



388 Main South Rd, Paroa
P.O. Box 66, Greymouth 7840
The West Coast, New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
Facsimile (03) 768 7133
Email info@wrc.govt.nz
www.wrc.govt.nz

2 February 2024

Hearing Evidence – proposed TTPP
C/o West Coast Regional Council
P O Box 66
Greymouth 7840

Tayla.mehrtens@wrc.govt.nz

Dear Sir/Madam

WCRC written evidence for TTPP Hearing - S488.007 - Natural Features and Landscapes Overlay and relevant rules

The West Coast Regional Council (the Council) does not wish to appear before the proposed TTPP Hearing Panel on our submission on the Natural Features and Landscapes Overlay. However, we wish to submit written evidence.

The Council's evidence is attached.

Our contact details for service are:

Lillie Sadler
Planning Team Leader
West Coast Regional Council
PO Box 66
Greymouth 7840

Phone: 021 190 6676
Email: ls@wrc.govt.nz

We would be grateful for acknowledgement of receipt of our written evidence.

Yours faithfully

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Selva Selvarajah
Acting Planning Manager

West Coast Regional Council Written Evidence on TTPP Natural Features and Landscapes Overlay ONL54, and relevant rules

Background

The West Coast Regional Council (the Council) submitted seeking a very small area on the western boundary of Outstanding Natural Landscape ONL54 Fenian, Stormy and Radiant Ranges be removed from private land, which has a Council-managed quarry on it. The decision sought was subject to the approval of the landowner.

The site is on Arapito Road, in the Arapito/Umere area near the Karamea River, inland from the Market Cross settlement in the Buller District. The legal description of the property is Section 27, Block XV, Oparara SD, Valuation No 18780/234.00. ONL54 is over the south-east corner of the property. Below is a map showing ONL54 (south-eastward of the green dotted line) over the south-east corner of the property, which also has a Mineral Extraction Zone (MINZ) shown in grey over the eastern half of this land parcel.

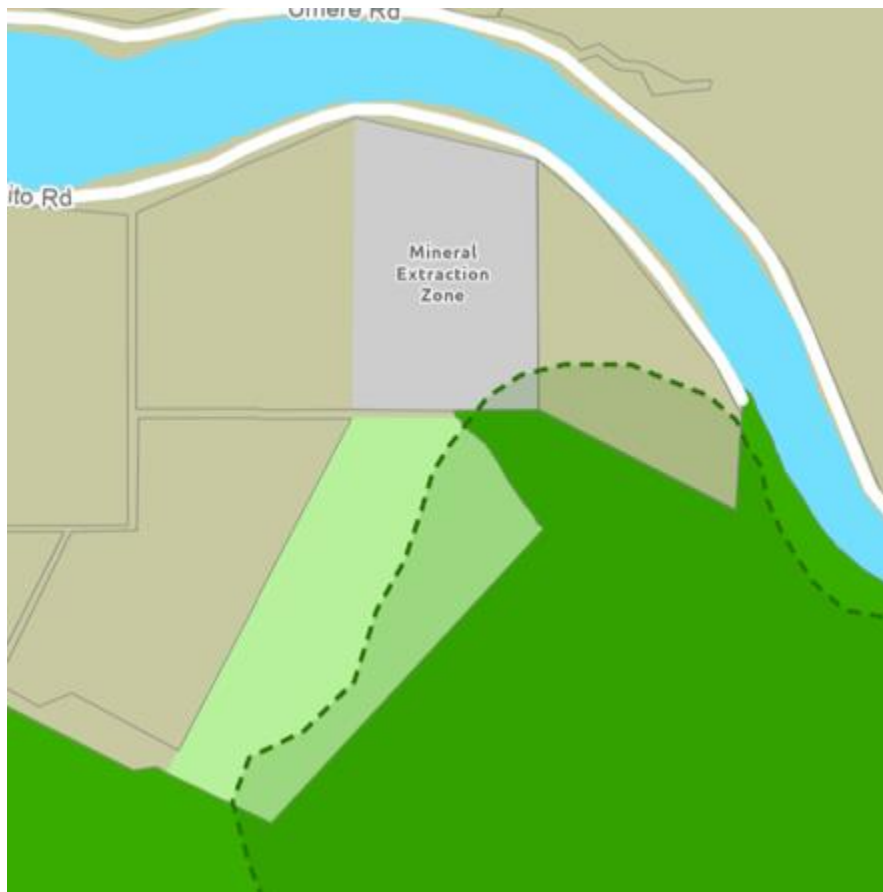


Figure 1: map showing private property with ONL54 over the south-east corner, and Mineral Extraction Zone over the whole property

