



Submission on Proposed Te Tai Poutini Plan

Submission by: Terra Firma Mining Limited
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Terra Firma Mining Ltd wishes to be heard in support of its submission.

Signed:

A handwritten signature in blue ink that reads "LC Smith".

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Lucy Smith
Director
Terra Firma Mining Ltd

11 November 2022

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Date

1. Background

Terra Firma Mining Ltd (TFM) is an underground contracting and consulting company providing a range of services nationwide to the minerals, tunnelling and extractives industries. The company specialises in risk management and in developing bespoke solutions for challenging conditions and environments such as unstable ground and low oxygen levels, and also offers more routine services such as civil earthworks. Recently, the company purchased an engineering business and associated land at 19 Elizabeth Street, Reefton (Section 1 SO 11966 and Section 3 SO 12150), and operates this business (Reefton Engineering) as a trading arm of TFM. Reefton Engineering offers general workshop services such as welding and fabrication, precision machining, hydraulic hose fitting and assembly and repairs and maintenance of heavy machinery. TFM's North Island workshop and offices are based in Huntly.

In July 2020, TFM applied to New Zealand Petroleum and Minerals for a Mine Permit (MP) to reopen the Spring Creek mine near Dunollie, approx. 10km north of Greymouth. At the time of lodging this submission, NZP&M had indicated its intention to decline the application, however, TFM continues to work with NZP&M to get the MP granted.

TFM also applied to NZP&M in August 2021 for an exploration permit (EP) in relation to a site at Mt Baldy, northeast of Lake Daniells.

TFM's submission relates primarily to the potential impact of the TTPP provisions on TFM's existing and future activities on these three sites. The submission is in two parts, the first being general comments on how the sites are treated in the TTPP, and the second is a detailed table with specific submission points. Each site is dealt with separately, below.

2. 19 Elizabeth Street, Reefton

TFM's Reefton site is 1.4 ha and comprises the two parcels (Figure 1, with access to Elizabeth Street via the smaller parcel in the southern corner). The site is zoned Rural Zone under the Buller Operative District Plan. The larger parcel is proposed to be rezoned to General Industrial Zone, along with nearby properties (Figure 2). No change is proposed to the smaller access parcel. TFM supports the proposed industrial rezoning as it better reflects the nature of activities that have and will occur on the site, and gives a strong signal to the community that the purpose of the area, although supporting a mix of land uses, is primarily for industrial use. TFM considers that to avoid the potential confusion that might result from a split zoning for its site, the smaller parcel should also be rezoned to General Industrial Zone.

The proposed industrial zoning legitimises past and current activities on TFM's site and provides for their continuation, however TFM notes the potential for reverse sensitivity issues to arise given the close proximity of the existing residential zone. This is considered more of an issue for the proposed industrial zoned properties to the south. It is good planning practice to provide a reasonable separation between industrial and more sensitive activities to avoid conflict around differing amenity expectations.

Introducing the proposed Settlement Zone between Anderson and Buller Roads has potential to bring residents expecting a countryside style of amenity closer to a more intensive land use. TFM has no issue with residential development per se, but is concerned that although there is separation due to Buller Road (State highway 69), there is a possibility that complaints may arise from legitimate industrial activities, even if these are operating within the rules.

There are no natural hazard, environmental or cultural overlays for TFM's site at Elizabeth St.

