

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE
HELD ON 29 APRIL 2022
HELD VIA ZOOM
COMMENCING AT 9:45 A.M.**

PRESENT:

R. Williams (Chair), T. Gibson, B. Smith, L. Martin, L. Coll McLaughlin, A. Becker, A. Birchfield, P. Madgwick, S. Roche, J. Cleine

IN ATTENDANCE:

E. Bretherton (WCRC), L. Easton (WCRC), H. Mabin (WCRC), P. Morris (GDC), S. Bastion (WDC), R. Townrow (BDC), M. McEnaney (GDC)

Welcome

The Chair welcomed everyone to the meeting.

Apologies

F Tumahai was an apology for the meeting. The Chair advised the Committee that Jo Armstrong is on leave.

Confirmation of Minutes

The Chair noted the minutes of the 29 March 2022 meeting should be amended to correct meeting attendances.

Moved (Williams / Birchfield)

That the minutes of the meeting dated 29 March 2022 be confirmed as correct, subject to the following amendments:

- *Cr Challenger is to be recorded as present at the meeting, and Cr Coll McLaughlin was an apology.*

Carried

Matters Arising

There were no matters arising.

Declarations of Interest

Cr Coll McLaughlin noted she wished to advise of an interest in the agenda item on mineral zones and potentially one other item on rural zone subdivision on the agenda. She advised she would refrain from voting on the minerals item and would be guided by the Chair on the rural subdivision matter.

Financial Report

E Bretherton spoke to this report on J Armstrong's behalf and took it as read.

Cr Coll McLaughlin asked about the purpose-built RMA submissions tool. E Bretherton advised that it was to assist in management of the submissions received, to reduce staff time required in processing them. L Easton offered to provide a demonstration to the Committee on how it would work for submitters.

Moved (Smith / Martin):

1. *That the Committee receives the report; and*
2. *That the Committee approve the \$25,000 variation to the contract with Kereru Consulting for additional hours through to 30 June 2022 be signed by the Chief Executive, West Coast Regional Council.*

Carried

Technical Report: Ecosystems and Biodiversity

L Easton spoke to this report. She outlined the overall approach to feedback received from the exposure draft consultation has been to accept it, unless it involved policy or substantive matters that require further consideration by the Committee. Feedback on policy issues and the more substantive matters is now being put before the Committee in today's meeting and the next Committee meeting, to seek guidance from the Committee on those matters in terms of the direction of the Plan.

L Easton advised there was a lot of feedback on ecosystems and biodiversity sections, and outlined the staff recommendations. She advised that the current approach taken may involve some risk and may be legally challenged as not being consistent with the Regional Policy Statement (RPS), and suggested policy changes and additions which may address this. She also recommended checking whether the rule thresholds and exemptions were appropriate.

Cr Birchfield asked about Significant Natural Area (SNA) rules in the Grey District. L Easton confirmed that as a result of mapping the SNAs, outside identified landscape and SNA areas there are no restrictions on clearance of indigenous vegetation.

Cr Martin asked for clarification in relation to the timelines for undertaking indigenous vegetation clearance, particularly the timing of works in relation to commencement and lapsing of resource consents if people don't action their consents. L Easton advised she would consider this and bring information back to the Committee at the next meeting.

Mayor Cleine noted it had been his understanding that they had complied with the RPS by having high-level maps, so had met this requirement. He also asked about where costs fell for mapping of SNAs. L Easton confirmed that legal advice received confirmed that the inclusion of the high-level maps in the Plan for Buller and Westland would satisfy that requirement, but the Committee had not included the maps in the exposure draft. She advised that this remained an option. In terms of costs for identification of SNAs, she thought costs would lie with the WCRC as having responsibility for the ongoing management of the TTP Plan. Cr Roche asked if there was any idea of costs. L Easton thought it was in the order of \$200,000 - \$300,000.

P Madgwick noted the difficult history of previous regional planning process for Schedule 2 wetlands and his concerns around this being repeated with SNA issues and the process. He advised he had read the feedback on the exposure draft and felt the TTPP committee should act rather than delay, in order to maintain some local control over the process. He commended Grey District for their SNA identification and felt the committee needed to 'bite the bullet' and get on and do it for Buller and Westland. Cr Coll McLaughlin supported P Madgwick's comments and his experience in these processes. She noted that her understanding of the legal

advice was that while technically the high-level map may tick the box for mapping, if it wasn't being shown to be meaningful or tied to policy provisions, then it may not be looked on favourably by the Court.

