

**PROPOSED
TE TAI O POUTINI
COMBINED DISTRICTS PLAN
SUBMISSION**

Submitter Buller Conservation Group
Submitting on behalf of an organisation
No advantage in trade competition through this submission
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**Buller Conservation Group is submitting on parts of the Te Tai o Poutini Combined Districts Plan relevant to Buller Conservation Group's charter.
Buller Conservation Group wishes to speak to its submission
Buller Conservation Group could consider a joint case at the hearing**

CONTENTS	Page
Setting the Scene	3
Overview of the Te Tai o Poutini	
Combined Districts Plan	3
Contents	9
Part 1	9
Interpretation	10
Part 2	14
Energy, Transport, Infrastructure	16
Hazards and Risks	17
Historic and Cultural Values	18
Natural Environment Values	19
Subdivision	33
General District-Wide Matters	37
Part 3	46
Residential Zones	49
Rural Zones	50
Special Purpose zones	54
Designations, Schedules, Appendices	58

Setting the scene

1. The Buller Conservation Group (BCG) was established to work for the protection of the natural environment, particularly in the Buller Region, but also nationally and internationally. We promote sound ecological principles in all peoples' dealings with nature, We believe development is possible without wanton destruction of the natural environment. We advocate the wise and sustainable use of the region's resources for the benefit of future generations. We will speak out and act against development that is to the detriment of the natural environment.
2. Unless otherwise stated our references to the (or this) 'Plan' in this submission refers to the Te Tai o Poutini Combined Districts Plan.
3. During our investigation of this proposed combined districts plan BCG has read through the Buller District Plan and has found that some parts of that plan which we consider important have been omitted from this proposal. Throughout our submission we refer to the Buller District Plan (BDP), with extracts that we would like to see incorporated into this proposal.
4. Text marked in red are the amendments BCG would like to see adopted.
5. Most quotes (other than the proposed combined districts plan) in this submission are italicized

Overview of the Te Tai o Poutini Combined Districts Plan

Genetic engineering

This Plan needs to address the issue of genetic engineering. The West Coast cannot keep ignoring the issue as if it doesn't exist.

Here is an extract from the Far North District Council Plan, Chapter 19

While the HSNO Act provides the means to set conditions on the management of GMOs within a specific geographic area or irrespective of location, councils have jurisdiction under sections 30 and 31 of the Resource Management Act 1991 (RMA) to control land and water use activities involving field trials and the release of GMOs, to promote sustainable management under the RMA.

Local regulation can address key gaps that have been identified in the national regulatory regime for the management of GMOs, in particular the absence of liability provisions and the lack of a mandatory precautionary approach

Attached as our Appendix 1: Far North District Council Plan's Chapter 19: Genetically Modified organisms.

BCG has concerns with genetic modification at a district level because of the potential for escape and contamination of the natural world, leading to adverse positive feedback.

Maintenance of Indigenous biodiversity/ natural character

Natural character is used in two ways in this Plan, the first as in RMA, s6(a) the second as in RMA, s31(b), (iii), with no distinction between the two. There needs to be an explanation of 'natural character'. The explanations should be in the introductions to firstly the ECO chapter, stating s31(b),(iii), then in the NC chapter, stating s6(a).

Or else in the 'Definitions' chapter.

The adverse effects hierarchy

The hierarchy of firstly to avoid, then remedy, mitigate, or if those fail then offset then compensate is not followed through in this Plan. Too often the Plan jumps straight to offsetting, but this is not the intention of the RMA. The Plan must follow and maintain this hierarchy.

Offsetting and Compensation

Offsetting and compensation are not defined in this Plan which is an egregious omission. The West Coast Regional Policy Statement, Chapter 2, Significant Resource Management Issues for the West Coast, second to last paragraph of the chapter, says:

Issues, objectives, policies or methods in this RPS may refer to avoiding, remedying or mitigating adverse effects on the environment. The Council considers that in carrying out its functions under the RMA, it must consider any adverse effects of activities on the environment, including minor effects, in line with the requirements of section 5(2)(a), (b) and (c). However, adverse effects will be addressed by the Council in different ways to reflect the different nature and scale of effects. It may not always be possible or necessary to completely avoid, remedy or mitigate all adverse effects. Some effects will be so small as to be insignificant or inconsequential and can be ignored. Other effects may be more than minor but may not be able to be avoided, remedied or mitigated fully, and positive effects and benefits may outweigh any adverse effects. In some instances, it

may be acceptable to allow residual effects to be addressed by biodiversity offset or environmental compensation proposals which provide an environmental benefit outside the application site. The degree and significance of effects, including the potential for cumulative effects, will need to be considered in the circumstances of each case, and assessed against the relevant RPS and plan provisions..... including the appendices in the regional policy statement.

This Plan could take an excerpt out of this and insert it into the introduction to ECO.

Classes of Activities

BCG has concerns around the number of activities proposed as controlled and restricted discretionary. We feel that a good number of these should be classed as discretionary as often the activities considered may have greater than minor effects and need more discretion as to either allowing or denying them. Having activities that fall under controlled or restricted discretionary may shield them from public scrutiny where a public notification process should be the desired path.

Protection versus exploitation

The first objective of most, if not all, of the Natural Environments chapters (and probably other chapters as well) includes the objective of both protection and exploitation. The 2 opposing objectives need to be separated out into two independent objectives.

Site versus title

'Site' is used interchangeably through this Plan as both legal title to land and as a site of some activity not regarded as being equivalent to the nature of a legal title.

The glossary definition of 'site' needs to be changed to being places of activity not necessarily equating to the legal title of land, and a new definition, 'Title', introduced to be the legal title to any block of land.

Then, all references in this Plan to 'site' need to be amended to reflect the glossary meanings of, 'Title', and, 'Site'.

If that is not possible then wherever restrictions are proposed concerning sites they should read 'per site or hectare (or whatever size would be appropriate), whichever is the larger (or smaller, whichever constraint limit is required).'

Also, the Far North District Council includes

(b) Except that in the case of:

(i) land subdivided under the Unit Titles Act 1972, or stratum subdivision, "site" shall be deemed to be the whole of the land subject to the unit development or stratum subdivision; and

(ii) land subdivided under the cross lease or company lease systems (other than strata titles), "site" shall be defined as an area of land containing:

• any building, accessory buildings, plus any land exclusively restricted to the users of those buildings; or

• a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes.

(c) In the case of Maori land within the meaning of Te Ture Whenua Maori Act 1993:

(i) includes a parcel of land created by a partition under s289, provided that its area complies with the Residential Intensity rule for the zone in which the land is located; or

(ii) parcels of land partitioned and given effect to, by approval of the Maori Land Court, before 28 April 2000.

(See <https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/district-plan/operative-plan-2009/3-definitions.pdf>)

This is a better explanation of 'site' than that which is in this Plan.

General duty to comply

From the Buller District Plan

7.9.1.1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act.

7.9.1.2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a non-complying activity and will require a resource consent.

These clauses need to be included in this Plan; it may relate to RMA s17.

Municipal Waste

There needs to be mention of municipal waste, and waste management in general. the best place for it would be in the infrastructure section, or in the contaminated land section.

Penalties

This Plan needs to make clear the penalties which can be meted out for breaches of the Plan, and also make clearer what those breaches are. The Plan also needs to include what is to happen when councils do not enforce their own rules and regulations.

Coastal Environment

CE - Coastal Environment, should be within the 'Natural Environment Values' collection, not in the 'General District-wide Matters' collection.

Chapter introductions

BCG thinks it is important to mention in the introduction to chapters the RMA section the chapter refers to.

Cross-references

A number of cross-references are included in the Plan. Cross-references should include as a minimum the page number of the cross-reference. However the Plan is largely an online e-document and therefore the cross-references also require an electronic cross-reference (usually a shaded superscript) with mouse-click travel to the referenced site (and possibly reverse mouse-click travel back again).

Interactive map

Trying to delineate zones in the interactive map is hard work. Too many of them (special zones) are the same colour, and in others the shadings are hard to distinguish one from the other. Most importantly, when an area is clicked on, one would expect that particular zone to be highlighted with information as to what that zone is (such as in the DOC interactive map

<https://www.doc.govt.nz/map/index.html?banner=0&layerlist=0&base=Topo&layers=Walking%20and%20Tramping&extent=1558377.3555,5305620.3948,2193.5&search=Walking%20and%20Tramping:fdcc2c8f-a6ac-45ea-a945-78b6b5741c43>

click on 'DOC features'/ Public conservation areas),
but no, it comes up with a property boundary and the epithet, 'no information available'.
This is a fatal flaw and needs to be amended.

