

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of the hearing of submissions
and further submissions on the
Proposed Te Tai O Poutini Plan

STATEMENT OF EVIDENCE BY LUCY SMITH

Terra Firma Mining Limited

5 June 2024

1.0 Introduction

- 1.1 My full name is Lucy Catherine Smith and I am a Director of Terra Firma Mining Ltd (“Terra Firma”). I have a Bachelor of Technology in Biotechnology and Bioprocess Engineering from Massey University and a Post Graduate Diploma in Resources and Environmental Planning from the University of Waikato. I have had more than 20 years’ experience as an Environmental Planner.
- 1.2 I have read and understood the Code of Conduct for Expert Witnesses contained in the Environment Court’s Consolidated Practice Note 2023 and agree to comply with it. The report presented is within my area of planning expertise and I confirm that I have not omitted to consider material facts that might alter or detract from the opinions given in this evidence.

2.0 Submissions on the Open Space and Recreation Zone Provisions

- 2.1 I have read the s42A Report – Open Space and Recreation Zones prepared by Lois Easton as it relates to Terra Firma’s submission points and will address these below. The primary area of concern is how mineral extraction is treated in the Open Space Zone, from the zone overview through to Objective OSRZ-O2 and Policy OSRZ-P9.

FS108.001 (Overview)

- 2.2 Terra Firma sought to retain the wording of the Open Space and Recreation Zones overview in relation to mineral extraction. Ms Easton proposes amendments, as below:

...The nature of the West Coast, with its extensive mineral deposits, means that minerals are widespread within areas within the Open Space and Recreation Zones. ~~combined with 84% of the land area being located in public conservation estate,~~ There are a range of circumstances where some mineral extraction may be appropriate, particularly where this supports .ongoing access and management of the lands within the zones. There are also some Local Purpose Reserves within the Open Space Zone in particular, where quarrying or gravel extraction may be part of, or the primary local purpose. This means that provision is also made for mineral extraction within the Open Space Zone...

- 2.3 I am happy with the rewording of the first sentence of the overview paragraph above, as it makes clear that minerals are widespread within areas in the zones. However, I am concerned that the subsequent amendments focus too much on limited examples of mineral extraction activities that are considered appropriate, and disregard mineral extraction other than that undertaken on Council land or for the benefit of the wider population. This is despite the fact that the mineral

extraction rules in the Open Space Zone do not differentiate between whether activities have private or public benefit i.e. they are all subject to the same performance standards.

- 2.4 In my view, the current recommended wording could be interpreted as effectively disregarding new mineral extraction activities unless they are for public good. I consider that the Overview should go further than merely acknowledging existence of widespread mineral resources in the OSZ, by providing clarity that mineral extraction other than for 'public service' might occur in the zone.
- 2.5 I consider that the reference to 84% of the West Coast land being in conservation estate should be retained. This fact underpins the need for a clear policy framework that anticipates mineral extraction activities of any stripe in the mineral-rich OSZ.
- 2.6 My suggested rewording of the overview paragraph seeks to put less emphasis on the 'public service' types of mineral extraction, as follows:

...The nature of the West Coast, with its extensive mineral deposits, means that minerals are widespread within areas within the Open Space and Recreation Zones. ~~combined with~~ 84% of the land area being located in public conservation estate, there are a range of circumstances where mineral extraction may be appropriate. Examples include but are not limited to activities that support ongoing access and management of the lands within the zones and Local Purpose Reserves where quarrying or gravel extraction may be part of, or the primary local purpose. This means that provision is also made for mineral extraction within the Open Space Zone...

- 2.7 The broadening of the overview to anticipate that general mineral extraction activities might occur in the OSZ is then logically supported by Objective OSRZ-O2 (with changes), Policies OSRZ-P9 (with changes) and OSRZ-P14 and Rules OSZ-R11 and OSZ-R19.

FS108.002 (OSRZ-O2)

- 2.8 Terra Firma supports the amendment of OSRZ-O2 c. to list "mineral extraction" as one of the "very wide range of values" in the Open Space Zone (along with passive and active recreation, local purposes and pastoral farming). Ms Easton does not support this amendment as mineral extraction is not the purpose of the Open Space Zone, and this activity is provided for in other zones.
- 2.9 I agree that mineral extraction is not the purpose of the Open Space and Recreation Zone, although note that Policy OSRZ-P9, confusingly, includes "mineral extraction of resources where these are limited in their location" as one of a range of purposes that may be compatible with the open space values.