Cr Becker advised he did not support the use of the high level map in the proposed Plan as it caught many areas. Cr Birchfield opposed the identification of SNAs and locking the land up through this and through outstanding landscapes and hazard fault avoidance areas. He noted the considerable cost to private landowners and asked how they would pay rates if their land was locked up.

Mayor Cleine acknowledged the point made by Cr Coll McLaughlin about the legal advice received and also the point made by Cr Becker. He said that Buller preferred the high-level map as it transferred the cost of identification of SNAs to the party proposing to develop the land which is more of a user pays scenario, although there were points both for and against it.

Cr Coll McLaughlin suggested separating the recommended resolutions in to those that were minor matters likely to be agreed and other more controversial matters, to avoid holding up those likely to be agreed. This was generally supported by a number of members.

Cr Roche suggested an amendment to the suggested Policy A to say 'SNA identification would be commenced within 5 years of notification of the Plan'.

Cr Becker advised he would be abstaining from voting given that Grey District had already identified their SNAs and he felt this was a decision that should be made by Buller and Westland. Mayor Gibson supported this and would also abstain.

P Madgwick said that from the feedback received on the exposure draft it was clear that delay would be opposed and would be appealed to the Environment Court, and there would be a loss of local control.

Cr Coll McLaughlin asked for some explanation of recommendation 19 (e) of the report. L Easton explained that this would involve a small number of landowners and these areas have already been identified.

L Easton advised that for any changes agreed today, she would draft up specific amended wording for the Committee to review at the following meeting.

P Madgwick clarified with L Easton that Māori reserve land was excluded from the SNA provisions, which she confirmed. P Madgwick explained that this land had always been in Māori ownership. It should be subject to a different set of rules as it doesn't come under the rule of the crown as it never left Māori hands.

Following a suggestion from Cr Coll McLaughlin, the Chair proposed that the report is received but that a report come back to the next meeting from staff with some clarification and further information on the views that have been expressed. Mayor Cleine asked L Easton to work with his staff on a paper to go to a Buller Council committee meeting to ensure Buller was able to reach a sound position on this, prior to the next TTPP meeting.

P Madgwick noted this timeframe may not work for Westland DC and felt that a June timeframe would be more appropriate. L Easton advised that the June meeting was for the adoption of the proposed Plan and this matter would need to be settled before then. Westland may hold a special meeting to consider this, to meet the May timeframe.

Moved (Williams / Birchfield)

1. *That the Committee receive the report.*

2. *That the Committee ask staff to prepare a further report to cover the matters that have been discussed and that that further report be available by 10 May.*

Carried

Technical Report: General Rural Zone Subdivision and Density in the General Rural Zone

L. Easton spoke to this report. Feedback received was overwhelmingly that the 20ha minimum lot size was too large. She outlined key points for the Committee to consider, including reverse sensitivity matters and protection of highly productive soils. There were some questions of clarification from the Committee.

Cr Coll McLaughlin asked about the need for a maximum size limit for minor dwellings, given feedback she had received that it was not necessary. There was general agreement among the Committee that this could be removed. L Easton would action this. Mayor Cleine raised an issue with the overlay and the minimum lot size, but noted that further community feedback on the proposals would be received throughout the process.

Moved (Gibson/Roche)

1. *That the Committee receive the report.*
2. *That a Highly Productive Land Overlay be included within the TTPP.*
3. *That the Controlled Activity Minimum Lot Size in the Highly Productive Land Overlay in the General Rural Zone in the proposed Te Tai o Poutini Plan be 10ha.*
4. *That the Controlled Activity Minimum Lot Size for Subdivision in the General Rural Zone (outside of the Highly Productive Land Overlay) in the proposed Te Tai o Poutini Plan be 4 ha.*
5. *That the residential density provisions in the General Rural Zone be aligned with the Controlled Activity Subdivision minimum lot size in the General Rural Zone.*

Carried

Technical Report: Mineral Extraction

L. Easton spoke to this report, noting that this was the issue that received the most feedback and this was largely from the West Coast community. She noted that some of the alluvial gold areas identified in the Exposure Draft were added quite late and did not undergo the rigorous checking the other identified mineral extraction zones did, and most of the feedback was on these areas.