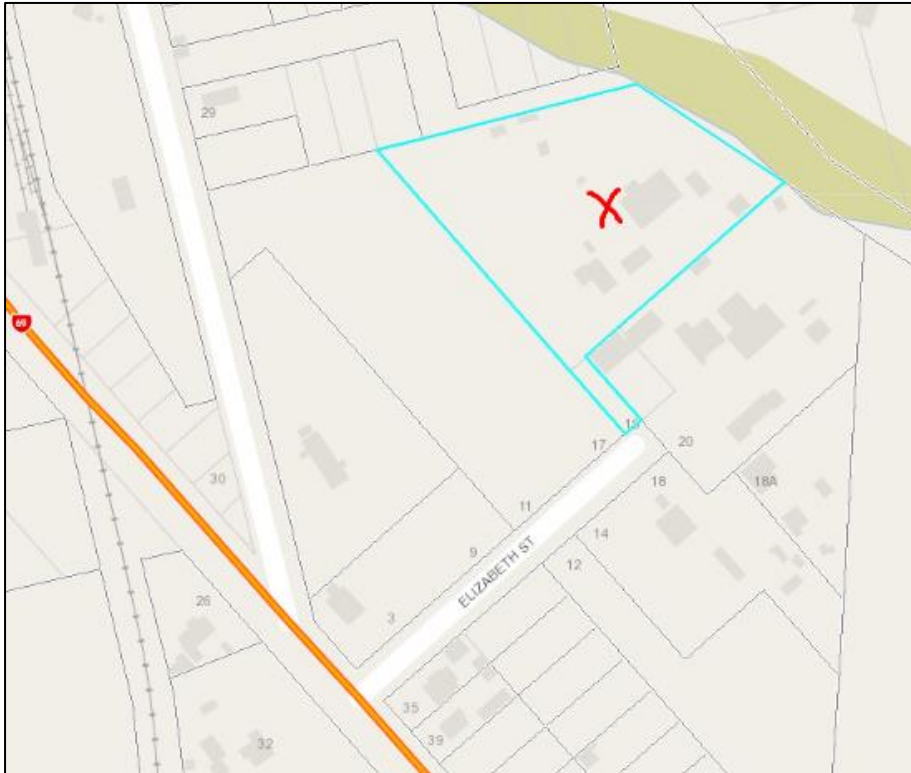


Figure 1: Terra Firma Mining land holdings at 19 Elizabeth Street, Reefton

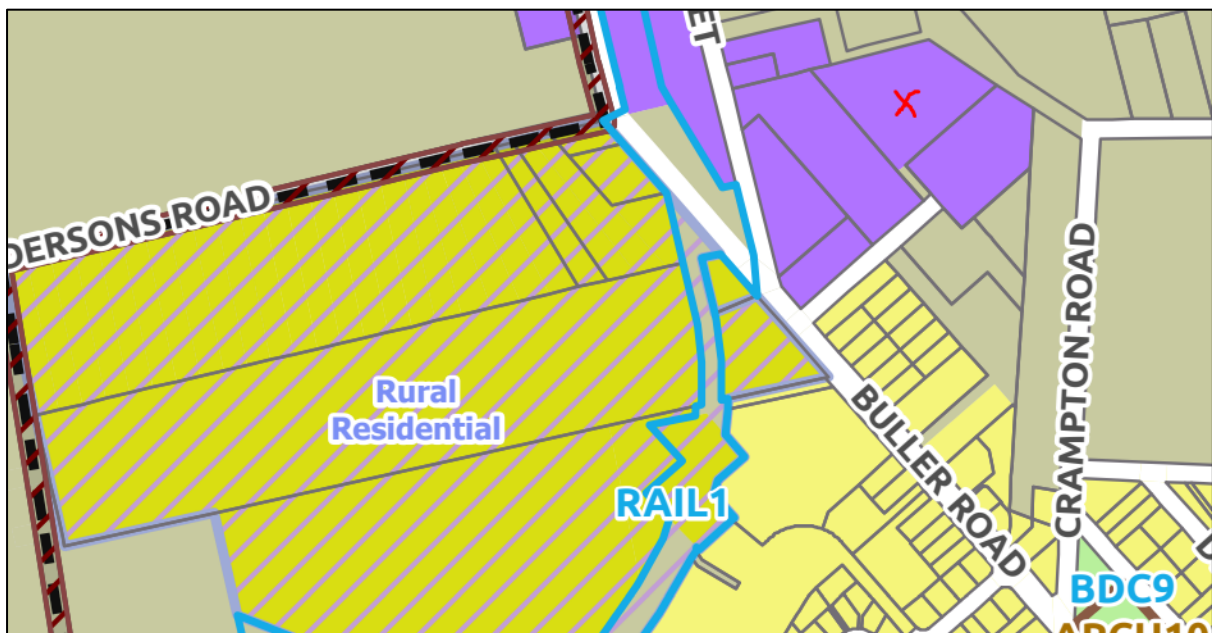


Figure 2: TTPP Buller Zoning for 19 Elizabeth Street (marked with cross) and surrounding area. Key: Purple = General Industrial Zone; Grey = Rural Zone; Yellow stripe = Settlement Zone; Light yellow = General Residential Zone

3. Spring Creek Mining Permit Application Area

TFM's Spring Creek MPA area is shown in Figures 3a, 3b and 3c below. The bulk of the area is within the proposed Mineral Extraction Zone, with smaller areas in the proposed Open Sapce Zone and Rural Zone (Figure 4). There are no natural hazard overlays on the Spring Creek MPA area (Figure 5). With respect to environmental and cultural values, there is a Pounamu Management overlay on the MPA area, and a very small area to the west that lies within a Significant Natural Area and/or Outstanding Natural Landscape (Figure 6).



Figure 3a: Spring Creek Mining Permit Application area (purple)

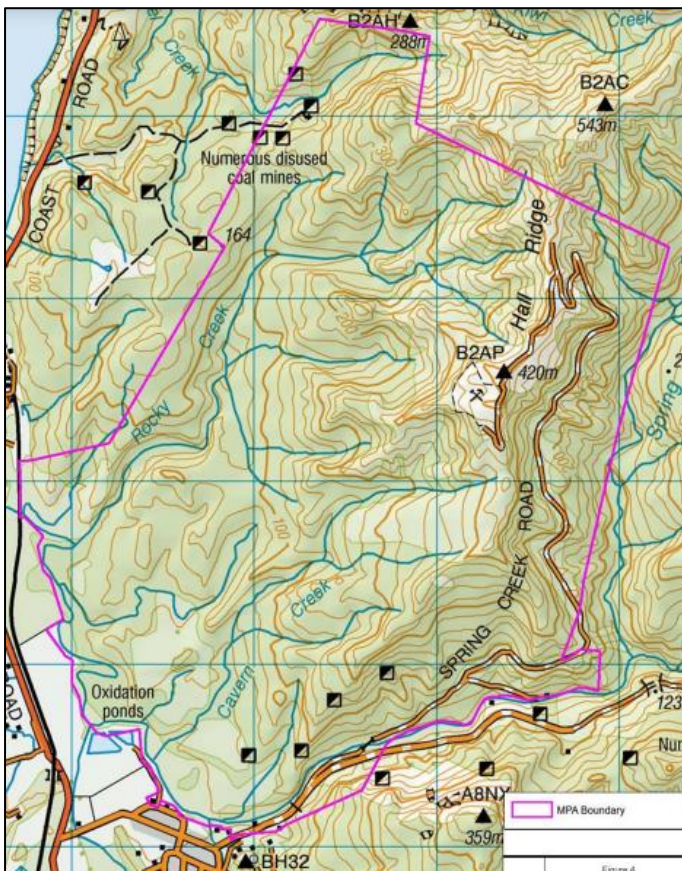


Figure 3b: Spring Creek Mining Permit Application area (purple)

