

Hi there

Please find attached my submission on the TPP. I would like to be heard in support of this submission. My contact details are

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Thanks

Brian

Submission on Te Tai o Poutini Plan

Brian Anderson

1. Summary

The TTPP is a complex plan. The TTPP committee is explicit that the purpose of the plan is to protect natural values as little as possible, while allowing as much development as possible. Unfortunately the result of this is that:

1. indigenous vegetation is poorly protected
2. the impact of activities on climate change is not considered
3. mining is given a free hand to the extent that impacts on the environment are not avoided, remedied, or mitigated.

The TTPP places a particular emphasis on mineral extraction, reflecting the background of the TTPP committee, rather than the benefit of the wider community. This unbalanced approach has resulted in:

1. Mineral Extraction Zones, which:
 - are inconsistent with planning guidelines because they do not reflect the dominant use of the area,
 - are unnecessary because there is no problem that they are solving - mining is adequately allowed for under the current planning framework with no evident impediment to mining (mining consent applications are hardly ever declined),
 - have a negative impact on other potential uses of the land (e.g. farming, forestry, residential) through onerous (and in some cases non-complying) resource consent requirements for other activities.
2. Buller Coal Zone, which:
 - would allow the very high impact mining on the Buller Coal Plateaux to continue;
 - impacting on significant biodiversity;
 - resulting in significant quantities of greenhouse gas emissions which would fail to safeguard the life-supporting capacity of air, water, soil, and ecosystems

The plan relies on specific mapping to identify zones and overlays. It is crucial that this mapping is accurate, but it still suffers from a variety of problems:

1. mapping should objectively identify area with particular values, which policies and rules then apply to. However, it is explicit that this process has been reversed in some case, for example where outstanding natural landscape outlines have been modified to avoid private land.

2. the mapping does not extend to MHWS in all places, leaving an unmapped strip along parts of the coast

The TTPP places very little emphasis on Climate Change, with the welcome exception of some rules around natural hazard management and managed retreat. There is no mention of reducing greenhouse gas emissions, even though we require a steep trajectory of emissions reductions to keep within 1.5°C warming that we are committed to achieve. Indeed, the TTPP is a backwards step for climate change mitigation because:

1. its permissive rules around indigenous vegetation clearance will result in irrecoverable carbon release (that is carbon release that cannot be mitigated in the coming decades),
2. proactively enabling coal mining in particular through the BCZ (a fossil fuel which must be phased out by 2030 for thermal use, and for which alternatives already exist for metallurgical purposes).
3. it is also a step backwards for climate change adaptation because it assumes that sea or river protection works magically make a place safe (and the plan therefore allows high density housing), whereas at best it provides limited protection for a short period of time, and does not change the underlying vulnerability of the area that has been 'protected'

2. General comments

3. Climate change

The West Coast has amongst the highest fossil fuel production and use per capita in New Zealand, which is itself one of the highest fossil fuel users per capita uses in the world (West Coast Emissions intensity 33.9 T (CO₂-e), NZ average 15.3 T (CO₂-e), Annex I countries 10.9 T (CO₂-e), ¹)

The world is coming very close to passing thresholds in the climate system that, once passed, cannot be reversed. These 'tipping points', and the thresholds, have recently been highlighted ². It is imperative that emissions are reduced by 45% by 2030, according to the IPCC. The Plan appears to be extremely complacent with regard to climate change, even though it controls land use, which is a large part of the solution to reducing emissions.

The West Coast is also extremely vulnerable to climate change, with infrastructure spread out over very long distances of steep and erosion prone terrain. Major townships are adjacent to rivers, the sea or both. Already we are seeing significantly more intense rainfall which has contributed to a number of very significant flooding events in recent years, which have had large impacts along the full length of the West Coast, from Karamea to Jackson Bay. Sea levels are continuing to rise, and will for centuries, calling into question the very viability of our main towns.

It is puzzling that, in this context, with the requirements of the Paris Climate Agreement, the enactment in New Zealand through the Zero Carbon Act, with New Zealands target of a 50 per cent reduction of net emissions below our gross 2005 level by 2030. There is almost no discussion of mitigation of greenhouse gas emissions

¹Greenhouse gas emissions by region (industry and household): Year ended 2021, <https://www.stats.govt.nz/information-releases/greenhouse-gas-emissions-by-region-industry-and-household-year-ended-2021>

²Armstrong McKay, David I., et al. 2022. "Exceeding 1.5°C Global Warming Could Trigger Multiple Climate Tipping Points." *Science* 377 (6611)

through providing for activities with lower greenhouse gas emissions, but rather special treatment for sectors that have very high greenhouse gas emissions (e.g. the mining industry)

However, the provisions regarding the increasing natural hazards from climate change are sound, and should be retained, e.g.:

NH - P4

Natural hazard assessment, management retreat locations and resource consent applications will consider the implicates of climate change. In particular the following matters will be considered:

- a. Change in sea level;
- b. Altering of coastal processes;
- c. Increased inundation of low lying areas;
- d. Changes in local temperatures;
- e. Changes in rainfall patterns, and
- f. Increase in cyclonic storms.