The use of formal language

It is important that in a special and important publication such as this, that proper grammar and syntax is applied, and that there are no grammatical errors. BCG **strongly recommends** an English language specialist read the Plan, or else at least one author here do an English language syntax and systematics course and apply it to this Plan

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CONTENTS

POU - Poutini Ngāi ~~Tapu~~ Tahu

PART 1: INTRODUCTION AND GENERAL PROVISIONS

Introduction

p8/9. Greymouth mentions Mawhera Pa but that is the only allusion to early Maori settlement. There were also pas at Carters Beach (Westport) and Hokitika River (Westland). BCG would like to see these mentioned.

P11 Statutory context

- The top tier of the hierarchy is missing. The RMA should be in a box at the top of the family tree.
- There should also be a list of other relevant legislation, as in 2.5 in the Buller District Plan (BDP).
- **RMA s17:** A reference to RMA s17 (duty to avoid etc) is needed (as in BDP 2.7)
- There needs to be mention of how cross-boundary issues are dealt with (BDP 2.8)
- There needs to be mention of how monitoring and enforcement is applied (BDP 2.11) .
- There needs to be mention of the reasoning behind the classes of activities e.g. minor, more than minor effects, refer BDP 3.1. This could be inserted in p14;

General Approach

p18 Legal effects of rules

BCG would like to see this Plan updated to eliminate the following statement at the time the Plan is finally operative.

Section 86B of the RMA allows councils to seek legal effect from the time of public notification. The Te Tai o Poutini Plan Committee has yet to consider whether there are parts of the proposed Plan that they will seek to have legal effect at time of notification

P23 GRUZ Areas used predominantly for primary production activities,

including intensive indoor **and outdoor** primary production

Reasoning Dairy farming in recent years has increased in intensity even though the primary way the stock is farmed is still outdoors. Nevertheless the increased intensity increases the potential to contaminate fresh and coastal waters. This increased and still-increasing intensity needs to be acknowledged and addressed in the district plan.

This definition of intensive primary production needs to be altered throughout the Plan.

Interpretation/ Definition

Bank There needs to be an explanation of riverbank in relation to riparian margins and how they are measured. Also the margins of wetlands. The Buller District Plan, 5.3.2.5.6 says:

A streambank or riverbank is defined as the edge of the defined channel or riverbed or where this is not obvious, the point at which terrestrial vegetation (eg: grassland, shrubland or forest) commences.

The boundary of a natural wetland margin is where indigenous wetland plants (ie: those indigenous plants such as sedges and rushes adapted to living in wet conditions) give way to other species. The boundary of a tidal wetland is defined as the point of mean high water springs (MHWS).

This needs to be used in the 'Bank' definition.

P32 Cemetery NOT Cemetary!!!

The following 4 definitions are inclusions in the 'Definitions' of the Buller District Plan, and should be incorporated in this Plan.

1 Ecological District/ Region Levels used for the ecological classification of land.

Currently New Zealand is divided into 269 ecological districts and 65 ecological regions

according to geological, topographical, climatic and biological features and processes and human activities, which interrelate to produce a characteristic landscape and range of biological communities.

2 Environment *Environment includes:*

(a) Ecosystems and their constituent parts, including people and communities; and

(b) all natural and physical resources; and

(c) amenity values; and

(d) the social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs a-c of this definition or which are affected by those matters.

3 Factory Farming *Farming which is not dependent on the fertility of the soil on which it is located or which takes place substantially within buildings or other structures, for example, poultry farming, pig farming, rabbit farming, mushroom farming, pot grown nursery and glasshouses which have other than an earth floor.*

4 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.*

The definition of 'Reserve' here is not quite right as there are local government-operated reserves and some reserves that are operated by non-government organisations under different sections of the Reserves Act, but nevertheless a definition of 'Reserve' needs to be incorporated in this Plan.

The following in red are extracted from the Buller District Plan's Definitions and need to be incorporated.

p36 Indigenous vegetation clearance *means the felling, clearing, destroying or removal of indigenous vegetation by any means, including cutting, crushing, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning for any purpose including vehicle tracking, but excluding the clearance of indigenous vegetation forming an under storey within an exotic plantation forest.*

P43 **Parks furniture**

j - surely cycle paths should be in 'Parks Facilities'?
and also applies to k - gardens, landscaping
and e- play spaces

Plantation forest means a forest deliberately established for commercial purposes, being—

- (a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and*
- (b) includes all associated forestry infrastructure; but*
- (c) does not include—*
 - (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or*
 - (ii) forest species in urban areas; or*
 - (iii) nurseries and seed orchards; or*
 - (iv) trees grown for fruit or nuts; or*
 - (v) long-term ecological restoration planting of forest species; or*
 - (vi) willows and poplars space planted for soil conservation purposes*

This definition of plantation forest from the NES Plantation Forestry 2017 needs to be included in 'Definitions'

P45 **Riparian margin**

BCG would like to see streams between 1 and 3 metres wide have a 5 metre riparian setback, and all major (specified) rivers in the region have a 15 metre riparian setback, with any reduction in that setback, for other than specified purposes, being a prohibited activity. More protection must be provided to our major rivers and their riparian margins. There also needs to be some detail around the vegetation of the riparian margin e.g. (as in Regional Land and Water Plan) it is prohibited for riparian margins with a greater than 35% indigenous cover to have the vegetation removed. Perhaps a link to the relevant section of the RLWP would be appropriate here. There needs to be a cross-reference to, 'Bank'.

P42 **River** the difference between intermittent and ephemeral needs to be quantified (as used in reference to lakes in this Plan (as in the RLWP)

P46 **Sensitive activity** There might be other sensitive activities not listed here, so should say:

means Includes but is not limited to

Subdivision, use and development There needs to be an explanation to say that these three activities relate to land only. This phrase is used throughout the Plan and it is not clear at times that use and development actually refers to land and not some other activity.

P50 **Glossary**

This is not a glossary, it is Language Translation. It could be called, **Maori/ English Translation"**

P52 NOT 'Abbreviations' rather '**Acronyms**'

National Direction Instruments

This is an important inclusion (has been absent or piecemeal in former Plans) and is nicely set out.

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Part 2

DISTRICT WIDE MATTERS

STRATEGIC DIRECTION

- Urban form and development
- Biodiversity and natural heritage management
- Climate change
- Mining
- Natural hazards
- Tourism

P66 The Strategic Directions are intended to demonstrate

4. Fostering the use and development of natural and physical resources whilst protecting ~~the~~ natural values **including those** that have been elevated to matters of national importance by the Resource Management Act 1991 and those matters of national and regional significance by National and Regional Policy Statements;

Reasoning: WC-RPS, Chapter 7, Objective 4

'Maintain the region's terrestrial and freshwater indigenous biological diversity.'

AG Agriculture - p67

There needs to be rules around the use of agrichemicals.

See our Appendix 2 for Waikato District Council rules around agrichemical use. Those rules need to be adopted into this Plan.

CR Connections and Resilience - p68

05 To recognise that intact ecosystems provide resilience via ecosystem services and climate stability

Alternatively this could be NENV - 05

MIN Mineral Extraction - p69

O6

a. Avoid, remedy or mitigate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's **terrestrial and freshwater indigenous biological diversity, including** significant natural and cultural features, sites and heritage, and amenity values,

Reason WC-RPS, chapter 7, Objective 4

'Maintain the region's terrestrial and freshwater indigenous biological diversity'

Also, mining can contaminate freshwater therefore this needs to be addressed in these objectives

b Allow adverse effects **in certain situations** to be addressed, **when avoidance, remediation or mitigation fails**, by alternative mitigation measures such as biodiversity offsetting and environmental compensation.

BCG does not like Clause b and we do not see the need for it. It is something that can be addressed in RC considerations. Anything requiring offsetting will be a public notification process because adverse effects will be significant. Clause b could instead say:

b **Significant adverse effects that require offsetting or environmental compensation will be subject to a public notification process.**

NENV Natural Heritage- p70

01 To recognise and protect the natural character, landscapes and features, ecosystems and indigenous biodiversity that contribute to the West Coast's character and identify ~~and~~ Poutini Ngāi Tahu's cultural and spiritual values.

~~NENV - 02 - To ensure that the rights, interests and values of Poutini Ngai Tahu to natural environment areas and features are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.~~

Reasoning The POU (POU - 03) chapter covers this.

03 a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land in protecting **the region's terrestrial and**

freshwater indigenous biological diversity and significant areas, habitats and features;

Reasoning WC-RPS, Ch7, Ob 4.

03; c. The need to support the ethic of stewardship and to consider the positive effects of the conservation estate *and significant natural areas* in achieving the requirements of the RMA.

POU Poutini Ngai Tahu - p71

P5 Poutini Ngāi Tahu should be able to freely access *recognised* mahinga kai sites and cultural materials in accordance with tikanga and to support community wellbeing.

