Online submission

This is a submission that was made online via the Council's website.

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Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought

Sites and Areas of Significance to Māori	Sites and Areas of Significance to Māori	Oppose		*I wish the Council and Poutini Ngai Tahu to utilise the Maori Land Courts and the principles of the Treaty of Waitangi in order to obtain authority over the Sites and Areas of Significance to Maori that have been identified in the proposed TTPP.* *Partnership, Protection and Participation are the enshrining principles of the Treaty of Waitangi and apply to all residents and citizens equally. I fail to see where these principles have been upheld or even referenced within the proposed SASM's and as such the proposed sites and areas of significance to Maori should be rejected in their current form as a potential breach of the Treaty of Waitangi.*

I understand that central government policy directed all local councils in New Zealand to identify their particular Sites and Areas Significant to Maori (SASM) regardless of whether they fell on private or public property. Please correct me if I am wrong?
On the 30th August 2022, I attended a public meeting at the RSA in Hokitika held by council regarding the proposed TTPP. I was disappointed to discover that neither representative of Poutini Ngia Tahu, (Paul Madgwick or Francois Tumahai) had made themselves available to explain the objectives, policies and rules they had formulated for their list of 216 identified SASMs. The other planners and councillors in attendance were unable to provide me with any reason or even apologies for their absence. I believe that this clearly shows their contempt for the local community and their assumed arrogance that these SASMs will be adopted by the council without opposition.

I wanted to ask them whether they had actually identified these SASMs prior to the council being directed to do so by the government? If this was not the case, would they have ever thought of doing it if not prompted by the government?

The language and wording in the proposed SASM plan is so vague and full of generalisations that I have no doubt that it will be argued over in protracted court proceedings. I find it hard to believe that the government would not have been aware of how divisive this policy was likely to be within communities. Many of these communties and Iwi's had to large extent resolved their land disputes through Maori Land Courts. Why can we not use this existing judicial system to decide what sites and areas are significant to Maori?

Sites and Areas significant to Maori (SASM) Objectives, Policies and Rules Pages 150-164

Sites and Areas of Significance to Māori (SASM) Objectives

SASM - O1 Sites and areas of significance to Poutini Ngāi Tahu are recognised and
identified and Poutini Ngāi Tahu are actively involved in decision making
that affects their values to provide for tino rangatiratanga (sovereignty) and
kaitiakitanga. (Guardianship). As a none Te Reo speaker, why am I obliged to search for translations in order to discover Poutini Ngai Tahu's objectives under the proposed SASMs?

SASM - O2 Poutini Ngāi Tahu are able to access, maintain and use areas and
resources of cultural value within identified sites, areas and cultural
landscapes. Why should Poutini Ngai Tahu be granted such power over these sites and areas based on their own definitions of what constitutes cultural value? These sites and areas were never before considered or identified as SASMs by Poutini Ngai Tahu until central government directed councils to do likewise.
Couldn't the access, maintenance and use of these SASM's be decided by the Maori Land Courts and thus prevent another layer of expensive bureaucracy being imposed on property owners?

SASM - O3 The values of sites and areas of significance to Māori and cultural
landscapes are protected from inappropriate subdivision, use and
development including inappropriate modification, demolition or
destruction. Does Poutini Ngai Tahu define what is 'inappropriate'? Will landowners be permitted to challenge these definitions in court?

Sites and Areas of Significance to Māori (SASM) Policies

Of the 15 SASM policy statements, I have only listed those below that compelled me to question or comment on them.

SASM - P2 Work with Poutini Ngāi Tahu to identify and list sites and areas of
significance to Poutini Ngāi Tahu in Schedule Three and protect the
identified values of the sites and areas. Does Poutini Ngai Tahu wish to search and locate more than the 216 SASMs they have already identified in this proposed TTPP?

SASM - P3 Upon accidental discovery of kōiwi (skeletal remains) or urupā ensure that
the Accidental Discovery Protocol in Appendix Four is followed. Wouldn't the police be called first in the event of the accidental discovery of skeletal remains? I thought that they would have primary responsibility for deciding what happened to any human remains that were discovered?