Despite the majority of the feedback noting that the rules are too enabling, staff are not proposing substantive changes to this section of the Plan, given the Committee is clear on its direction for these provisions. Staff are however recommending a return to the initial proposal for a smaller size of permitted activity from 4ha to 2ha, given the RMA minor effects tests.

Cr Becker felt that 2 ha was too small, and a minimum of 3ha was needed. GDC would also like the Barrytown extraction area left in the Plan through to submissions stage. P Madgwick said retaining the permissive approach was appropriate. He asked about Stafford and Goldsborough areas, and L Easton noted she would check. Cr Martin asked about Ross. There was discussion regarding retaining a mineral extraction zone and its extent at Ross, given the feedback received from the Ross community meeting that this zone was not supported. Cr Martin felt a middle ground should be sought. Mayor Smith said that the minerals zone should not be watered down and the Mikonui Valley should be included. L Easton explained that the maps were based on information provided by the minerals sector. Cr Birchfield agreed that some areas were missing and the zone could be extended, and agreed with Cr Becker that the 4ha permitted size should remain.

Cr Coll McLaughlin noted she had declared an interest and would not be voting on this. She then asked a question of clarification in relation to the process for the Plan, and implications for costs in defending the

provisions. L Easton outlined the process and when provisions take effect. In response to a further question from Cr Coll McLaughlin, L Easton confirmed that the general rural zone provides pathways for mining also.

Mayor Gibson said that there was a silent majority that were happy with what was proposed, and she suggested a campaign to encourage those that are happy with the provisions, to submit on the Plan and tell the decisionmakers. She also confirmed that GDC are happy with the 3ha minimum, not 2ha.

P Madgwick agrees with Cr Martin that a middle ground should be sought for the Ross zone which protects property rights of those in the town but retains the minerals extraction zone. He felt the Rimu map could be altered to reflect the landowner's information in relation to previous and current mining operations. He asked about adding Stafford and Goldsborough to the zone. L Easton advised that the sector had not provided maps, shapefiles or information about those areas, so she does not have information on which to identify a zone boundary for those areas. She said that people could put in a submission seeking those sites are included.

L Easton summarized the recommendations following the discussion; that points (c) and (d) from her report were to be deleted, (e) was to be increased to 3ha, and she suggested an additional recommended amendment (j) following the discussion on landowners within the zones that did not want mineral extraction zones over part or all of their properties. These were put to the Committee in a revised recommendation.

Moved (Birchfield / Gibson)

1. *That the Committee receive the report.*
2. *That the mineral extraction provisions be amended in accordance with the following:*
 - a. *Include Karamea Lime Company Lot 1 DP 483059 and Section 1 SO15488, Westland Schist Quarry, Snowy River Mine and Globe Progress Mine in the Mineral Extraction Zone.*
 - b. *Seek further information from Bathurst Resources and confirm the appropriate boundary of the Buller Coalfield Zone.*
 - e. *Reduce the area for the Permitted Activity for Mineral Extraction in the General Rural Zone to 3ha.*
 - f. *Include Residential dwellings within the General Rural Zone in the 250m buffer requirements for Permitted Activities.*
 - g. *Provide additional policy guidance for the Controlled Activity in the General Rural Zone –that these areas should have been mined within the last 20 years.*
 - h. *Provide a Permitted Activity for mineral extraction in the Open Space Zone where this is undertaken in Local Purpose Reserves for Quarrying or Gravel purposes.*
 - i. *Other amendments to the policies, rules and definitions as sought in feedback where these are:*
 - a. *Minor amendments that do not materially increase or decrease the stringency; or*
 - b. *Amendments that improve the clarity and ease of interpretation of the policies and rules*
 - c. *Amendments that better align the wording of the policies with the West Coast Regional Policy Statement.*
 - j. *Amend Rimu and Ross goldfield mineral extraction zone boundaries to exclude landowners who do not want to be inside the zone.*

Carried

Cr Coll McLaughlin abstained from voting.

Technical Report: Corrections to Feedback Report

This was a technical correction. There were no questions.

Moved (Williams / Martin)

1. *That the Committee receive the report.*
2. *That the correct summary and recommended responses be considered alongside the other feedback on the draft TTPP Plan.*

Carried

Technical Report: Zoning of Public Conservation Land

L. Easton spoke to this report. She noted that the stewardship land review had not yet been completed, which was tricky timing for the TTPP zoning process. The Department of Conservation (DOC) sought that all their land be zoned Natural Open Space zone, but this was not recommended by staff as there are pieces of land throughout the Coast that are used for purposes such as camping grounds, for which this zoning is not appropriate. The general rural zone is not really appropriate for this type of land use either. Staff are suggesting that national parks are rezoned Natural Open Space zone, with the rest of conservation land zoned Open Space zone, with provision for activities such as gravel extraction where the reserve is classified for that use.

