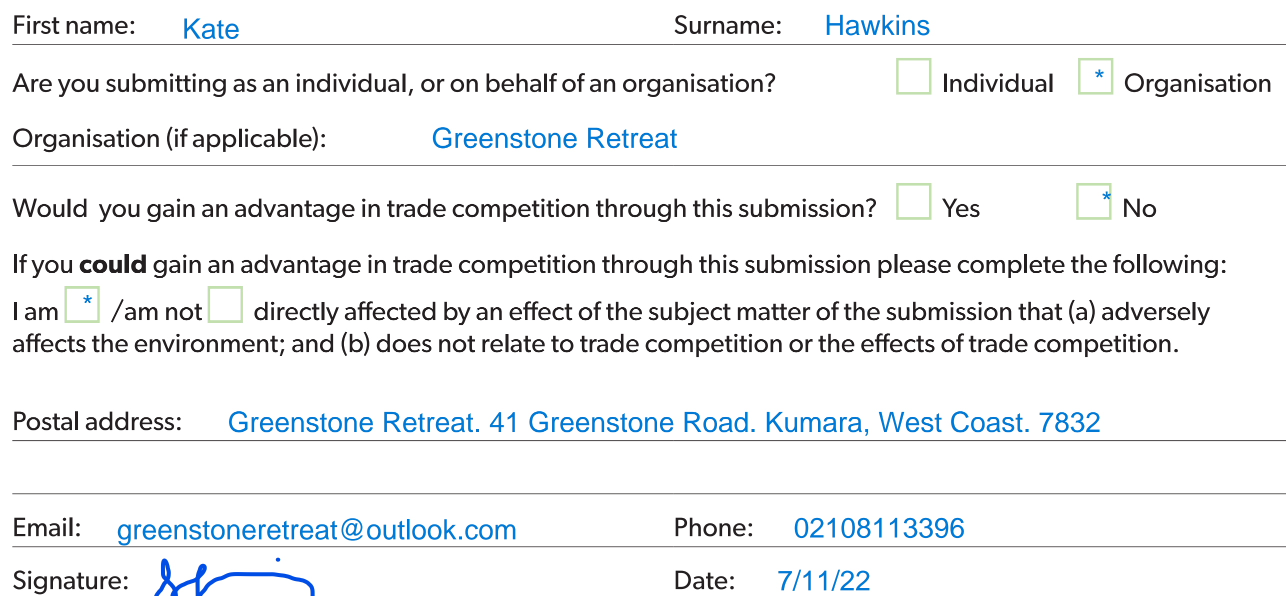
Te Tai o Poutini Plan Proposed Plan

Submission form

Have your say! Te Tai o Poutini Plan Proposed Plan

We need your feedback. We want to hear from you on the proposed Te Tai o Poutini Plan. What do you support and what would you like changed? And why? It is just as important to understand what you like in the Proposed Plan as what you don't. Understanding everyone's perspectives is essential for developing a balanced plan.

Your details:



First name: Kate Surname: Hawkins

Are you submitting as an individual, or on behalf of an organisation? [ ] Individual [*] Organisation

Organisation (if applicable): Greenstone Retreat

Would you gain an advantage in trade competition through this submission? [ ] Yes [*] No

If you **could** gain an advantage in trade competition through this submission please complete the following:

I am [*] /am not [ ] directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Postal address: Greenstone Retreat. 41 Greenstone Road. Kumara, West Coast. 7832

Email: greenstoneretreat@outlook.com Phone: 02108113396

Signature: [signature] Date: 7/11/22

Your submission:

The specific provisions of the proposal that my submission relates to are:

- [ ] Strategic Direction
- [*] Historical and Cultural Values
- [*] General District Wide Matters
- [ ] Appendices
- [ ] Energy Infrastructure and Transport
- [ ] Natural Environment Values
- [*] Zones
- [*] General feedback
- [ ] Hazards and Risks
- [ ] Subdivision
- [ ] Schedules

All submitters have the opportunity to present their feedback to Commissioners during the hearings process. Hearings are anticipated to be held in the middle of 2023. Please indicate your preferred option below:

[ ] I wish to speak to my submission [*] I do not wish to speak to my submission

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

[ ] Yes, I would consider presenting a joint case [*] No, I would not consider presenting a joint case

__Public information__ - all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information. The content provided in your submission form will be published to the Te Tai o Poutini Plan website and available to the public. It is your responsibility to ensure that your submission does not include any personal information that you do not want published.