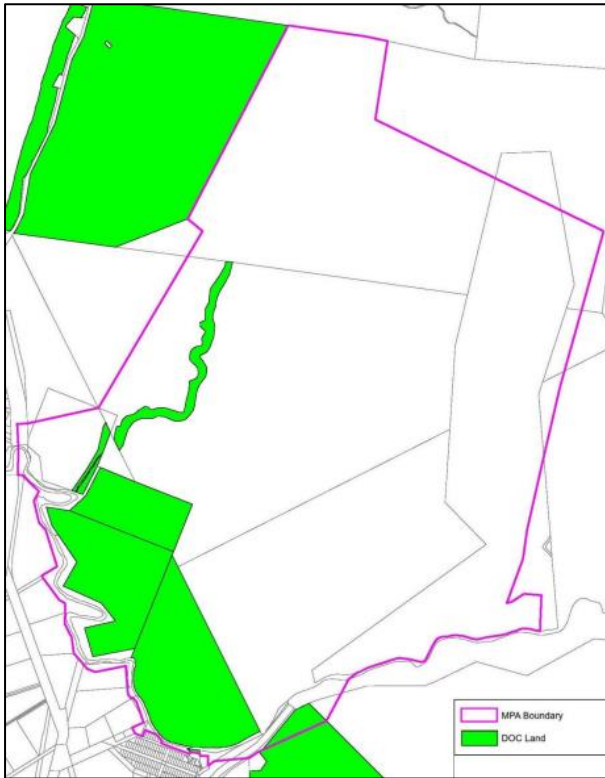


Figure 3c: Spring Creek Mining Permit Application area (purple)

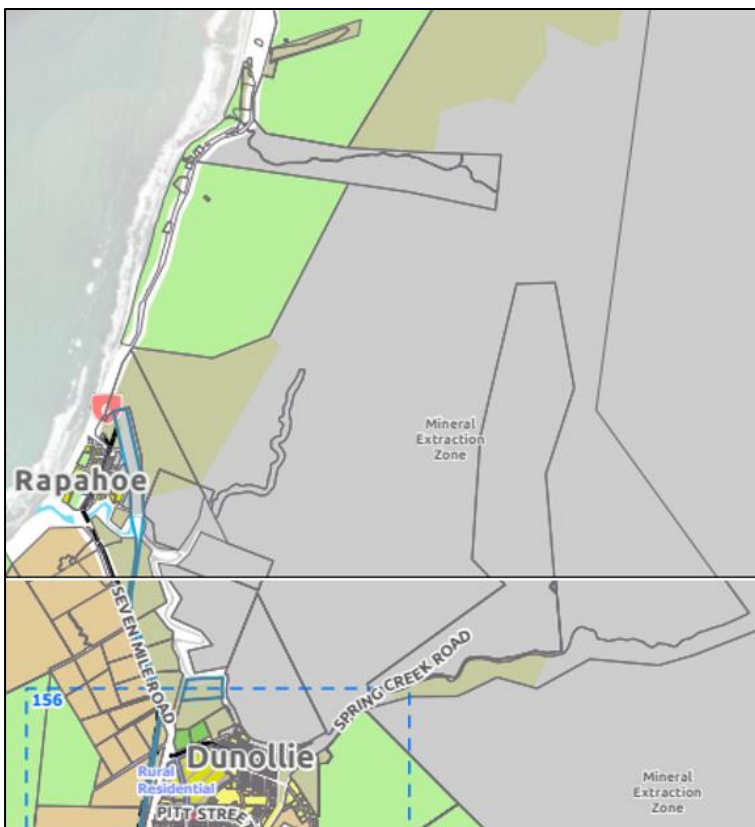


Figure 4: TTPP Grey Zoning encompassing Spring Creek Mining Permit Application area (Maps 45 and 51)

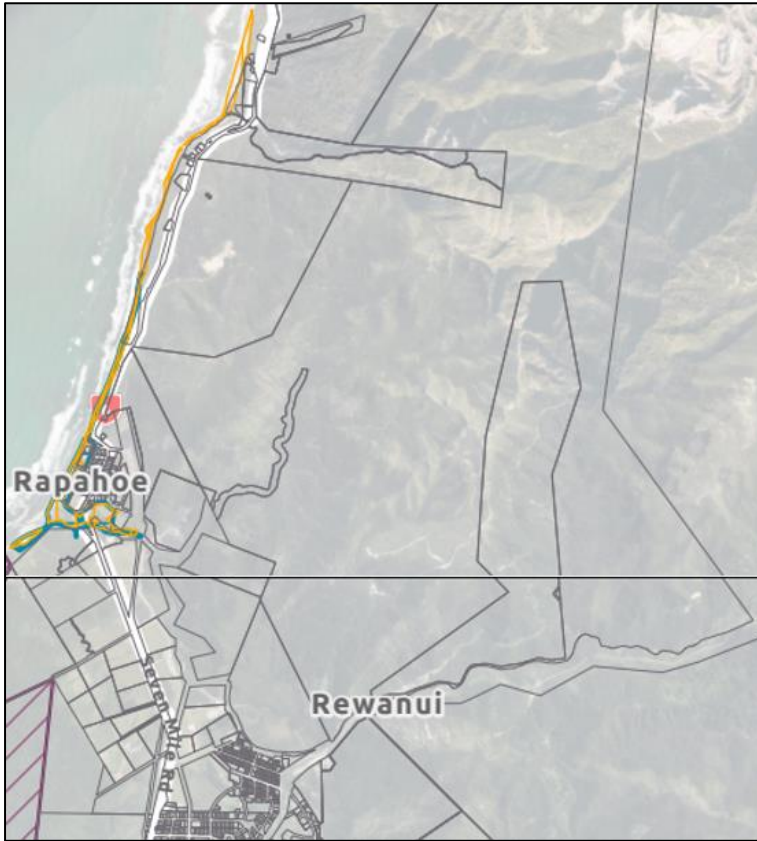


Figure 5: TTPP Grey Natural Hazards Overlay encompassing Spring Creek Mining Permit Application area (Maps 45 & 51)

