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This is an individual submission.

Thank you for the opportunity to submit. I wish to be heard in support of my submission.

1. I feel the TTPP has missed an opportunity to provide a simplified and unified plan, which was the whole point of a combined district plan. Instead the TTPP is complex, confusing, and it is difficult to understand how all the different layers, zones, precincts and schedules are supposed to interact.
2. The plan does not provide sufficient protection for indigenous biodiversity or give sufficient regard to climate change.
3. Much of the detail of my submission relates to Mineral Extraction Zones, which I submit should be abandoned from the plan.

Mineral Extraction Zones clearly fail the test set out under the National Planning Framework

4. The Section 34 report states that special purpose zones can only be created when they meet all of the following criteria:
 - a. are significant to the district, region or country
 - b. are impractical to be managed through another zone
 - c. are impractical to be managed through a combination of spatial layers.
5. While the Section 34 report argues that (b) is the case for Stockton Mine, it makes no assertion that any other mine (or area that might be mined one day) mapped as MEZs on the plan meets this criteria.
6. In fact the plan demonstrates that mining can and will be managed through other zones, by proposing to manage it through the Rural Zones, the Open Space Zone, and the Settlement Zone.
7. While Section 2.4 of the Section 34 report lists special zones used for mining in other parts of New Zealand, this list only includes a small number of highly defined quarries and one long term hard rock gold mine.
8. Conversely, much of the land proposed for inclusion in MEZs in the TTPP plan is either not a mine, has already been mined, doesn't have permission in place for mining, or is only being used for mining for a few years.

The mapped Ross MEZ is not a mine

9. This can be seen in the proposed Ross MEZ, which the Section 32 report lists as including 'Birchfields Ross Mine Ross 350ha' and 'Ross Township Mine Ross 345ha'.
10. It is impossible to tell what is meant by these two 'mines', but most of the area that is actually mapped as MEZ around the Ross township is not a mine.
11. The area includes more than a 100ha of forested public conservation area, the previously mined Ross lake, a large area of farmland (including areas that apparently contain no gold), and some housing.
12. Of the land within this MEZ that is currently being mined, most would be expected to be completed by the time the TTPP plan is actually operative. This is because one area is small

and won't take long to mine and the larger area, which has been mined for a few years, is currently removing settling ponds, presumably in anticipation of finishing up.

13. Alluvial gold mining in general is a transient activity which takes place at one resource consent location over approximately 2-5 years, and then moves on to the next location.
14. At any given time over the lifetime of the plan, I would expect mining to be the main activity in less than half of the proposed MEZ.
15. I would also expect that over the lifetime of the plan more mining in the Ross area will take place outside the MEZ than within it.
16. There is no evidence provided that minerals included in MEZs are more important than minerals outside of MEZs. Including some minerals permits in a MEZ and excluding others appears to be cherry-picking industry winners. This seems highly inappropriate behaviour for a district plan.

Mapped MEZs don't meet the criteria listed in the plan

17. The plan states that:

The MINZ - Mineral Extraction Zone covers areas where there are discrete, long term mineral extraction activities that are currently authorised. This authorisation is from three different mechanisms and includes:

 1. Coal mining licences under the Coal Mines Act (1979);
 2. Ancillary coal mining licences under the Coal Mines Act (1979); and
 3. Resource consents issued under the Resource Management Act (1991).
18. This is not at all what the plan mapping actually does. As shown above in the Ross MEZ example, most of the area mapped as MEZ is not under any current authorisation for mining. I would note this is also true for part of the BCZ, with at least part of the area not subject to currently authorised mining. This includes the proposed Te Kuha mine, which currently lacks land access arrangements from either the Department of Conservation or the Buller District Council.
19. Many proposed MEZs also do not cover areas where there are discrete, long term mineral extraction activities – alluvial gold mining is not discrete or long term.

Minerals are widespread across the West Coast, so cannot be managed in special zones

20. The TTPP states that:

Mineral extraction has a functional need to occur where the mineral resource is located, and the MINZ -Mineral Extraction Zone recognises this requirement.
21. However the plan also acknowledges that "The West Coast/Te Tai o Poutini has a wide range of minerals located across the region"
22. The Section 32 report lists a wide range of minerals almost right across the West Coast, but in fact misses places. For example, it does not list the area around Lake Mahinapua that received Government funding for mining (which then did not then go ahead). The list is also incorrect in putting placer gold as from Ross to Reefton, since it exists south of Ross.
23. With minerals so widespread across the region, it is impossible and unworkable to have MEZs across every area where minerals exist.
24. Instead the TTPP places MEZs over a select few areas. This piecemeal approach does not 'recognise' that mining needs to occur where minerals are located. However this could be achieved by putting in place simple sensible rules across most of the region, as is currently the case in the Westland District Plan.