SASM – P4 Promote the provision or development of access for Poutini Ngāi Tahu to
the identified sites and areas of significance to Poutini Ngāi Tahu listed in
Schedule Three, including through:

(a). Formal arrangements, such as co-management, joint management or
relationship agreements, easements and land covenants, or access
agreements; and/or
(b). Informal arrangements or understandings between landowners and
local Poutini Ngāi Tahu hapū and/or marae.
What would happen in the event that informal arrangements or understandings were unable to be achieved? Could the courts become involved in order to enforce a 'formal arrangement' between landowners and Poutini Ngai Tahu, and if so who would be liable for the costs of such legal action?

SASM - P7 Protect and maintain sites and areas of significance to Māori from
adverse effects by:
a. Ensuring identified sites and areas of significance to Māori are not
disturbed, destroyed, removed and/or visually encroached upon by
inappropriate activities; and Who defines what an 'inappropriate activity' is?
b. Requiring activities on sites and areas of significance to Māori to
minimise adverse effects on cultural, spiritual and/or heritage values,
interests or associations of importance to Poutini Ngāi Tahu.
What exactly are these values, interests and associations? If they are challenged by landowners will they be permitted to do so in a court of law?

SASM - P13 Enable activities in sites and areas of significance to Poutini Ngāi Tahu
included in Schedule Three where the cultural and spiritual values of the
site or area are protected. This includes:
a. Alterations to, demolitions and removal of existing buildings and
structures; Does this mean that an identified SASM covering a private property could prevent the landowner from altering, demolishing or removing a building or structure that they had themselves erected?

b. Maintenance, operation, repair and upgrading of existing network
utility structures and critical infrastructure;
c. Customary harvest and other cultural practices in accordance with
tikanga; Does that mean that Poutini Ngai Tahu have rights to the food that is growing or being farmed by the landowner?
d. Indigenous vegetation clearance; Does indigenous vegetation include firewood?
e. Temporary events; Examples please? Markets, Festivals, Rituals, Ceremonies?
f. Small-scale earthworks for burials within an urupā, fencing,
archaeological survey and maintenance of overhead network utilities,
roads and tracks;
g. Animal grazing where identified values are maintained.
What are those identified values?

SASM - P14 Allow subdivision of sites or areas of significance to Māori listed
in Schedule Three where it can be demonstrated that:
a. The values identified in Schedule Three are maintained and
protected;
b. Sufficient land is provided around the site or area listed Schedule
Three to protect identified values; How much land is sufficient?
c. The remainder of the site is of a size which continues to provide it with
a suitable setting to the values identified Schedule Three; What size is suitable? Will the courts decide? and
d. Measures are taken to maintain or enhance the ability of Poutini Ngāi
Tahu to access and use the site or area of significance for mahinga
kai, (food preparation) karakia, (prayers) monitoring, cultural activities and ahi kā roa (long fire). What kind of measures
will be taken? When and how is access allowed and who decides?

Sites and Areas of Significance to Māori (SASM) Rules

SASM – Rule 1 - Grazing of Animals on Sites and Areas in Schedule Three - Sites
and Areas of Significance to Māori.
SASM – Rule 2 - Minor Earthworks on Sites and Areas in Schedule Three - Sites
and Areas of Significance to Māori.
SASM – Rule 3 - Demolition, removal of, or alterations to a structure on Sites and
Areas in Schedule Three - Sites and Areas of Significance to Māori.
SASM – Rule 4 - Indigenous vegetation clearance on Sites and Areas in Schedule
Three - Sites and Areas of Significance to Māori.
SASM – Rule 5 - Temporary Events on Sites and Areas in Schedule Three - Sites
and Areas of Significance to Māori.
SASM – Rule 6 - Earthworks Buildings and Structures not Provided for in SASM -
R2 in Schedule Three - Sites and Areas of Significance to Māori.
SASM – Rule 9 - Maintenance, Repair and Upgrading of Network Utility Structures
on or within Sites and Areas of Significance to Māori identified in
Schedule Three.
SASM – Rule 10 - Maintenance, Repair and Upgrading of Network Utility Structures
on or within Sites and Areas in Schedule Three - Sites and Areas of