NH - P5

When assessing areas suitable for managed retreat, the following matters will be considered:

- a. That the natural hazard risk of the area is less than the existing location, and
- b. The potential future need to protect the community and associated infrastructure by hazard mitigation works.

Further, there are a bewildering array of permitted and controlled rules for indigenous vegetation clearance in the plan. The difficulty with this is that there are still large stores of carbon on the West Coast, which are considered 'irrecoverable' in that, once lost, they cannot be recovered in the time required to mitigate the negative outcomes of climate change³. Any indigenous vegetation clearance should be at least a discretionary activity and hence require resource consent.

4. Biodiversity offsetting

The TTPP explicitly allows for biodiversity offsetting. Biodiversity offsetting is problematic, and has both conceptual and practical limitations in application. This is in contrast to greenhouse gas emission offsetting where, every tonne of CO₂ is equivalent. Most consents on the West Coast that have tried to apply biodiversity offsetting have failed, because of the complex nature of the providing for biodiversity in spreadsheets, and the ultimate show-stopper of the impossibility of replacing like with like.

Even if one accepts that there is a place for biodiversity offsetting, the objectives and policies in the plan do not reflect best practise. Most prominently, the plan does not follow the first rule of offsetting, which is that it can only be applied to the final, residual affects of an activity after they have been avoided, remedied or mitigated. The policy contains some of this language:

³Noon, M.L., Goldstein, A., Ledezma, J.C. et al. Mapping the irrecoverable carbon in Earth's ecosystems. *Nat Sustain* 5, 37–46 (2022).

ECO - P9

Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:

- a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;
- b. The conservation outcomes are measurable and positive; and
- c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.

But even this is lost when applied to an objective:

MIN - O6

To:

- a. Minimise the adverse effects of mineral extraction activities on the West Coast/Tai o Poutini's significant natural and cultural heritage, and amenity values, including:
 - i. Poutini Ngāi Tahu cultural resources and taonga;
 - ii. Areas of significant indigenous vegetation and significant indigenous fauna habitat;
 - iii. Outstanding natural landscapes and features;
 - iv. Waterways and waterbodies; and
 - v. The coastal environment; and
- b. Allow adverse effects to be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation.

The purpose of biodiversity offsetting is to make projects that could not otherwise proceed, because of their large environmental impact, consentable. Without bottom lines for environmental protection, which are absent from the plan, biodiversity offsetting is a licence for unacceptable environmental impacts. Further, it is clear that West Coast Councils do not have the expertise to assess biodiversity offsetting, and whether a net biodiversity gain could be realised.

All mention of biodiversity offsetting should be removed from the plan.

5. Indigenous vegetation clearance

Given the numerous rules permitting indigenous vegetation clearance, it appears that clearing indigenous vegetation is a primary purpose of the TTPP. Some of these rules need adjustment, and some need to be removed. The overall thrust, in these times of climate change and biodiversity crises, need to be that indigenous vegetation clearance is heavily discouraged. It is now clear that nature-based solutions are required to prevent the worst effects of climate change, and this plan moves in exactly the wrong direction.

Permitted and controlled rules for indigenous vegetation removal should be removed. They are undesirable because of the biodiversity and climate change implications, and untenable without identification of Significant Natural Areas.

6. Mapping

A lot of work has been carried out in undertaking a large-scale mapping project with limited resources in a very short space of time. However, the details of the maps are crucial to the applications of the rules in the plans, and hence the mapping must be consistent and accurate. Significant work needs to be done in this regard, at present the maps are far from being ready for public notification.

6.1. Outstanding Natural Landscapes

The ONL boundaries have been adjusted since the exposure draft, with the main intention of removing prime land from the ONLs. This objective is contrary to good planning practice, as the ONL boundaries should be based on landscape values, not the underlying land tenure. Despite the revision of boundaries, or perhaps because of it, there are locations where the ONL boundaries, as mapped, do not follow the landscape boundaries themselves. This is particularly obvious around Mt Greenland.