- 2.10 Mineral Extraction Zones and the Buller Coalfield Zone are noted as the preferred location for these activities. However, as I noted in my evidence on the Mineral Extraction Zone, the criteria for the MINZ (and presumably the Buller Coalfield Zone) are for activities that have become authorised, rather than those that have yet to be lawfully established. These zones effectively only recognise activities once they have become established (which is an arduous and expensive process).
- 2.11 New mineral extraction opportunities will arise within other zones, including the Open Space Zone. The conservation status of much of this land does not preclude these activities, which will be subject to the relevant rules when seeking resource consents.
- 2.12 Although mineral extraction is not a purpose of the Open Space Zone, it is provided for in the zone as a legitimate activity, which in my view clearly makes it one of the “very wide range of values”. Accordingly, I consider it should be included in the list of OSRZ-O2 c.
- 2.13 As a side note, there appears to be some confusion about use of the terms ‘value’ and ‘purpose’ in the policy framework. OSRZ-O2c. gives examples of ‘values’ (passive and active recreation, local purposes, pastoral farming), which I consider are more a list of functions or land uses. Policy OSRZ-P9 refers to providing for a range of ‘purposes’ where compatible with the open space ‘values’. These ‘purposes’ include quarries for rock, gravel and shingle extraction for roading networks and other local purposes, pastoral farming, and “mineral extraction of resources ...”. It is unclear how open space values can be considered under OSRZ-P9, if they are not clearly articulated in OSRZ-O2.
- 2.14 Including ‘mineral extraction’ in OSRZ-O2c. is compatible with the other functions listed there (although I do not regard them as values).

S537.020 (OSRZ-P9)

- 2.15 Policy OSRZ-P9 seeks to provide for a range of purposes where compatible with the open space values. These include “mineral extraction of resources where these are limited in their location”. Terra Firma seeks to remove the qualifier and to simply refer to mineral extraction of resources. Other parties seek to replace this qualifier with one that refers to functional, operational, technical and/or locational need to be sited there.
- 2.16 Ms Easton does not support these amendments, as she considers that these lands are governed by the Reserves Act and/or Conservation Act (as well as the RMA), which do not place a high weight on the value of mineral extraction and are very clear on the primary purposes of their classified lands. She notes it would be

inconsistent with these purposes for the Plan to promote the widespread use of the Open Space Zone for mineral extraction. In addition, the proposed wording was meant to reflect instances where the only locations available to source quality rock for e.g. coastal protection works is within an Open Space and Recreation Zone, and where mineral extraction could be appropriate under special circumstances.

- 2.17 Ms Easton does support an amendment to add mineral exploration and prospecting as she considers that these are a necessary pre-cursor to mineral extraction. I agree and note that it is disingenuous to include these activities in Policy OSRZ-P9 but not clearly articulate the importance of generic mineral extraction at the overview and objective level.
- 2.18 I consider that the qualifier 'limited in their location' is subjective and irrelevant to actual effects of mineral extraction of resources on the environment. Securing the right to mine is an expensive and time-consuming exercise, and not something undertaken on a whim by mining companies. Reframing the policy framework to clearly acknowledge mineral extraction as an anticipated activity does not equate with promoting this as a widespread use of Open Space lands. There will never be widespread use of such lands, given the high percentage of land held in the conservation estate, and the significant time and cost hurdles of securing exploration, prospecting and mining permits, resource consents and access agreements. As other submitters have noted, only a very tiny fraction of the conservation estate is mined.
- 2.19 Another important factor is that mining companies operating in the conservation estate typically contribute significant funds and resources for pest management and/or other environmental initiatives to offset localised effects of mining. These projects help to meet biodiversity and conservation goals and extend the effectiveness of DoC-funded programmes.
- 2.20 Requiring mineral extraction to be restricted to resources deemed (by persons unknown) to only occur within the Open Space Zone is not effects-based and fails to take into account whether the activity can comply with the OSZ rules.
- 2.21 I continue to maintain that OSRZ-P9 should not restrict mineral extraction of resources to "where there are limited in their location".

FS108.005 (NOSZ)

- 2.22 I support Ms Easton's recommendation to retain the Open Space and Recreation Zone for public conservation lands.

FS108.006 (Natural Open Space Zone – Overview)

2.23 I support Ms Easton’s recommendation to reject a submission by Forest and Bird (S560.0549) to prohibit new mining on public conservation land. Ms Easton notes that as mineral extraction is not an anticipated activity in this zone, there is no need to specifically refer to it (or the many unanticipated activities) in the Overview. I agree with this statement and point out that the reverse is true in the Open Space Zone: mineral extraction is an anticipated activity in the Open Space Zone (although not a zone purpose) and therefore should therefore be referred to in the Overview.



Lucy Catherine Smith

5 June 2024