Significance to Māori where Permitted Activity standards are not met.
SASM – Rule 12 - Earthworks, Buildings and Structures, including Demolition and
Removal of Buildings and Structures on or within Sites and Areas
in Schedule Three - Sites and Areas of Significance to Māori not
meeting Permitted Activity Standards.
SASM – Rule 13 - Maintenance, Repair, Upgrade and New Network Utility Structures
on or within Sites and Areas of Significance to Māori in Schedule
Three not meeting Controlled Activity standards.
SASM – Rule 14 - Grazing, Indigenous Vegetation Clearance and Temporary Events
on Sites and Areas of Significance to Māori in Schedule Three not meeting Permitted Activity Standards.
SASM – Rule 16 - Plantation forestry or planting of shelterbelts or woodlots on
land in Schedule Three - Sites and Areas of Significance to Māori.
SASM – Rule 17 - Landfills, waste disposal facilities, new crematoria, hazardous
facilities, intensive indoor primary production, wastewater treatment plants and wastewater disposal facilities, on or within
50m of sites and areas in Schedule Three - Sites and Areas of Significance to Māori.
SASM – Rule 18 - Earthworks, Buildings or Structures on the Upper Slopes,
Ridgelines or Peaks of Ancestral Maunga in Schedule Three - Sites
and Areas of Significance to Māori not meeting Permitted,
Controlled, Restricted Discretionary or Discretionary Activity Standards.

The above SASM rules are stated within the proposed TTPP to have 'legal effect''. This apparent claim is made under the authority of the Resource Management Act (RMA).
One of the 3 guiding principles of the RMA is to, "take into account" the principles of the Treaty of Waitangi which requires the decision-maker to consider the relevant Treaty principles (Partnership. Protection and Participation), to weigh those up with other relevant factors and to give them the weight that is appropriate in the circumstances. (source: https://www.environmentguide.org.nz/rma/principles/)
I have not read any statements within the SASM objectives, policies or rules that reference the principles of the Treaty of Waitangi. The wording of the document appears to propose that Poutini Nga Tahu may take control of the activities stated above in Rules 1-6, 9, 10, 12-14 and 16-18 with legal effect.
The private property owners whose land falls within one of the 216 SASMs covered by these rules, have been given no opportunity to 'Participate' in their formulation, nor been offered any 'Protection' of their ownership rights. The fact that these SASM rules already have legal effect clearly demonstrates the lack of any intention toward 'Partnership' between Poutini Ngia Tahu and the landowners affected by these cultural edicts. On this basis alone, all 3 principles of the Treaty of Waitangi have been breached by the planners of the TTPP.

SASM Rule No.6 - Earthworks Buildings and Structures not Provided for in SASM - R2 in Schedule Three - Sites and Areas of Significance to Māori states that:-
Where:
1. The activity does not occur on the following Sites and Areas
of Significance to Māori identified in Schedule Three, except
with written approval from the relevant Poutini Ngāi Tahu
rūnanga which is provided to the relevant District Council at
least 10 working days prior to the activity commencing,:
i. All sites identified in Category Tahi (1), Category Rua
(2), Category Toru (3) and Category Wha (4) in Schedule

Three;

Of the 216 SASM's identified in Schedule Three, I have counted at least 88 that fall under one of the 4 designated categories highlighted above. The property owners of any one of these SASM's will be required to obtain written approval from Poutini Ngai Tahu and the confirmation of this approval must then be submitted to the council at least 10 days prior to the activity commencing.

Since this requirement apparently has legal effect, it is not a proposal and therefore not subject to debate or any consultation and could apply to even the most minor of activities contemplated by landowners. Since the wording and language used to write the SASM rules is somewhat vague and generalised, gaining written approval could be a wholly arbitrary process by Poutini Ngai Tahu.

