

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Hearings in Relation to the  
Proposed Te Tai o Poutini Plan:  
Mineral Extraction

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**STATEMENT OF EVIDENCE OF PAULINE HADFIELD**

**Dated: 27 May 2024**

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## **INTRODUCTION**

1. My name is Pauline Hadfield. I am based in Nelson and work as a senior planner at Davis Ogilvie and Partners Limited, which is a multi-disciplinary survey, engineering and planning consulting company with offices in Christchurch, Nelson and Greymouth. Davis Ogilvie work in the resource management space across the West Coast.
2. I have over twenty years resource management experience. Most of this has been West Coast-based work including preparation of a wide range of subdivision, and land use consent applications to all three District Councils in the region. I also undertake external consent processing work on behalf of the Buller District Council and more recently, the Grey District Council.
3. I hold a Diploma in Environmental Management from the Open Polytechnic of New Zealand and I am an Associate member of the New Zealand Planning Institute. I completed the NZPI's Expert Witness – Presenting Planning Evidence course in 2017.

## **SCOPE OF EVIDENCE**

4. My evidence is presented on behalf of the following submitters:
  - Alistair Cameron (Submitter No. 452)
  - Davis Ogilvie & Partners Limited (Submitter No. 465)
5. I confirm that all statements made are my professional opinion and that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. The evidence I will present is within my area of expertise, and I have not knowingly omitted facts or information that might alter or detract from the opinions I express. However, please note that the following evidence is submitted as “submitter’s evidence” rather than as independent expert planning evidence, as I prepared both submissions to which this evidence relates.
6. I have reviewed the sections of the s42A Officers Report prepared by David Badham that are relevant to the above submissions. My evidence addresses each of the submission points discussed in the s42A Officers Report relating to Submissions S452 and S465.
7. I request the opportunity to provide additional evidence, if necessary, at the hearing.

8. Alistair Cameron (Submitter S452) will speak to the matters in his submission from the perspective of a landowner with land in the Mineral Extraction Zone.

## **MINZ OVERALL**

### **S452.007, S452.009**

9. In relation to the above submission points, I reiterate my general support for Mineral Extraction zone, noting that this is in keeping with central Government direction. However, as stated in my submissions and discussed further below, I believe the rule framework as proposed will prove to be problematic for landowners in the long term.

## **MINZ POLICIES**

### **S465.004, S465.009**

10. I agree with the Reporting Officer's recommendation that the description of the criteria for inclusion in the MINZ be moved from "Overview" to MINZ-P1. Unfortunately, the relocation of the three criteria (being licences under the Coal Mining Act 1979 and current resource consents) still does not address the omission of permits issued under current minerals legislation; that is, the Crown Minerals Act 1991.
11. I refer to paragraph 21 of Submission 465 (Davis Ogilvie), where I gave examples of areas within the MINZ that are approved by Minerals Permits under the Crown Minerals Act 1991. There are others, but for the purposes of this evidence the examples given previously will suffice.
12. I acknowledge the Reporting Officer's discussion in section 10.7 of the s42A report regarding the inclusion of the Crown Minerals Act in MINZ-P1 and the differing status of licences issued under the Coal Mines Act, but as noted above, the spatial extent of the Zone appears to have been defined using Minerals Permits boundaries. In my opinion MINZ-P1 should include reference to this legislation.
13. Noting Mr Badham's comments regarding property rights versus resource management matters (para. 177, s42A report), my comment here is that the zone has been defined using the permit boundaries. It is my

understanding that resource consents associated with mining do not always cover the full Minerals Permit area.

14. I further comment that the zoning of any discrete area should not rely on existing resource consents, which appears to be the basis of MINZ-P1 in respect of Minerals Permits under the Crown Minerals Act. I consider that the broader permit regime is a more appropriate basis for zoning. To comply with the permitted standards for proposed Rule MINZ-R2 (Mineral Extraction and Processing), all Regional Council resource consents would need to be in place at the date the TTPP becomes operative.
15. In order to ensure that MINZ-P1 accurately reflects the spatial areas of the Minerals Extraction zone shown on the planning maps, and clearly states that the Zone provides for significant mineral resources other than coal, I submit that MINZ-P1 should be amended to include:  
“Minerals Permits under the Crown Minerals Act 1991”

#### **S452.001**

16. I concur with the proposed amendment to Policy MINZ-P3 recommended in paragraph 185 of the s42A report. As discussed in both the submissions that I prepared (for Mr Cameron and for Davis Ogilvie & Partners), this policy anticipates that appropriate land use after mining should be enabled.

#### **MINZ RULES**

##### **S452.003, S465.005, S465.007**

17. The Reporting Officer discusses these submission points in paragraphs 215-220 of the s42A report. I note that these submission points have been supported in further submissions from both the Buller and Grey District Councils.
18. I agree that the primary focus and aim of the zone is to provide for mineral extraction activities that have existing approvals at the time the Plan becomes operative, but submit that this is somewhat of a short-term view.
19. The question is: what happens after mining is finished, or if the resource is deemed to be uneconomic for recovery? For example, Mr Cameron’s Minerals Permit 60369 (within the MINZ) expires in October 2027. What can be done with his land after that?