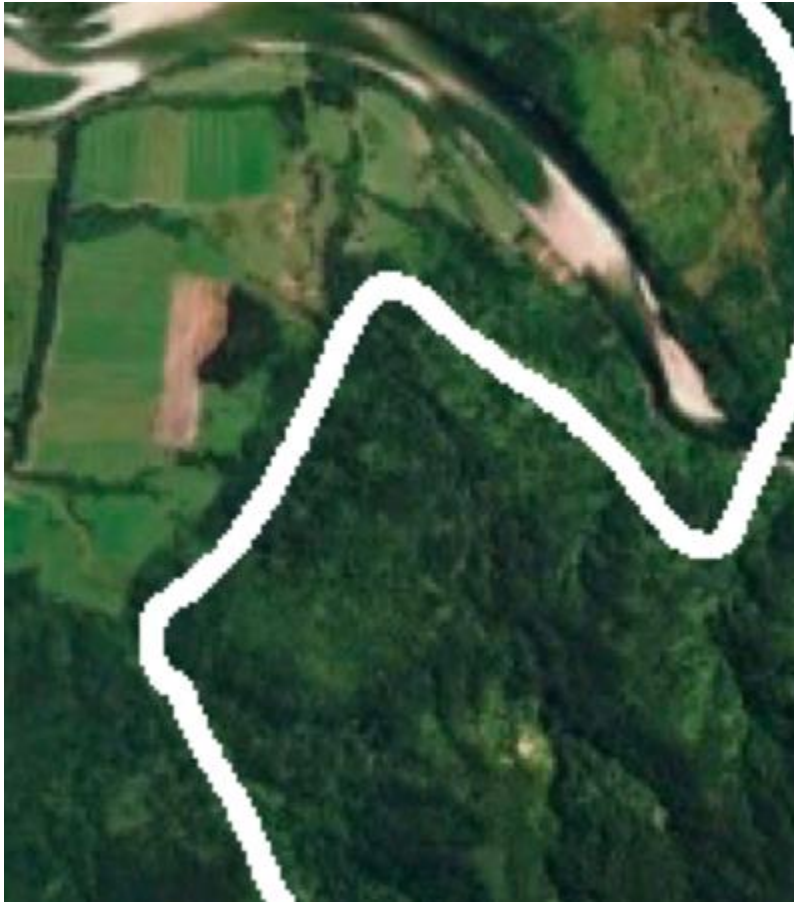


Figure 2: Aerial map showing the boundary of the ONL54 over the private property

Council was concerned that the ONL54 Overlay on the south-east corner of the property may make it difficult in the future to undertake quarry activities within this part of the MINZ, subject to landowner approval. Staff understand there is suitable lag deposit (quarry rock) in the south-east corner of the property as this area is part of an old debris slip from further up the slope to the east. The current quarried area can be seen in the Appendix 1 aerial photo accompanying this evidence, as a light area in the middle-south part of the property. The quarry was lawfully established by the West Coast Catchment Board before 1989, and is not directly affected by ONL54.

The rock that is extracted is used for maintaining and upgrading flood protection works in several Rating Districts in the northern Buller area. Council understands that quarry rock from this MINZ is not sold commercially for other uses. Quarrying activities within this MINZ are part of natural hazard mitigation activities, and are therefore important to help reduce the risk of harm and damage to people, property and infrastructure in this part of the Region.

At the time of lodging the Council's submission, Council was not aware of the MINZ over the eastern half of the land parcel, but supports the proposed zone subject to a change in permitted MINZ Rule R2.

Note that there are no Significant Natural Areas, Outstanding Natural Features, Sites and Areas of Significance to Māori, or Heritage or Archaeological sites on this land parcel. There is a Natural Hazard area: Flood Susceptibility Overlay over the north end of the land parcel, but this is not relevant to the Council's submission point.

The s42A report on the Natural Features and Landscape provisions (Pgs 142/143, paras 376 and 377) recommends to reject this submission point, presumably because the landscape architect Stephen Brown still considers the indigenous vegetation in the south-west corner of the property to be part of an outstanding landscape, although this is not explicitly stated in the reason. In the Addendum report, landscape architect Bridget Gilbert supports the s42A report recommendation.

The Council's submission point seeking removal of ONL54 from the south-east corner of the MINZ was subject to approval of the landowner. Due to staff changes and a high workload since the Council's submission was lodged, staff have only recently contacted the landowner about the matter. The owner was not aware of ONL54 over part of their property, or the mineral extraction zoning, but has advised that they are happy for the part of ONL54 to remain on the south-east corner of their property.

The Council has not sought an independent assessment of the landscape values in the south-east corner of this MINZ, and this evidence does not debate whether the part of ONL54 over the MINZ is outstanding or contributes to the values that make ONL54 outstanding.