I am also concerned that the process for obtaining these written approvals will come at a cost to landowners who might be charged by Poutini Ngai Tahu for the administrative costs involved? Is the committee able to state categorically that all potential costs under this scheme will be covered by the council's existing budget?

The legal authority for these rules has not been satisfactorily explained to the local community as was highlighted in the Stuff article of July 26th 2022 https://www.stuff.co.nz/national/politics/local-government/300646791/what-the-hell-is-going-on-landowners-surprised-by-letters-claiming-their-land-has-significance

The questions and comments I have made above regarding the SASM rules with legal effects, clearly indicate that they will have much more than a 'little effect' on landowners as TTPP Chairman, Rex Williams suggests in the article. If these rules are a requirement under the RMA, where is it stated explicitly in the Act and how does it apply to private properties that were previously consented under the RMA?

Schedule Three: Sites and Areas of Significance to
Māori Pages 638 to 663.

There are 216 proposed SASMs identified in the TTPP document.The overview explanation of these sites and areas of significance to Maori makes reference to specific cultural values which include 'Cultural landscapes', Wāhi taonga (places of wealth), Mahinga Kai (food/medecine gathering and preparation), Wāhi tapu (sacred places) and Pounamu and Aotea management areas. However, there are many other stated values in Schedule Three which include 'Maori Reserves' (56 sites), 'Pā sites', (24) and 2 x Marae which are not described in the overview nor state any indication of their specific location within any of the SASM's.
In addition to these, there are 8 x cultural values listed in Schedule Three which have not been translated into English or been described in the overview. They are:

Wāhi tohu – 'point location' = 1 site
Kāinga – 'home' = 14 sites
Ara tāwhito – 'that is old' = 6 sites
Urupā – 'Cemetery' = 10 sites
Nohoanga – 'Residence' = 24 sites
Tauranga waka – 'Ferry Port' = 1 site
Tohu Whenua – 'Landmark' = 2 sites

Settlement Zone	SETZ - R1	Amend	In my opinion, some of the cultural values indicated above require further explanation regarding their relevance? I fail to see the current significance of sites and areas that were once 'homes', residences, 'landmarks or for just being 'that is old'. Do these places still have evidence of their prior existence and are they specifically identified on the maps? If they fall on what is now private property, was the current landowner made aware of this, or their significance at the time of purchase? There is one particular cultural value described as "Ancestors embedded in the landscape" which is assigned to 19 sites. Interestingly, this value has no translation into Te Reo? What does this stated value actually mean? Can Poutini Ngai Tahu provide examples of how ancestors became embedded in the landscape? Taking into account the vast ramifications that these proposed SASM's will have on the Sale & Purchase of property and land on the West Coast, have the planners consulted with local real estate agents and conveyancing lawyers about their implications? What would be the effect on the property values of those that are designated as SASM's? The extra 'due diligence' required by agents and lawyers may well be onerous and incur added expense for those wishing to buy or sell property on SASM's. Have any of these potential consequences been addressed by the planners? Reference to the section below regarding Settlement Zone (SETZ) R1, Points 2 & 3 on Page 439 of the proposed plan. 2. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure; This proposal intends to forbid ratepayers from collecting and consuming rainwater unless it is under the terms above. The fact that human beings have been able to freely consume rainwater since the dawn of mankind makes this proposal a fundamental breach of our human rights. 3. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards. The proposed compulsion for owners of residential units to connect to the network utility operator for provision of all the 3 waters or be required to treat that water supply in accordance with NZ4404:2010, is a breach of their right to choose how they source their water from their own land. This section of the TTPP proposes to dictate the quality of the water we will be forced to consume. This would potentially allow for the mass medication of our community without our necessary consent. I raise this issue with particular reference to the governments plan to fluoridate the water supplies of all communities with populations of greater than 500. The arguments for and against the merits of fluoridation are irrelevant when you are no longer permitted a choice of water supply. I could be convinced into believing that this particular section of the TTPP was designed to complement the implementation of the governments 'proposed' 3 waters policy, to which the vast majority of New Zealanders bitterly oppose. (Source: https://thefacts.nz/environment/summary-of-10-three-waters-polls/) We are losing local control over our water to a government centralised body that will likely impose nationwide regulations that will not suit or benefit local interests. Since we ratepayers are the current owners (through the council) of the infrastructure that provides our community with drinking water, we should have the right to choose whether we wish to partake of it or not.	2. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater all residential units and buildings used for a residential activity ~~must~~ ***can*** be connected to the community wastewater, water supply and stormwater infrastructure,***if they so wish. The services of the network utility operator will be retained and paid for by the ratepaying residents of the settlements regardless of whether they connect to the services offered by the network utility operator or not.*** ***(i) Ratepaying residents cannot therefore expect a rate rebate if they choose not to connect to the services offered by the network utility operator.*** 3. Where the settlement is not serviced by a network utility operator for wastewater, ~~water supply~~ or stormwater, ~~on site collection, treatment and~~ disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards. ***"The Standard encourages sustainable development and modern design." It therefore should promote the efficient collection of rainwater or ground water using sustainable and non-toxic materials which are safe for people and the environment.*** ***(i)The disposal of waste and stormwater must comply with the standard and therefore not cause pollution to the local environment or endanger any persons or property within neighbouring residential settlements.***
Signs	SIGN - R13	Oppose	Discretion should be applied in this instance rather than a blanket rule which does not take into account differing circumstances for businesses.	If the landowner has been granted permission for signage to be displayed that is not related to that property, then this agreement between the land owner(s) and/or business owner(s) should be honoured even if it is not on an adjoining site.
Signs	SIGN - P6	Oppose in part	The proposed size of the lettering is excessive at the same time as restricting words and symbols. This limits business names hugely if the signs need to include all the other business and directional information. Please reconsider this, not least on purely practical grounds.	P6. If you are interested in promoting bilingual signage you will need to allow for many more words and characters than you are proposing.