P Madgwick updated the Committee that there will be a period of public submissions on the recommendations around the stewardship land review.

Cr Coll McLaughlin confirmed with L Easton that the open space zone allowed grazing. L Easton advised that there had been a change in personnel at DOC, and that staff would need to clarify some matters with DOC on this matter. She will bring back some amended wording to ensure there is clear policy guidance on these zones, to the next meeting.

Moved (Becker / Smith)

1. *That the Committee receive the report.*
2. *That the following zoning changes to PCL be made:*
 - a. *National Parks be included within the Natural Open Space Zone;*
 - b. *Land identified through the Stewardship Land review for potential divestment be zoned as General Rural Zone;*
 - c. *Remaining PCL land that was zoned General Rural in the draft Plan be rezoned as Open Space Zone.*

Carried

Technical Report: Outstanding Natural Landscape and Coastal Natural Character Mapping

L. Easton spoke to this report. Stephen Brown has completed the further review of the maps in a report attached to the agenda. He has recommended fairly significant amendments to the maps, resulting in the reduction of areas in private ownership being identified as ONLs.

P Madgwick opposed the areas identified in the review, particularly around Bruce Bay. He said that the Māori reserve land was included and should not have been.

Cr Coll McLaughlin noted the area around the Westport water supply was included, and wanted to ensure that this key piece of infrastructure would not be affected by the ONL overlay. She also asked about Kongahu Swamp overlay, as to whether adjacent farming activity and rating district works would be affected. L Easton responded that maintenance and repair of infrastructure is permitted in the draft Plan. In relation to Kongahu, she would confirm where the boundaries were. Some of the area is outside the area covered by the TTPP, as it is in the coastal marine area. L Easton advised that the Westport flood protection works were covered by a specific provision and that something similar for the water supply could be considered.

Cr Roche noted that all of the initial maps that were reviewed by Brown Ltd have been recommended for amendment, and asked whether that had implications for the integrity of the rest of the identified areas. L Easton explained that the approach taken to the review was to target it to the areas with the most private

landholding, given the cost, but acknowledged that the whole thing would have been reviewed had money been no object, given the time that has passed since the initial assessments.

P Madgwick raised the issue of Te Kuha mine being included in the ONL. L Easton advised that they have an existing resource consent that can be exercised, and that it is also in a mineral extraction zone. If it was to expand its footprint beyond the area currently consented then the ONL provisions would apply, but not to the current proposal.

Cr Birchfield asked whether mining would be prevented by ONL designations, and how much private land is in the ONL areas. L Easton advised that landscape effects are able to be mitigated, and mineral extraction would probably require a consent in an ONL. She has not yet been able to obtain GIS information about the amount of private land under the ONL designation. This analysis will be completed for the section 32 report.

The Chair summarised the recommendations but noted that the mapping should also be amended taking in to account P Madgwick's comments regarding Makaawhio land.

L Easton said she would look at the rules relating to the Westport water supply reserve, to provide a similar clause to the Westport flood protection works provisions.

Cr Coll McLaughlin suggested that the Committee resolve that Māori reserve land be excluded from ONL provisions and mapping, as per the situation with SNA provisions in the Plan. This was supported by P Madgwick, Cr Martin and Mayor Smith.

Moved (Williams / Coll-McLaughlin)

1. *That the Committee receive the report.*
2. *That the mapping of the Outstanding Natural Landscapes and Coastal Natural Character in the TTPP be amended in accordance with the recommendations of Brown Ltd and taking in to account the identified exceptions to the mapping, and amended to exclude Poutini Ngai Tahu Māori reserve land.*

Carried

Project Manager’s Report

J Armstrong was not present at the meeting but Chair Williams noted he and E Bretherton could take any questions. He advised the Committee that there was no information on the progress of the RMA reforms to update them with. There were no questions.

Moved (Smith / Coll McLaughlin)
That the report is received.

Carried

General business

There was no general business.

The meeting closed at 12:35 p.m.

The Chair thanked everyone for their attendance.

NEXT MEETING

Tuesday 17 May 2022 at Buller District Council.

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Chair

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Date