

NOTES FOR HEARING

Open space and Recreation Zones

Residential Zones

Special Purpose Zones

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Representing myself and Buller Conservation Group, I have read the s42A report of Lois Easton.

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Defintions

S42A@44 S552, S553.2223

The planner says:

Outside of the Overview there is no use of the term reserve in the Open Space and Recreation Zones topic, but there is widespread use of the term “road reserve” throughout the plan.....introducing a definition for the term reserve would also have a consequential effect of creating the need for further definitions in the plan to make clear the differences between road reserves, and other types of reserves

There is also widespread use of the term, 'Reserve', throughout the Plan, especially in SASM, somewhat in ECO, where the Reserves Act is quoted, and, 'Reserve', is within the headings of FC-R10, and SUB - R4. In the Open Space chapters 'reserve' is used frequently in the overviews, also in OSRZ - P1, P4, twice in SARZ overview.

The Reserves Act covers most reserves, including road reserve, so a further defintion for road reserve would not be needed. A definition for 'Reserve' is not only applicable to the Zones chapters but also to the 'Natural Environment Values' chapters and 'General district-wide matters'. In the TTPP there is a defintion for:

1. Esplanade Reserve,

2. Open Space Management Plan: means a Reserves Management Plan.....in accordance with the Reserves Act 1977.

The BDC Plan's Reserves definition is concise and should be included in 'Definitions'.

Reserve Any land set apart for any public purpose, as defined in the Reserves Act 1977. There are different types of reserves administered by the Department of Conservation and the word 'reserves' in this Plan can refer to these reserves

OSRZ

Overview

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.

supports ongoing access and management of the lands? How will mineral extraction support access and management of lands? Surely mineral extraction is a stand-alone process that digs up the ground? How will a great big hole in the ground, overburden mountains and tailings dams be supporting land management? Surely access is ancillary to extraction, not a reason to allow it? .

P9

Provide for the a range of purposes where compatible with the open space values including:

Purpose? Surely P9 should instead refer to 'activities'. Gravel extraction, camping, grazing etc are activities rather than purposes. There are special purpose reserves such as cemeteries but P9 is not about special-purpose reserves. This is a flaw which could be misinterpreted at a future time.

P14

Provide for mineral extraction activities within the OSZ - Open Space Zone where:

- a. *Impacts on open space and recreation values of the site are minimised;*
- b. *This is provided for within any Open Space Management Plan for the area;*
- c. *Adverse effects on open space and recreation values and the environment follow the adverse effects hierarchy*

This was S552 original request but not addressed in the S42 Report.

I do question the need for clause (a) as (a) and (c) are the same issue expressed differently. It could instead be stated:

a Impacts on open space and recreation values of the site are minimised, with any residual adverse effects following the adverse effects hierarchy.

NOSZ

Overview

S42A@156 (S523.002)

This paragraph needs to be deleted as it is repeated at the end of the Overview.

S42A@154 S552.164

I requested the following amendment

The purpose of the NOSZ - Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves and many areas of LINZ land, particularly that of rivers and estuaries

S42A@154 says

I consider that land ownership by LINZ should not be the key driver of the zoning of these lands. As discussed in the Natural Character of Waterbodies s42A report, I consider that generally hydro parcels should be zoned General Rural Zone.

What the planner fails to identify is that LINZ lands are public lands (unless leased, which may restrict access, but not sure on that issue). It is not only many waterways which are vested with LINZ but also a fair amount of terrestrial environment, much which contains high natural, ecological and landscape values. Such lands require at least a mention in the overview. Such lands will easily be identified in GIS by planners, just like all the small parcels of DOC land that bear a mention in the overview and in rules for Open Space.

OSZ

R11

Mineral Prospecting and Mineral Exploration

typo

3. Where Areas are to be disturbed

Also: shouldn't there be reference in the 'Advice note' to the MINZ chapter?

However, this present proposal for OSZ R11 is different to the version proposed in Appendix 1 for the Minerals hearing.

zoning maps 553.226, 553.160 rezone LINZ land

S42@246

552.164 S42@154 hydro parcels now zoned GRZ

552.64 LINZ again.

RESZ

RESZ P2

S42A@66 S552, S553.228

S42A says

air pollution is not managed through district plans but is subject to the provisions of Section 15 of the RMA which delegate this function to regional councils. The appropriate location for this matter is the West Coast Regional Air Plan.

P2 should include air quality and odour - where else in any West Coast plan do residential properties and communities have protection from bad/ toxic air quality and bad/ toxic odours? There is little to no protection provided, except for the extant BDC Plan and it is therefore important that that item is transferred into this plan.

P4

Contrarily to S42A@66, P4 includes 'dust and odour'.

I consider the inclusion of 'dust and odour' as appropriate. It needs to be included in P2 if my suggestion to include, 'air pollution' is rejected.

S42A@70 S552, S553.229

'These submitters also seek that the policy refer to vibration. I am aware that the issue of whether TTPP should regulate vibration is a subject to be considered in the Noise s42A

report which has not yet been drafted. If TTPP is to continue to regulate vibration then I would support the addition of the term to this policy.'

Vibration has not been included in the updated P4
There is reference to 'vibration' in other chapters.

GRZ

R1

'site', 'net site area', 'allotment' - there needs to be consistency around the descriptive wording of property titles.

