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| Before the Independent Hearing Commissioners |  |
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| Under | the Resource Management Act 1991 |
| In the matter of | A hearing on submissions on the proposed Te Tai o Poutini PlanHearing Topics 1 and 2: Introduction / Whole Plan and Strategic Objectives**Submitter:** **Birchfield Coal Mines Limited (S601 and FS232)****WMS Group (HQ) Limited and WMS Land Co. Limited (S599 and FS231)****TiGa Minerals and Metals Limited (S493 and FS104)****Birchfields Ross Mining Limited (S604 and FS150)****Phoenix Minerals Ltd (S606 and FS215)****Whyte Gold Limited (S607)****Rocky Mining Limited (S474)****Papahaua Resources Limited (S500)**  |

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| Statement of Evidence of Katherine McKenzie |
| 2 October 2023 |
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# Introduction

1. My full name is Katherine McKenzie.
2. I have a Bachelor of Arts majoring in Geography. I am an Associate Member of the New Zealand Planning Institute.
3. I am currently employed as Principal Planner at Tai Poutini Resources and have held that position since February 2021.
4. I have worked as a resource management professional for 16 years, and prior to joining Tai Poutini Resources I have held a variety of planning roles in private, local and central government sectors.
5. This evidence is provided in support of submissions by Birchfield Coal Mines Ltd (BCM), WMS Group (HQ) Limited and WMS Land Co. Limited (WMS Group), TiGa Minerals and Metals Limited (TiGa), Birchfields Ross Mining Limited (BRM), Phoenix Minerals Limited (Phoenix), Whyte Gold Limited (Whyte Gold), (Rocky Mining Limited (Rocky Mining) and Papahaua Resources Limited (Papahaua Resources) (together referred to as “the submitters”) on Topics 1 and 2 of the Te Tai o Poutini Plan (**TTPP**). My role has been to provide planning advice on the TTPP, including the introduction, whole of plan approach and strategic objectives. I assisted in the preparation of submissions on the TTPP for the submitters. I have previously provided planning advice to the submitters in relation to their activities, including for resource consent applications. I am familiar with the location and surrounding environments of the submitters’ sites as well as the West Coast region.
6. In preparing this statement of evidence I have considered the following documents:
	1. Statement of evidence prepared by Phil McKinnel for BCM (company evidence);
	2. Statement of evidence prepared by Ray Mudgway for WMS Group (company evidence);
	3. Statement of evidence prepared by Duncan Hardie for WMS Group (Company evidence);
	4. Statement of evidence prepared by Mike Stewart for WMS Group (company evidence);
	5. Statement of evidence prepared by Tom Ritchie for Rocky Mining, Papahaua Resources (company evidence);
	6. Statement of evidence prepared by Robert Brand for TiGa (company evidence)
	7. Statement of evidence prepared by Mark Birchfield for BRM (company evidence);
	8. Statement of evidence prepared by Chris Meates for Phoenix (company evidence);
	9. Statement of evidence prepared by Iain Whyte for Whyte Gold (company evidence);
	10. Statement of evidence prepared by John Ballingal (economics evidence);
	11. Planning provisions relevant to my area of expertise;
	12. Section 42A report on Topic 1: Introduction / Whole Plan prepared by Lois Easton (including the recent addendum); and
	13. Section 42A report on Topic 2: Strategic Objectives prepared by Lois Easton (including the recent addendum).

# Code of Conduct for Expert Witnesses

1. While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

# Scope of evidence

1. I have prepared evidence in relation to:
	1. Relevant planning framework
	2. The need to recognise the importance of minerals extraction
	3. The strategic objectives for mineral extraction;
	4. The strategic objectives for the natural environment;
	5. The strategic objectives for connections and resilience; and
	6. Proposed new strategic objectives;
	7. Procedural matters.