Mineral Extraction Zone	Mineral Extraction Zone	Oppose	I am not opposed to mining as an activity. I am opposed to mining activity occurring in inappropriate places and/or not being regulated properly. I ask that the Commissioners consider sensible zoning using effects-based criteria to be included in this TTPP, so that mining activity can occur in areas without detriment to neighbours or communities. In this respect my submission is unapologetically about NIMBYism: I do not want the proposed 78.8 hectare “Mining Extraction Zone” in Kumara’s backyard.

I submit that:

(a). The current approach will not deliver the purpose of the Resource Management Act.

(i) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(ii) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(iii) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

(b). The proposed Kumara Mineral Extraction Zone is ultra vires, and the TTPP Committee has inappropriately used its legal power or authority.

(c). It is possible for the TTPP to provide for mining on the West Coast, in a manner that avoids adverse effects on other land use. However the framework in the proposed plan fails to do this.

I beseech the Commissioners to reconsider the current proposals that relate to mineral extraction under the TTPP and conclude that they be revoked. I propose that the provisions that relate to mineral extraction be rewritten, so that TTPP identifies how mining activity will be managed to ensure that mining activity does not harm neighbours and communities.

Information to support my submission:
1. The current approach will not deliver the purpose of the Resource Management Act (RMA)

1.1. New Zealand's Ministry for the Environment describes the RMA as:
“New Zealand's principal legislation for environmental management”
“Its purpose is to ensure activities won’t harm our neighbours or communities, or damage the air, water, soil and ecosystems that we and future generations need to survive.”
[Source: About the Resource Management Act and why we need one | Ministry for the Environment]

1.2. One of the key features of the RMA is the extent to which it devolves responsibility for resource management to local authorities. It is councils that set the rules and requirements to manage activities. It is councils that have the significant responsibility to provide a tool for improving local environmental management.

1.3. The Act is underpinned by the concept of sustainable management which allows for development - subject to environmental effects being appropriately managed.