The ONLs must be accurately and completely documented

6.2. Outstanding Coastal Natural Character

Similarly a cursory glance shows that there are apparent anomalies in the mapping of Outstanding Coast Natural Character. These maps need to be carefully re-assessed.

6.3. Mapping limits

According to the statutory context:

Te Tai o Poutini Plan governs the land above mean high water springs (MHWS) and the surface of waterbodies within the Buller, Grey and Westland District's territorial boundaries as shown in Figure 2.

However, mapping does not extend to MHWS in many places. Consequently the Plan Needs an explicit statement that areas of the coastal environment which are outside the mapped areas, and above MWHS, should have the same zoning and overlays as the adjacent land.

7. Open Space, and Natural Open Space zones

The mapping of the Open Space, and Natural Open Space zones lacks coherence, and seems to be based on a misunderstanding of the role of Public Conservation Land. The rationale behind the mapping of these zones is not explained, but it deviates from the explanation of the NOSZ and OSZ as laid out in the TTPP:

The NOSZ - Natural Open Space Zone is where the Plan recognises and provides for open spaces that contain high natural and ecological values. The Zone is made up of the most significant open space and reserves where natural values predominate such as National Parks, Nature Reserves, Scientific Reserves, Wilderness Areas and Specially Protected Areas as well as other areas of public conservation land identified with very high natural values.

The OSZ - Open Space Zone is open spaces that are used predominantly for a range of passive and

active leisure and recreational activities, along with limited associated facilities and structures.

The problem here is the sentence that follows:

The majority of the public conservation estate administered by the Department of Conservation falls within this zone.

However, the majority of the public conservation estate fits much more closely into the NOSZ than the OSZ. This can readily be seen from the purpose of the Conservation Act 1987:

6 Functions of Department

The functions of the Department are to administer this Act and the enactments specified in Schedule 1, and, subject to this Act and those enactments and to the directions (if any) of the Minister,—

(a) to manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that they should be managed by the Department:

(ab) to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats:

(b) to advocate the conservation of natural and historic resources generally:

(c) to promote the benefits to present and future generations of—

(i) the conservation of natural and historic resources generally and the natural and historic resources of New Zealand in particular; and

(ii) the conservation of the natural and historic resources of New Zealand's sub-antarctic islands and, consistently with all relevant international agreements, of the Ross Dependency and Antarctica generally; and

(iii) international co-operation on matters relating to conservation:

(d) to prepare, provide, disseminate, promote, and publicise educational and promotional material relating to conservation:

(e) to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism:

(f) to advise the Minister on matters relating to any of those functions or to conservation generally:

(g) every other function conferred on it by any other enactment.

This section has been quoted in full to make it clear the context of recreation within the conservation estate. In short, public conservation land is managed for conservation purposes. The wording of s6(e) clearly shows that recreation is subordinate to conservation. Hence, the definition of the OSZ, "open spaces that are used predominantly for a range of passive and active leisure and recreational activities" does not apply to the vast majority of the OSZ, and should instead be in the NOSZ. Some of the mapping classifications clearly show the flaws in the approach taken by the TTPP - Tai Poutini/Westland National Park is mapped as OSZ, when its

primary purpose is laid out in the National Parks Act 1980:

4 Parks to be maintained in natural state, and public to have right of entry

(1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving in perpetuity as national parks, for their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest.

(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), national parks shall be so administered and maintained under the provisions of this Act that—

(a) they shall be preserved as far as possible in their natural state:

(b) except where the Authority otherwise determines, the native plants and animals of the parks shall as far as possible be preserved and the introduced plants and animals shall as far as possible be exterminated:

(c) sites and objects of archaeological and historical interest shall as far as possible be preserved:

(d) their value as soil, water, and forest conservation areas shall be maintained:

(e) subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the native plants and animals or for the welfare in general of the parks, the public shall have freedom of entry and access to the parks, so that they may receive in full measure the inspiration, enjoyment, recreation, and other benefits that may be derived from mountains, forests, sounds, seacoasts, lakes, rivers, and other natural features.

Finally, the plan claims that "The nature of the West Coast, with its extensive mineral deposits, combined with 84% of the land area being located in public conservation estate, means that provision is also made for mineral extraction within the Open Space Zone.". While this statistic may be correct, its interpretation is fallacious. Because of the small population of the West Coast, and its large area, West Coasters actually have twice the area of available freehold land per capita as the general population of New Zealand. In this case, there is no need to make special provision for mining in the open space zone, even though it should be much smaller than mapped in the TTPP.