My submission:

(Include whether you support or oppose the specific provisions or wish to have them amended, reasons for your views and the decision you seek from us).

Submission on the Proposed Te Tai o Poutini One Plan
(hereafter known as TTPP)
I thank you for allowing the West Coast Community to be part of the consultation on the proposed TTPP one district plan.
I would like to make submissions on the following:
1. I strongly oppose the proposed mineral extraction zone on the edge of Kumara Village.
I submit that:
1a. The current approach will not deliver the purpose of the Resource Management Act.
1b. The proposed Kumara Mineral Extraction Zone is ultra vires, and the TTPP Committee has inappropriately used its legal power or authority.
1c. 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 TTPP does not do this.

I seek that:
The current TTPP provisions that relate to mineral extraction be revoked, and
The provisions that relate to mineral extraction be rewritten, so that the TTPP identifies how mining activity will be managed to ensure the activity does not harm neighbours and communities.
Rezone the relevant Kumara site to something in keeping with the sensitive use of surrounding area.

2. I oppose further restrictions and rules around signage.
I seek that:
Signage rules to be reviewed on a case by case basis, with restrictions reduced in order to support small business.
3. I oppose the proposed compulsion to connect to the town water supply.
I seek that:
Allow land owner the choice to connect or not.
4. I oppose the process of identifying areas of significance to Maori and the unclear process and possible costs for any change in land use by private owners.

See the full submission and details attached to this form.

Please attach more pages if required.

How to send in your submission form

Did you know you can complete this submission form online?

Online submission form:
www.ttpp.nz

Or post this form back to us:

TTPP Submissions, PO Box 66, Greymouth 7840

Submissions must be made by 5pm, Friday 11th November 2022

Want to know more?
www.ttpp.nz
0508 800 118

Te Tai o Poutini
PLAN
A combined district plan for the West Coast

Date: X October 2022

To: Tai o Poutini One Plan Committee

From: Kate Hawkins of Greenstone Retreat, Kumara

Submission on the Proposed Te Tai o Poutini One Plan
(hereafter known as TTPP)

I thank you for allowing the West Coast Community to be part of the consultation on the proposed TTPP one district plan.

I would like to make submissions on the following:

1. I strongly oppose the proposed **mineral extraction zone** on the edge of Kumara Village.
   I submit that:
   1a. The current approach will not deliver the purpose of the Resource Management Act.
   1b. The proposed Kumara Mineral Extraction Zone is ultra vires, and the TTPP Committee has inappropriately used its legal power or authority.
   1c. 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 TTPP does not do this.

   I seek that:
   ➢ The current TTPP provisions that relate to mineral extraction be revoked, and
   ➢ The provisions that relate to mineral extraction be rewritten, so that the TTPP identifies how mining activity will be managed to ensure the activity does not harm neighbours and communities.
   ➢ Rezone the relevant Kumara site to something in keeping with the sensitive use of surrounding area.

2. I oppose further restrictions and rules around **signage**.
   I seek that:
   ➢ Signage rules to be reviewed on a case by case basis, with restrictions reduced in order to support small business.
3. I oppose the proposed compulsion to connect to the town **water** supply.
   I seek that:
   ➢Allow land owner the choice to connect or not.
4. I oppose the process of identifying areas of **significance to Maori** and the unclear process and possible costs for any change in land use by private owners.

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1. Proposed Mineral Extraction Zone in Kumara

I would like to start by acknowledging that the minerals industry plays an important part in the West Coast economy, contributing jobs, infrastructure royalties, and GDP. Mineral resources are a key material basis for socio-economic development. Mining should be provided for in the TTPP, but in a manner that addresses the impact of the activity on other land use. I am not opposed to mining as

an activity. I am opposed to mining activity occurring in the 'wrong places' and/or not being regulated properly. I seek that sensible zoning and effects based criterion be included in this plan, so that mining activity can occur without harming neighbours, existing businesses or communities.