Issue - General

As the intent of Council's submission point was to ensure that protection of the landscape values does not unreasonably restrict future quarrying activities in the MINZ, and in light of the landowner's wish to retain the ONL over the south-east area of native bush, the Council has looked at relevant TTPP rules applying to quarry rock extraction in the rest of the MINZ.

Council wishes to draw the Hearing Panel's attention to two issues with two permitted Rules that could affect quarry rock extraction in the Karamea MINZ, if the Hearing Panel considers these are within the scope of the Council's original submission point.

Issue 1

If the ONL54 remains over the south-east corner of the MINZ, the Council is concerned about the following restrictions in the proposed TTPP on quarrying activities in the rest of the MINZ:

The MINZ permitted Rule R2 for Mineral Extraction and Processing, Condition 2 and 2a requires that:

"Where the site is active, or intended to be active within the next 12 months,....

- a.a Mineral Extraction Management Plan....shall be submitted to the relevant district council within 12 months for certification.... "*

The problem with the timeframe of quarrying occurring "within the next 12 months", and submitting a Mineral Extraction Management Plan "within 12 months", to meet the permitted Rule, is that Council does not know when rock will need to be extracted to prevent or repair a flood protection structure. While some rock can be proactively extracted in readiness for a natural hazard event, the occurrence of natural hazards does not recognise the timeframes in Condition 2. Quarry rock extraction is not always planned, and does not happen on a regular basis such as daily, weekly or monthly, as with other types of mineral extraction.

If Condition 2 and 2a of permitted Rule R2 cannot be met by quarrying activities in the Karamea MINZ, and a resource consent is required as a controlled or restricted discretionary activity, it could be expensive to obtain consent, which would be an extra cost to ratepayers.

Change sought

Amend MINZ permitted Rule R2 Condition 2 and 2a to remove or amend the 12 month timeframes to provide for irregular quarry rock extraction as and when needed.

Issue 2

Permitted ECO Rule R1 Condition 3ii. provides for indigenous vegetation clearance as necessary for the purposes of natural hazard mitigation activities. The reference to natural hazard mitigation activities in Condition 3ii is supported.

However, ECO Rule R1 Condition 5i. only permits removal of manuka, kanuka and bracken less than 15 years old, and up to 5 ha over a continuous period of three years. There are other varieties of indigenous vegetation in the Karamea MINZ which may need to be cleared for future quarry rock extraction, subject to the landowner's approval. Identifying which indigenous vegetation is under and over 15 years old amongst the stands of trees and bush at the site could be difficult. Attached to this evidence as Appendix 1 is an aerial photo of the Karamea MINZ, showing several areas of Indigenous vegetation in the MINZ. Additionally, the timeframe of "*over any continuous period of three years*" does not fit well with the sporadic rock extraction that occurs in this MINZ as part of natural hazard mitigation activities. These requirements mean Condition 5i. could potentially not be met by future new quarry rock extraction activities, triggering a consent for an activity that may need to be undertaken with urgency in some situations.

Furthermore, permitted ECO Rule R1 Condition 5i. does not recognise that the MINZ permitted Rule R2 requires rehabilitation when quarrying in a MINZ comes to an end. This usually includes landscaping and vegetation replanting, in accordance with the landowner's wishes. The intent of ECO Rule R1 Condition 5i. seems to be to manage permanent indigenous vegetation clearance, which is not the outcome that will occur in a MINZ under the MINZ permitted Rule R2. Indigenous vegetation clearance in a MINZ will be temporary, albeit possibly over a longer period of time, as native vegetation will be replanted. There is an inconsistency between these two permitted Rules around temporary and permanent indigenous vegetation clearance. This needs to be addressed to ensure that quarrying rock in a MINZ as part of natural hazard mitigation activities can be undertaken without consent delays to provide for community safety.

Council is aware that the Hearings for submissions on the Ecosystems and Indigenous Biodiversity chapter are postponed until later this year. However, Council wishes to flag to the Panel now the change sought to the permitted ECO Rule R1 Condition 5i., in relation to providing for future potential indigenous vegetation clearance and rehabilitation replanting in the Karamea MINZ.

Change sought

Amend permitted ECO Rule R1 Condition 5i. to provide for indigenous vegetation clearance in a MINZ for natural hazard mitigation purposes, where a cleared area will be rehabilitated/landscaped and indigenous vegetation replanted when rock extraction ends at quarry closure.

Designation of Council's quarries

At this time, the Council still intends to relodge a Notice of Requirement seeking that designations for its assets, including quarries, be added to the proposed TTPP. However, if the changes sought in Council's submission and written evidence relating to its assets are within scope and are accepted by the Hearing Panel, the Council may not need to seek the designation.

This ends our evidence.