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11 July 2023

Te Tai o Poutini Plan Committee
PO Box 66
Greymouth 7840

Att: Rex Williams

Dear Rex

Further submission on proposed Te Tai o Poutini Plan - TTPP

Thank you for the opportunity to further submit on the proposed Te Tai o Poutini Plan – pTTPP – combined District Plan for the West Coast.

Attached is the West Coast Regional Council's (WCRC or the Council) submission.

The Council consulted with their iwi partners, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, in the development of this submission. Poutini Ngāi Tahu advised that they will prepare their own further submission to the proposed TTPP.

In summary, the Council further submits on other submissions:

- which raise concerns about the Highly Productive Land (HPL) Precinct over private property, and on HPL-related objectives, policies and rules;
- that seek strengthening of provisions for aerial biodiversity and biosecurity activities; and
- on the Natural Open Space Zone Non-complying Rule 16 for mineral extraction.

Our contact details for service are:

Lillie Sadler
Planning Team Leader
West Coast Regional Council
PO Box 66
Greymouth 7840

Phone: 021 190 6676
Email: ls@wcrc.govt.nz

We would be grateful for acknowledgement of receipt of our further submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Darryl Lew', with a long horizontal flourish extending to the right.

Darryl Lew
Chief Executive Officer

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West Coast Regional Council further submission on Highly Productive Land Precinct

	Sub No. / Point No.	Support / Oppose	Provision		
S601 Birchfield Coal Mines Ltd	S601.084	Neutral	RURZ -01	Council is unsure what changes should be made to Objectives, Policies and Rules regarding Highly Productive Land in the Rural Zone until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	
S604 Birchfield Ross Mining Limited	S604.074	Neutral	RURZ -01	Council is unsure what changes should be made to Objectives, Policies and Rules regarding Highly Productive Land in the Rural Zone until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	

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	Sub No. / Point No.	Support / Oppose	Provision		
S526 BP & CA JONES	S526.001	Neutral	Rezoning request	<p>Council staff viewed the Landcare Research Land Use Capability maps. Our initial view is it appears that most of the Jones' property does not have Class 1 to 3 soils, which are the soils that the National Policy Statement for Highly Productive Land 2022 aims to protect.</p> <p>The area in the blue line of the Jones' map which was inundated appears to be partly Class 8 and partly Class 3. It is not clear if the Class 3 soils can be highly productive in the future. We understand that it partly depends on if the site is inundated again, and the extent to which rainfall can dilute the salt from the sea water. We note that the Jones' land is in a Coastal Hazard Area as shown on the Coastal Hazard overlays.</p> <p>The small area of Class 3 soils needs to be more thoroughly assessed against the National Policy Statement for Highly Productive Land policies, which refer to "large and geographically cohesive" soil areas being a priority for protection.</p>	<p>The Highly Productive Land Precinct over the Class 3 soils on the Jones' land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.</p>

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	Sub No. / Point No.	Support / Oppose	Provision		
S40 David Pugh	S40.001	Neutral	Rezoning request (Highly productive Land)	Council staff viewed the Landcare Research Land Use Capability maps. It appears that the land identified by the submitter is not Class 1 to 3 soils which the National Policy Statement for Highly Productive Land 2022 aims to protect. However, our initial identification needs to be confirmed through a more thorough community consultation process undertaken by the District and Regional Councils.	The Highly Productive Land Precinct over Mr Pugh's land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.
S524 Federated Farmers of New Zealand	S524.027	Support	GRUZ - PREC 5 - Highly Productive Land Precinct Policy	The Council agrees that a definition of Highly Productive Land should be consistent with the National Policy Statement for HPL. The National Policy Statement for Highly Productive Land 2022 does not use the term "versatile soils", so this term should not be used in the TTPP.	Make the definition of Highly Productive Land in the TTPP consistent with the definition in the National Policy Statement for Highly Productive Land 2022. Remove the term "versatile soils" from the TTPP.