**Executive Summary**

1. My evidence focuses on the strategic importance of the mineral extraction industry to the West Coast economy and communities. Mining contributes significantly to regional GDP, and is uniquely important to the West Coast in terms of the proportion of GDP it contributes when compared with the national average. Mining also contributes to a higher wage economy. It is my view that mineral extraction is a matter of strategic importance to the West Coast and specific objectives relating to this matter belong in the Strategic Directions chapter of the TTPP.
2. When setting out my opinions on the TTPP as notified, changes recommended by the S42A report and sought by other submitters, I have considered the relevant higher order documents which the TTPP must give effect to. These include the New Zealand Coastal Policy Statement, the West Coast Regional Policy Statement, the National Policy Statement for Indigenous Biodiversity, the National Policy Statement for Freshwater Management, the National Planning Standards and Part 2 of the RMA.
3. The submitters have generally supported the Mineral Extraction objectives within the Strategic Direction chapter, and having considered other views, I have provided my opinion on what, if any, changes should be made. The suggested changes will give effect to higher order documents.
4. The amendments proposed to some of the Natural Environment objectives do not align with higher order documents, and have wide ranging implications for mineral extraction and other industry on the West Coast.
5. BCM, TiGa and WMS Group are, or will be, significant users of critical infrastructure, specifically land transport infrastructure, and it is my view that the TTPP does not currently sufficiently recognise the strategic importance of the land transport network or ports, and I have provided recommendations to address this.

# The relevant planning framework

1. When considering the appropriateness of the TTPP provisions, I have considered the higher order documents which the TTPP must give effect to, which are of relevance to the provisions the submitters have focused on.
2. Part 2 of the Resource Management Act 1991 (RMA) requires:
	1. Sustainable management, including sustaining the potential of natural and physical resources, and minerals are specifically excluded from this requirement.
	2. As matters of national importance:
		1. Preservation of natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
		2. the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
		3. the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
	3. As matters to have particular regard to:
		1. the maintenance and enhancement of amenity values;
		2. the efficient use and development of natural and physical resources;
		3. maintenance and enhancement of the quality of the environment;
		4. the effects of climate change.
3. The National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) sets out key objectives for maintaining indigenous biodiversity across New Zealand. It requires the effects management hierarchy to be utilised in certain circumstances where adverse effects cannot be avoided. This includes:
	1. Within SNAs, any adverse effects which are not required to be avoided ((3.10(2)) must be managed in accordance with the effects management hierarchy;
	2. Mineral extraction within an SNA that provides significant national public benefit must apply the effects management hierarchy to any adverse effects and is not required to avoid them (except new coal mining[[1]](#footnote-1));
	3. Outside of SNAs significant adverse effects must be managed in accordance with the effects management hierarchy.
4. The submitters have sought through their original submissions any additional relief to address matters affected by national policy statements, providing scope for any necessary amendments. The importance of the specific set of circumstances to which this term applies is relevant to considering the changes proposed in the S42A report to the Mineral Extraction Strategic Objectives.
5. The New Zealand Coastal Policy Statement 2010 (CPS) sets out specific requirements for activities locating within the coastal environment. These policies act to protect the natural coastal environment, but also to enable infrastructure and other important activities that occur in the coastal environment. There is no hierarchy between these policies and, notably, avoid policies do not necessarily override enabling policies. This is relevant to the relationship between all the TTPP strategic directions, in particular, the role of MIN-O6.
6. The West Coast Regional Policy Statement 2020 (RPS) is, in my view, one of the key higher order documents that should be considered when setting the strategic direction for the TTPP. The RPS is relatively current, and gives effect to the CPS. The RPS does predate the NPSIB, however has a robust set of objectives and policies which are largely aligned with the policy direction of the NPSIB, however the RPS does not properly give effect to the full effects management hierarchy as outlined in the NPSIB. It is my view that the RPS should be given significant weighting when determining whether resource use and development should be enabled in the strategic direction for the TTPP.
7. National Planning Standards (NPS) were developed in 2019, and set out how District Plans should be formatted to achieve national consistency. In particular, the NPS requires “objectives that address key strategic or significant matters for the district and guide decision making at a strategic level” to be addressed in the Strategic Directions chapter[[2]](#footnote-2).
8. The TTPP recognises that local iwi Ngāti Mahaki o Makaawhio and Ngāti Waewae have developed Pounamu Resource Management Plans which are recognised by Te Runanga o Ngāi Tahu as iwi management plans for the region. These plans are not publicly available, however my understanding of these documents is that they would not have relevance to the matters raised in my evidence.
9. The TTPP was notified under the Resource Management Act 1991. In August 2023, the Natural and Built Environment Act 2023 (NBEA) was passed into legislation.
10. The NBEA does not apply to the TTPP, and will apply to the first regional NBEA plan. It would be problematic to attempt to include NBEA influenced terminology into the TTPP, because the overarching purpose of the NBEA is different to the RMA and in my view, it is not possible to give effect to both.
11. The NBEA requires the development of a National Planning Framework (NPF), and at this point in time a Targeted Engagement Draft has been released. The Targeted Engagement Draft of the NPF largely incorporates all national direction instruments currently in place under the RMA including the NPSIB and NZCPS.
12. It is relevant to note that the NBEA provides for national direction that is desirable in some, but not all, parts of New Zealand (Section 33). This provides an indication that there may be some matters of national importance which still require a targeted or nuanced approach in some regions, reinforcing an ongoing need for locally informed decision making.