Rules for mining in the TTPP are overly complex

25. The Section 32 report states that: The general feedback from consultation with the Councils and the minerals sector is that the provisions in each of the district plans are working well.
26. An overall aim in the creation of the TTPP was to simplify and clarify rules.
27. Instead the TTPP massively complicates things by having different rules that allow mining in six different zones.
28. This currently seems to (strangely, or as a mistake) include new mining being a controlled activity in MEZ, but permitted in rural general.

The rules for mining in the TTPP are too weak

29. Compared with the current Westland District Plan, the TTPP rules provide are more enabling and provide less oversight over mining activity.
30. This includes for prospecting and exploration. In the current Westland plan, prospecting is only permitted if it is limited to 1 drill site per ha, and at a minimum exploration is a controlled activity. This is an important check upon activity that can be intensive and intrusive.
31. Instead the TTPP makes prospecting and exploration permitted in MEZ, BCZ, Rural General, Rural Lifestyle, Settlement and Open Space Zones.
32. Prospecting and exploration should have limits placed on them similar to those in the current Westland plan.
33. In the current Westland plan, mining is a restricted discretionary activity unless more than 2000m² of indigenous vegetation is being cleared, in which case it becomes discretionary.
34. This is working well according to the minerals sector.
35. However the TTPP in the general rural zone, mining is a permitted activity if less than 3ha disturbed, a controlled activity if it is 'previously mined', and restricted discretionary if it is outside of a SNA.
36. Currently, mining resource consents have little monitoring and regularly breach their consents through not diverting stormwater away from the mine pit, not having adequate planned settling ponds, not storing slash/topsoil for later use, taking topsoil and rocks offsite, disposing of sediment laden water direct to natural waterways, having larger than allowed areas of disturbed ground, operating outside of the area of consent, and not remediating areas to the agreed standard.
37. Allowing large amounts of mining to move to permitted activity status will greatly worsen this problem. Because permitted activities are not monitored there is a high likelihood that councils will not know when companies are breaching permitted activity standards. This makes a permitted activity standard for mining all but useless.
38. Mining should instead be restricted discretionary as a minimum, and the TTPP should include stronger monitoring requirements such as checking disturbed ground area.

'Previously mined' areas are not listed and should be deleted

39. The general rural zone downgrades mining from restricted discretionary to controlled if it occurs in a 'previously mined' area listed in Schedule 10.
40. No areas have been listed in Schedule 10 and this impractical schedule/rule should be deleted.

41. It is difficult to see how the plan could ever have a complete list of areas mined since 2002, why these areas would be likely to be mined again during the lifetime of the TTPP, or why these areas need a special rule that puts them in the controlled rather than restricted discretionary status.
42. Instead, schedule 10 and GRUZ – R18 should be deleted.

Turning existing consents/licences into permanently permitted activities is a complete nonsense

43. In the BCZ and MEZ existing permitted activity status is given to mineral extraction that is “lawfully established at the date the Plan becomes operative”.
44. This means that any small-scale alluvial gold mining operation with resource consents, even one in the process of remediating its site, will become a permanent permitted activity.
45. It is very difficult to see why this is necessary – resource consents are granted for a particular period of time because that is how long they are needed for. Why would a mining resource consent need to continue indefinitely?
46. It is also difficult to see how it is expected to work. Resource consents have timeframes and finishing points, permitted activities do not.
47. Every resource consent is slightly different. If all of the dozens of ‘lawfully established’ operations become permitted activities then the councils will be managing (or not managing) dozens of different permitted activities with opaque rules.
48. This is in direct conflict with the simplicity and efficiency the TTPP was supposed to deliver.