P10 Protect Poutini Ngāi Tahu taonga and cultural sites, including sites and areas of significance to Māori identified in Schedule Three *while and ensuring* Poutini Ngāi Tahu's key role in decision making around their management.

ENERGY, TRANSPORT, INFRASTRUCTURE

INF Infrastructure

p87

R9 This rule would allow a cellphone tower to be built without resource consent. Any cellphone tower or similar pole or tower should be up for scrutiny, it should be a discretionary activity.

R9 - R15, R22, R23, BCG Is concerned that the plan is making it too permissive for such telecom infrastructure. It may be that these permissive rules otherwise allow what could be unacceptable intrusiveness to people, landscapes, natural character.

TRN Transport

R10; a Visual impacts on landscapes *above the treeline over 1000m above sea-level;*

Reasoning Above the treeline scarring is very obvious and the treeline is not necessarily at 1000m.

HAZARDS AND RISKS

Contaminated land

CL - good.

Hazardous substances

P110

HS - 01 The benefits associated with the use of hazardous substances are recognised while ensuring that risks to the environment and human health arising from subdivision use and development **or any other** activities involving hazardous substances are minimised.

Reasoning There must be a holistic approach to the use of hazardous substances in any conceivable situation.

O2 To encourage and promote the safe and efficient handling and disposal of hazardous substances throughout the District.

Reasoning this is 4.11.5.1 of the Buller District Plan. It identifies the issues with hazardous substances better than this Plan's O1.

P5 Compliance with approved codes of practice and national guidelines and standards shall be required for all activities involving the use, storage and transport of hazardous substances.

Reasoning 4.11.6.1 of the Buller District Plan. This is important information to include.

HS - P1 Activities and facilities involving the use and storage of hazardous substances shall be designed, located, constructed and operated so as to ~~avoid minimise-residual~~ risk to people and the environment.

Reasoning There is no excuse for even residual risk to people or environment, there has to be NO risk.

NH Natural Hazards

NH - R8 BCG is not sure 300mm above 1% annual flood exceedance is high enough. The outlook prognosis is for sea level to keep rising, and LINZ tide charts corroborate this, with 3.7m spring tides now becoming more common for Westport and likely all of the West Coast.

BCG would like this consideration applied to all relevant clauses in the NH chapter.

HISTORIC AND CULTURAL VALUES

Historic Heritage

to p136

Schedule 1 and Appendix 10

It is important that any known sites are recorded in this schedule and appendix so that they are then known and can therefore be protected.

Schedule 1A p592

Arch record L28/36 is the railway heritage at the Chasm Creek Walkway. BCG requires this to be added to Schedule 1A.

Schedule 1B p 626

Mokihinui Cemetery is depicted as Arch 2 on interactive TTPP map but is listed as Arch 3 in Schedule 1B.

Appendix 10 p803

- There is a midden at Mokihiu where a stone adze was found and is now in Lyttleton Museum
- A waka kereru was found in 1998/1999 in Pages Stream in Seddonville. It was uplifted to get preserved and is now at Arahura Marae.

Tree

to P146

Tree P5(e) BCG is concerned that this policy clause could provide a loophole which would allow for any development to remove a notable tree. .

P7 Allow for the inclusion and protection of further notable trees within the district without requiring any plan change

SASM Significance to Maori

to p150

SASM - P13 (d) which allows indigenous vegetation clearance, **subject to other rules and regulations around indigenous vegetation clearance.** (SASM - R5 covers this so possibly amendment not needed)

NATURAL ENVIRONMENTAL VALUES

ECO Ecosystems and indigenous biodiversity

to p166

- The RMA, s31(b), (iii) version of natural character needs to be defined in ECO overview (versus the RMA s6(c) version which should be defined in the NC chapter)

- Stealth of our public lands vested in district council by adjacent private landowners: The Plan needs to state in no uncertain terms that this is not condoned and needs to ensure that heavy fines are given to those who breach the rule; the Plan also needs to address the land already stolen by mandating that remediation occurs by removing fencelines and replanting, and protecting those plantings.

Overview

para 2

In a number of many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation (albeit the majority of that land is mountainous) - compared with 24% nationally.

Any activity carried out on public conservation land requires a concession, licence, permit or lease from the Department.

Reasonings

1 Firstly the coastal highway breaks through and fragments any otherwise continuous tract of ECO, but that aside there are actually few places of unbroken ECO from coast to sea because much of the lowland/ coastal plains is in private ownership, predominantly farming, so the true wording there would be **few**.

2 The extract is from 4.8.9.3 of the Buller District Plan. It could be included in the ECO overview or somewhere in Tourism, Public Access, GRUZ, or NFL Information contained in BDP 5.3.1.4 and 5.3.1.5 could also be included.

Para 3 Some examples of declining and functionally extinct species (e.g. cobbled skink) need to be highlighted to emphasize that the West Coast is not exempt from such tragedies happening. Wording could be

*The Cobble Skink, **Oligosoma aff infrapunctatum**, found as recently as 2015, predominantly in the Buller, is now functionally extinct. The at risk Shore spurge, **Euphorbia glauca**, and the nationally endangered Coastal cress, **Lepidium flexicule**, can be found along the West Coast. Our estuaries are home to the nationally critical dotterel, **Charadriidae o. obscurus**. It is essential that we protect the habitats of these endangered*

| species.

(Some of the wording is extracted from the BDP)

| para 4

| Territorial authorities are ~~Te Tai-o-Poutini Plan~~ is responsible for protecting and maintaining terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies

Reasoning it is not the Plan but the authority that is responsible.

The relevant section numbers of the Act need to be mentioned in this paragraph, including sections 31 and 17

para 5

| The RMA requires territorial authorities ~~Te Tai-o-Poutini Plan~~ to manage indigenous biodiversity in two particular ways.

Reasoning It is not the Plan but the authority that is responsible.

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

Where indigenous vegetation clearance is proposed within riparian margins next to rivers, lakes and wetlands refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the ~~r~~Rules around this clearance.

| Where indigenous vegetation clearance is proposed in the coastal environment refer to the Coastal Environment chapter (page reference) of the Plan for the rules around this clearance.

Note: Wording and reference around coastal environment needs to be pulled together.

Note: RMA s6(a) includes both riparian margins and coastal environment.

There needs to be restrictions on signage in areas of high natural value.

| 05 Recognise the ecosystem services that intact SNAs provide for the resilience of both human and indigenous habitat.

Reasoning Ecosystem services need at least one mention in this Plan.

'Ecosystem services' is a valid and recognised scientific term used to describe all the services of benefit to mankind and other species that intact ecosystems provide such as fresh water, clean air. It also regulates e.g. climate, floods, natural hazards. It is high time this term was adopted by district planners.

O1 To identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna *and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities* on the West Coast/Te Tai o Poutini

Reasoning This is a direct extract from the Buller District Plan.

P1; 1 BCG is concerned that not all significant areas may have been identified. P1; 1 needs to allow for any further sites of significance that may be identified through assessment under Appendix 1 of the WC-RPS.

P1; 3 Further sites of significance may be identified in the Greymouth area through the assessment criteria in Appendix 1 of the Regional Policy Statement

P2; e d. The activity has ~~less~~ ~~no more~~ than minor adverse effects on the significant indigenous vegetation or fauna habitat.

But really there should be NO adverse effects on SNAs as any adverse effect will be degradation which can accumulate.

P3 Encourage the protection, enhancement and restoration of significant indigenous biodiversity *and natural indigenous character* by...

Reasoning s31 requires all indigenous biodiversity to be maintained.

P3; a For subdivisions where legal protection exists over areas of significant indigenous vegetation or significant habitat of indigenous fauna additional subdivision

rights may be granted

Reasoning Less ambiguous wording.

P3; e Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity and natural indigenous character.

~~P4 Provide for eco-tourism activities that complement the protection and/or enhancement of areas of significant indigenous vegetation or significant habitats of indigenous fauna and contribute to the vitality and resilience of the economy and wellbeing of the community.~~

Reasoning BCG struggles to understand how eco-tourism could enhance the values of SNAs. We imagine that 'eco-tourism' in this case likely applies to such as bike trails through intact forest. Surely the protection of SNAs has nothing to do with tourism? We are not sure it is correct to see positive outcomes of resilience and vitality to local communities of protecting SNAs through degrading them to provide for eco-tourism. Surely it is the intrinsic value of SNAs (for and of themselves, with no human attributes involved) which is prompting the mandated protection of them? Why does the district plan then need to twist that intent by considering economic gain as a result of that process, and mainly through degradation of the SNA? Surely instead the ecosystem services an SNA provides should be mentioned here instead to provide resilience and wellbeing?

