zone. The Recreation Passive Zone allows for individual reserves

to be developed with informal use, lower-scale facilities and development, for recreational purposes. Resource consent would be required for marine service activities.

- Marine Service Zone. The Marine Service Zone provides for commercial and small-scale industrial activities which directly service marine recreational users and marine farm and fishing activities. Many marine service activities can occur without resource consent.

Below is list of the benefits and costs of Marine Service Zone in this location, and a discussion about the merits of the other two options in light of this.

Benefits	Costs
<ol style="list-style-type: none"> 1. Clearly indicates the Council and wider community's preference for this wharf area to service the aquaculture industry and recreational fishers. 2. Increased flexibility of wharf use for nearby aquaculture activities, which produce 24% of NZ's greenshell mussels. 3. The Coromandel aquaculture industry contributes \$77.4M to the national economy and generates 1,193 FTE jobs nationwide, and 432 FTE jobs in the Waikato, most of which are in the Coromandel.¹ 4. A Marine Service Zoned wharf area may encourage greater expansion of the mussel farms with the potential of other aquaculture products, because of the certainty of marine services allowed there. 5. Because of the size of the Zone, industrial or commercial buildings will be limited to small structures directly related to marine activities. 6. Consistent with the wider Coromandel Harbour Development Strategy, with facilities at Hannafords and Coromandel Town being developed for recreational boats and charter/passenger boats. 7. The current resource consent and operational management plan provides a landing facility for the aquaculture industry and to serve the needs of recreational users. The resource consent explicitly excludes activities such as boat maintenance and cleaning, structures such as cranes or buildings, and mussel haul-out on-site. Marine Service Zone 	<ol style="list-style-type: none"> 1. Potential for increased heavy vehicle traffic along Te Kouma Road, although this is already allowed in the existing resource consent. About 122 residences access Te Kouma Road. 2. 38 residential properties which are between 300 and 600 m from the Sugar Loaf Wharf may be affected by increased vehicle and industrial noise. Noise from Marine Service Zone to Coastal Living Zone must be 50 dB L_{Aeq} (15 min)² Mon to Sat 7am–10pm and Sun 7am–6pm, and 40 dB L_{Aeq} (15 min)³ and 70 dB $L_{AF max}$⁴ at night.⁵ 3. Nearby residents at Te Kouma will not be able to submit on commercial, community and industrial activities that are permitted in the Marine Service Zone. 4. More lights may be installed for marine service uses. These will need to comply with the light spill standard of 5 lux at any point outside the site.

¹ Sapere economic multiplier analysis, 2011.

² Equivalent to the average of a typical home environment over 15 minutes.

³ Equivalent to the average of a typical library over 15 minutes.

⁴ This is the loudest sudden noise permitted at night, equivalent to a vacuum cleaner turning on 1 m away.

⁵ The noise levels are to be measured at the notional boundary: either the property boundary or 20 m from the house, whichever is nearer.

would allow the area to be used more effectively.	
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No Zone implications (risk of not acting)

Activities not provided for in the resource consent, for example boat repair, marine equipment storage, would need a resource consent - probably at least limited notified with a hearing. Costs for this could range between: \$10-50,000. Benefits 1, 2, 4 and 7 above would not apply. Some heavy vehicle traffic and noise would still occur under the existing land use consent. Increased congestion and health and safety issues at the wharf will continue regardless of whether there is a zone or not, because they are caused by an increase in use by authorised activities: trucks, aquaculture loading and offloading, and recreational boaters and fishers on a good fishing day.

Infrastructure upgrades to improve the situation will be helped by having a zone framework to work within. Changes to resource consents, for example to allow for boat maintenance or to more explicitly limit commercial and recreational boat movements, can take a number of years to obtain at considerable expense. A policy framework, standards and assessment criteria help simplify this process.

No noise or light spill standards apply if the land is not zoned. The current resource consent and management plan also currently have not noise or light spill standards.

Recreation Passive Zone implications

The Recreation Passive Zone should apply to land that is managed under the Reserves Management Act, as described in Plan Sections 53.1 and 53.2. The reclaimed land at Te Ariki Tahī is not a reserve, although it could be added to the existing adjoining reserve once title is issued. Industrial activities that are not covered by the land use consent would be non-complying under Plan provisions.

The Recreation Passive Zone has the same noise standards as the Marine Service Zone, except that the $L_{AF\ max}$ from the Recreation Passive Zone at night is 65 dB (not 70 dB). Light spill is slightly less: 3 lux from the Recreation Passive Zone and 5 lux from the Marine Service Zone, measured at any point beyond the site. For comparison, 4 lux is twilight with a clear sky, and 10 lux is like an illuminated city street at night.

Consistency with Plan policy

Marine Service Zone on the reclaimed land by the Sugar Loaf Wharf is supported by the following Plan policies:

- Section 15 Settlement Development and Growth Policies 1g, 2a, 2b, 3b, 3c
- Section 18 Transport Policies 5a and 5d
- Section 21 Industrial Area Policies 1e and 2c.

Current environmental issues

Many residents at Te Kouma are clearly concerned about the aquaculture servicing and transport activities occurring near them. They have raised issues about:

- Excessive noise
- Light/glare
- Odour from marine farm materials storage
- Conflict with recreational users of the facility
- Adverse traffic safety and roading effects.

They are concerned that the issues are getting worse, and damaging the quiet, peaceful and beautiful environment of Te Kouma.

The question about rezoning of the reclaimed land at Sugar Loaf should not be confused with the upcoming resource consent application to extend the reclamation and area dedicated to aquaculture activities. This will have its own, publicly notified, resource consent process under the Regional Coastal Plan. The rezoning area is already developed as a wharf, and adjoins about 100 m of waterfront along the Te Kouma Road that runs for over 4 km around the waterfront.

Adverse noise and light effects can be mitigated through Marine Service Zone standards. Recreational use conflicts and traffic/road issues have been anticipated and understood ever since the consent was issued in 1992, and the Council has been managing the problems through parking limits, bylaws and enforcement, and separation of aquaculture/recreation uses.

The central issue is one of encouraging economic growth and facilities for the wider district, against the local residents' desire to retain their neighbourhood amenity of peace and quiet and residential/recreational activities.

5 Suggested Resolution(s)

That the District Plan Hearings Panel:

1. Receives the report.
2. Uses the information in this report in the Panel's deliberations on submissions alongside the RMA Section 42A Rezoning Report - Coromandel Colville Area.

Appendix 1: Sugar Loaf Landing Facility Resource Consent 1992