R4

Relocated buildings

2. The amendment makes less sense than the original and is bad grammar.

R4.2 Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~to be~~ and used as a dwelling;

The original needs to be reinstated.

R5 Home Business

S42A@116 S552, S553.169 S553.233

R5 4 heavy vehicles, 20 light vehicles per day or 120 per week is a lot of vehicle disturbance in a residential area, and will also be disturbing to domestic animals and wildlife. A business that needs such vehicle movement should be subject to neighbours' and/ or community approval.

This needs to be applied to all light business in RESZ and SESZ.

The S42 planner does not approve.

Permitted vehicular traffic numbers need to be reduced in number.

R5.7. *No external generation of dust, odour or smoke occurs as part of the activity.*

A good inclusion and this should be applied to all parts of the Plan.

LLRZ

R1

R1.6 Grammar

Stormwater is managed on site with any off-site discharge managed

R1.7

S42A@184 S552, S553.171

All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks if these services are provided;

The planner disagrees, saying the situation where these services are not supplied becomes discretionary,

I acknowledge that the overview says it is expected that such services will be supplied to all properties but if there is an anomaly this rule does not cater for it and may then require an expensive resource consent.

Residents should be allowed to choose composting toilets, which do not require a network connection.

Composting toilets:

There is no reference at all in this Plan to composting toilets. The Plan should probably address what types of toilets are allowed where. I asked that composting toilets be considered in SUB P2(l), where a connection to water and waste services is required if those services are in place, but my request was rejected, where the planner (SUB S42A@123, S552, S553.110) said that composting toilets are not restricted. But if

connection to reticulated services is required, it would be doubly expensive to instal a composting toilet instead.

(I did not address SUB P2(l) at the SUB hearing)

MRZ

Zone chapters need to be tidied up to list their rules in chronological order according to the rule structure/ sequential order of the general zone e.g. GRZ, rule order. As they stand the rule sequencing of the different zones' rules are disarrayed.

Chapters such as MRZ are superflous in the way they are constructed, just taking up space and readers' time.

Major differences between GRZ and MRZ:

Rule	GRZ	MRZ
R1	.7 1 heavy vehicle	.6 no heavy vehicles
R5	.3 There is no more than one full – time -equivalent person engaged in the home business that resides off-site	
		.4 A maximum of 4 heavy vehicle movements per day and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;
R6.5	Records of letting activity must be kept and provided to the District Council annually (this is an amendment that may have been overlooked for MRZ. Reasoning in S42A@131 would support overlooked)	Records of letting activity must be kept and provided to the Council on request ;

Advice note	2 In the Buller and Westland Districts, where residential visitor accommodation has been lawfully established under the Buller or Westland District Plan provisions, then existing use rights apply.	Not included - may be an oversight.
R7	Not included - may be an oversight.	.3 Any buildings must be connected to the community water supply and wastewater networks and stormwater from the site used for the activity must not drain to any public road except for secondary flow purposes;
R8	.2 maximum of 10 residents	.2 maximum of 6 residents living on site
R9	Papakainga developments permitted	No equivalent rule
R10	Accommodation within Hokitika VAC	No equivalent rule
	GRZ R13 Buildings not meeting R1	No equivalent rule
GRZ R16 MRZ R11		MRZ R11 Development of Medium Density Developments The first part of the rule in GRZ (where: 1-6) is missing from MRZ - perhaps it should not be.
GRZ R15, MRZ R12	same except for additional amendments	Additional amendments not included (may be an oversight?)
GRZ R18	Papakainga developments	No equivalent rule

GRZ R19 MRZ R15	a. is missing	a. This is ancillary to a Residential Activity
GRZ R21 MRZ R17	heading includes Commercial visitor accommodation	Commercial visitor accommodation not included
GRZ R22	Commercial Activities and Emergency Service Activities	No equivalent rule
MRZ R18	no equivalent rule	Visitor Accommodation not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards
MRZ R19	no equivalent rule	Any Commercial Activity not meeting another Rule in the Zone

Some differences are likely oversights, other differences are so trivial they are not needed.

Rules for MRZ, and all similar zones stemming from and under an umbrella zone ruling chapter e.g. GRZ, should be:

1. put in chronological order according to the linked umbrella zone ruling chapter e.g. GRZ,
2. eliminate any rules that are a repeat of the linked umbrella zone ruling chapter
3. The appropriate umbrella zone ruling chapter overview should say that its rules apply to all its consequential, downstream zones.

Note that FUZ - P1 says:

Provide for use and development that is consistent with the policies of the GRUZ - General Rural Zone

Special zones

FUZ

Policies

S42A@107 S552, S553.191

P6 Avoid FUZ development in areas of indigenous biodiversity and natural character.

Although it is stated in FUZ - P1, that general rules and regulations of GRUZ must be followed, this proposed policy needs to be included. it could be added to P1. I think it needs to be included as general guidance, especailly as SNA has not completed in the Buller.

Noted that the overview refers to the ECO chapter, but I consider that BD needs to be referred to in a policy because the FUZ is, and will be, large areas which will no doubt incorporate BD, and a future urban zone will require substantial clearing of land.

STADZ

P3

S42A@348 S552, S553.200

My suggestion to include light is supported.

Appendix (page 18)

Note - Quality planning website down. check S42@124, p48

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