



388 Main South Rd, Paroa
PO Box 66, Greymouth 7840
New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
www.wcrc.govt.nz

11 November 2022

Te Tai o Poutini Plan Committee
PO Box 66
Greymouth 7840

Att: Rex Williams

Dear Rex

Submission on proposed Te Tai o Poutini Plan - TTPP

Thank you for the opportunity to 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.

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, co-drafted and assisted in the development of the TTPP. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio will prepare their own submission to the TTPP.

While Council supports the concept of the proposed TTPP, there are a number of provisions which require further work to ensure that the final Plan is efficient, effective and will support the economic and social wellbeing of West Coast communities and industry. These have been identified in our submission. We welcome the opportunity to work with mana whenua and landowners to resolve these issues to ensure that this is a Plan for the West Coast.

The first part of this submission is made by the Council in the role of a requiring authority under section 168(1) of the Resource Management Act. The purpose of this part of the submission is to lodge a Notice of Requirement seeking those designations for the WCRC's assets be added to the proposed TTPP. The assets include hydrology and air quality monitoring structures, Rating District natural hazard protection structures, quarries and the Council's offices and property in Paroa, Greymouth.

The second and third parts of this submission seek clearer provisions in the pTTPP for helicopter landings as part of aerial biodiversity and biosecurity activities, the Highly Productive Land Precinct and provisions, and the last part is a general submission on other matters.

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@wcr.govt.nz

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'H Mabin', followed by a horizontal line extending to the right.

Heather Mabin
Chief Executive Officer
West Coast Regional Council

West Coast Regional Council Submission on the proposed Te Tai o Poutini Plan

List of Decisions Sought

1. Infrastructure definition: That the definition of infrastructure be consistent with the Infrastructure Funding and Financing Act 2020, Sec 8:

environmental resilience infrastructure means infrastructure for —
 - (a) managing risks from natural hazards, including by avoiding or mitigating those hazards and reducing those risks; and
 - (b) environmental monitoring equipment.
2. Amend permitted Rule NH – R38 to provide for maintenance and repair of existing weather event monitoring structures and WCRC Rating District protection structures.
3. Either:
 - “environmental monitoring facilities” are added to permitted Rules ECO – R1 and R2; or
 - “environmental monitoring facilities” are added to the definition of “critical infrastructure”.
4. Either:
Amend permitted Rule ECO – R2, Condition 1 to include
 - “existing natural hazard mitigation structures” or “critical infrastructure”; or
 - Add “natural hazard mitigation structures” to the definition of critical infrastructure.
5. Remove the Outstanding Natural Landscape ONL54 Overlay from the private property - Section 27, Block XV, Oparara SD, Vaulation No 18780/234.00, subject to agreement by the landowner.
6. Amend the height limit in the Permitted Infrastructure Rule INF – R5, Condition 1 to 10m.

Condition 1 of Rule NFL – R3 requires amending as the Council seeks that Rating District protection structures are included in the definition of “critical infrastructure”.

Landscape and Environmental Values

7. Remove the High Natural Character Overlay from Karamea River (west end of Karamea Domain stopbank), Kongahu (Granite Creek) and Mokihinui (adjoining the downstream end of the bay) all have a small area within the High Coastal Natural Character Overlay.
8. The pTTPP HPL Precincts should be scientifically reviewed by the four West Coast Councils.

9. Review the pTTPP HPL provisions in terms of whether they meet the NPSHPL provisions, and amend the pTTPP HPL provisions once further consultation with affected landowners is undertaken.
10. Put the pTTPP HPL provisions on hold and undertake consultation with affected landowners.
11. The Sites and Areas of Significance to Maori need to be confirmed and the mapping of boundaries corrected.
12. WCRC would like to see a process developed where Council Officers and mana whenua meet with landowners to walk over properties to refine the boundaries of the Sites and Areas of Significance to Māori sites.
13. Sites and Areas of Significance to Māori maps and rules are refined in consultation with landowners.
14. Mapped are reviewed and refined in agreement with mana whenua and landowners.