8. Mineral Extraction

The pretext of the Mining provisions in the TTPP is that mining should occur as of right, and people should not be living in locations where they can see the adverse impacts on the environment and complain. In other words, rather than improve mining standards, other land uses should be restricted to reduce scrutiny of the mining industry. Clearly this is an unacceptable approach, and instead the mining industry should operate at the standards required by the RMA, in which case the land use conflict would be greatly reduced.

8.1. Mineral Extraction Zones and Buller Coal Zone

In a general sense, the MEZ and BCZ fail to fulfil s 5(2)(b) of the RMA "safeguarding the life-supporting capacity of air, water, soil, and ecosystems".

Unfortunately the Plan seems to have been based on a misreading the RMA, and in the s32 report, which attempts to justify the MEZ and BCZ this section is misquoted as

This will mean enabling people and communities to provide for their economic, social and cultural wellbeing and for their health and safety while meeting the requirements of section 5(2)(a), (b) and (c) of the RMA to meet the reasonably foreseeable needs of future generations, safeguard life-supporting capacity of **resources**, and avoid, remedy or mitigate adverse effects on the environment.

It is not the life-supporting capacity of resources that is at risk here, but rather the biosphere itself.

Particularly with regard to the BCZ and the resulting greenhouse gas emissions, the life-supporting capacity of air, water, soil, and ecosystems is at risk from the resulting climate change.

When considering the imposing for a special purpose zone, the National Planning Standard has the following mandatory directives:

8. Zone Framework Standard

Mandatory directions

...

3. An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone 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.

4. Provisions developed for each zone must manage the use, development, and protection of natural and physical resources in it, in accordance with Part 2 of the RMA.

The proposed Mineral Extraction Zone fails these mandatory directions.

Firstly, the MEZ fails 3b ("are impractical to be managed through another zone"). This failure is clear, and evidenced by the fact that mineral extraction is managed through the General Rural Zone in the TTPP, and has been managed in the Rural Zone of the West District Plan successfully for many years. The TTPP itself says:

Where mineral deposits occur outside of the Special Zones, mineral extraction will be managed within the relevant zone rules. It is anticipated that there will continue to be widespread mineral extraction outside of the MINZ - Mineral Extraction Zone.

Further, the relevant s32 report states:

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.

The councils and the minerals agree that the activities are presently being managed well without the imposition of a Minerals Extraction Zone. So why are they being imposed?

Secondly, the MEZ fails provision 4 ("Provisions developed for each zone must manage the use, development, and protection of natural and physical resources in it, in accordance with Part 2 of the RMA."). The MEZ fails to protect the natural and physical resources in it, because it allows large-scale (in fact, unlimited scale) mining within the zone. It appears to delegate many of the relevant considerations for a resource consent to a Management Plan, which is to be provided to the relevant council for 'certification'. In reality there is no requirement in the plan for the substantive content of the Management Plan, beyond using a particular template (Appendix 7).

It may be that the Coal Mining Licences, almost all of which expire in 2027, cannot be managed in the General Rural Zone, because their arcane provisions are not compatible with modern resource management. In this case the Buller Coalfield Zone and MEZ fail provision 4 ("Provisions developed for each zone must manage the use, development, and protection of natural and physical resources in it, in accordance with Part 2 of the RMA.").

Further, the MEZ precludes many common activities that would be undertaken in the General Rural Zone (e.g. power generation, home business).

The overall effect, for a township like Ross, surrounded by a MEZ, is that it will become 'frozen in time'. On the outskirts of Ross, development would be severely restricted by the Mineral Extraction Zone itself. This restriction is odd, as much of the land has already been mined, but it would now be very difficult to build a house on (or undertake almost any other activity) because of the extraordinarily restrictive plan rules. Housing is tight on the West Coast, and this plan will make it extremely difficult for Ross to expand. To put this in perspective, many houses in Ross are presently unoccupied holiday homes. Over the last decade or so, as much of half of the Ross school roll has come from families who live outside of Ross township. I welcome the changes from the exposure draft, where the 250 m limit on development inside Ross has been removed, and the minimum subdivision size has been reduced from 20 Ha to 4 Ha. But the MEZ should be removed altogether as it serves no purpose except to limit how land owners may use their land.

One final point is that a mining operation has recently commenced on the outskirts of Ross, seemingly with no impediment from the existing rules in the Rural Zone.