~~P5 Enable the use of Māori Purpose Zoned land within areas of indigenous vegetation and indigenous fauna habitat, where land use and subdivision is consistent with tikanga and mātauranga Māori and ensures less than minor minimises adverse effects on any significant values of the vegetation or fauna habitat~~

Reasoning 'Minimize' is not quantitative enough. Any significant (more than minor) change to an SNA needs scrutiny.

P7; b Whether formal protection and active management of all or part of any area of significant indigenous vegetation or habitat will occur as part of the resource consent

process subdivision, use or development;

Reasoning needs consistent use of language

P7; d The cumulative **adverse** effects **on biodiversity** of activities within or adjacent to any area of significant indigenous vegetation or habitat; **and the cumulative effects within the catchment/ district;**

Reasoning

1 in the extreme situation it could be interpreted as e.g. 'the cumulative effects of increased commerce in the vicinity is good for economic prosperity'.

2 Adverse cumulative effects need to be considered at a catchment level

P7; g The impact of the activity on the values of any area of significant indigenous vegetation or habitat, and how any potential impact could **firstly** be avoided, **and if that is not possible then consider using the adverse effects hierarchy. remedied-re-mitigated**

Reasoning The adverse effects hierarchy should be followed rather than each step of the hierarchy being treated equally. Same for P7; h

ECO - P8 Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by

a. Maintaining, and where appropriate enhancing or restoring **indigenous biodiversity, including** the functioning of ecological corridors, linkages, **wetlands and dunes**, and indigenous coastal vegetation and wetlands;

Reasoning WC-RPS, chapter 7, Objective 4

'Maintain the region's terrestrial and freshwater indigenous biological diversity'

P8; e Recognising **that the benefits of** active management of indigenous biodiversity, **such as including voluntary animal and plant** pest and stock control and/or formal legal protection, **provides benefits such as ecosystem services.**

Reasoning Mentions benefits as the focus of this clause but no further explanation of the

benefits but instead expands on how those benefits will be achieved, a bit like the cart before the horse.

P9 Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity **where any attempt to avoid, remedy or mitigate adverse effects has failed-where:**

ECO - P10 there is an overlap with ECO - P8 (c)

ECO - R1 There needs to be some explanation as to what, 'indigenous vegetation' is - is it 2yr old coprosma, punga and hebe? Or does it incorporate mature trees, and if so what girth is a mature tree, and what species? If this is not clarified in this Plan then it could create a headache in any proposal for development that is challenged or publicly notified.

R1; 3; i There is no statute or mandate for windthrown timber removal in indigenous forests so this clause needs to be deleted. It is wishful thinking on developers' parts to include this clause.

R1; 3; vi Is there really any reason new fencelines should be allowed within areas of indigenous vegetation? Surely keeping stock out would occur at the forest boundary?

R1; 3; vii. To upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by the Council or its approved contractor, **provided mature trees (greater than 30cm diameter) are avoided.**

Reasoning The resource consent for the 'Old Ghost Road' included this restriction.

R1; 3; ix 3 metre clearance area as permitted for new utilities should not be permitted; such a line could extend for many kilometres.

R1; 5

- 'per site' It could be a whole lot of 1/4 acre sections that were originally surveyed but since have become part of a much larger estate, and contain significant

indigenous vegetation. Much more than one patch of 50000m² in a contiguous area could be cleared because of the 'per site' catch. This is unacceptable. It needs to become 'per site or per (ha size), which ever is the larger'.

- BCG would like to see '15 years' reduced to '10 (or preferably 5) years'. In optimum conditions 15 years can see a really healthy regenerated forest of kanuka or manuka where avifauna depend on it for survival and it produces ecosystem services by way of the aggregate of mosses filtering wetland waters. Manuka is often a stage of sere evolution so contains much of indigenous value. More value must be placed on regenerating manuka fields.
- The 5000m²/ per site permission needs to be updated to reflect the fact that around 10,000ha of forest has been cleared illegally on the WC in recent years. This permitted rule needs to be tightened, not relaxed so that **any** indigenous removal can be questioned. R1; 5 is old ruling and it is nigh time it was upgraded to reflect proper conservation of remaining indigenous biodiversity in accord with RMA s31.

ECO - R2 Creating walking/ cycling tracks within the coastal environment should not be a permitted activity. It needs to take into account such as nesting sites, indigenous fauna habitat, vegetation clearance and this cannot be addressed properly if it is a permitted activity. It requires a resource consent so that adverse effects can be dealt with properly. When it says the activity should not take place in any identified SNA, what about Buller where none have been identified yet? This particular point occurs in a number of the ECO rules here.

R2; 2 'per site' needs to be changed as in R1; 5

ECO - R5

Discretion is restricted to a - h

This is a robust set of considerations.

ECO - R6

Discretion is restricted to

f The external finish of buildings.

Discretion restriction should include R5 d - h discretion restrictions (reproduced here as g -

k)

g Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

h Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;

i Effects on the intrinsic values of ecosystems;

j Effects on recreational values of public land; and

k The matters outlined in Policies ECO - P6 and ECO - P7.

Including our suggested 'k' is important because both policies 6 and 7 refer to land development.

BCG feels that there is not enough protection given to the region's terrestrial and freshwater indigenous biological diversity in general. It is good that significant areas are given vital protection (although this proposal could do better in that respect) but we don't see this Plan as slowing and halting the erosion of the region's indigenous biodiversity in general. The little pockets where remnant species survive, some common now, will become uncommon if degradation is not curtailed, and this plan is deficient in protecting those pockets that may not be significant right now. We do not have confidence that ECO will maintain and enhance the region's indigenous biodiversity.

NFL Natural Features and Landscapes

to p179

Concerns:

RMA, s7(d): particular regard to the intrinsic values of ecosystems; and s5(b): safeguarding the life-supporting capacity of ecosystems. The NFL chapter does not mention anything of this; these statutory conditions need to be mentioned in the overview.

NFL needs to include:

- 'natural character' in the objectives and policies, and all rules need to refer to protection of it
- specific mention of mature indigenous trees as these individuals or groups often give an area its natural charm and character.
- mention of ecosystem services. It is at the landscape level that ecosystem services are maintained or, hopefully, enhanced.

P1 The first policy should be protective to the object of the chapter, NOT as to how it can be exploited, or to what activities can occur within it. P2 should exchange with P1 with the following amendments

P2 Where possible, avoid **significant** adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where **significant** adverse effects cannot be avoided, ensure that the adverse effects **hierarchy is followed. are remedied, mitigated or offset.**

Reasoning

1 P1 works around adversely affecting values, whereas P2 works around **significant** adverse effects. This is inconsistent. Nor is **significant** used in P5

2 Better language. If compensation is not an option then it either needs to be stated here, or else use our wording.

P4; d **Landscaping buildings and structures with appropriate vegetation to soften outlines**

P5; a The scale of modification to the landscape, **including any adverse effects on natural character;**

P5; h h. Any positive effects **on identified characteristics and qualities** at a regional and local level;

Reasoning This is a protective policy so any positive effects at the local and regional scale must be to enhance the qualities and characteristics of the NFL.

P6 **Subject to policies 1 - 5, e**Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on the outstanding values of the landscape or feature.

Ditto for NFL P7

R1, R3 Advice notes 1 and 2 Which has priority - ECO/ CE rules, or the values which make the ONF outstanding? There needs to be a ruling around this.

R3 The WCRC Land and Water Plan needs to be referred to in an advice note to this rule.

R5; 1 Policies 4 and 5 need to be incorporated into this rule.

R6 Surely this rule is subject to other rules in this chapter as a priority over rules in other chapters such as EW? Or, R6; 1 and 2 are subject to R6; 3?

R6; 2; a R6 - can comply with INF R7 - this says that a building can be modified, or a pole heightened, by 30%. 30% is a lot, especially in relation to an already large building. 15- 20% would be a better amount as a permitted activity within an NFL

R6 - allows 500m³ of earthworks per 12 month per site - that's 10 x 50 m x1m depth. This could be the equivalent of a 2 lane road and would be a scar on the landscape.

R6; 3; b The rule needs to say, 'per site or 4ha (4ha is used as a sub-division standard elsewhere in this plan) whichever is the larger.'

R7 This rule needs to be subject to rules in ECO and rules and policies in NFL.

R8; 3: Parks furniture and facilities - needs to be minimal with low visual impact

R8, 5 This needs to be cross-referenced with WCRC Land and Water Plan.

R12 Should be discretionary, not restricted discretionary.

Reasoning There are too many variables to consider (particularly for new buildings) that restricted would not cover adequately.

