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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			
S601 Birchfield Coal Mines Ltd	Sub No. / Point No. S601.084	Support / Oppose Neutral	Provision 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	Sub No. / Point No. S604.074	Support / Oppose Neutral	Provision 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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S526 BP & CA JONES	Sub No. / Point No. S526.001	Support / Oppose Neutral	Provision 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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S40 David Pugh	Sub No. / Point No. S40.001	Support / Oppose Neutral	Provision 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	Sub No. / Point No. S524.027	Support / Oppose Support	Provision 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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S608 Grey District Council	Sub No. / Point No. S608.002	Support / Oppose Support	Provision 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	Sub No. / Point No. S608.484	Support / Oppose Support	Provision 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 TPPP is slightly different to the National Policy Statement for Highly Productive Land's focus on protection of highly productive soils Classes 1-3.	Either remove or change the current "Highly Productive Land Precinct" Overlay in the TPPP, including removing or changing the name of the Precinct and Overlay. Add a revised Highly Productive Land Precinct Overlay to the TPPP 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.

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S486 Horticulture New Zealand	Sub No. / Point No. S486.007	Support / Oppose Support	Provision 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	Sub No. / Point No. S486.008	Support / Oppose Support	Provision Strategic Direction AG O1	<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 – O1.</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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S192 Ken and Robyn Ferguson	Sub No. / Point No. 192.002	Support / Oppose Neutral	Provision 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	Sub No. / Point No. S545.002	Support / Oppose Neutral	Provision 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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S545 Martin & Lisa Kennedy	Sub No. / Point No. S545.003	Support / Oppose Neutral	Provision RURZ - 01	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	Sub No. / Point No. S545.004	Support / Oppose Neutral	Provision 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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S217 Murray Stewart	Sub No. / Point No. S217.002	Support / Oppose Neutral	Provision 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	Sub No. / Point No. S546.001	Support / Oppose Neutral	Provision 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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S544 Peter Jefferies	Sub No. / Point No. 544.001	Support / Oppose Neutral	Provision 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	Sub No. / Point No. S606.059	Support / Oppose Neutral	Provision 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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S285 Richard Henschel	Sub No. / Point No. S285.002	Support / Oppose Neutral	Provision 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	Sub No. / Point No. S539.003	Support / Oppose Neutral	Provision 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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<p>S190 Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora</p>	<p>Sub No. / Point No. S190.966</p>	<p>Support / Oppose Neutral</p>	<p>Provision GRUZ - PREC5 - P5</p>	<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 TPPP 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>	<p>Amend the Highly Productive Land Precinct Overlay in the TPPP 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.</p>

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S620 Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio	Sub No. / Point No. S620.017	Support / Oppose Neutral	Provision 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	Sub No. / Point No. S493.090	Support / Oppose Neutral	Provision 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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S607 Whyte Gold Limited	Sub No. / Point No. S607.059	Support / Oppose Neutral	Provision 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.	
S599 WMS Group (HQ) Limited and WMS Land Co. Limited	Sub No. / Point No. S599.105	Support / Oppose Neutral	Provision 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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West Coast Regional Council further submission on permitted Noise R2			
S602 Department of Conservation	Sub No. / Point No. S602.180 Support	Provision 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	Sub No. / Point No. S166.024 Support / Oppose Support	Provision 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			
S601 Birchfield Coal Mines Ltd	Sub No. / Point No. S601.080	Support / Oppose Partly support	Provision NOSZ - R16 Non- complying for Mineral extraction
		<p>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.</p>	<p>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.</p>