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	Sub No. / Point No.	Support / Oppose	Provision		
S608 Grey District Council	S608.002	Support	How the Plan works - Precincts	The Highly Productive Land Precinct is not included in the list of precincts or overlays in the Section "Relationships between special layers". This appears to be an omission.	Add the Highly Productive Land Precinct to the list of precincts or overlays in the Section "Relationships between special layers", once the HPL Class 3 soil areas have been reviewed and mapped as required in the National Policy Statement for Highly Productive Land.
S608 Grey District Council	S608.484	Support	How the Plan works - Precincts	From discussion with the Grey District Council planning staff, WCRC staff understand that the purpose of the HPL Precinct in the TTPP is slightly different to the National Policy Statement for Highly Productive Land's focus on protection of highly productive soils Classes 1-3.	<p>Either remove or change the current "Highly Productive Land Precinct" Overlay in the TTPP, including removing or changing the name of the Precinct and Overlay.</p> <p>Add a revised Highly Productive Land Precinct Overlay to the TTPP once a more thorough community consultation process is undertaken by the District and Regional Councils, and the HPL Class 3 soil areas have been reviewed and mapped to meet the requirements of the National Policy Statement for HPL.</p>

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	Sub No. / Point No.	Support / Oppose	Provision		
S486 Horticulture New Zealand	S486.007	Support	GRUZ - PREC 5 - Highly Productive Land Precinct Policy	<p>The Council agrees that a definition of Highly Productive Land should be consistent with the National Policy Statement for HPL.</p> <p>The National Policy Statement for Highly Productive Land 2022 does not use the term "versatile soils", so this term should not be used in the TTPP.</p>	<p>Make the definition of HPL in the TTPP consistent with the National Policy Statement for Highly Productive Land 2022.</p> <p>Remove the term "versatile soils" from the TTPP.</p>
S486 Horticulture New Zealand	S486.008	Support	Strategic Direction AG 01	<p>The National Policy Statement for Highly Productive Land 2022 does not use the term "versatile soils", so this term should not be used in the TTPP.</p>	<p>Remove the term "versatile soils" from Strategic Direction AG – 01.</p>

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S486 Horticulture New Zealand	Sub No. / Point No. S486.062	Support / Neutral	Provision Rural Zones Objectives	The suggestion to add a new objective to give effect to the National Policy Statement for HPL may have merit. However, Council is unsure what changes should be made to Objectives, Policies and Rules in the Rural Zone until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	
S486 Horticulture NZ	Sub No. / Point No. S486.068	Support / Oppose Neutral	Provision RURZ - P5	The suggestion to add a new policy to give effect to the National Policy Statement for HPL may have merit. However, Council is unsure what changes should be made to Objectives, Policies and Rules in the Rural Zone until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	

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	Sub No. / Point No.	Support / Oppose	Provision		
S192 Ken and Robyn Ferguson	192.002	Neutral	Rezoning request	Council staff viewed the Landcare Research Land Use Capability maps. It appears that the land identified by the submitter is not Class 1 to 3 soils which the National Policy Statement for Highly Productive Land aims to protect. However, our initial identification needs to be confirmed through a more thorough community consultation process undertaken by the District and Regional Councils.	The Highly Productive Land Precinct over the Ferguson's land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.
S545 Martin & Lisa Kennedy	S545.002	Neutral	Subdivision/ Rezoning request	Council staff viewed the Landcare Research Land Use Capability maps. It appears that the land identified by the submitter is not Class 1 to 3 soils which the National Policy Statement for Highly Productive Land aims to protect. However, our initial identification needs to be confirmed through a more thorough community consultation process undertaken by the District and Regional Councils.	The Highly Productive Land Precinct over the Kennedy's land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.