I strongly oppose the proposed zone change from Rural to Mineral Extraction Zone on the edge of Kumara Village. This zoning should only be used in areas with no residential buildings, let alone a vibrant rural village, community and established tourism businesses. Whilst it is recognised that Kumara has a long history with mining, it is not part of the future in the village which 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. Kumara is a prominent overnight stop over for the famous West Coast Wilderness Trail which has brought a new range of visitors from all around New Zealand and abroad to stay. This has allowed new businesses such as my business Greenstone Retreat to set up, along with the now famous Theatre Royal Hotel, and other accommodation and catering developments in the wings. The last few years has seen a huge surge in new arrivals relocating to Kumara to get away from the noise 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 before many offers are put in.

My Greenstone Retreat business has been established for 7 years, and has survived the downturn in business over the last few years of the Covid Pandemic. The retreat offers a range of accommodation, campground with both tents and motor homes and holistic wellness treatments such as yoga, massage, wellbeing retreats and more. I have spent a huge amount of money and time promoting the retreat as "In the middle of everywhere, and away from it all" with peace, quiet, birdsong, relaxation and healing being some of the main features. Please see the website and reviews to confirm this. www.greenstoneretreat.nz

Greenstone Retreat is located approximately 250-300metres from the nearest edge of this proposed Mineral Extraction Zone. My main concerns with the rezoning of this area is the sudden ease for any future mining applications on this land to be approved with minimal community consideration or engagement or existing surrounding use consideration.

Irregular sudden loud noise and regular ongoing machinery noise is likely to negatively affect my business in many ways. From early starts of a mining operation waking people and children who are sleeping in tents, to disturbing the peaceful nature while guests are relaxing in the garden after a day on the wilderness trail, to disrupting healing treatments such as massage and meditation..It does not take much to ruin the reputation of a business and if the tranquillity of the retreat is affected, the business reputation will likely suffer irreparably.

The increased traffic on the narrow Greenstone Road will also be an added risk for cyclists coming and going from the Retreat, especially the many children that stay. This increased traffic will also affect the tranquillity of people staying in the Old Villa Accommodation building nearest the road.

With the increase in dry Summers, I am also concerned about dust covering the property and gardens. Has the wind direction even been considered for a mining operation this close to the village and local school? Excessive use of water would be needed at the site if mined over the dry months and this also increases the machinery noise. This would not be a problem for a mining zone that was

located further away from a Village. The location and proximity to so many homes is completely unsuitable for mining and the zoning should reflect this, not make it easier. The newly planned subdivision directly across the Greenstone Road which will offer many new homes does not seem to be compatible with the proposed Mineral Extraction Zone directly opposite.

Property prices have increased massively in this area and I have already received 5 calls from people hoping to move to the village that are concerned by this possible zoning change. New homes are being built, the School role is full, the West Coast Wilderness Trail is booming. We have become a commuter village 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.

This proposed plan change does not take into consideration existing residential activity, local school or established businesses which may be affected.. Nor is it putting the wellbeing of the current community ahead of the big mining companies.

LEGALITIES

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/ourindustry/factsheets/permits-land-access-new-zealand.pdf]. A mining permit is not an automatic right to mine, and should not have been considered so in this proposal.
1.5. Whilst it is good sense to avoid duplication of regulation, the Regional Council 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 Regional Council consent but not the effects on the social and wellbeing 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 One Plan for Mineral Extraction mocks 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 &/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 monitoring in order to ensure compliance. The effects of the activity are not compatible with sensitive uses such as residential settlements and local accommodation businesses.
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, communities and businesses, 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.

1b. The proposed Kumara Mineral Extraction Zone is ultra vires, and the TTPP Committee has inappropriately used its legal power or authority

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]

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 wellbeing 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 form residential activity is what the people of the 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 evaluates 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. 5 [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: “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 TPP team by consultants to the industry…” We submit that this is evidence of ultra vires process. We submit that the One Plan Committee has inappropriately used its legal power or authority to influence the inclusion of the Kumara Mining Extraction Zone in the proposed TTPP.

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 TTPP 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 One Plan. It is not surprising to read that all, and more, of the points in my 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 defendability in meeting the criteria of being areas where …extraction activity is currently authorised. …Staff 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 basis that they are considered lawfully established) has been provided for the alluvial gold areas inclusion in the zone.

"Because of time and resource constraints, staff were unable to undertake detailed checks of this information and it was included within the draft Plan largely as provided."

ix. Page 10 of the Section 32 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.