General Natural Hazard provisions:

15. That the Natural Hazards provisions provide for the social and economic wellbeing of West Coast Communities.
16. Maps relating to Natural Hazard overlays:
17. Are refined to the property level for natural hazard overlays. Maps are refined for the coastal setback overlay to the property level.
18. Rules NH - R50, NH - R51, NH - R52, NH - R53 are reworded to provide clarity to land owners. Suggested wording:

Where new buildings are not protected by the Hokitika/Westport Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event:

- a. Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;
- b. Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event.

Provide a clear definition of clear definition for 100-year Annual Recurrence Interval (1% ARI) plus 1m sea level rise coastal event and a 1% annual exceedance probability (AEP).

19. The Council seeks to be a party to the refinement of objectives, policies, rules and accompanying maps for Natural Hazards.

20. That the Plan is refined to ensure there are no adverse effects on the social or economic wellbeing of West Coast people and communities, and no undue burden is placed on the West Coast Community from the proposed Plan provisions.
21. The Council seeks to be a party to the refinement of objectives, policies, rules and accompanying maps for ecosystems and indigenous biodiversity, natural character, natural features and landscape provisions.
22. The Council seeks to be a party to the refinement of the Greenfield areas of TTPP to ensure that the Plan is efficient, effective and useable for our West Coast communities and industry, and these sites are appropriately serviced.
23. Surface water and stormwater objectives, policies, rules and accompanying maps are developed for all new zones in the region.

Introduction

The West Coast Regional Council (the WCRC or Council) appreciates the opportunity to submit on the proposed Te Tai o Poutini Plan – TTPP – combined District Plan for the West Coast (TTTP).

While Council supports the concept of the proposed TTPP, there are a number of provisions which require further work to ensure that the final Plan is efficient, effective and will support the economic and social wellbeing of West Coast communities and industry. We acknowledge time and effort have gone into developing the proposed TTPP (pTTPP). The Plan addresses the District Council's statutory functions under the Resource Management Act.

The first part of this submission is made by the Council in the role of a requiring authority under section 168(1) of the Resource Management Act. The purpose of this part of the submission is to lodge a Notice of Requirement seeking that designations for the Council's assets be added to the proposed TTPP. The assets include hydrology and air quality monitoring structures, Rating District natural hazard protection structures, quarries, and the Council's offices and property in Paroa, Greymouth. The designation will provide these assets with a level of protection in the future from other activities that wish to locate near the structure or property and may adversely affect it. Any new activities that may affect the structures or property will require the Council's approval.

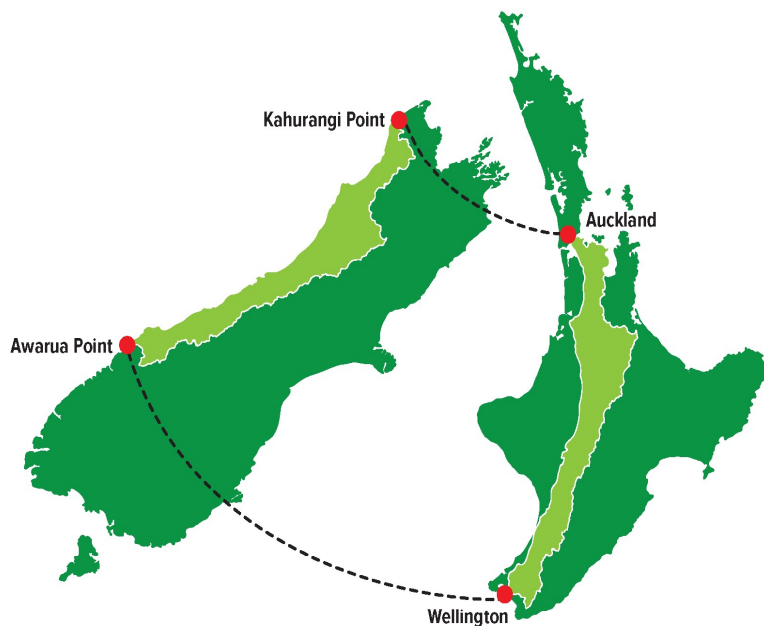
The second part of this submission seeks clearer provisions in the pTTPP for helicopter landings as part of aerial biodiversity and biosecurity activities. A minor amendment to the permitted Rule NOISE – R2 will improve the Plan's implementation.