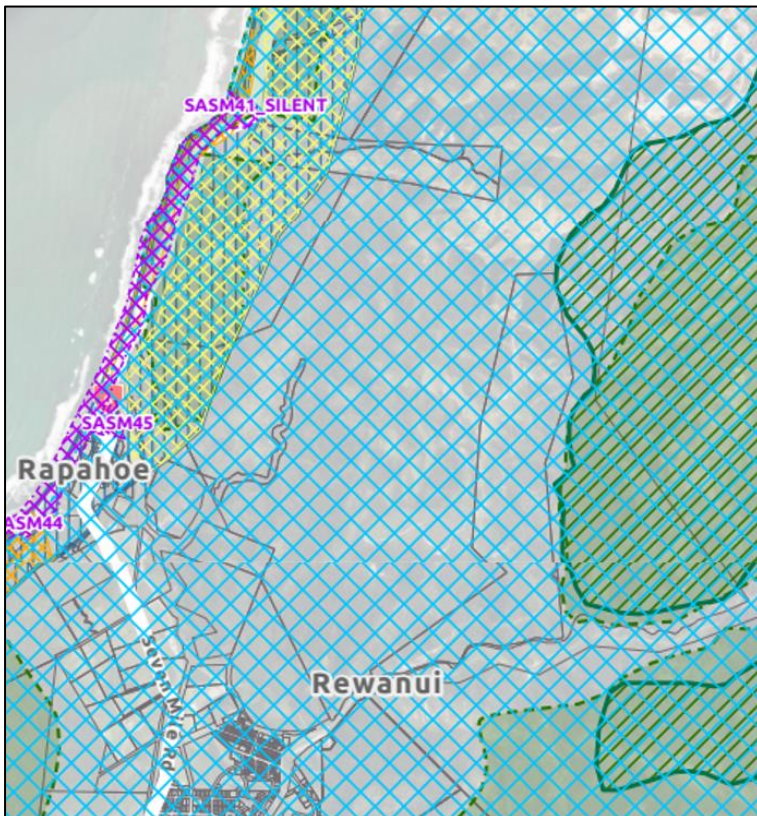


Figure 6: TTPP Grey Environmental and Cultural Values Overlay encompassing Spring Creek Mining Permit Application area (Maps 45 and 51)

4. Mt Baldy Exploration Permit Application Area

TFM's Mt Baldy EPA area is shown in Figures 7a and 7b below. As shown on Figure 8, this area is within the Open Space Zone. A small part of the EPA area, to the west, is notated as Flood Plain (Figure 9). All the land is within a Outstanding Natural Landscape, shown in Figure 10, although the significance of the green line through the centre of the area is unclear.

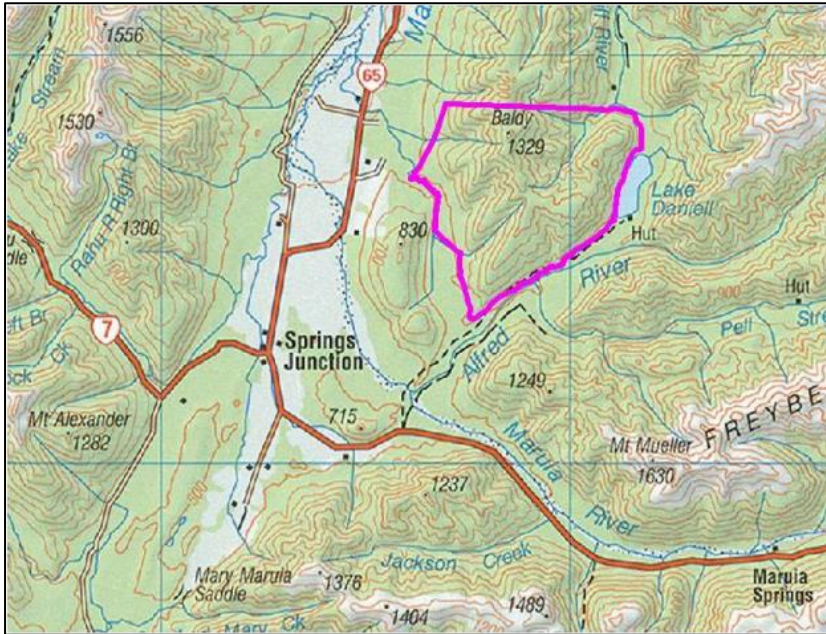


Figure 7a: Mt Baldy Exploration Permit Application area (in purple)