1c I submit that the following processes have not been adequately demonstrated during the creation of the proposed TTPP – • Inclusion of effects-based assessments and principle-and policy-based environmental management, and • Demonstration of the value of public participation

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 One Plan does not do this.

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.

During the creation of the TTPP, the Planners and the community have informed the TTPP Committee about the deficiencies of the proposed approach, including the high environmental consequences of this approach being 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 effects.

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.

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 Kumara.

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.

The economic growth and cultural and social cohesion in Kumara is visible and measurable. We have active community and social groups that facilitate cultural community functions. This community is not a sleeper settlement to support nearby industrial business. Kumara is not a town that needs or depends on industrial activity to sustain its economic viability. We are proud of our past mining history, but it is no longer appropriate for mining to occur on our town boundary.

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2. Signs.

Whilst I recognise that some management is needed of signs, I oppose the proposed signage conditions particularly the location of signs, the size of the lettering and the number of words permitted. I consider these proposed signage rules to be excessive and very restrictive. The Resource Management Act already covers signage on the main state highways with consents needed along with approval from New Zealand Transport Agency. The proposed TTPP is just creating more unnecessary bureaucracy and restrictive costs for businesses.

Supporting small business in our region should be encouraged and not restricted to the point where only the big brands with creative advertising budgets can afford to advertise on the road side. This does not take into account the low traffic volume on some of our roads, width and other competing signage in the area.

Restricting the size and number of signs, also the number of words, size of letters and number of symbols is not enabling a diversity of sign types..

When a business offers multiple services, has many entrances or needs additional directional information this will not be possible with these rules with one sign per site (SETZ- settlement zone). Therefore a hazard can be created by lack of signage. A sign at each entrance should be permitted for safety to prevent confusion, sudden stops and abrupt turning. A sign should be permitted at either end of the property if the road is 2 x lanes, so it is visible from both directions of traffic..

If there is a community event at that location, this would need additional temporary signage above the 1 business one permitted. Is this event signage permitted under this proposed plan?

Restricting the height of a sign to 4m is also unnecessary. Signs should be visible from a distance without the vehicles having to stop in the road and some reflective material should be permitted so that the sign can be clearly seen on minor roads at night. If a sign is higher it is less likely to cause a hazard as it gives advanced warning so drivers have more time and can slow down.

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.

Is 2 metres really required for a person to walk around a footpath sign outside a business? In most areas of the West Coast there is never this volume of people passing at the same time. To allow a footpath sign as permitted, you would need to considerably increase the pavement size, if indeed there is a pavement!

R13 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.

Discretion should be applied in this instance rather than a blanket rule which does not take into account differing circumstances for businesses.

Notification:

Applications for signs on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified.

These signs are on private land. At what point are the local Runanga going to start charging for this permission or restricting it to say your business name and directions need to be in Te Reo as well, further restricting the available letters, words and symbols? How long will it take for permission to be granted and under what grounds can they refuse? I strongly oppose this aspect of the plan.

3.Water

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;

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.

As a retreat business that is considering an off grid hut experience, if this proposed change was implemented, I would not be permitted to collect the rain water for this hut as I am provided with drinking water services to other areas of my property.

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 and where they source their water.

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.

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. (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 benefit local interests.

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 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

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.

I would like to propose the following amendments to the TTPP section entitled 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~~ 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.

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4. **Proposed Sites and Areas significant to Maori (SASM)**

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 communities 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

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?*

<u>Sites and Areas of Significance to Māori (SASM) Policies</u>

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

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 '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?

With all the points that I have detailed above, I feel compelled to propose that the West Coast councils and Poutini Ngai Tahu push back against the governments directives regarding SASMs. They will do nothing but cause division between local landowners and Maori. If Poutini Ngai Tahu wish to pursue control over the activities they have identified in their SASM's, then the most appropriate way to do so would be via the existing Maori Land Courts using the principles of the Treaty of Waitangi.

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 TTPP and as such the proposed sites and areas of significance to Maori should be rejected as a breach of the Treaty of Waitangi.

I very much appreciate the opportunity to make a submission to the Commissioners regarding the proposed TTPP. I can only hope that it is read, acknowledged and acted upon. I do not wish to be heard.

Yours Sincerely,

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