In summary:

1. The mineral extraction zones should be removed, as they:

- are an attempt to fix a problem that does not exist,
- solve this minor problem by penalising ratepayers throughout the region by removing property rights
- do not reflect the requirements of Part II or the RMA or the national Planning Framework
- do not reflect the dominant existing activity within the proposed MEZs.

2. A Rural Lifestyle Zone should be included surrounding the Ross township to allow for rural living close to the amenities of Ross, ensuring the viability of Ross school and township while not encroaching on the

character of the General Rural Zone.

The Buller Coal Zone should also be removed because:

1. the provisions of the zone do not protect the indigenous flora and fauna present, which in many cases are of regional and national significance;
2. the continuation of coal mining activities is not desirable, given the need to rapidly reduce greenhouse gas emissions;
3. not all coal extracted from the BCZ is exported, some will be burnt in NZ increase our national greenhouse gas emissions
4. regardless of where the coal is used, it will be burnt and produce large quantities of greenhouses gases which will have a significant impact on the life-supporting capacity of air, water, soil, and ecosystems.

8.2. Mineral extraction in the Rural Zone

Mineral extraction in the General Rural Zone should not be a permitted or controlled activity, but should remain a discretionary activity. The proposed rules in the TTPP seem to be aimed at fixing a problem that does not exist. It is straightforward to get a resource consent for mineral extraction on the West Coast. The number of declined applications is vanishingly small.

The proposed standards for a permitted activity are extraordinarily lax, and fail Part 2 of the RMA.

1. There is no limit on size of permitted exploration activities in GRUZ - R11 (compared with current Westland District Plan, which has a confusing, but limited, 50 m rule)
2. there is no limit on the area of disturbance rule under GRUZ-R12 which will result in significant adverse effects
3. the number of light and heavy vehicle movements under GRUZ-R12 is very high, and could not occur on many rural roads on the West Coast without significant adverse effects on roads, road safety, and dust. Waka Kotahi is likely to have concerns about this volume of traffic where it meets State highway intersections, where the intersection geometry (and hence sight distances) is sometimes very poor.
4. the distance to residential buildings is limited to 250 m which is insufficient to ensure that noise standards are met in all conditions.

This is not an exhaustive list of issues with these permitted rules, but indicate the manner in which they fail to protect the amenity, environment and other values in the General Rural Zone.

9. Historic Mining Areas

The controlled rule for Mineral Extraction in the Rural Zone (GRUZ-R18) should be removed. We have not been provided with a list or map of historically mined areas. The idea that historically mined areas should be for some

reason more permissive for modern mining is a flawed concept, and unworkable in practise. The TTPP still does not contain this schedule of previously mined areas (Schedule 10) and at this point the concept should simply be abandoned. The plan has been publicly notified without this schedule, and it cannot now be included.

The fundamental flaw is the underlying assumption that previously mined areas do not have values that need to be protected, or that mining will not have adverse impacts. However, the District Councils, through this Plan have a responsibility to protect historic heritage, which will often adjoin, or be interspersed within, or under, areas mined since 2002. Historic heritage cannot be mapped at large scale, because it is very dependent on the small-scale features that still exist on the ground, and the relationships between these features and the characters and recorded history of the area. Rather, historic heritage needs to be assessed in detail for each piece of land. This can only be done through a formal archaeological assessment. It would be extremely inefficient to do this for all historically mined areas on the West Coast. Why not just assess the historic values where mining proposals arise? (i.e. the status quo). There may also be sensitive nearby activities that are present now that were not when the land was originally mined.

The permitted activity rule for mining in Historically Mined areas is ideologically-driven and unworkable in the real world. Mapping at the level of precision required to make it workable would be impractical. This rule and schedule should be abandoned.

9.1. Hazard mapping

The quality of Hazard mapping is highly variable, and the details are very important for land building and other land use. The mapping of flood plains is not specific enough, and in many cases includes the hill sides adjacent to flood plains which (a) are clearly not flood plains, and (b) are not susceptible to flood risk.

10. Failure to identify Significant Natural Areas

The TTPP fails to identify SNAs, one of the fundamental requirements under s6 of the RMA (enacted in 1991). The TTPP Committee hold maps which show the Significant Natural Areas on the West Coast, but has failed to make them public, because it is afraid of the reality that much of the West Coast is ecologically significant. This approach is untenable.

Time has moved on since the RMA was enacted, and protection of indigenous vegetation is no longer simply about protecting significant representative vegetation. Given the Zero Carbon Act, and the New Zealand's Nationally Determined Contribution to the Paris Agreement, there is no space for the continued clearance of indigenous vegetation. On the contrary, indigenous forestry for carbon credits should be a permitted activity.