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	Sub No. / Point No.	Support / Oppose	Provision		
S545 Martin & Lisa Kennedy	S545.003	Neutral	RURZ - O1	Council is unsure what changes should be made to Objectives, Policies and Rules in the Rural Zone regarding the protection of Highly Productive Land until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	
S545 Martin & Lisa Kennedy	S545.004	Neutral	GRUZ - PREC 5 - Highly Productive Land Precinct Policy	Council is unsure what changes should be made to Objectives, Policies and Rules in the Rural Zone regarding the protection of Highly Productive Land until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	

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	Sub No. / Point No.	Support / Oppose	Provision		
S217 Murray Stewart	S217.002	Neutral	Rezoning request	Council staff viewed the Landcare Research Land Use Capability maps. It appears that the land identified by the submitter is not Class 1 to 3 soils which the National Policy Statement for Highly Productive Land aims to protect. However, our initial identification needs to be confirmed through a more thorough community consultation process undertaken by the District and Regional Councils.	The Highly Productive Land Precinct over Mr Stewart's land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.
S546 Nick Pupich Sandy Jefferies	S546.001	Neutral	Rezoning request	Council staff viewed the Landcare Research Land Use Capability maps. It appears that the land identified by the submitter is not Class 1 to 3 soils which the National Policy Statement for Highly Productive Land aims to protect. However, our initial identification needs to be confirmed through a more thorough community consultation process undertaken by the District and Regional Councils.	The Highly Productive Land Precinct over the Jefferies' land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.

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	Sub No. / Point No.	Support / Oppose	Provision		
S544 Peter Jefferies	544.001	Neutral	Rezoning request	Council staff viewed the Landcare Research Land Use Capability maps. It appears that the land identified by the submitter is not Class 1 to 3 soils which the National Policy Statement for Highly Productive Land requires to be protected. However, our initial identification needs to be confirmed through a more thorough community consultation process undertaken by the District and Regional Councils.	The Highly Productive Land Precinct over Mr Jefferies' land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.
S606 Phoenix Minerals Limited	S606.059	Neutral	RURZ - O1	Council is unsure what changes should be made to Objectives, Policies and Rules regarding Highly Productive Land in the Rural Zone until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	

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	Sub No. / Point No.	Support / Oppose	Provision		
S285 Richard Henschel	S285.002	Neutral	Rezoning Requests	<p>Council staff viewed the Landcare Research Land Use Capability maps. It appears that some of the submitter's property has Class 3 soils, which the National Policy Statement for Highly Productive Land (NPSHPL) 2022 aims to protect. However, the NPS has qualifiers, including that 'large and geographically cohesive' HPL is a priority to protect, although these terms are not defined.</p> <p>Our initial identification needs to be confirmed through a more thorough community consultation process undertaken by the District and Regional Councils.</p>	<p>The Highly Productive Land Precinct over the Henschel's land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.</p>
S539 Rosalie Sampson	S539.003	Neutral	Rezoning request	<p>Staff viewed the Landcare Research Land Use Capability maps. A number of residential, commercial and farming properties identified by the submitter along the north bank of the Karamea River upstream from the mouth, and to the north of the River have Class 3 soils on them, which the National Policy Statement for Highly Productive Land (NPSHPL) 2022 aims to protect. However, there is no requirement in the NPS for residential and commercial properties to be mapped as</p>	<p>The Highly Productive Land Precinct over Karamea River land needs to be further investigated through a more thorough community consultation process undertaken by the District and Regional Councils.</p>

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				<p>highly productive land. The NPS also has qualifiers, including that 'large and geographically cohesive' HPL is a priority to protect although these terms are not defined. Additionally, lawfully established existing development has existing use rights under the RMA if any future new development does not increase the scale or intensity of adverse effects.</p> <p>WCRC staff have discussed the issue with BDC planning staff. The West Coast Regional Council will work with the BDC to undertake a more thorough community consultation process for identifying and mapping highly productive land as required by the NPSHPL.</p>	