The third part of this submission seeks reconsideration of the Highly Productive Land Precinct and provisions, now that the National Policy Statement for Highly Productive Land (NPSHPL) has come into effect. The pTTPP Overlay covers more areas than what is required by the NPSHPL, which is protection of Land Use Capability (LUC) Class 1-3 soils from non-land-based primary production. While the NPSHPL provides for councils to put restrictions on LUC Class 4 or more soils to protect them for land-based primary production, this is optional, and Council is concerned about the level of consultation undertaken with rural communities on the matter.

The fourth part of this submission outlines the sections of the pTTPP Council believes requires further refinement so that the final Plan is efficient, effective and will support the economic and social wellbeing of West Coast communities and industry.

About the Submitter

The West Coast Regional Council (WCRC) is the local authority, and the three District Councils are the territorial authorities for a region covering a vast area with a sparse population. Extending from Kahurangi Point in the north to Awarua Point in the south, this is the approximate distance from Wellington to Auckland.



The West Coast region stretches the equivalent distance of that between Auckland and Wellington

The Council undertakes a range of functions to meet their obligations under the Local Government Act and the Resource Management Act. In order to effectively carry out these functions, Council requires protection of its assets and monitoring equipment. The following is a list of Council functions and why changes are necessary to the TTPP to ensure these functions can be carried out:

- Administration functions: WCRC owns property and vehicles in order to fulfill its obligations of administration.

- **Hydrology and Flood Warning Services:** Hydrology monitoring records trends in water levels in key rivers and can also detect emerging issues. This assists Council to make decisions based on sound factual and up to date information. Flood warning provides information to civil defence, police and local communities that enables them to assess the risk of flood events, so appropriate action can be taken. There is sometimes demand for new rivers to be added to our flood warning service, and our ability to meet such demand depends on the resources available, balanced against the river's proximity to a major population centre and the risk profile. Any decision to invest in new assets would take into account factors such as need (risk), cost, accessibility, and whether there are clear communications to the site.

- **Assets to be maintained:** Council owns infrastructure at 44 hydrometric monitoring sites across the West Coast. Eight of these sites share infrastructure with NIWA. River level and flow gauges are located on river banks and consist of instrumentation cabinets with sensors that extend into or over the river channel. Rainfall gauges are located strategically in open areas to minimise sheltering caused by trees or buildings. They also include instrumentation cabinets and sensors. Four repeaters and four link radios are located throughout the West Coast, many on mountain tops. These transmit recorded hydrometric information to the server at the Council office where it is quality assured and stored.

- **Air quality monitoring services:** Council owns two air quality monitoring machines. Both machines are installed in Reefton.

- **River, drainage, erosion and coastal protection activities include:**
 - Administering the Special Rating Districts
 - Managing Council's flood protection assets
 - Quarry management and administration.

The Soil Conservation and Rivers Control Act 1941 requires Council to prevent and mitigate soil erosion and prevent damage by floods. To carry out these functions, the Council manages Rating District protection assets throughout the region.

River cross-section studies and aerial photography of some riverbeds and coastal areas are carried out to monitor gravel build-up and changing patterns in river and beach systems. This assists to identify what, if any, maintenance or additional protection is needed for Rating Districts.

This work is undertaken as required depending on the urgency and seriousness of the risks and consequences. The work is undertaken according to recognised engineering standards and practices, and according to the affordability to the local community who fund the work. Each of the Council's Rating Districts have different levels of flood protection according to the history of the works and affordability for the community. Several schemes also have in-river or riverbank erosion protection works such as groynes or rock rip rap. The intent is to maintain these works to their current dimensions in accordance with each Asset Management Plan.

Any increase in level of service provided by the protection works is primarily determined by the community that pays the targeted rate. If requests for new works are received, Council will evaluate what additional expenditure would be required and discuss it with the rating district that would be funding the increased level of service.