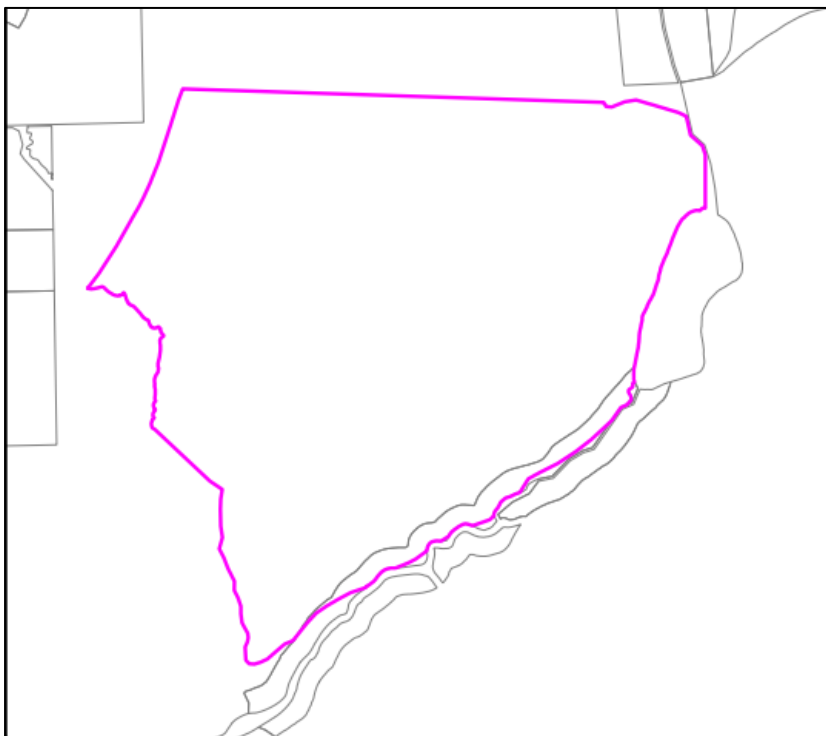


Figure 7b: Mt Baldy Exploration Permit Application area (in purple)

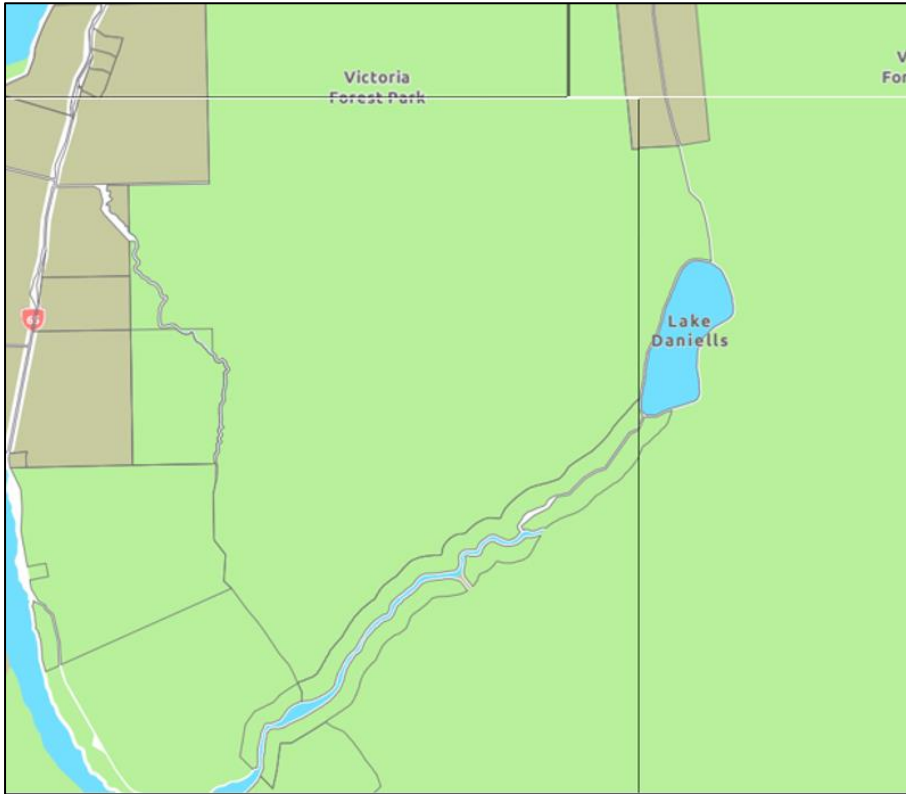


Figure 8: TTPP Buller Zoning encompassing Mt Baldy Exploration Permit Application area (Maps 43, 44, 49, 50)