Mining licences have mostly already expired and those that haven’t, should

49. It seems likely the ‘lawfully established’ clause is mainly directed at the mining licences – the old combined minerals permit/land use consents that were grandfathered in to the Crown Minerals Act and Resource Management Act.
50. The Section 32 report mentions the 2009 Parliamentary for the Commissioner Report *Stockton revisited: The mine and the regulatory minefield* as part of the advice and research that has been reviewed.
51. But the Section 32 report does not make clear the level of concern the PCE held over remaining mining licences, with the PCE report stating that “the associated environmental conditions are weak, outdated, contradictory, unenforceable, or absent altogether” and that enforcement is “fraught with difficulties and inconsistencies”.
52. Over two decades before this report, another PCE report recommended that all environmental conditions relating to existing coal licences expire in 2001. This was not done because of the risk of litigation over existing use rights.
53. The TTPP is proposing to now take unexpired mining licences and make the outdated and fraught environmental conditions continue in perpetuity, as an opaque permitted activity where even the councils are unlikely to fully understand the conditions.
54. The reasoning given in the Section 32 report includes that it will be difficult for old mining licences to transition to resource consents.
55. This ignores the fact that many mining licences have already expired. The 2009 PCE report notes that there were at that time 111 mining licences, but that 50 were due to expire within the next 5 years.
56. Mining licences should transition to resource consents when they expire, rather than staying under an unenforceable, opaque and confusing array of conditions which reference statutes, legal entities, and standards that either no longer exist or have been superseded.

57. Therefore MINZ – R2 and BCZ – R2 should be deleted.

MEZ rules unfairly restrict other activities

58. The MEZ has policies of to “prevent future activities or developments from establishing in locations which could compromise access to these mineral deposits” and ensure that “activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone” However these policies direct contradict another policy of the MEZ to after mineral extraction “provide for future use and activities appropriate to the area.”
59. This highlights the absurdity of the proposed MEZs. The MEZs include areas where mining has occurred and has been (or will soon be) completed. But the MEZs do not provide for future activities. Instead they still restrict activities other than mining despite the fact that mining has already taken place.
60. The MEZs also include areas that apparently have no minerals. But they still restrict non mining activities. The MEZs restrict private landowners, who have control over whether mining ever happens on their land, from ever carrying out non mining activities. This includes preventing housing on private rural land immediately surrounding Ross where mining is completed or will never take place.
61. I disagree with all the policies and statements in the TTPP that suggest rural living should now be not allowed, or discouraged, anywhere south of Hokitika because of possible future mining. The Section 32 report on subdivision for example states “Hokitika is surrounded by three major alluvial goldfields, and reverse sensitivity conflicts between mineral extraction and lifestyle residential is becoming common.” I disagree with this and I suspect that if more West Coast residents were aware of this slant of the TTPP, they would too. It is unrealistic to suggest that no new rural living should be allowed over a large proportion of the district because of a transient and often moving activity such as alluvial gold mining.
62. Because of lack of clarity over how the TTPP chapters interact, I am unable to tell whether other normal rural activities are restricted in the MEZs. MEZ rules state that any activity not provided for in a rule in the zone is non complying. Activities which are provided for with rules in the rural zone which are not provided for with rules in the MEZ include minor structures, fences, and running a home business. I can only conclude that anyone living or farming within the MEZ is not allowed to build a fence or run a home business.
63. The reasoning given for having the MEZ is to avoid reverse sensitivity – where newcomers object to an existing activity. Using zoning to address this issue may work for activities like an airport or a quarry, because they are long term and discrete. It does not work for alluvial gold mining, which on the West Coast occurs in short term stints across a wide area where people live and farm.
64. The mining industry has stated that the current district rules are operating well. This has included operating gold mines very close to where people live. As far as I am aware, this has been largely without issue, with impacts on people managed through the resource consent process with creating bunds and removing backing beeps (for noise), putting workers in one vehicle to avoid a large increase in traffic, spraying water on a road (for dust), and putting in a corner mirror to avoid collision. These things can all be well managed through rules in the plan and resource consent conditions so that mining and people can co-exist.
65. Instead the vast majority of mining complaints are not ‘reverse sensitivity’ issues, but about illegal and/or environmental damaging mining activity – for example mining outside the area of consent, having a larger than allowed area of disturbed ground, undercutting a hillside of

native forest, or draining sediment-laden water into creeks and coastal lagoons. The solution to this is better council oversight of resource consents, not removing the need for mining to get a resource consent so there is no oversight at all.

Having a 4ha rural subdivision lot size will lead to more loss of productive farmland, not less

66. The argument initially given for increasing the rural subdivision lot size from 0.5ha (in Westland) to 20ha in the TTPP was that there is a problem with loss of productive farmland. After submissions on the exposure draft this increase has been limited to 4ha.
67. This is still too big. The argument is that rural lifestyle sections remove land from primary production. While this is true the TTPP rules do not prevent this but instead seem aimed at removing people from the rural environment. Many people living rurally do not wish to farm and if they are able to live on smaller lot sizes this will mean smaller amounts of land are removed from primary production. In any case the subdivision Section 32 report acknowledges that this is not really a problem in Westland anyway, stating "Loss of farming productivity due to subdivision is not as a great a concern in Westland".
68. The subdivision standards should reduce the minimum lot size for the rural zone to 1ha.