PA Public Access

to p189

There needs to be a cross-reference to Natural Character, NC; P5

PA addresses esplanade strips. There needs to be included the purpose of esplanade strips such as in the Buller District Plan 8.4.1.15.1, which says:

- (i) To protect conservation values on riparian and coastal margins and associated water quality and aquatic habitats.*
- (ii) To ensure public access is maintained to and along water bodies where a proposed land use may reduce the ability to gain public access or where access is not currently available.*
- (iii) To ensure recreational opportunities near water bodies are not lost where the proposed land use may reduce those opportunities or to provide recreational opportunities where these are not currently available.*

But it should also include, '*mitigating natural hazards*', as in RMA s 229

229 Purposes of esplanade reserves and esplanade strips

An esplanade reserve or an esplanade strip has 1 or more of the following purposes:

- (a) to contribute to the protection of conservation values by, in particular,—
 - (i) maintaining or enhancing the natural functioning of the adjacent sea, river, or lake;
 - or
 - (ii) maintaining or enhancing water quality; or
 - (iii) maintaining or enhancing aquatic habitats; or
 - (iv) protecting the natural values associated with the esplanade reserve or esplanade strip; or
 - (v) mitigating natural hazards; or
- (b) to enable public access to or along any sea, river, or lake; or
- (c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.

NC Natural Character

to p190

Overview

First sentence should be:

Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA.

The introduction needs to refer users of the Plan to the Land and Water Plan rules on riparian margins, especially as regional rules overrule district rules. And especially how to identify the trigger for indigenous cover i.e. needs to be greater than 65% scrub for a riparian margin to be considered not indigenous. If not in the introduction to this chapter then alternatively in the introduction to the rules. BCG sees reference to the Land and Water Plan is in the Advice Note 1 under Rule 1. We think this advice note needs to be expanded on.

O1 To preserve the natural character of lakes, rivers and wetlands and their margins ~~while providing for appropriate subdivision, use and development where adverse effects can be avoided or mitigated.~~

'appropriate' needs explanation. Nevertheless there should be no development within the margins of waterbodies. Objective 3 is all that is needed to allow activity within those margins.

P1 What type of sub-division and use are anticipated? Nevertheless there is no need for P1 as P2 covers any anticipated activities in riparian margins.

P2 Provide for indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands, **subject to regional rules, with where-significant** adverse effects on natural character **are** minimized as far as practicable, and:

Reasoning s6(a) requires the preservation of the natural character therefore **any** adverse effects must be considered.

P5 This may be better placed under PA - Public Access, or a cross-reference put in.

R1

W think the rule on disturbance and earthworks here could be updated. 20m² per 200m length is 10% of that length. 10% is substantial and will not maintain any natural character. If 10% is allowed then there should be within the rule a mandate to enhance riparian margin elsewhere.

it is also not clear that this rule applies only to the activities a-j.

- a Fencelines should not be allowed within a riparian margin, they have the capacity to destroy the natural character of the waterway entirely. The rule specifically needs to ensure fencelines are kept out of riparian margins, especially where those waterbodies are protected by road reserve or queens chain or other protection of our public lands. Too often farmers clear native vegetation off riparian margins and put their fencelines in place within the riparian margin, including within road reserve. Having fencelines as a permitted activity within riparian margins encourages that illegal fencing. Fencelines within the riparian margins implies livestock will also be within that margin; this is not what the Act has intended, fencing is an inappropriate development and use within riparian margins. BCG considers that there should be a 5 year window to remove all fencelines from within riparian margins.
- f BCG has concerns about parks facilities and parks furniture within riparian margins. This Plan's definition of parks facilities is large and extensive. Siting such stuff within the riparian margins would not protect those margins at all. f needs to be combined with (g). otherwise there could be numerous riparian openings all providing bits of the same service whereas they could be combined into one opening.
- h, i There should be no leniency for Maori purpose activities, protection of riparian margins is a matter of national importance, especially with respect to sedimentation and natural character.
- Breaches of this rule for hazard mitigation work may occur, with the work being cited as emergency even though it is not, with any breaches occurring most likely not addressed.
- The rules around whitebaiting need to be tightened. Almost every (if not every) owner of a stand along a river give themselves entitlement to create a driveway in, usually through indigenous vegetation, and thence put up handrails, and solid and impressively large at times concrete structures. Whitebaiting needs to be

mentioned in this rule to emphasize that it is not ok to put in a driveway at every stand, nor solid, perennial shelters and whitebaiting structures, although it is probably too late now for most stands even though it was illegal to put most of those driveways and structures in. The whitebaiting schedule in the regional plan does not allow for driveways to stands from within the riparian margin. Another issue is that very often the riparian margins are vested with LINZ as hydro. The Plan does not regard 'hydro' as land, but that is wrong. 'Hydro' is excluded from this territorial plan, yet this Plan concerns itself with riparian margins, and the surface of water; is this not a conflict?

R2 At the beginning or end of this rule it needs to say
| have a functional need to be located in the riparian margin.

R3 the above in R2 also applies to R3.

SUBDIVISION

Financial Contributions

to p198

Overview

This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for **development of** infrastructure and for their use to offset adverse effects on the environment of the West Coast/Te Tai o Poutini.

Currently the three District Councils on the West Coast/Te Tai o Poutini use financial contributions under the RMA as the sole mechanism to provide for the costs and impacts of **private** development on Council infrastructure and these draft provisions have been developed on the basis of that approach continuing.

P1 - P2 adequately covers what P1 is trying to say.

SUB Subdivision

to p206

Rules on esplanade strips in this chapter only pertain to allotments less than 4ha in size. Section 77 refers to esplanade strips when sub-dividing, including s77(2) and s230(5) which allow for esplanade strips to be created for allotments greater than 4ha. S237E prohibits the subdivider from claiming compensation from the territorial authority for an esplanade reserve for allotments less than 4ha in size, whereas S27F allows for compensation from the territorial authority for esplanade reserves on allotments greater than 4ha. This anomaly should be addressed in this Plan.

The Buller District Plan, at 7.9.6.1.1 and 7.6.9.1.2, provides for esplanade strips in allotments greater than 4ha. This needs to be transferred into this chapter.

It says:

7.9.6.1.1. Where any allotment of 4ha or more is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.

7.9.6.1.2. Where any allotment of 4ha or more is created when land is subdivided, other than applies under 7.9.6.1.1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.

7.9.6.1.3. An esplanade strip required under 7.9.6.1.1. or 7.9.6.1.2. above may on application be reduced in width or dispensed with altogether. In considering any such application the Council shall take into account the matters listed in 7.9.6.3. below.

02; g protects and enhances amenity values

03 Subdivision design and development protects the quality of the environment including the intrinsic value of ecosystems and ~~significant~~ coastal, natural, ecological, historical and Poutini Ngāi Tahu features and resources and responds to the physical characteristics and constraints of the site and surrounding environment.

Reasoning It is not only significant natural areas that need protection (RMA s6 [particularly 6(a)], s7)

04 protects valuable horticulture land from urban sprawl

Reasoning see P5 (e)

05 Esplanade reserves and strips created through subdivision contribute to the protection of ~~identified significant~~ natural heritage and Poutini Ngāi Tahu values, provide natural hazard mitigation

Reasoning RPS recognises that not only significant natural character needs protection. There is also the issue of SNAs being recognised in the Buller only when an application for resource consent is made. This anomaly needs to be recognised throughout this chapter e.g. P3 refers to not compromising identified values of the Overlay chapter, but if those values have not been identified in the Buller, does it mean Buller is exempt? BCG believes this chapter needs to be amended to incorporate those omissions.

P1 d. Protects- ~~thesignificant~~ cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan; and

P2 (i) consider composting toilets, which use less water and are therefore unlikely to contaminate fresh water

P3 Provide for the subdivision of land ~~within or~~ containing riparian margins, ~~natural character~~, outstanding natural features and landscapes,...

Reasoning Statutory riparian margins in this Plan are no wider than 10 metres, so subdivision within a riparian margin is absurd (albeit esplanade strips are usually 20 metres wide but subdivision within such strips would also be absurd). Perhaps the policy is referring to subdivision normal (orthogonal) to the direction of water flow? If so there needs to be some explanation around subdivision within riparian margins

P3; a Not compromise the ~~identified~~-characteristics and values ~~of identified in~~ the Overlay Chapter it is located within;

Reasoning Better language. Also, Buller's SNAs have not been identified.

P6; e. In the ~~c~~Coastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided ~~or mitigated~~;

Reasoningand besides, the adverse effects hierarchy is not being followed here.

P9 To require esplanade reserves or esplanade strips for allotments of less than 4 ha to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values ~~including corridors for native fauna~~,

R2; 4 ~~Where T~~the site is less than 4ha adjacent to a river >3m wide or the coast, the provision of an esplanade reserve or strip of 20m;

Reasoning Grammar

R3 Boundary adjustments, matters of control

f Protection, maintenance or enhancement of natural features and landforms, areas of significant indigenous biodiversity, ~~amenity values~~, historic heritage, sites of significance to Māori, archaeological sites or any other identified features.