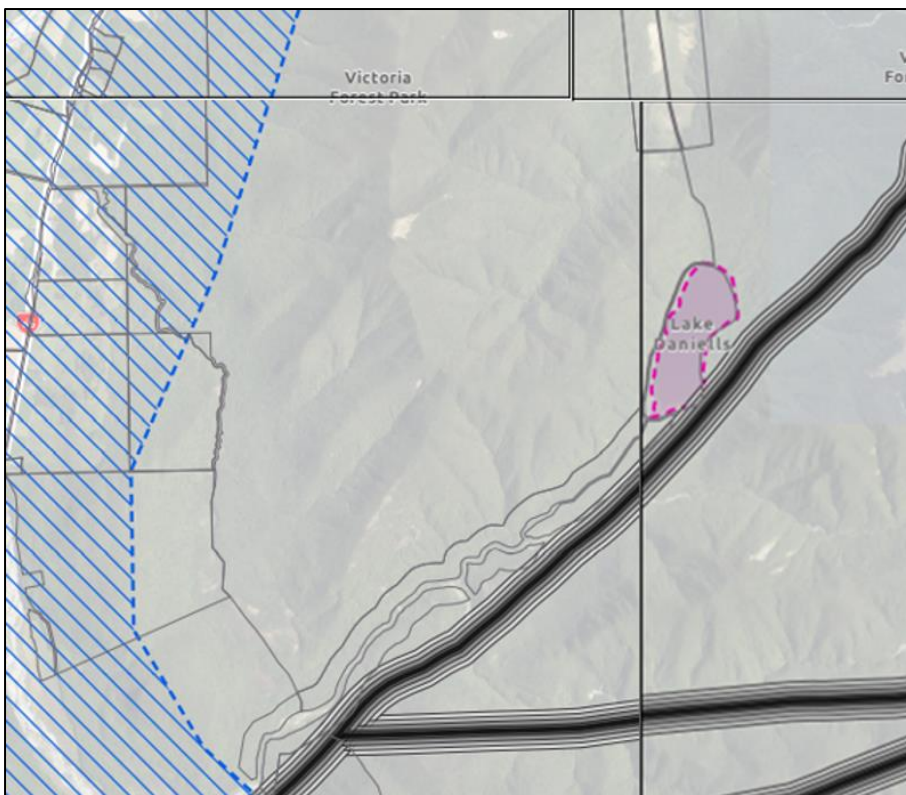


Figure 9: TTPP Buller Natural Hazards Overlay for Mt Baldy Exploration Permit Application area (Maps 43, 44, 49, 50)

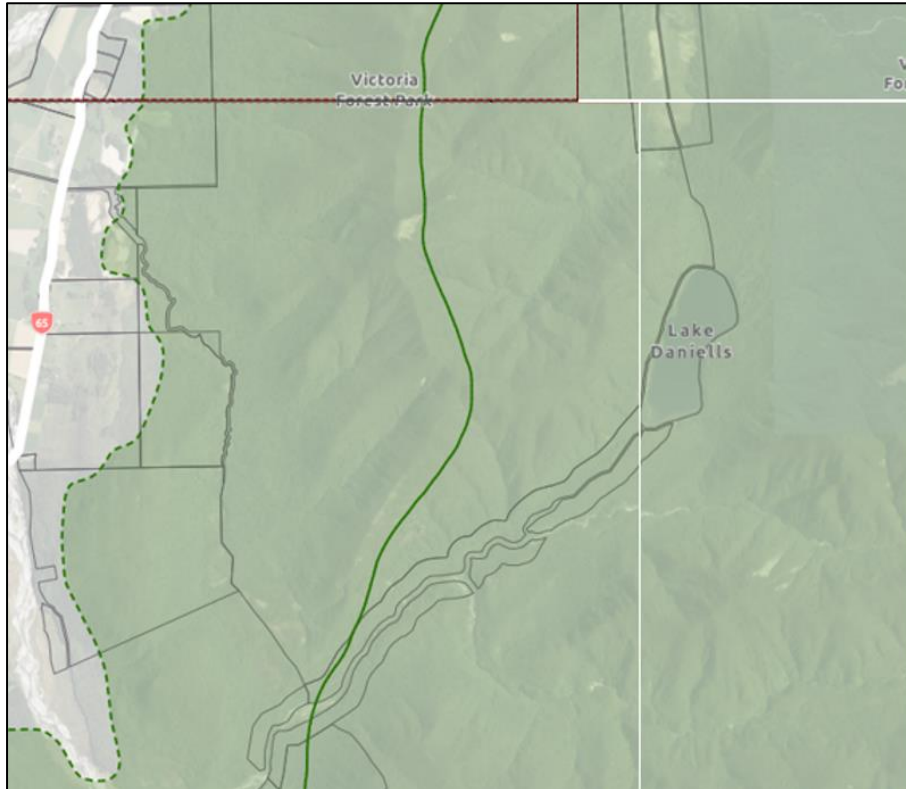


Figure 10: TTPP Buller Environmental and Cultural Values Overlay for Mt Baldy Exploration Permit Application area (Maps 43, 44, 49, 50)

General Comments

TFM is pleased to see that the TTPP provides for mineral extraction activities on the West Coast within the Mineral Extraction Zone but seeks to bolster and clarify these provisions. Given the fact that minerals occur throughout the region, and often within areas of significant indigenous vegetation and significant fauna habitat, it is appropriate that the TTPP is also more enabling of mineral extraction outside the MINZ. The effects hierarchy of avoid, remedy, mitigate and then offsetting or compensating for residual adverse effects should be applied beyond the MINZ.

TFM notes some wording inconsistencies with the Resource Management Act (RMA), and also between provisions of the TTPP.

Table 1: Specific Submission Points

Provision	Position	Decision Sought	Reasons
PART 2: DISTRICT-WIDE MATTERS - STRATEGIC DIRECTION			
MIN - Mineral Extraction			
MIN-O1	Support	Retain MIN-O1	It is appropriate that the TTPP ensures that the use and development of mineral resources are provided for.
MIN-O2	Support	Retain MIN-O2	It is appropriate that mineral extraction and ancillary activities are enabled in all zones, and specifically the zones listed in MIN-O2.
MIN-O3	Support in part	Amend MIN-O3 as follows: <i>"...provided adverse effects are avoided, remedied, mitigated, offset or compensated for managed, mineral extraction activities can be appropriate in a range of location outside specified zones and precincts."</i>	<p>An effects-based approach to mineral extraction activities throughout the West Coast is necessary to reflect that resources are widespread and fixed in location and that extraction may be appropriate in a range of locations.</p> <p>However, requiring that "adverse effects are managed" is not consistent with the RMA. MIN-O3 should refer to the effects hierarchy of avoid, remedy, mitigate and provide for residual effects to be offset or compensated.</p>
MIN-O4	Support in part	Amend MIN-O4 to read: <i>To ensure that new subdivision, use and development does not compromise existing <u>or proposed</u> mineral extraction activities, including through reverse sensitivity to effects such as dust, noise and traffic generation.</i>	<p>Existing mineral extraction activities should be protected from reverse sensitivity issues arising from new subdivision, use and development. However, TFM is concerned that this recognition does not apply to proposed mineral extraction activities that are currently being assessed by NZ Petroleum and Minerals (NZP&M). This is a particular problem given the long processing times for mining permits (MPs) and exploration permits (EPs)</p> <p>There is a real risk that despite securing a mine permit, it may not be possible to secure and/or exercise a resource consent to undertake extraction due to the location of new land uses and development and reverse sensitivity effects. A possible outcome is effective sterilisation of a resource in a particular location.</p> <p>The TTPP should provide protection to likely future mineral extraction activities from reverse sensitivity effects that may arise from development.</p>