1.4. The proposed TTPP includes a Mineral Extraction Zone adjoining the Kumara Settlement -
The rezoning of this land has not been subject to a RMA effect based assessment and the land does not contain a “legally established activity” to support the zone.
A minerals permit is not an instrument that addresses land use effects (the Crown Minerals Act 1991 only regulates the allocation of access to minerals) -
“Before land may be prospected, explored or developed for Crown-owned minerals, a number of steps need to be taken.
An explorer or developer needs:
1. a permit from New Zealand Petroleum and Minerals under the Crown Minerals Act 1991;
2. any necessary land access arrangement with the landowner and occupier;

3. any necessary resource consent(s) from the relevant Regional or District Council under the Resource Management Act 1991. "
[Source: Petroleum and Minerals New Zealand, Fact Sheet Plans://www.nzpam.govt.nz/assets/Uploads/our-industry/factsheets/permits-land-access-new-zealand.pdf]

1.5. Whilst it is good sense to avoid duplication of regulation, the West Coast Regional Council (WCRC) will still require mining activity to obtain resource consent. It will then regulate air quality, water quality and quantity and soil conservation effects. It will not regulate land use effects such as location of infrastructure, noise, hours of operation and lighting.
The physical environment will be considered in a WCRC consent, but not the effects on the social needs and well-being of nearby people. Without appropriate regulation through the TTPP, these effects will be ignored.

1.6. The Plan proposes that mining be managed in any Rural zone as a "permitted activity", with overlay rules -
The RMA has a clear procedure for the setting of environmental rules: Land use activity should first try to avoid adverse effects on the environment, before considering potential for mitigation and then considering remediation. The Permitted Activity starting point in the proposed TTPP for Mineral Extraction makes a mockery of the environmental effects based approach that New Zealand has adopted.

1.7. In the Permitted rule itself there is no attempt to avoid adverse effects on adjoining or nearby parties.
The criteria relate primarily to the site itself.
Hours of operation have increased from current plan provisions. Blasting and vibration is permitted to occur from 7am to 10 pm.
With a Permitted Activity classification, there is no opportunity for an on-site assessment to be made, so that steps to avoid, remedy or mitigate noise, light, visual and other effects can be put in place.

1.8 Small settlements, like Kumara, are a significant feature within the rural areas of Te Tai Poutini. Across the rest of New Zealand, mining operations that are close to an existing residence and/or adjoining an existing settlement require a land use permit for the activity.
A resource consent application must be accompanied by an assessment of effects on the environment in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

1.9 Appropriate land use rules and/or separation buffers are adopted in New Zealand District Plans because mineral extraction is a noisy and messy industrial activity.
Gold mining involves heavy machinery, security and lighting infrastructure, disturbance of large areas of land, large pits, stockpiles, settling ponds, storage of hazardous substances, use of local water and long hours of operation. These elements require management and often require compliance monitoring in order to ensure compliance.
The effects of the activity are not compatible with sensitive uses such as residential settlements.

1.10 I submit that the proposed TTPP does not -
• Fulfil councils responsibility to provide a tool for improving local environmental management of the effect of mining activity on existing residences and settlements, or
• Ensure mining activities won't harm neighbours or communities, or
• Demonstrate integrated management of resources, or the concept of sustainable management which allows for development subject to environmental effects being appropriately managed, or
• Demonstrate a clear and rigorous procedure for the setting of environmental rules, in that land use plans should first try to avoid adverse effects on the environment, before considering potential for mitigation and then considering remediation.

2. The proposed Kumara Mineral Extraction Zone is ultra vires, and the TTPP Committee has inappropriately used its legal power or authority.