# The need to recognise the importance of mineral extraction

1. In their original submissions, the submitters each highlighted the nature of their company operations which are all based within the West Coast Region, and rely on fixed in location minerals sourced here.
2. The evidence of Mr Ballingal highlights some key facts:
* The West Coast economy is considerably less diversified, and 30% of the economy is derived from mining and agriculture, forestry and fishing[[3]](#footnote-3) (all forms of primary production);
* Mining is responsible for 7.7% of regional GDP (this is even more pronounced in Buller where mining is responsible for 20% of district GDP)[[4]](#footnote-4);
* Mining is over nine times more important to the West Coast economy than it is to the national economy;
* Mining has the highest median salary/wage across all industries on the West Coast, at 54% higher than average salaries across all sectors.
1. The West Coast Regional Policy Statement 2020 (RPS) identifies the importance of the minerals sector and primary production generally to the West Coast. It recognises the risk of population decline, enabling the use and development of natural and physical resources, the need for Councils to support economic growth and creation of employment, while managing conflicts and effects of resource use[[5]](#footnote-5).
2. The RPS contains objectives and policies focused on enabling economic activity (Objective 4.1, Policy 4.1). Policy 4.2 is directive in that the TTPP must enable subdivision, use and development that gives effect to relevant national and regional policy direction, and generally reduce the regulatory burden. The overarching theme of the RPS is to enable resource use and development, while managing adverse effects.
3. In the Use and Development of Resources chapter, the RPS specifically seeks to enable resource use (Policy 5.1) and lists minerals extraction as a resource important for the West Coast’s economy (Policy 5.2). The background text for this chapter includes the following:

*“The state and availability of natural resources is relatively more important for the West Coast’s economy than for many other regions in New Zealand. The unique geological and climatic conditions of the region have resulted in creating a landscape unlike any other in New Zealand. This environment not only provides opportunity for economic growth, but is also treasured by its many visitors as well as those who live here. Hence, the West Coast is extremely reliant on the natural and physical resources of the region for its economic, social and cultural wellbeing.”[[6]](#footnote-6)*