R5; Matters of control;

k Effects on Poutini Ngāi Tahu values, ~~existing amenity values, the quality of the environment, natural character~~, notable trees or historic heritage within or adjacent to the site;

R7; 3 or the need for clearance ~~within the area~~ of significant indigenous vegetation to provide for future access to any site;

Reasoning It could be read that a small amount of that area could be cleared as

that small area in itself may not be deemed significant.

R9 There should be a minimum distance/ buffer from SNA to buildings or other development such as access/ roads.

R11 Should be discretionary

R12; Discretion; g Effects on Poutini Ngāi Tahu values, existing amenity values, the quality of the environment, natural character , notable trees or historic heritage within or adjacent to the site;

R15 Should be a mandatory buffer zone

S6; 3 Need to provide for safe bicycle and pedestrian use

S9; 1; c The bank of a river whose bed has an average width of 3m or greater.

Reasoning RMA s230(4)

There needs to be rules around allotments greater than 4ha in size.

General District-wide Matters

ASW Activities on the surface of water

to p230

R2

It appears that it is only Runanga/ Iwi - approved sites that are being considered as restrictive to motorized craft etc. This is unfair, there are many sites that rely on quietness that are not necessarily recognised by Iwi/ Runanga that need to be protected from exploitation by such as motorized craft.

BDC Plan

4.4.14.6.1. *There be no provision for motorised craft use on:*

- *Lake Christobel*
- *Lake Hanlon*
- *Kohaihai River*

4.4.14.6.2. *In the following water bodies, the use of motorised water craft with an engine capacity of less than 5 horse power is permitted:*

- *Lake Daniells*
- *Punakaiki River: upstream of the road bridge.*
- *Pororari River: upstream of the road bridge.*
- *Otomahana Lagoon*
- *Orowaiti River: upstream of the rail bridge.*
- *Okari: upstream of the road bridge.*

Rules 4.4.14.6.1 and 4.4.14.6.2 need to be moved over to this Plan but with the following amendments

In the following water bodies, the use of motorised water craft with an engine capacity of ~~greater less~~ than 5 horse power is ~~prohibited permitted~~:

It is far too permissive prohibiting motorized craft on only the waterbodies listed in the permitted rules of this Plan. There also needs to be restrictions on how far up any river motorized craft can go. Motorized craft are highly disturbing to generally peaceful environments. They bring intensive noise pollution and large wakes. They are also highly disruptive to birds and aquatic fauna. They deliver people quickly to places that should be a sanctuary where contrarily it should take physical effort to get there therefore creating a frame of mind that appreciates and honours the sanctity of the place.

Prohibitions on certain waterbodies, or parts thereof, need to be retained and transferred over from the relevant district plans, where Greymouth and Westland district plans no doubt have similar inclusions to 4.1.14.6.1; 2 of the Buller District Plan.

R6 There needs to be a list of waterbodies where commercial activities are not acceptable, besides those important to runanga.

CE Coastal Environment

to P235

General comments:

'Coastal Environment' should be in the Natural Environment Values chapter.

BCG considers that the CE chapter is too permissive to development.

O1 Should be separated into 2 objectives; one providing for protection, the other for exploitation.

CE P5 (e) ~~adverse effects on natural character, natural landscapes and natural features are avoided;~~

Reasoning This aligns with NZCPS

P6 ~~b. Where located in unmodified areas, any adverse impact on natural character can be mitigated;~~

Reasoning Besides unsynchronised and illogical grammar (how can established buildings and infrastructure be located in unmodified areas?) the built environment should not encroach into unmodified areas. Such areas are critical to maintain indigenous biodiversity and if not already identified as SNA then WCRC-RPS Appendix 1 will identify it as SNA.

P8 Where new development and upgrades of the National Grid are required ~~in areas indicated in Overlay Chapter areas~~, seek to avoid ~~and or~~ otherwise remedy or mitigate adverse effects. ~~on Overlay Chapter areas.~~

Reasoning

1 Grammar

2 However, isn't P8 repeating P3? The 2 need to be combined.

R4; 1; e ~~unmodified coastal area or area of high natural biodiversity-~~

Reasoning NZCPS requires coastal biodiversity to be protected as does RMA s6(a).

R5; 4; c There needs to be further caveats here. 7 metres is quite high in a highly natural environment, so this height restriction needs to be applied to certain zones such as town residential zones; other zones should have a lower maximum height.

R16 Should be discretionary, not restricted discretionary.

R17; 1; L There is a functional need to be located in that area

R20 Delete

Reasoning There should be no plantation forestry within the outstanding coastal environment. Plantation forestry will not protect the identified values within that environment.

R22 Delete, needs to be prohibited

Reasoning Destroying such features will destroy important values within that area and which may be of national or international significance.

EW Earthworks

to p252

Overview, 1st paragraph

The scope and scale of earthworks range from large bulk earthworks, which can alter the landform, ~~and its~~ topography, ~~and drainage hydraulics~~, to small and discrete areas of works most often associated with minor development.

Reasoning Too often drainage hydraulics are overlooked, its about time they were considered. Altering drainage hydraulics can have serious upstream and downstream effects.

Other relevant regulations

A number of other regulatory and non-regulatory methods also manage the effects of earthworks, particularly addressed in the Regional Land and Water Plan.

Reasoning The WCRC L&W Plan has a strong focus on earthworks, including many rules.

O1 Needs to be separated in to 2 objectives, the first for protection of the natural environment, the second for exploitation of that environment.

P1 2 Manage the effects of earthworks to minimise impacts on landscape character, amenity, natural features, water quality, biodiversity, cultural and heritage sites and the quality of the environment.

P 2 4 Enable temporary and small scale earthworks for the subdivision, use and development of land, the provision of utilities, and hazard mitigation, while managing those with the potential to create significant adverse effects.

Reasoning Protection of natural values must come before exploitation of those values.

R3, R4 'per site' needs to be changed e.g. R5; 4 - 10 sections of 350m², adding up to 3500m², could be levelled, dug up, heightened, all at one time, with cumulative changes to water hydraulics..

R8; a The impact on visual amenity, landscape and natural character, outlook and privacy;

R8; d The effectiveness of proposed management or mitigation measures to avoid minimise any potential or actual adverse effects beyond the property boundary of the activity;

Reasoning Unless the neighbours agree there should be NO adverse effects on that neighbour.

R8; e Any changes to the patterns of surface drainage or subsoil drains that could result in a higher risk of drainage problems, inundation run-off, flooding, or raise **or lower** the water table;

Light

to p259

The Buller District Plan, at 7.9.3.2 says that, when considering reflectivity, hard-standing or paved areas need to be considered as being of high reflectivity when placing lights to prevent light spill. BCG would like to see this issue incorporated into this chapter.

The Christchurch City Plan at 6.3.4.1¹ says

All fixed exterior lighting shall, as far as practicable, be aimed, adjusted and/or screened to direct lighting away from the windows of habitable spaces of sensitive activities, other than residential units located in industrial zones, so that the obtrusive effects of glare on occupants are minimised.

This needs to be incorporated as a policy

Overview, 1st paragraph

.....it may adversely affect the amenity of **neighbourhoods**, neighbouring properties and light sensitive areas; result in a **reduction or loss ~~loss or reduction~~** of views of the night sky, **cloud form and landscape views**; and **potentially** disturb wildlife

Reasoning

- 1 There have been issues with the increase in the number of streetlights and their individual intensities in the recent LED rollout, and the adverse effects they are having on values of darkness. There must be rules around the use of streetlights, particularly in areas sensitive to night light.
- 2 Grammar/ syntax logic
- 3 Even on the darkest of nights landforms and cloud form can still be visible if there is no light pollution.

1 <https://districtplan.ccc.govt.nz/pages/plan/Book.aspx?exhibit=districtplan&hid=332670>

3 There is no such thing as 'potential' here, undoubtedly wildlife is disturbed if subjected to light pollution. Westland petrels became disorientated and effects on other nocturnal fauna have not been documented, or perhaps, more precisely, not published in popular media.

O1 Artificial outdoor lighting enables night-time work, rural productive activities, recreation activities, sport, entertainment activities, transportation and public health and safety, **and maintains other amenity values within zones.**

O2 Artificial outdoor lighting is located, designed and operated to maintain **and protect** the character and amenity values within zones **and will ~~so that it does~~** not adversely affect the health and safety of people, **or** the safe operation of the transport network, **it will** protect views of the night sky **and landscapes**, the habitats, **and species within habitats, and ecosystems** of nocturnal native fauna **and the species themselves.**

Reasoning

1 O1 and O2 need to be separated out into pros and cons

2 Better grammar (we think)

2 There is no glossary term of 'character' in this Plan, the dictionary meaning of character being, 'distinctive features'. 'amenity values' in the glossary includes character. Just a thought as the two terms are used in O2. Character is more likely to be adversely affected by night lighting rather than enhanced, if a neighbourhood is too brightly lit it can destroy the character of that neighbourhood.