- Quarries: The Council manages four quarries and identifies other rock recovery sites to ensure security of supply of rock for Rating District protection works. The quarries, and other viable rock sources need to be located within an economically viable distance to where it is being used to minimise the impact on the affordability of rock protection schemes. Management plans have been prepared for each rock quarry except the Miedema site. The speed of quarry development is driven by demand for rock, therefore the performance targets focus on the process for managing the quarries, including the stockpiling of rock.
- Aerial Pest Control: The Council's business unit, Vector Control Services (VCS), exists to provide a suitable return to Council, to ensure there is capacity for delivering TB possum, and other pest vertebrate species control work, on the West Coast. VCS also assists with other Council and contracted field work as appropriate. Current work areas the business unit is involved in include:
 - ground-based and aerial pest control, and bulk storage facilities
 - support for biosecurity responses
 - support for marine oil spill and pollution responses.

The Council has traditionally had a pest control operational unit and it was decided in 2004 to operate that unit using a business model. Operating as a business unit enables Council service delivery functions

to be carried out efficiently and effectively in accordance with sound business practices. VCS competes on the open market for possum control work. VCS has the capability to compete for other contract work, as appropriate, to maintain a profitable business and provide a financial return to the Council. The VCS business unit also ensures the Council has suitably trained staff and equipment available at short notice for emergency work.

Submission 1 – Designation of West Coast Regional Council Assets

The West Coast Regional Council (WCRC or the Council) gives notice, via this submission, of a requirement for designations to be added to the proposed Te Tai o Poutini Plan (TTPP) – combined District Plan for the West Coast – for the Council’s assets, under the Resource Management Act 1991 (RMA). These include hydrology and air quality monitoring structures, Rating District natural hazard protection structures, quarries, and the Council’s two properties in Paroa, the office site and the Jacks Road property.

Section 168(1) of the RMA requires that a Notice of Requirement be made in the prescribed form to a territorial authority. A copy of the completed Form 18 is attached to this submission as Appendix 1. Form 18 includes reference to:

- Excel spreadsheets with details about locations of the Council’s assets;
- Four Supporting Information Reports with the information required by Form 18 to be provided at a later date; and
- A Site Use Agreement between the Ministry of Education and the Council to install and operate the air quality monitoring machine at the Reefton Area School grounds (this document could not be pasted into the Supporting Information Report).

The Order in Council 2018 gives the Council the function of reviewing the three operative Buller, Grey and Westland District Plans, and developing a new combined District Plan. In giving notice of a requirement for designations to be added to the proposed TTPP, the application will need to be considered independently by the TTPP joint Governance Committee with assessments on behalf of the three District Councils.

Under s169 of the RMA, this Notice of Requirement is given to the Buller, Grey and Westland District Councils via the TTPP Governance Committee, as WCRC’s assets are located in all three Districts.

Changes sought to proposed TTPP for WCRC assets

The Supporting Information Reports include an assessment of the pTTPP Overlay provisions for any of the assets that are within an Overlay (refer to the section in each Report titled *Reasons for work and designations*). As a result of this assessment, the Council seeks several changes to some Definitions, Overlay Rules and the General District Wide Matters – Infrastructure Rules, to provide for the monitoring structures, Rating District hazard protection structures and quarries. Some of the changes sought are to Definitions in the pTTPP.

Definitions

The Council seeks that the definition of “critical infrastructure” be amended to include the hydrology monitoring structures and the Rating District flood protection structures.

Decision sought:

Infrastructure definition: That the definition of infrastructure be consistent with the Infrastructure Funding and Financing Act 2020, Sec 8:

environmental resilience infrastructure means infrastructure for —

- (a) managing risks from natural hazards, including by avoiding or mitigating those hazards and reducing those risks; and
- (b) environmental monitoring equipment.

Natural Hazards

Permitted Coastal Severe and Coastal Alert Overlay Rule NH – R38 provides for reconstruction, repairs and maintenance to existing buildings in these Overlays. This Rule should be amended to also provide for construction, maintenance and repair of future hydrology monitoring structures and Rating District protection structures. There are currently six protection structures and one monitoring structure in the Coastal Alert Overlay, and three protection structures in the Coastal Severe Overlay. The designation will make these existing structures lawfully established. However, new monitoring or protection structures may be needed in the future to mitigate the impacts of climate change induced weather events. Monitoring structures provide valuable river level and rainfall data for Civil Defence to monitor and manage potential flooding of nearby properties. The protection structures have an important role in protecting adjoining land, buildings and infrastructure from flood risk. Council seeks that Rule NH – R38 is amended as future survey points may be necessary to monitor erosion and accretion.