1. While the RPS seeks to enable all resource use, the background text is useful in capturing the key drivers of this policy direction, which includes minerals extraction.
2. Despite predating the current RPS, the Westland District Plan contains an objective specific to enabling mineral extraction (Objective 3.6.1), and the Buller District Plan contains objective 4.5.4.1 which also seeks to enable utilisation and development of mineral resources. The Grey District Plan identifies that mineral extraction is a key industry and an anticipated part of the rural environment. The earlier planning documents give weight to the importance of the minerals sector to the regional economy and the need for local planning documents to recognise this.
3. The RPS policy direction is to enable resource use, and the economic evidence of Mr Ballingal reinforces that minerals extraction represents a large proportion of the region’s GDP and wages.
4. The NPS requires significant matters for the District to be included in the Strategic Directions chapter. It is my view that it is entirely appropriate to elevate the extraction of minerals to a strategic level within the TTPP, given the economic significance of this sector to all of the Districts. It is my view that the notified version of the Mineral Extraction Strategic Objectives generally gives effect to the enabling nature of the RPS, without compromising the TTPP’s ability to give effect to other higher order environmental protection focused documents.

# Strategic objectives for mineral extraction

*MIN-O1*

1. The submitters supported MIN-O1 as notified. The addition proposed in the S42A report is considered an unnecessary duplication of MIN-O6. It is not necessary to qualify an objective with a requirement that is already contained in other objectives which will equally apply to any mineral extraction proposal.
2. If the panel considers some qualifier around effects mitigation is required for this objective, then I consider the wording proposed in the S42A report is appropriate. However, this addition would then call into question the need for MIN-O6.
3. It is my view that recognising the significant number of agencies involved in the mineral extraction approval process is appropriate, to focus plan users on the matters within scope of the function of district councils which is also recognised by the S42A report. This aspect of the objective should be retained.
4. It is my view that MIN-O1 should be retained as notified.

*MIN-O2*

1. The submitters supported MIN-O2 as notified. As noted in relation to MIN-O1 above the addition proposed is considered an unnecessary duplication of MIN-O6. I also note that this objective specifically refers to certain zones, and introduces the term “appropriately managed” as opposed to “avoiding, remedying or mitigating” proposed for MIN-O1. If the panel considers some qualifier around effects mitigation is required for this objective, then consistent wording should be applied and “avoiding, remedying or mitigating” would be more appropriate terminology to use.
2. It is my view that MIN-O2 should be retained as notified.

*MIN-O3*

1. The submitters supported MIN-O3 as notified. Again, the S42A report seeks to qualify the objective with effects management. This is not necessary because effects are addressed in MIN-O6. The proposed wording is problematic because it requires all adverse effects to be managed in accordance with the effects management hierarchy.
2. The “effects management hierarchy” is a term which has been introduced through the National Policy Statement for Freshwater Management 2020 and the NPSIB. These two documents seek to elevate the importance of protection of freshwater values and indigenous biodiversity. The purpose of establishing the effects management hierarchy was to recognise that some activities, which are important to New Zealand, cannot avoid effects on freshwater values and indigenous biodiversity because they need to locate in certain locations where these values coincide. The specific circumstances where the term is used in terms of the NPSIB are set out in paragraph 16 above. The application of the effects management hierarchy is nuanced, and is applied differently depending on the nature of the activity, the activity’s regional or national significance, and whether or not the area is included in a plan or policy document as an SNA. It is worth noting that the RPS also only applies the effects management hierarchy to SNAs, albeit not completely in alignment with the application in the NPSIB. Despite not being able to avoid adverse effects, there is a recognition in these policy documents that managing adverse effects through a cascading approach is appropriate for certain activities. This includes, but is not limited to, minerals extraction.
3. I do not consider it appropriate to apply the “effects management hierarchy” to all adverse effects within the scope of district councils, which the amendments proposed to this objective would require. This would be out of step with the RPS, and in particular Policy 4.2 which directs the TTPP to be enabling of development in a manner consistent with national direction. Potential adverse effects of mineral extraction are not limited to indigenous biodiversity, and requiring the application of the effects management hierarchy to all types of adverse effects (eg. noise, amenity etc) would result in perverse outcomes. The place for including an objective requiring application of the effects management hierarchy in accordance with the NPSIB is not the Minerals Extraction Strategic Objectives, but elsewhere where it would apply to all relevant activities (not just mineral extraction) and in the appropriate context (i.e. the ECO section).
4. It is my view that the amendments proposed to this objective are inappropriate and unnecessary because the requirement to manage adverse effects is already provided for in MIN-O6.
5. I support the S42A recommendation to remove the reference to precincts because this is superfluous. The wording of the objective should be as follows[[7]](#footnote-7):