The West Coast has a problem with indigenous vegetation clearance, the TTPP does not fix it

69. The Section 32 Report 5 points out that there has been considerable loss over the lifetimes of the existing district plans, with 10,029 ha of indigenous vegetation lost over 20 years. This is at odds with the rest of country – in recent years, more than half of the indigenous forest loss in New Zealand occurred on the West Coast.
70. New Zealand needs to keep its remaining indigenous forest, and plant more, for both biodiversity and climate reasons. One of the Climate Change Commission recommendations was "Improving and enforcing measures to reduce deforestation of pre-1990 native forests."
71. The TTPP appears to instead weaken protection for indigenous vegetation, both by moving towards lower activity status for mining, including over areas of indigenous forest, and by failing to have adequate rules to protect indigenous vegetation in the ECO chapter.
72. Without identification of SNAs in the Buller and Westland districts it is impossible to tell which areas are protected and which are not.
73. I do not believe that SNA identification in the Grey district meets current WCRPS criteria. Nor do I believe it covered conservation land. This means that there are large areas of important forest unprotected by the district plan in the Grey district.
74. In terms of climate change, ALL native forest is now important, and should only be destroyed after careful consideration.
75. It is unclear from the Section 32 report how much of the last 20 years worth of indigenous vegetation clearance occurred through resource consents, under permitted activity rules, or illegally.
76. My submission is that all districts needs to have stronger general vegetation clearance rules, with anything more than very small and necessary clearance treated as a discretionary activity. I also submit that any indigenous vegetation clearance carried out under any permitted activity rules needs to be actively monitored by councils.

Areas of high natural values should be mapped as Natural Open Space

77. The National Planning Standards suggest that areas where the natural environment is retained should be mapped as Natural Open Space. The TTPP also suggests areas of high natural values should be mapped as Natural Open Space.
78. Instead the TTPP mapping has mapped the majority of the conservation estate as Open Space, with some areas of rural or MEZ.
79. The mapping appears to intend to give Natural Open Zoning to areas of 'higher' conservation category. But this has not been done. Scenic Reserves have arguably greater protection under the Conservation Act than Ecological Areas, but in the TTPP Scenic Reserves have been mapped as Open Space and Ecological Areas have now been given Natural Open Space status.
80. Even within these delineations and while I note some errors have been fixed, the mapping of conservation land is still inconsistently done, with parts of some conservation areas inexplicably split between rural, Open Space and MEZ.
81. In any case I disagree with using conservation land category as a proxy for natural value. As stated in the Parliamentary Commissioner for the Environment's report on stewardship land, stewardship may have lower legal protection, but it encompasses a range of values – it includes some of the highest value conservation land, including areas listed as biodiversity hotspots in the West Coast Conservation Management Strategy.
82. If Natural Open Space and Open Space zones are to be used in the plan, then they should follow the reasoning set out in the National Planning Standards and use Natural Open Space for areas where the natural environment is retained. This would mean that virtually all conservation land and some other areas where the natural environment is retained should be mapped as Natural Open Space.

Other mapping issues

83. I also disagree with using zoning as a way of pre approving individual future developments, which seems to be happening in the TTPP mapping with areas being inexplicably mapped for use other than their existing uses. This takes away the ability of the public to have a say.
84. The boundaries of aspects of the mapping appear to be inconsistently done. For example the Outstanding Natural Landscape behind Ross diverts with a 90 degree angle around the proposed Mineral Extraction Zone. I do not believe that the ONL decision making operates with right angle corners, when the forest is exactly the same.

Climate change

85. I support the provisions that have been included in the draft plan with regard to climate change, such as to allow for the provision electric car and bike charging stations.
86. However they do not go far enough. Unlike other councils in New Zealand, West Coast councils have not shown any leadership on climate change, despite the fact that climate change is already having a negative impact on West Coast communities. Without swift and decisive action from decision makers today, future generations face severe threats.
87. Councils on the West Coast should be actively working to prevent dangerous climate change through mitigation as well as adaption, and the plan could should do more in this regard – for example by doing more to encourage diverse transport options such as cycling and public transport or lowering council emissions.
88. The Ecosystems chapter does not mention climate, despite ecosystems helping to prevent climate change as carbon sinks, mitigating flooding and landslides, and climate change posing a threat to the indigenous biodiversity the councils are tasked with protecting.