Provision	Position	Decision Sought	Reasons
MIN-O6	Support	Retain MIN-O6 b.	Allowing the consideration of alternative mitigation measures is likely to lead to creative solutions to manage the adverse effects of mineral extraction for a net positive outcome. Biodiversity offsetting is a legitimate and practical approach to addressing adverse effects of mineral extraction, which can result in a net positive benefit. Environmental compensation is another legitimate tool to mitigate the overall net loss.
Mineral Extraction Strategic Objectives	Oppose	Insert new objective, as follows: <u>"To recognise the social and economic benefits of mineral extraction and ancillary activities at the local, regional and national level."</u>	TFM is concerned that the TTPP does not explicitly recognise the social and economic benefits of mineral extraction activities on the West Coast. MINZ-O1 covers this in part, but given that mining resources can occur throughout the Coast, it is appropriate to have a strategic objective that acknowledges the benefit more broadly.
NENV - Natural Heritage			
NEV-O4	Support in part	Amend NEV-O4 to better reflect the purpose of the RMA	TFM supports the two-pronged approach of NEV-O4, to identify not only unique and important natural environmental areas and features, but also areas where subdivision, use and development can occur. However, TFM is unsure that the wording of this policy reflects the purpose of the RMA.
UFD - Urban Form and Development			
UFD-O1	Support	Retain UFD-O1	Industrial zones are part of the urban environment and built form and help support the economic viability and function of town centres. TFM agrees that these should be attractive to residents, businesses and visitors.
PART 2: DISTRICT-WIDE MATTERS – NATURAL ENVIRONMENT VALUES			
ECO – Ecosystems and Indigenous Biodiversity			
ECO-O2	Support	Retain ECO-O2	TFM supports in principle appropriate subdivision use, and development within areas of significant indigenous vegetation and signification habitats of indigenous fauna. Section 7 of the RMA requires the protection of these areas, which could be achieved by maintaining or enhancing the values of such areas.
ECO-P2	Support in part	Amend ECO-P2 d. to read as follows:	Policy ECO-P2 d. should also contemplate activities with a locational, operational or technical need to locate in areas of significant indigenous vegetation or fauna habitat.

Provision	Position	Decision Sought	Reasons
		<p><i>The activity has a functional, locational, operational or technical need to be located in the area.</i></p> <p>Amend ECO-P2 e. to read as follows: <i>Adverse effects of the activity on the significant indigenous vegetation or fauna habitat can be avoided, remedied, mitigated, offset or compensated.</i></p>	<p>Given the extent of significant indigenous vegetation or fauna habitat on the West Coast, many mining activities will need to occur within these areas. ECO-P2 should contemplate the effects hierarchy of avoid, remedy, mitigate then offset or compensate residual adverse effects. This will allow for creative solutions (biodiversity offsetting or compensation) that can be imposed through resource consent conditions to have a net positive outcome.</p>
ECO-P9	Support	Retain ECO-P9	Biodiversity offsets and compensation are legitimate approaches to manage the residual effects of an activity and can result in a net positive outcome.
NFL – Natural Features and Landscapes			
NFL-O1	Support	Retain NFL-O1	It is appropriate to protect the values of outstanding natural landscape and outstanding natural features whilst providing for activities where the contributing values can be maintained or enhanced.
NFL-P3	Support in part	<p>Amend NFL-P3 <i>Recognise that there are settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and provide for new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or features are <u>maintained or enhanced</u> not adversely affected.</i></p>	<p>This policy provides for new activities in areas of outstanding natural landscapes or outstanding natural features where the contributing values are not adversely affected. However the term “not adversely affected” is absolute and as read does not allow for any adverse effect, no matter how minor. TFM seeks that this policy is reworded to be more consistent with NFL-O1.</p>
NFL-P5	Support in part	Amend the first sentence of NFL-P5 to read as follows:	It is helpful that this policy articulates the matters to be considered when assessing proposals for land use or subdivision. However, the intention of the policy, to