“MIN-O3 - To recognise that mineral resources are widespread and fixed in location throughout the West Coast/Te Tai o Poutini and that provided adverse effects are managed, mineral extraction activities can be appropriate in a range of locations outside specified zones ~~and precincts~~.”

*MIN-O6*

1. The submitters supported MIN-O6 as notified. The S42A report proposes a number of amendments to the objective.
2. For the same reasons outlined in relation to MIN-O3 above, I consider the addition of the effects management hierarchy term inappropriate in the context of this objective. This objective seeks to cover all adverse effects and the application of the effects management hierarchy to more than specific indigenous biodiversity values is inappropriate. Again, this is out of step with the enabling framework of the RPS.
3. In part b. of MIN-O6 the S42A report proposes to include the term “mitigation hierarchy” for residual adverse effects, and again broadens the scope to more than just biodiversity. This is inappropriate for the same reasons I have outlined above in my discussion on MIN-O3.
4. It is unclear if the mitigation hierarchy is a typographical error in the S42A, and should be effects management hierarchy. In either circumstance, the application of the effects management hierarchy to all of the matters listed in MIN-O6(a) does not appropriately give effect to higher order documents.
5. Taking into account the various submissions and the S42A report analysis on this objective, in my view the objective should read as follows:

“MIN-O6 - To:

* 1. Avoid, remedy or mitigate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's significant natural and cultural features, sites and heritage, ~~and~~ amenity values, and critical infrastructure including:
1. Poutini Ngāi Tahu cultural resources and taonga including sites and areas of significant to Māori identified in Schedule Three;
2. Areas of significant indigenous vegetation, and significant habitats of ~~significant~~ indigenous fauna ~~habitat and protected native fauna~~;
3. Outstanding natural landscapes and features;
4. ~~Waterways and~~ waterbodies;
5. The coastal environment;
6. The wellbeing of people and communities; and
	1. Allow adverse effects on indigenous biodiversity to be addressed using the effects management hierarchy ~~alternative mitigation measures such as biodiversity offsetting and environmental compensation~~.”

**Strategic objectives for the natural environment**

*NENV-O1*

1. I consider including the terms “outstanding” and “significant” in this policy to be appropriate, as recommended in the S42A report. This qualifies that it is those most outstanding and significant values which require recognition and protection which is consistent with section 6 of the RMA.
2. I do not agree with including the term “enhance” in relation to the matters listed in NENV-O1. Section 6 of the RMA does not require the enhancement of these values as a matter of national importance. Section 7 generally refers to the maintenance and enhancement of the environment, which is far broader.
3. The S42A report indicates that the reason for including the requirement to enhance these values is because it is consistent with the NPSIB and a desired outcome of the community and iwi (however I note that iwi have supported the objective as notified, nor does the RPS suggest this is a desired community outcome). The S42A report contains no analysis of the opposing further submissions on this proposed addition.
4. The NPSIB requires maintenance of indigenous biodiversity as the primary objective. It only requires enhancement “where necessary”. In my view, this does not necessitate a strategic level directive to mandate enhancement in a District Plan, especially not in a region where the vast majority of land cover is still in indigenous vegetation. I consider that restoration and enhancement of indigenous biodiversity “where necessary” should be determined at a project level, especially in the West Coast context. This is reinforced in the NPSIB which, under 3.21 Restoration, requires that local authorities consider requiring conditions for restoration or enhancement on resource consents that are new or being renewed.
5. In addition, the objective now seeks to “enhance” outstanding natural character and landscapes and features. The NPSIB relates to maintaining indigenous biodiversity, not outstanding natural character, landscapes and features.
6. The NZCPS seeks to “promote” restoration of coastal natural character (Policy 14), and elsewhere seeks to enhance as an option rather than being directive (Objective 1, Policy 26) except with regard to public access issues.
7. The RPS seeks to maintain indigenous biodiversity including by “encouraging restoration or enhancement” (Policy 7.8).
8. It is my view that the higher order documents use wording very carefully to encourage and promote enhancement of indigenous biodiversity, rather than specifically require it as the proposed amendments to NENV-O1 would. The proposal to include the requirement to enhance outstanding natural character, landscapes and features, significant ecosystems and indigenous biodiversity is out of step with national policy direction, and inconsistent with the RPS, and should not be included in this objective.
9. In my opinion, NENV-O1 should read:

“To recognise and protect the outstanding natural character, landscapes and features, significant ecosystems and indigenous biodiversity that contribute to the West Coast's character, ~~and~~ identity and to Poutini Ngāi Tahu's cultural and spiritual values.”

*NENV-O3*

1. The submitters sought to include recognition that mineral extraction activities also have a functional and operational need to occur in significant areas. This is recognised and provided for in the NPSIB through allowing the application of the effects management hierarchy for mineral extraction in certain circumstances. The S42A report suggests that there is a clear national direction that identifies the importance of infrastructure and assumes that minerals are located outside of significant areas. However, NPSIB provides a specific pathway for mineral extraction within or affecting SNAs (Clause 3.11).
2. While outside of my area of expertise to contradict the assumption that minerals can occur outside of significant areas, many recent resource consent applications I am familiar with indicate that mineral extraction activities frequently overlap with areas identified as significant, whether they are shown on planning maps or identified as significant through the resource consent process. The RPS specifically seeks to provide for sustainable subdivision, use and development in areas of significance (Objective 7.2).
3. The TTPP currently does not specifically recognise the functional and operational need of mineral extraction activities to locate in a wide range of overlays (including SNAs) but this was specifically referenced in the submitters’ original submissions. It is my view that the submission points requesting this change by the submitters should be allowed.
4. The objective should read:

“NENV - O3 - To recognise:

* 1. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land in protecting significant areas, habitats and features;
	2. The functional and operational need for infrastructure and mineral extraction activities to sometimes be located in significant areas; and
	3. The need to support the ethic of stewardship and to consider the positive effects of the conservation estate in achieving the requirements of the RMA.”
1. Alternatively, MIN-O3 could be reworded to better recognise the functional and operational needs of mineral extraction activities as follows:

“MIN-O3 – To recognise that mineral resources are widespread and fixed in location throughout the West Coast/Te Tai o Poutini, can have a functional and operational need to occur in certain areas, and that provided adverse effects are managed, mineral extraction activities can be appropriate in a range of locations outside specified zones and within overlays.”

# Strategic objectives for connections and resilience

*CR-O2*

1. WMS Group, BCM and TiGa supported CR-O2 as notified. It is important to note that this support in the case of WMS Group was in the context of their submission on the definition of Critical Infrastructure, which was that it should include the ports in Westport, Greymouth and Jackson Bay. The S42A analysis on CR-O2 indicates that submissions on the definition of Critical Infrastructure have been shelved and will be addressed in the Energy, Infrastructure and Transport section.
2. It is my view that Critical Infrastructure should include ports, which is consistent with the RPS, which considers ports to be Regionally Significant Infrastructure. Because recommendations on the definition are unclear at this point, if ports are not added to the definition of Critical Infrastructure (which seems unlikely), some recognition of their importance in the connections and resilience chapter is required. The evidence of Mr Stewart speaks to the importance of the ports to the WMS Group operations and the flow on benefits for disaster resilience.
3. It is my view that CR-O2 should be retained as notified, except if the ports are not included in Critical Infrastructure definition, in which case the objective should read:

CR-O2 To enable and protect the continued function and resilience of critical infrastructure, ports and connections and facilitate their quick recovery from adverse events.