Decision sought

Amend permitted Rule NH – R38 to provide for maintenance and repair of existing weather event monitoring structures and WCRC Rating District protection structures.

Ecosystems and Indigenous Biodiversity

Permitted Rule ECO – R1 “Indigenous vegetation clearance and disturbance outside of the coastal environment” has immediate legal effect. Condition 2 requires that the vegetation clearance is permitted by the Natural Character and Margins of Waterbodies Rule NC – R1 “Indigenous Vegetation Clearance and Earthworks within the Riparian margin of a River, Lake or Wetland”, which also has immediate legal effect. Condition 1 of this latter Rule applies in the Buller and Westland Districts, and provides for:

“b. maintenance, operation, minor upgrade and repair of....critical infrastructure....;”

d. Installation of an environmental monitoring and extreme weather event monitoring facility; or

e. Maintenance and repair of lawfully established structures;”

Rule NC – R1 permits indigenous vegetation clearance and earthworks specifically for environmental monitoring facilities within the margins of waterways. However, the permitted Rules ECO – R1 and R2 for indigenous vegetation clearance outside of, and within, the coastal environment respectively do not refer to environmental monitoring facilities. There seems to be a disconnect between these Rules. R1 Condition 3ii refers to “critical infrastructure”, and it would provide consistency if either environmental monitoring facilities are added to ECO – R1 and R2, or environmental monitoring facilities are added to the definition of “critical infrastructure”. Flood warning data transmitted via hydrology monitoring structures is critical for Civil Defence planning and response.

This matter has also come up with regard to the Outstanding Natural Landscapes and Features permitted Rule NFL R1 which provides for maintenance, operation and repair of lawfully established structures and critical infrastructure in an Outstanding Natural Landscape or Outstanding Natural Feature.

Decision sought:

Either:

- a) “environmental monitoring facilities” are added to permitted Rules ECO – R1 and R2; or
- b) “environmental monitoring facilities” are added to the definition of “critical infrastructure”.

Rule ECO – R2: “Indigenous Vegetation Clearance in the Coastal Environment”: Condition 1 does not provide for the existing Rating District protection structures in the coastal environment as they are not included in the definition of network utility infrastructure. The WCRC’s Rating District protection structures have an important role in protecting adjoining land, buildings and infrastructure from flood risk. There are currently 10 Rating District hazard protection structures in the coastal environment. Condition 1 should be amended to include “natural hazard mitigation structures” or “critical infrastructure”, or add “natural hazard mitigation structures” to the definition of critical infrastructure.

Decision sought

Either:

- Amend permitted Rule ECO – R2, Condition 1 to include “existing natural hazard mitigation structures” or “critical infrastructure”; or
- Add “natural hazard mitigation structures” to the definition of critical infrastructure.

Outstanding Natural Landscapes

The south-east corner of the Miedema property is within Outstanding Natural Landscape – ONL54 Fenian, Stormy and Radiant Ranges. The current quarried area is in the south-west corner of the property, however the Mining Permit applies over the whole property, so if there is Armour Grade Protection Rock (AGPR) in the south-east corner of the property, and the landowner is in agreement, there is potential for quarrying in this area. Council understands that the ONL boundaries are intended to exclude private property. The Council’s submission seeks that the ONL54 Overlay be removed from this private property, subject to consultation with the landowner.

Decision sought

Remove the Outstanding Natural Landscape ONL54 Overlay from the private property - Section 27, Block XV, Oparara SD, Vaulation No 18780/234.00, subject to agreement by the landowner.