20. Furthermore, Mr Cameron has raised the question of the land status if mining proves not to be feasible on land within the zone. Existing permits and/or consents that are in place at the time the Plan becomes operative may be surrendered or will lapse in due course; this would mean the land no longer fits within the criteria under MINZ-P1, yet land use would be severely restricted by the rules as proposed.
21. Mineral extraction is, by nature, a finite activity. Once mining has been completed or permits are no longer in place, the land should be available for ongoing appropriate uses without undue restriction. This is anticipated in Policy MINZ-P3, and therefore the rules for the zone need to include “enabling” appropriate land use after mining.
22. I agree with the Reporting Officer’s recommendation for the creation of a new rule MINZ-RX “Any Buildings”, which goes some way to addressing our concerns about this matter. However, I do not believe that it goes far enough as a long-term provision for appropriate land use after mining.
23. I agree that sensitive activities such as rural-residential development should retain non-complying status on land within the zone that has not been mined or that still has relevant permissions in place for mineral extraction.
24. However, as it stands (including the proposed amendments in Appendix 1 to the s42A report) the only land uses that would be permitted in the Mineral Extraction zone after mining are pastoral grazing or non-residential buildings. In my opinion, a practical approach to post-mining land use would be to apply the General Rural zone rules, with the proviso of an additional setback for sensitive activities from any land within the MINZ that has not been mined.
25. I do not agree with the Reporting Officer’s comment that such “*activities are not currently anticipated or provided for within the policy framework for the MINZ*”<sup>1</sup>. The wording of Policy MINZ-P3 expects that sites are “*rehabilitated to enable future use and activities appropriate to the area*”. This consideration must pull through to the rule framework to ensure that the

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<sup>1</sup> Para. 220, s42A report

Mineral Extraction Zone is workable in the long term, and I believe that a rule such as that proposed in S465 is not incompatible with the strategic intent for the zone.

26. Taking into account (a) the Reporting Officer's proposed amendments to MINZ-R2 and (b) the likelihood of expired/withdrawn permits without mining, I propose the following rule to facilitate appropriate long-term land use within the Mineral Extraction zone:

27. **Proposed Rule MINZ–Rx: Activities after Mining Works Completed**

Activity Status Permitted

Where:

1. All mineral extraction works have been completed on a site, or All licences, permits and consents relating to mineral extraction works on a site have expired, lapsed, or have been surrendered;

2. The Permitted Activity rules for the GRUZ – General Rural Zone shall apply except that:

(a) No sensitive activities shall be located within 20 metres of land in the Mineral Extraction Zone that meets the requirements of MINZ-R2.1 and has not been mined.

28. A larger setback than the default 10m boundary setback is proposed for sensitive activities to mitigate reverse sensitivity effects on MINZ land that has not been mined. The proposed 20m setback is consistent with the earthworks setback proposed in Rule MINZ-R1.2.

29. I consider this proposed rule to be in accordance with Policies MINZ-P3 and MINZ-P7.b by providing for long-term use of the site whilst ensuring that mineral extraction in accordance with MINZ-R2 is not restricted.

30. Furthermore, the inclusion of a rule that defers to the General Rural zone land use rules after mineral extraction works cease will potentially avoid costly Plan Changes in the future after mining has been completed.

**S452.004, S465.008**

31. If the Hearings Panel accept this suggestion, a consequential Discretionary standard rule and amendment to Rule MINZ-R9 would also be necessary as proposed in our original submissions.

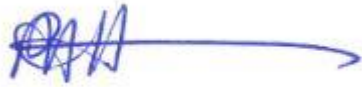
**S452.002, S465.006**

32. With reference to Policy MINZ-P7, Rule MINZ-R3, and the new “Any Buildings” rule proposed in Appendix 1 to the s42A report, I have reviewed the “Rural Industries” rule that I requested in submissions S452 and S465.
33. New rural industrial activity associated with mineral extraction activities would not necessarily be permitted under Rule MINZ-R3 or the new “Any Buildings” rule. I suggest that a further amendment to MINZ-R2 be substituted for the separate rule proposed in our submissions, as follows:
34. **Rule MINZ-R3 Activities ancillary to lawfully established Mineral Extraction and Mineral Processing**
- Where:
1. The activities include the maintenance and operation of all roads, parking, buildings, water treatment facilities, storage facilities, railway loadout areas and structures that are lawfully established at the date the Plan becomes operative [insert date]; or
  2. The activity is a new activity ancillary to mineral extraction or mineral processing, providing that
    - (a) There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);  
and
    - (b) There shall be no offensive or objectionable dust nuisance at or beyond the property boundary as a result of the activity.
35. This rule amendment, in conjunction with the new “Any Buildings” rule, would allow for the establishment of new buildings and activities that are related to the mineral extraction industry in accordance with the policy framework for the zone. Restrictions on heavy vehicle movements and dust would help to maintain the character and amenity of surrounding areas, anticipated under Policies MINZ-P4 and MINZ-P7.

**CONCLUSION**

36. In conclusion, I request that the Hearings Panel give further consideration to the following points.
37. The inclusion of Minerals Permits issued under the Crown Minerals Act 1991 in Policy MINZ-P1.

38. The establishment of a new Rule and consequential amendments to enable long-term land use after mineral extraction activities cease, in accordance with Policy MINZ-P3.
39. Amendment to Rule MINZ-R3 to facilitate new activities within the zone that are ancillary to the mineral extraction industry, while protecting amenity values in the surrounding area.

A handwritten signature in blue ink, consisting of stylized initials and a long horizontal stroke extending to the right.

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**PAULINE HADFIELD**

27 May 2024