2.1. A quote from New Zealand's Ministry for the Environment:
"The RMA encourages us to get involved in deciding what's best for the environment by telling our local councils what we value about it.
This is because you – as locals – are best placed to know your own surroundings, and you should be involved in deciding what we need to protect and how."
[Source: About the Resource Management Act and why we need one | Ministry for the Environment]

2.2 Section 32 of the Act requires objectives in district plan proposals to be examined for their appropriateness. The following quotes are taken from the TTPP Section 32 Evaluation and Report about "Mineral Extraction Provisions" -
[Evaluation Report 14]
(i). Policy 5.2 of the proposed TTPP, is a reverse sensitivity type of policy, that identifies the strategic need to protect natural resources from the impacts of new subdivision and land use:
"[this policy] aims to create a framework for getting the right development in the right place at the right time….[it] seeks to ensure that there is a planned and coordinated approach to developing the built environment. Well-designed development also provides for the well-being of people and communities now and into the future. It also recognises that some types of development are incompatible when in close proximity to each other…"
The Kumara Settlement is not "new" land use. It is there already, and it is expanding. This is very relevant as this policy, rather than supporting the introduction of the new Kumara "Mining Extraction Zone", instead reinforces that the mining activity should not occur in this location because there is a sensitive activity beside it.
(ii). The TTPP Committee have been presented with evidence that regulation of the industry, as well as separation of the industry from residential activity is what the people of the West Coast want. One example of this evidence is in the Evaluation Report:
"The general feedback from consultation with the Councils and the minerals sector is that the [current] provisions in each of the district plans are working well… consultation with the community has identified that there are significant concerns around amenity impacts of mineral extraction on adjacent neighbours in particular….essentially this is an issue of reverse sensitivity."
(iii). The Evaluation Report considers the "Scale and Significance" of the implementation of the proposed Mining Extraction provisions:
"Scale and effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations" = High.

[Recommendation Report to the TTPP Committee]
(iv). The Recommendation Report was compiled after submissions were received on the draft Plan. In this report the Planners comment on the submissions received and make a series of recommendations to the TTPP Committee.
The Kumara "Mineral Extraction Zone" is listed as an "Authorised Gold Area" in the proposed TTPP. In the Introduction of the Recommendation Report it is again explained that new "Mineral Extraction Zones" were included in the draft TTPP on the proviso that they met this criterion:
"Resource Consents have been issued under the RMA 1991"
This is clearly an inaccurate assumption for the Kumara Mineral Extraction Zone, as there is no Resource Consent allowing mining on this land. This means that Mineral Extraction is not a lawfully established activity on this land. It should not have been zoned as such.
The Report goes on to explain that the TTPP Committee are aware of this:

Documents included with submission

"Until close finalisation of the draft Plan there were no alluvial gold mining areas included within the zone.
The Committee were very clear however that the Ross goldfield and other alluvial areas should be included. After further meetings with the minerals industry, shape files for alluvial mining areas, on the basis that they could be considered "Lawfully established" were provided to the TTPP team by consultants to the industry…"
I submit that this is evidence of ultra vires process.
I submit that the TTPP Committee has inappropriately used its legal power or authority to influence the inclusion of the Kumara Mining Extraction Zone in the proposed Plan.
(v). Further evidence of the TTPP Committee tampering with the public and legal process is outlined in the Recommendation Report:
"The draft Rules for mineral extraction in the General Rural Zone have been considered by the committee at multiple meetings. These were largely finalised for the draft Plan in October 2021.
However at the meeting of 16 December 2021, when the draft Plan was adopted for feedback, a late change was made to the Permitted Activity provisions – specifically doubling the area of Permitted Mineral Extraction from 2ha to 4ha.
The original 2ha area had been arrived upon as a result of detailed technical discussion with district council staff familiar with mining operations. It was intended that the proposed 2ha rule would provide for small scale alluvial mining operation…with sufficient land for settling ponds and stockpiles…it was not intended to enable most mineral extraction activity on the West Coast to be permitted."