Permitted Rule NFL – R3: “*Natural hazard mitigation activities including earthworks in an Outstanding Natural Landscape described in Schedule Five*” permits hazard protection structures in an ONL subject to conditions. Condition 1 requires that “*natural hazard mitigation activities are to protect critical infrastructure*”. Rating District protection structures are primarily intended to protect private land, whose owners pay a separate rate for the protection. However, network utility infrastructure such as roads, railways, and electricity and phone poles and cables within the vicinity of the protection structure can indirectly benefit from this natural hazard protection at no cost.

Condition 1 of Rule NFL – R3 requires amending as the Council seeks that Rating District protection structures are included in the definition of “critical infrastructure”.

Infrastructure

Permitted Infrastructure Rule INF – R5: “*Environmental monitoring and extreme weather event monitoring facility*”: Condition 1 requires that monitoring equipment is not more than 4 metres in height and 25m² in area.

Some of the existing hydrology structures in remote hill and mountain areas have antennae that are more than 4m in height, to avoid radio interference caused by surrounding mountains and terrain. Future new monitoring structures in the same type of topography may also not meet the 4m height limit for the same reason. Hydrology staff advise that the Haast River @ Deelaw structure located at Mt Deelaw is the tallest monitoring structure at approximately 7-8m. It needs to be this high as it has a long distance to broadcast rainfall data. The environmental effects of taller hydrology monitoring structures and aerials is minimal in remote locations. Council considers that in these situations, the 4m height limit is unreasonable, especially as it is a substantial change from the 30m height limit in Rural Zones in the operative District Plans. Given the large area of rural and Public Conservation Land on the West Coast, and that there will not be a proliferation of hydrology monitoring structures, Council seeks that permitted Rule INF – R5 be amended to provide for a height limit for hydrology monitoring structures of 10m, to provide for future extensions to the network.

Decision sought:

Amend the height limit in the Permitted Infrastructure Rule INF – R5, Condition 1 to 10m.

Condition 1 of Rule NFL – R3 requires amending as the Council seeks that Rating District protection structures are included in the definition of “critical infrastructure”.

Coastal Environment/Natural Character

The Karamea River (west end of Karamea Domain stopbank), Kongahu (Granite Creek) and Mokihinui (adjoining the downstream end of the bay) all have a small area within the High Coastal Natural Character Overlay. These three sites are quite modified; at Karamea the stopbank is located on private farmland, the Granite Creek site has been modified by clearing a large plug of landslide debris from an inland slip), and the Overlay on the Mokihinui River bay is over a private property. Council suggests that inclusion of

these sites in the High Natural Character Overlay may be a mapping error, and the boundaries should be amended to exclude these sites.

Decision sought

Remove the High Natural Character Overlay from Karamea River (west end of Karamea Domain stopbank), Kongahu (Granite Creek) and Mokihinui (adjoining the downstream end of the bay) all have a small area within the High Coastal Natural Character Overlay.

This ends the part of the WCRC's submission on the Notice of Requirement and changes sought to the pTTPP.

Submission 2 - Aerial biodiversity and biosecurity activities

Background

The Proposed TTPP needs to more clearly provide for aerial biosecurity and biodiversity activities in the West Coast. Vector Control Services (VCS), the Biosecurity and predator control business arm of the Council, is involved with these activities. Other professional contractors also provide aerial operations for biosecurity and biodiversity work; this is increasing, and will continue, in order to achieve the Government's Predator Free 2050 goal. Widespread plant pest incursions are also controlled by aerial spraying of agrichemicals.

VCS undertakes contracted work on behalf of the Department of Conservation (DOC), OSPRI and Predator Free NZ whose prime purpose is to protect the native flora and fauna species in the region through the planned eradication of introduced species and the ongoing monitoring of vast areas of the West Coast. Aerial biosecurity and biodiversity activities use mainly helicopters over a short timeframe, at various locations around the Region, which are identified as needed. Such operations need a window of good weather for flying, which can be infrequent at certain times of the year on the West Coast. When an aerial operation is undertaken, multiple flights occur to make the most of the limited time available. This can involve between 24-42 helicopter landing and departing movements per hour. The number of movements can be more or less than these figures, depending on multiple operational aspects and the number of available helicopters.