*New objective sought*

1. BCM (S601), WMS (S599) and TiGa (S493) all sought the addition of a new objective which recognises the importance of land transport infrastructure on the West Coast. The S42A report considers that a land transport infrastructure focussed objective is not necessary. There are limited other transport methods available in this region, and it is my view that the TTPP does not adequately recognise the importance of the land transport network, not only state highways and special purpose roads which are listed as “Critical Infrastructure”.
2. In other districts, it is common to recognise arterial roads which are not state highways. In the Partially Operative Selwyn District Plan, arterial roads are included as part of the “Strategic transport network” which in turn is part of the definition of “important infrastructure” which are enabled in the Strategic Directions chapter of this plan. Given the region’s significant reliance on the land transport network, particularly roads, it is my view that the additional objective proposed should be included in the TTPP.

**New strategic objectives**

*Climate change*

1. Section 14.0 of the S42A Report addresses submissions which sought to include climate change related objectives in the Strategic Directions chapter. The S42A report specifically addresses the fact that mineral extraction will be required as part of decarbonisation initiatives and adaptation to natural hazards; and the demand for both thermal and coking coal beyond the life of the TTPP[[8]](#footnote-8). I agree with this analysis and the corresponding proposed strategic objectives that are proposed as a result of these submissions, although I note that climate change is already addressed in the Connections and Resilience section, and therefore the proposed objectives are not strictly necessary for a resource management purpose. These proposed additional objectives could also belong within this section rather than as a standalone section.
2. For similar reasons as identified in the S42A report, I do not support the inclusion of climate change related objectives which direct a move away from coal mining[[9]](#footnote-9). The reasons for this are as follows:
* Identification of a specific type of industry activity is not appropriate in the strategic objectives;
* The RPS directs the TTPP to focus on effects.
* The NPSIB excludes thermal coal from a consenting pathway which specifically relates to adverse effects on an SNA or significant effects on indigenous biodiversity outside SNAs and this may not be relevant to every mining site. There are no specific activities referenced in the NPS-IB objective or 17 policies.
* Applications for extensions and new coal mines continue to be lodged with durations exceeding the life of this plan;
* Mr McKinnel’s evidence outlines that the demand for coal will remain the same and possibly increase throughout the next 10 year period. This indicates there is no phasing out that will occur within the life of this plan in terms of on the ground operations on the West Coast.
1. It is my view that if the proposed climate change objectives are to be included (which I do not think is necessary), then they should be included under the Connections and Resilience Chapter, and worded as set out in the S42A report and without further modification.

# Procedural matters

1. When S42A reports were circulated for Topics 1 and 2, it became apparent that further submissions made by BCM and WMS Group had not been referenced in the reports, however I note that addendums to the S42A reports for both topics have now been uploaded to the TTPP website.
2. The further submissions of Birchfield Coal on Topic 1 and Topic 2 are set out in **Appendix 1**.
3. It is important to note is that these further submissions have been made to ensure that the submitters retain scope to provide evidence on the provisions which have I have considered.

**Conclusion**

1. It is my view that the significance of minerals extraction to the West Coast regional economy requires mineral extraction to be elevated to the Strategic Direction chapter of the TTPP.
2. The Mineral Extraction strategic objectives as notified generally give effect to higher order planning documents that the TTPP is required to give effect to. It is my view that some of the proposed amendments in the S42A report go beyond what is required by national direction, therefore have been applied in an inappropriate context, and are inconsistent with the RPS.
3. I have provided my opinion on additional matters, which include the proposed climate change related objectives and the need to recognise the importance of land transport infrastructure and ports in the Strategic Directions chapter of the TTPP.