3 Wording around nocturnal fauna is repetitive.

P1; b Maintains the **character and** amenity values of the zone

P1; e Protects the health and well-being of **people and** ecosystems

Reasoning A repeat of P1; c

P3; e Minimizes adverse effects on **amenity values**, the health **and**, safety **and enjoyment** of people and communities in the surrounding area.

Reasoning Badly placed and directed streetlights that shine into properties can impact

severely on peoples' enjoyment of life after dark. They can also adversely affect wildlife and domestic animals within the property.

P3; f Minimizes light blindness caused by badly-directed light.

Note 1 (to the Light permitted rules) includes district council-controlled streetlights.

Or else there needs to be rules around district council-controlled streetlights. The recent rollout of LED streetlights have caused multiple problems of increased light pollution which BCG considers unacceptable.

R3; 2 b. Have a colour corrected temperature of no greater than 2200K ~~3000K~~ (warm white);

Reasoning Tekapo has installed 2200K lighting to prevent light pollution of the night sky, therefore that is a standard that should be adhered to in light-sensitive areas.

R4 10 Lux horizontal could be disturbing to wildlife, night natural values, and neighbours. The intensity should be measured at the boundary, not inside the boundary.

R5; c Effects on visual amenity; people and neighbourhoods.
(possibly visual amenity includes people and neighbourhoods?)

Noise

to p263

Overview

Where noise sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, Sensitivity can also arise when noisy industry sets up near existing peace-requiring activities such as a church or library.

O1 The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not compromise community health, safety and wellbeing, nor impact on noise sensitive activities.

O2 The function and operation of existing and permitted future noise generating activities and community infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities.

Comment O2 will create a clash of activities. There needs to be some kind of explanation as to how the noise-generating activities are not compromised by adverse effects. BCG reads O2 as saying that any adverse effects of the noisy activity will be disregarded. O2 also needs better syntax.

R12; g ~~Effects on the health and wellbeing of people;~~

SIGN Signs

to p274

P6 ~~To s~~Support the use of bilingual signage and the use of traditional Poutini Ngāi Tahu place names within the District.

TEMP Temporary activities

to p283

All Temp rules need a clause to say so long as environmental values are not degraded and that wildlife is not disturbed - e.g. temporary light could severely disturb long-tailed bat foraging; motorsports' noise and air pollution could severely disturb nesting birds, as could the noise of military training camps.

Restricted discretionary should consider effects on wildlife

R6; 3 There probably needs to be more explanation as to what 'other temporary activities' are, including such as spatial size, expected number of people.

=====

PART 3

AREA SPECIFIC MATTERS

Zones

Zones and Development areas

OSRZ Natural Open Space, Open Space, and Recreational Zone

p293

Overview

NOSZ and OSZ This is a resource management plan and Department of Conservation is exempt under Section 4(3) of that Act in relation to anything pertaining to land that has no effect beyond the boundary of the DOC estate. All of the DOC estate should be classified as one zone, except for smaller recreational sites such as bowling greens.

Riverbeds are really important open space zones. They need a mention here, particularly as they are often vested with Land Information New Zealand (LINZ), often as 'hydro', and they are often not limited just to the riverbed itself but contain valuable indigenous riparian forests that need protection. LINZ lands in their natural state are not given enough protection of the values within and this Plan would be a good place to provide that protection that those lands need. Too often they are viewed as land that anyone can do anything to, particularly by adjacent land owners, leading to cumulative degradation of those lands. Land classified as 'hydro' should not be excluded from the district plan; excluding 'hydro' is a fatal flaw. LINZ is another central government department, just like DOC; if DOC is included in this Plan then LINZ should be too. Case in point - the land west (sea side) of De Malmanchies Rd on the north side of the Mokihinui River, and running along the coastline, is 'hydro' and is not covered by the district plan but it contains hectares of land.

OSZ Open Space Zone If mineral extraction is to be provided for in the OSZ how does that reconcile with Scenic Reserves for instance? It cannot be allowed that mineral extraction occurs as a permitted activity in such zones. BCG notes that Policy 14 (b) provides suitable caveats.

However, separating the DOC estate into district council zones will lead to a heap of anomalies which could end up in dispute at some future time.

P1 ~~Open space should be developed and used in accordance with any relevant operative Reserves Act or Conservation Act Management Plan.~~

BCG does not agree with this as a policy in this Plan. DOC does not need to be told by a district council how to run its lands and the statutes it should operate under. Mentioning that DOC and its statutes are exempt under s4(3) should be sufficient.

The whole section OSRZ needs to be re-written with the object of understanding that a district council Plan is lower in hierarchy than a DOC statute with respect to natural values within the conservation estate. BCG sees this as a case of bureaucratic reverse sensitivity where it should be DOC making the rules here rather than the district council, particularly with respect to such as P14: Mineral extraction within open space zone. We understand that such activities would need permission under both the RMA and the Conservation Act, however co-ordination with DOC would be the way forward here, and shown as such in this Plan.

P14; c Adverse effects on open space and recreation values and the environment ~~are addressed following the adverse effects hierarchy. are avoid, mitigated, remedied, offset or compensated;~~

NOSZ - natural open space zone

to p298

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.~~

OSZ - open space zone

to p303

R19 Mineral extrn discretionary

a Impacts on conservation and recreation activities;

Does this mean conservation activities, or does it mean impacts on conservation concerning its values?

h. Effects on **any natural character, biodiversity and** threatened fauna or their habitats;

CMUZ - commercial and mixed use zone

to p319

O1 To maintain and enhance the character, **including historical heritage,** and amenity values of commercial areas and town centres.

INZ Industrial zone

to p355

GIZ General Industrial Zone

to p358

R1; 6 There shall be no offensive or objectionable dust nuisance, **odour or air pollution** at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;

This inclusion should apply to the relevant clauses of other zone types also.

Residential Zones

RESZ

to p371

1 Air pollution is an issue that needs to be added in to any clause in residential or settlement areas that may be subject to odour and smoke. It cannot be ignored. Air pollution will prevent wildlife from establishing, or re-establishing in residential areas.

P2 b. Minimise nuisance from noise, **air pollution**, light spill and vibration;

Reasoning Air pollution can be a serious problem in residential areas, including seriously hampering logical thinking and it produces many other adverse effects on health, both physical and mental, and wildlife.

P4 Enable existing non-residential activities and home occupations to continue and new non - residential activities to establish provided they **avoid ~~do not have a~~** significant adverse effect on the character.....particularly in relation to scale, car parking, vehicle movements, noise, **air pollution**, visual appearance, **vibration**, glare, dust and odour.

P5 Industrial Activities, and non-residential activities which involve noxious, offensive and dangerous activities and those with a significant negative impact on amenity shall not be located in RESZ - Residential Zones, **and will require a buffer zone.**

P18 a 20 metre buffer zone around the periphery of residential zones should separate residential from non-residential activities.

All residential (including settlement) zones should have this rule added in.

GRZ General Residential Zone

to p374

R5; 4 4 heavy vehicles, 20 light vehicles per day or 120 per week is a lot of vehicle

disturbance in a residential area, including 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.

R5; 6 No external generation of dust, odour, ~~or~~ smoke or other air pollution occurs as part of the activity.

R22; 4 Air pollution needs to be added in.

LLRZ large lot residential zone

to p384

R1; 7 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;

Reasoning Although our suggested addition makes sense BCG actually objects to R1; 7. It should not be mandatory to connect if a viable alternative such as composting toilet or collecting own clean water is done.

Rural Zones

RURZ Rural zones objectives and policies

to p403

(for BCG information - includes small settlements, incorporates:

GRUZ - most of the land, mainly in agriculture

SETZ - settlements outside main towns - 3 sub-zones within this

RLZ - lifestyle blocks)

Overview

3rd paragraph

...or their proximity to **resource extraction sites** or the main centres meaning they are becoming more like commuter areas.

O8 Protect indigenous biodiversity, including SNA's and natural character and waterbodies from encroaching rural development, particularly residential spread.

P1; g Protect indigenous biodiversity and natural character and waterbodies from inappropriate development.

P22 Sites used for mineral extraction **must should** be rehabilitated to enable the land to be used for other activities appropriate to the area.

P25; b. Managing dust, noise, **air pollution**, vibration, access and lighting to maintain amenity values;

Air pollution needs to be added to any relevant clauses managing dust etc in the zones pertaining to residents.