Biosecurity and biodiversity aerial movements usually leave from, and land at, rural sites, mostly on private farmland or DOC land located near the site where the operation is undertaken. The five main airports on the West Coast (Karamea, Westport, Greymouth, Hokitika, and Franz Josef) are not used for these types of aerial operations.

Environmental effects of aerial pest control operations

The positive effects of aerial biosecurity and biodiversity activities are well known:

- Reduce the spread of Tuberculosis by Possums to agricultural livestock, mainly cows;
- Maintain healthy populations of farm livestock that contribute to the West Coast economy;
- Reduce the loss of native birds and other species by controlling vertebrate pest populations;
- Scientifically proven to have the outcome of increasing native bird populations;
- Reduce the spread of introduced plant pests that crowd out native plants;
- Efficiently and speedily cover an area of inaccessible difficult and heavily forested terrain;

- Economically cover large areas of remote land within a short time period, that would take weeks or months and large numbers of staff to cover on foot, if access was possible;
- Address the constraint of weather by utilising weather breaks, when available;
- Provide employment for those involved in the aerial operations.

The negative impacts can include:

- Helicopter noise from frequent movements during daylight hours for several days in a row, potentially affecting occupants or people working in the vicinity of the landing area. The noise could possibly wake babies and young children from daytime sleep, or elderly folk;
- Dust from helicopter departures and landings, although the landing areas are wetted down to mitigate this.

Without the ability for helicopter landings for biodiversity and biosecurity work being permitted, landscape-scale aerial activities would not be practical, feasible or financially viable, and the state of New Zealand's biodiversity will continue to decline. The ability to reach the Government's Predator Free 2050 goal will not be achievable if aerial operations are not permissible. This is not to mean aerial work is suited for all places, but it is a critical delivery mechanism where it is suited.

Operative District Plan provisions

VCS staff are not aware of any land use consents previously required or obtained from the three West Coast District Councils for noise from biosecurity and biodiversity activities. The Buller, Grey and Westland operative District Plans have the following provisions:

Buller District Plan:

Policy direction is that the adverse effects of industrial and commercial operations, including noise, shall be minimised. However, aerial biosecurity and biodiversity activities are neither an industrial nor commercial operation. It appears that there is a permitted Rule for noise from helicopter landing areas which applies in all zones in the Buller District Plan, that noise associated with helicopter landing areas shall be measured and assessed in accordance with the provisions of New Zealand Standard 6807:1994 "Noise Management and Land Use Planning for Helicopter Landing Areas", and must not exceed this Standard.

Grey District Plan:

Policy direction is that activities should be allowed provided they do not result in adverse effects relating to noise [in a rural residential zone], and that activities should not adversely affect the amenities of the rural area or adjoining properties in terms of such matters as noise etc. Similar to the Buller Plan, noise from helicopter landing areas must not exceed the NZ Standard 6807:1994 Noise management and land use planning for helicopter landing areas.

Westland District Plan:

There are no specific noise limits for helicopter landing areas in the Rural zone, which means no consent is required. There are general noise limits for Small Settlement Zones:

0700 -2000 hrs	Monday – Friday	55dBA L10 at any point within the boundary of a residential activity.
0700 - 1800 hrs	Saturday	
All other times	including public holidays	45dBA L10 at any point within the boundary of a residential activity.

VCS staff have advised that when selecting helicopter landing areas, they seek to keep away from populated areas, to avoid noise impacting houses, rural schools, etc. Therefore, it is unlikely that the noise limits in the Small Settlement Zone would apply.

Proposed TTPP

Section 7A of the Biosecurity Act 1993 provides for the Minister to:

“exempt an action from the provisions of Part 3 [Duties and restrictions] of the Resource Management Act 1991 if the action is taken in accordance with Part 6 [Administrative provisions] of this Act in an attempt to eradicate an organism, and...if the organism has the potential to cause 1 or more of significant economic loss, significant adverse effects on human health, or significant environmental loss if it becomes established....throughout New Zealand.”

This means that the Biosecurity Act can override the Resource Management Act in certain circumstances. Notwithstanding that Section 7A of the Biosecurity Act is considered to apply to extreme events, it is considered that the TTPP should not conflict with the ability to perform statutory duties.