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	Sub No. / Point No.	Support / Oppose	Provision		
S190 Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.966	Neutral	GRUZ - PREC5 - P5	<p>Council agrees in principle that Highly Productive Land should be retained and prioritised for productive land use. However, the National Policy Statement for Highly Productive Land (NPSHPL) emphasizes that Class 1 to 3 soils should be protected. This is subject to qualifiers including that 'large and geographically cohesive' HPL is a priority to protect, although these terms are not defined. Regional and Districts Councils must give effect to the National Policy Statement.</p> <p>Some of the HPL Precincts shown in the Proposed TTPP apply to other classes of soils, but it is not required in the NPS to have the same level of protection for Classes 4-8 soils.</p>	Amend the Highly Productive Land Precinct Overlay in the TTPP when land with highly productive soils is identified and mapped through a more thorough community consultation process, and in accordance with the National Policy Statement for Highly Productive Land requirements.

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	Sub No. / Point No.	Support / Oppose	Provision		
S620 Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio	S620.017	Neutral	Planning Maps and Overlays	Council staff viewed the Landcare Research Land Use Capability maps. It appears that the land identified by the submitter does not have Class 3 soils which the National Policy Statement for Highly Productive Land aims to protect. However, our initial identification needs to be confirmed through a more thorough consultation process with mana whenua, undertaken by the District and Regional Councils.	The Highly Productive Land Precinct over Poutini Ngāi Tahu land needs to be further investigated through a more thorough consultation process with mana whenua, undertaken by the District and Regional Councils, and in accordance with the National Policy Statement for Highly Productive Land requirements.
S493 TiGa Minerals and Metals Limited	S493.090	Neutral	RURZ -01	Council is unsure what changes should be made to Objectives, Policies and Rules regarding Highly Productive Land in the Rural Zone until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	

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	Sub No. / Point No.	Support / Oppose	Provision		
S607 Whyte Gold Limited	S607.059	Neutral	RURZ -O1	Council is unsure what changes should be made to Objectives, Policies and Rules regarding Highly Productive Land in the Rural Zone until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	
S599 WMS Group (HQ) Limited and WMS Land Co. Limited	S599.105	Neutral	RURZ - O1	Council is unsure what changes should be made to Objectives, Policies and Rules regarding Highly Productive Land in the Rural Zone until we have gone through a more thorough process of identifying and mapping the NPSHPL Class 3 soil areas to meet the requirements of the National Policy Statement for Highly Productive Land.	

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West Coast Regional Council further submission on permitted Noise R2

	Sub No. / Point No.	Support / Oppose	Provision		
S602 Department of Conservation	S602.180	Support	Permitted NOISE -R2	The change to the permitted NOISE - R2 Condition 12 that is sought by DOC is similar to a change requested by the Regional Council to Condition 12. The Council supports the suggested DOC wording.	Add the wording sought by DOC.
S166 New Zealand Agricultural Aviation Association	S166.024	Support	Permitted NOISE - R2 12)	The NZAAA suggested wording incorporates the wording sought by WCRC and DOC, and provides for aerial biosecurity and biodiversity operations.	Add the wording sought by NZAAA.

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West Coast Regional Council further submission on NOSZ Non-complying Rule 16

	Sub No. / Point No.	Support / Oppose	Provision		
S601 Birchfield Coal Mines Ltd	S601.080	Partly support	NOSZ - R16 Non-complying for Mineral extraction	Non-complying rule status is unreasonably onerous for extraction of quarry rock from public conservation land for Rating District flood protection works, especially in emergency situations. Given the predicted increase in frequency and intensity of rainfall events in the future, it may be necessary to source quarry rock from locations other than the four existing Council-managed Quarries at Karamea, Inchbonnie, Camelback and Okuru. A recent example was with the breaching of Rating District flood protection structures on the Wanganui River, and subsequent flooding of adjoining farmland. While people and homes were not at risk on this occasion, it could happen in the future. It would be preferable to obtain quarry rock from a location near the River to promptly undertake repairs, but much of the surrounding land is DOC land. If suitable quarry rock is found on DOC land, discretionary status is appropriate for assessing all environmental effects.	Change the rule status from non-complying to discretionary for extraction of quarry rock from new locations not identified in a Mineral Extraction Zone in the TTPP.