Provision	Position	Decision Sought	Reasons
		<i>When assessing the adverse effects of proposals for land use or subdivision on outstanding natural landscapes and outstanding natural features, take the following matters into account:...</i>	minimise effects, cannot be achieved by making these considerations as these matters are not quantified.
GENERAL DISTRICT-WIDE MATTERS			
NOISE - Noise			
NOISE-O2	Support	Retain NOISE-O2	NOISE-O2 appropriately recognises the importance of protecting existing and future noise-generating activities from adverse effects of sensitive activities, including reverse sensitivity.
NOISE-P1	Support	Retain NOISE-P1	TFM supports NOISE-P1 as a sensible approach to determining whether the generation of noise in a particular zone is appropriate or not.
NOISE-P2	Support	Retain NOISE-P2	Sensitive activities sited in higher noise environments should be required to be located and designed to minimise adverse effects on occupants.
PART 3: AREA SPECIFIC MATTERS – ZONES			
OPEN SPACE AND RECREATION ZONES			
OSRZ - Open Space and Recreation Zones – Objectives and Policies			
OSRZ-P9	Support in part	Retain OSRZ-P9 with amendment to f. <i>f. Mineral extraction of resources where these are limited in their location; and</i>	Given that mineral resources are widespread and fixed in location, it is appropriate to provide for their extraction within the Open Space and Recreation Zones. However, the meaning of the phrase “limited in their location” is unclear and unnecessary given that all minerals are limited to some extent. Policy OSRZ-P14 should contemplate that any mineral extraction activities may be appropriate in these zones. This would allow for the merits of any particular project to be assessed on a case by case basis.
Open Space Zone			
OSRZ-P14	Support in part	Amend OSRZ-P14 as follows: <i>Delete a. d. Sites are rehabilitated during and/or at the end of the mineral</i>	OSRZ-P14 a., which seeks to minimise impacts on open space and recreation values of a site, is not consistent with RMA wording, which is better articulated in OSRZ-P14 c.

Provision	Position	Decision Sought	Reasons
		<i>extraction activity to enable the land to be used for an appropriate activity.</i>	OSRZ-P14 d. could be interpreted to mean that rehabilitation should not occur until the completion of mineral extraction, whereas this could also/instead occur progressively throughout the life of the mine.
INDUSTRIAL ZONES			
INZ - Industrial Zones – Objectives and Policies			
INZ-O1	Support	INZ-O1	TFM supports that this policy provides for the efficient and effective operation and development of industrial activities in the Industrial Zones whilst maintaining appropriate amenity standards.
INZ-O6	Support	Retain INZ-O6	Industrial zones should provide for a wide range of industrial and compatible activities.
SPECIAL PURPOSE ZONES			
MINZ - Mineral Extraction Zone			
Overview – paragraph 3	Support in part	Amend Para 3 of Overview to include mining permits as instruments that can authorise mineral extraction activities.	The overview states that the MINZ – Mineral Extraction Zone covers areas where there are discrete, long term mineral extraction activities that are currently authorised from coal mining licences, ancillary coal mining licences and resource consents.
MINZ-O1	Support	Retain MIN-O1	MIN-O1 appropriately recognises the scale and operating characteristics of mineral extraction activities and their contribution to economic and social wellbeing.
MINZ-O2	Support in part	Amend MINZ-O2 to refer to the effects hierarchy.	MINZ-O2 seeks to ensure that mining activity minimises adverse effects, however this is not an RMA concept and will result in confusion and uncertainty. The objective should refer to the effects hierarchy of avoid, remedy, mitigate, offset or compensate.
MINZ-P2	Support	Retain MINZ-P2	MINZ-P2 is supported for its explicit acknowledgement of the importance of mineral deposits in the MINZ Zone and the need to future-proof their access.
MINZ-P3	Support in part	Amend MINZ-P3 to allow for rehabilitation to occur both during and after mining activities	MINZ-P3 should recognise that rehabilitation can occur both during and following mining operations, consistent with MINZ-P4 g.
MINZ-P4	Support	Amend MINZ-P4	MINZ-P4 appropriately seeks to maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the MINZ - Mineral Extraction Zone as far as practicable through various means.

Provision	Position	Decision Sought	Reasons
MINZ-P5	Support	Retain MINZ-P5	It is appropriate that when removing some or all of an area of significant indigenous vegetation or significant fauna habitat, adverse effects that cannot be avoided should be mitigated, remedied, offset or compensated to achieve no net loss in biodiversity values.
MINZ-P7	Support in part	Amend MINZ-P7 a. to read as follows: <i>Performance standards to maintain amenity, character and natural values of adjacent areas are met;</i>	Policy MINZ-P7 will help reduce the potential for reverse sensitivity effects compromising existing or future mineral extraction activities due to sensitive activities establishing in the Mineral Extraction Zone. However, TFM is concerned that the wording of a. (to “minimise impacts”) is not consistent with the RMA or other parts of the plan.
MINZ-R2 Mineral Extraction and Processing	Support in part	Amend MINZ-R2 2a and 2b to include “mine permit” in the list of requirements that may require plans to be developed	NZP&M now issues mine permits, not coal mining licences, and these should be referred to in the rule.
MAPS			
Buller District Zoning Maps – Map 153	Support in part	Retain proposed General Industrial Zone for 19 Elizabeth St (Section 1 SO11966) and extend this zone to apply to TFM’s second parcel (Section 3 SO 12150)	TFM supports that the bulk of its property at 19 Elizabeth Street, Reefton is zoned General Industrial Zone, a zoning that reflects the primary use of the site now and in the future. However, the smaller parcel to the south should also have this zoning to avoid split zoning issues.
Buller District Zoning Maps – Maps 43 and 49	Oppose	Amend Maps 43 and 49 to remove green line as described or clarify which feature it indicates.	It is unclear what feature is indicated by the solid green line, running approximately vertically between Lake Daniells and the Mariua River.

Provision	Position	Decision Sought	Reasons
Grey District Zoning Maps – Maps 45 and 51	Support	Retain proposed Mineral Extraction Zone as shown.	TFM is currently seeking a MP to reopen the Spring Creek mine in the short to mid-term. It is appropriate that the Mineral Extraction Zone includes the Spring Creek MPA area.