(vi). This statement in the Report is also enlightening -
"When considering what mineral extraction provisions are appropriate in Te Tai Poutini Plan, it is worth considering how these issues are managed in other parts of the country.
As has been discussed in previous reports, the draft One Plan has the most enabling provisions for mineral extraction in the country.
These are matters that are highly contentious everywhere … For comparison [a list New Zealand districts] are all locations where specific zones are used to manage mineral extraction … Resource consents are however still generally required for mineral extraction in these special zones. Discretionary Activity consent requirements for mineral extraction in Rural Zones are also a common requirement."
(vii). This Report summarises the type of submissions that were received about the Mining Extraction provisions in the draft Plan. It is not surprising to read that all, and more, of the points in our submission have already been raised by the people that submitted.
(viii). The Planners provide the following advice to the TTPP Committee about the Mineral Extraction provisions –
"…staff understand the Committee has set a strong direction around supporting Mineral Extraction. However in order for the provisions to be defendable, it is important that they are robust and withstand reasonable tests of the RMA. Key considerations in relation to this are:

(a). Careful assessment of what sites are included with the Special Purpose Mineral Extraction Zones…
(b). Careful consideration of rules – particularly Permitted and Controlled Activities (that they will still enable the TTPP to meet the Purpose of the RMA and…
(c). …
…Staff have specific concerns around the inclusion of some specific sites within the Mineral Extraction Zone and their ability to address these concerns in meeting the criteria of being areas where …extraction activity is currently authorised.
…Senior Planners have now reviewed all the shape files provided on the alluvial gold proposed mineral extraction zone areas. It is considered that insufficient information (in terms of the basis that they are considered lawfully established) has been provided for the alluvial gold areas inclusion in the zone.
(ix). Page 10 of the report to the TTPP Committee includes this recommendation from the Planners, which was obviously not taken:

"Remove the alluvial gold mining areas identified in the draft Plan at (a range of places specified, including Kumara) ...from the Plan." I would like more information on why this recommendation from senior planners was rejected?

2.3 I submit that the following processes have not been adequately demonstrated during the creation of the proposed TTPP –
(i) Inclusion of effects-based assessments and principle-and policy-based environmental management, and
(ii) Demonstration of the value of public participation

3 It is possible for the TTPP to enable mining to occur on the West Coast, in a manner that avoids adverse effects on other land use. However the framework in the proposed TTPP does not do this.

3.1 The points in our submission identify some of the deficiencies of the current mineral extraction provisions, both the Zoning and the Permitted Rule approach. A new approach is required that aligns with the environmental principles of the RMA.

3.2 During the creation of the Te Tai O Poutini One Plan, the Planners and the community have informed the TTPP Committee about the deficiencies of the proposed approach, including the high environmental consequences if this approach is implemented. The TTPP Committee has been provided with examples of the type of provisions that will enable mining without exposing communities to a high level of negative adverse effects.

3.3 Significantly, the Planners have even gone as far as to warn the TTPP Committee that the provisions they have demanded are unlikely to pass the RMA tests.
3.4 It is unacceptable to us that the TTPP Committee have not adequately considered the negative impact that the current mineral extraction framework will have on small settlements. The proposed framework for mineral extraction activity will result in unacceptable environmental impacts that will harm the residents of Kumara.

3.5 It is clear that there is an imbalance in the proposed TTPP for mining to be enabled at the detriment of existing land use and residential settlements.

3.6 The economic growth and cultural and social cohesion in Kumara is visible and measurable. We have active community groups and social and hold cultural community functions. This community is not a sleeper settlement to support nearby industrial business. Kumara is not a village that needs or depends on industrial activity to sustain its economic viability. I am proud of our past mining history, but it is no longer appropriate for mining to occur on our village boundary. Kumara has reinvented itself into a peaceful village with a diverse population and new opportunities that are in keeping with the character of the current surrounding community. It is a prominent and regular stop for the famous West Coast Wilderness Trail which has brought a new range of visitors from all around New Zealand and abroad to stay.

3.7 Kumara has strong commercial businesses in place and others are being developed. In the last few years it has seen a large surge in new arrivals relocating to Kumara to get away from the noise, pollution and hustle and bustle of the main centres in New Zealand. This has resulted in an increase in property prices, a new pride in the village and it is now a very sort after place to live, with land and homes rarely advertised for more than a week or so before many offers are put in. New homes are being built, the School role is full, the West Coast Wilderness Trail is booming. We have become a commuter town for people who work in Greymouth and Hokitika. Most of this success is based on the amenity of Kumara as an attractive village to live in and visit.