**Katherine McKenzie** Dated this 2nd day of October 2023

**Appendix 1: Further submissions on Topic 1 and Topic 2**

1. The further submissions of Birchfield Coal that related to Topic 1 are as follows:

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| **Original Submitter** | **Submission Reference** | **Further submission position** | **Relief sought** | **Provision** |
| Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560) | S560.019 | Oppose | Disallow | Whole Plan |
| Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560) | S560.333 | Oppose | Disallow  | How the Plan Works |
| Straterra (S536)  | S536.025 | Support | Allow | Interpretation |

1. The further submissions of Birchfield Coal that related to Topic 2 are as follows:

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| **Original Submitter** | **Submission Reference** | **Further submission position** | **Relief sought** | **Provision** |
| Development West Coast (S484) | S484.004 | Support | Allow | New strategic Objectives and Policies |
| Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560) | S560.003 | Oppose | Disallow | Strategic Direction |
| Development West Coast (S484) | S484.003 | Support | Allow | Strategic Directions Overview |
| Inger Perkins (S462) | S462.024 | Opposed | Disallow | Mineral Extraction |
| Terra Firma Mining Limited (S537) | S537.008 | Support | Allow | Mineral Extraction |
| Terra Firma Mining Limited (S537) | S537.006 | Support | Allow | MIN – O4 |
| Manawa Energy Limited (Manawa Energy) (S438) | S438.028 | Support | Allow | NENV – O1 |
| Department of Conservation (S602) | S602.029 | Oppose | Disallow | NENV – O1 |

1. The further submissions of WMS Group that related to Topic 1 are as follows:

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| **Original Submitter** | **Submission Reference** | **Further submission position** | **Relief sought** | **Provision** |
| Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560) | S560.019 | Oppose | Disallow | Whole Plan |
| Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560) | S560.333 | Oppose | Disallow  | How the Plan Works |
| Straterra (S536)  | S536.025 | Support | Allow | Interpretation |

1. The further submissions of WMS Group that related to Topic 2 are as follows:

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| **Original Submitter** | **Submission Reference** | **Further submission position** | **Relief sought** | **Provision** |
| Development West Coast (S484) | S484.004 | Support | Allow | New strategic Objectives and Policies |
| Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560) | S560.003 | Oppose | Disallow | Strategic Direction |
| Development West Coast (S484) | S484.003 | Support | Allow | Strategic Directions Overview |
| Manawa Energy Limited (S438) | S438.025 | Support | Allow | CR-O2 |
| Waka Kotahi NZ Transport Agency (S450) | S450.015 | Support | Allow | CR-O3 |
| Terra Firma Mining Limited (S537) | S537.008 | Support | Allow | Mineral Extraction |
| Terra Firma Mining Limited (S537) | S537.006 | Support | Allow | MIN – O4 |
| Manawa Energy Limited (Manawa Energy) (S438) | S438.028 | Support | Allow | NENV – O1 |
| Department of Conservation (S602) | S602.029 | Oppose | Disallow | NENV – O1 |

1. This exclusion does not apply to the operation or expansion of lawfully established coking coal mines. It also does not apply to the operation or expansion of other coal mines until 31 December 2030. [↑](#footnote-ref-1)
2. National Planning Standards 2019, page 32 [↑](#footnote-ref-2)
3. Evidence of Mr Ballingal, para 14 [↑](#footnote-ref-3)
4. Ibid. paras 34 and 36 [↑](#footnote-ref-4)
5. West Coast Regional Policy Statement 2020, page 7, Table 1: Significant resource management issues for the West Coast [↑](#footnote-ref-5)
6. West Coast Regional Policy Statement 2020, page 18 [↑](#footnote-ref-6)
7. Further discussion of amendments that could be inserted to MIN-O3 as alternative relief are outlined under discussion of NENV-O3 below. [↑](#footnote-ref-7)
8. Te Tai o Poutini Plan – Section 42A Report: Strategic Directions, para 294 [↑](#footnote-ref-8)
9. S462.024 – Inger Perkins Submission [↑](#footnote-ref-9)