P25; d Avoiding or mitigating impacts on **indigenous biodiversity including** significant indigenous vegetation and significant habitats of indigenous fauna;

GRUZ - Prec 1; P1; 4 Be undertaken in a planned manner, in accordance with a **concept** plan agreed with the ~~Grey District Council~~: relevant district council

Assume this policy applies to Gloriavale; however communes could spring up elsewhere in the region.

GRUZ Rules
to p410

R3 Here is another instance of 'site' being used - is it referring to per title or per

something else? It is confusing, ambiguous and open to differing interpretations.

R11; 3 For areas disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed

Reasoning Better grammar

The Buller District Plan 5.3.2.1.4 has prospecting as a permitted activity where activities are limited to 150mm diameter drillhole per ha and 50 linear meters per ha for sampling with explosives. Then the site must be restored to original condition. Otherwise its a controlled activity. also 5.3.2.1.4.2. **These restrictions must move over into this Plan.** (see BCG comments re MINZ for a full extract of 5.3.2.1.4)

R12 Mineral extraction should not be a permitted activity because it needs much more oversight than what a few lines as a permitted activity cover. Permitting 20,000m³ to be disturbed over a 12 month period is a lot more than even the regional Land and Water Plan allows (5,000m³/ annum). Making it permitted is undermining the serious nature of mining and its environmental, and particularly social, impact. This rule is silent concerning peoples' and communities' wellbeing, including ecosystem services, in relation to this proposed permitted activity. Mining is a restricted discretionary activity in the Buller District Plan, and that is where it should stay as a first step, although BCG considers that all mining should be discretionary.

R18 Mineral extraction should always be discretionary as a bottom line.

What BCG has said here applies to RLZ; R15 also.

R20 Discretion restricted to
k number and type of livestock

Reasoning 5.3.2.4.1.1 of BDP

BCG has concerns about animal and environment welfare in relation to factory farming.

RLZ rural lifestyle zone

to p426

SETZ

to p437

Comments

There needs to be a cap on dairy and other intense rural production. Increased nitrates in groundwater, phosphate and nitrate run-off into waterways, effluent run-off especially in the high rainfall of WC, as a result of intensifying dairy is a regional council issue but also a district council issue when e.g. supplying drinking water and promoting swimmable rivers and beaches. Increasing intensity of farming produces increasingly more noise, odour, flies, traffic etc and these are issues district councils need to address and therefore needs addressing in this Plan.

R1; 2 Composting toilets and independent collection of rainwater for drinking should be accommodated for.

R2; 5; b 'Site' is important here - is that per legal title or per whole land holding in one contiguous area? 2000m² is a lot of ground to be cleared of indigenous vegetation, BCG does not agree with it being a permitted activity.

Notes on zones

It is essential that the following clauses of the Buller District Plan are incorporated

7.9.1. *General Duty to Comply*

7.9.1.1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act.

7.9.1.2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a non-complying activity and will require a resource consent.

Special Purpose Zones

BCZ Buller coalfields

to p461

Overview

This chapter is far too enabling of coal extraction.

Coalmining licences do not equate to actual coalmining. There is usually an involved RMA process to go through in order to look at this environmentally destructive process from myriad different angles in order to ensure that environmental destruction can be contained to some degree. A permissive approach will not address environmental issues adequately. The overview of this chapter reads like a coalmining licence equals full consent to mine, which it definitely is not.

BCG objects to all the objectives, policies and rules pertaining to Buller coalfields zoning. Any policies and rules can be included in a mining management plan, it does not need to take up space in this Plan. it can easily be included in MINZ.

R1 There needs to be a spatial constraint for prospecting drillholes etc. See BCG comments on GRUZ R11; 3, and below, re The BDP, 5.3.2.1.4.1

FUZ Future urban zone

to p468

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

Reasoning Although it is stated that general rules and regulations of GRUZ must be followed, this proposed policy needs to be included.

R9 Ridiculous to allow mineral prospecting in a FUZ.

MINZ Mineral Extraction Zone

to p484

P4; b include air pollution.

P4; d Managing impacts on **natural character and** significant indigenous vegetation and significant habitats of indigenous fauna;

P5 adverse effects should **use the adverse effects hierarchy be mitigated, remedied, offset or compensated** to achieve no net loss **and preferably a net gain** in biodiversity values.

R1 There needs to be a restriction on the spatial extent of land disturbed. Instate BDP
5.3.2.1.4

5.3.2.1. Permitted Activities

5.3.2.1.4. *Any prospecting activities as defined by the Crown Minerals Act 1991 and all reconnaissance exploration activities up to and including drilling, scout trenching and geophysical surveys, subject to:*

5.3.2.1.4.1. *All drilling limited to 150mm diameter and a density of one drill site per hectare.*

5.3.2.1.4.2. *Scout trenching or sampling by hand methods, or by mechanical means where there is existing access to the area to be trenched or sampled, or by the use of explosives where the aggregate length of the samples taken using explosives does not exceed 50 linear metres of sample per hectare.*

5.3.2.1.4.3. *Geophysical surveys not using explosives.*

5.3.2.1.4.4. *For prospecting activities as per 5.3.2.1.4, where areas are disturbed, topsoil shall be stockpiled and replaced over such areas, and the site shall be rehabilitated and restored generally to its original condition.*

R1; 2 Vegetation also needs to be stockpiled to be reinstated after the works finish.

R2; 2; a App 7 p798 (for BCG reference)

R2; 8, R3; 8 LIGHT; R4, measures light intensity inside an adjoining boundary. This is not a good enough standard when relating to mining. Some mine lights are highly light-polluting, scattering into the night sky and severely reducing the quality of dark skies, especially so with Stockton mine, high on a hillside. All mine lights need to have a high standard of hooding so that they only shine down to places intended by the light, not over a whole district. Point in case: one or two of Bathurst's Stockton lights can be seen clearly from Karamea, and they also destroy the quality of the night sky over the Radcliffe Ridge and Ngakawau Ecological Areas. This is unacceptable, highly polluting, light spill. LIGHT; R4 is woefully inadequate to cover the issue of light pollution at mining sites.

R3; 5 There shall be no offensive or objectionable dust nuisance, odour or air pollution at or beyond the zone boundary

MPZ Maori Purpose Zone

to p492

P2; e; i Ensuring any ~~significant~~ adverse effects from these activities on adjoining landowners beyond the zone and the wider environment are ~~avoided mitigated~~;

Reasoning it is not acceptable that adjoining landowners, including the DOC estate, could potentially bear the burden of adverse effects of activities from a MPZ (or any other impacting activity).

P3 e **Indigenous biodiversity is protected.**

Reasoning This is a mandate under Section 6(c) of the RMA

MPZ rules There is nothing in any of the MPZ rules protecting indigenous biodiversity. The rules here should incorporate the biodiversity protection rules of other residential zones.

STADZ

Stadium zone

to p509

P3 Require land use activities and development to be designed and operated to ensure that adverse effects of noise and light on the amenity of adjacent residential areas are minimised. Any lighting must have adequate hooding to ensure no upwards light spill.

R1 Needs to include constraints on noise and light levels as in P3.

Designations

Designations around particular issues need to be grouped together in order to streamline the order of designations e.g. all designations concerning electronic and electric should follow one another, all concerning local authorities should follow one another.

Roading hierarchy

Part 12 of the Buller District Plan is a list of its roading hierarchy. This is useful list and needs to be incorporated into this Plan.

Schedules

(to p591)

Some of the listings in the schedules and designations run north to south, others south to north (e.g. Schools); there needs to be more consistency and it seems the majority of them run overall north to south, so this should be adopted for all designations and schedules.

Schedule 1

Archaeological sites

Some in the Mokihinui area have been omitted.

They are L28/36 at the Chasm Creek Walkway

The Buller District Plan, at Part 14, 14.1, has a list of 250 historic buildings and sites. At 14.2 is a list of 60 historic buildings and structures. 14.3 is a list of , 'Other Locations of Historic/ Cultural Significance'. These all need to be transferred over into this Plan.

Schedule 2

Notable trees

Schedule 3

Maori significant sites (p 639, for BCG information)

Schedule 4

SNA

Schedule 5

ONLs

Schedule 6

ONFs

Schedule 7

Coasts

NCA55 (p709) Mokihinui Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the ~~Mokihinui-Orowaiti~~ River.

Schedule 8

Outstanding coasts

- Schedule 9 Mineral extraction**
- Schedule 10 Previous mines**

Appendices

(For BCG information; deals with Traffic, town centres etc)

App 7 Mineral extraction management plans (for BCG information - important biodiversity stuff)

App 8 Community living lots - to be filled in

Appendix 10 New Zealand Archaeological Association Sites of Māori Origin

BCG would like to see site location descriptions included, whether it be street or place name or lat/long co-ordinates.

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