The proposed TTPP should therefore proactively enable aerial biodiversity and biosecurity activities which operate under the Biosecurity Act, to avoid the Minister having to utilise the exemption provision, and to achieve an integrated approach to implementing both Acts.

Relevant Proposed TTPP provisions

The following is an assessment of the proposed TTPP provisions that are relevant to aerial biosecurity and biodiversity activities:

Strategic Objectives & Policies

Aerial pest plant operations are consistent with the following Strategic Objectives and Policies:

“Agriculture: AG – O2: To recognise the significance of agriculture to the West Coast economy, provide for agricultural development and innovation and enable the support industries and services needed to maintain agricultural viability within rural areas.”

“Natural Environment: NENV – O1: To recognise and protect the natural character, landscapes and features, ecosystems and indigenous biodiversity that contribute to the West Coast’s character and identity and Poutini Ngai Tahu’s cultural and spiritual values.”

Council has considered the submission by the New Zealand Agricultural Aviation Association (NZAAA) seeking similar types of changes to the proposed TTPP to provide for aerial biosecurity and biodiversity activities. As the Council supports the majority of the NZAAA changes sought to the proposed TTPP, the exception being the noise provisions.

General District Wide Matters/Noise

During biosecurity and biodiversity activities, multiple helicopter movements per day means the Plan’s Noise provisions are relevant.

Objective NOISE – O1:

The Council considers that aerial biosecurity and biodiversity activities are consistent with the Noise Objective NOISE – O1, due to the short duration and infrequent nature of the activities, and that the locations are often remote and in rural or natural open space zones. Most livestock farmers are happy to have these operations based on their land as the aerial work is beneficial to herd health in controlling the spread of TB. Likewise, DOC is also supportive of these activities being based on public conservation land due to the benefits to indigenous biodiversity. The Council supports retaining this Objective.

Policies

Policies NOISE – P1 and P4 are the most relevant, to enable the generation of noise when it is appropriate to the zone, having regard to several aspects of the zone and the noise generating activity; and to ensure that noise effects are appropriate to the receiving environment, and protect the health and wellbeing of people and communities by managing effects. The Council supports retaining these Policies.

Rule

NOISE – R2 Permitted Emissions of Noise in All Zones:

the noise-generating activities listed are exempted from meeting Zone noise standards.

Rule R2 is appropriate for aerial pest control operations as it applies in all zones.

While the activity is mostly undertaken in rural and natural open space zones, there may be times when it needs to be based in another zone. However, noise from aerial biosecurity and biodiversity activities is not specifically included in R2.

Item 12 under R2 allows for *“infrequent aircraft landing for rural production purposes on an intermittent basis, including aerial top-dressing and helicopter movements”* is listed.

It is unclear whether *“rural production purposes”* includes aerial biosecurity and biodiversity activities, even though the activity is indirectly related to rural production purposes in the sense that it is protecting farm livestock from disease. Rule NOISE – R2 should be amended to cover these activities more clearly.

Decision sought:

Amend Rule NOISE - R2 to include aerial biosecurity and biodiversity activities in No 12.

This ends the part of our submission on helicopter landings for aerial biosecurity and biodiversity activities.

Submission 3 – Highly Productive Land Precinct and provisions

Background

The new General Rural Zone in the proposed Te Tai o Poutini Plan (pTTPP) includes a Precinct called “Highly Productive Land” (HPL). The Section 32A Report explains that the intention of the HPL Precinct and provisions is to “provide for productive land and other complementary activities while ensuring the adverse effects on the rural environment do not result in incompatibility between different land uses”. To achieve this, the following HPL Policies and Rules apply:

Rural Zone Policy 5 (RURZ – P5): “Recognise that there are only small areas of highly productive land and soils for agricultural production on the West Coast/Te Tai o Poutini and where possible locate non-agricultural activities outside of these highly productive locations.”

General Rural Zone Policy 5 (GRUZ – PREC5): “Highly Productive Land Precinct should ensure that economic farming units are retained and that the fragmentation of land for other uses is avoided”.

Following the creation of the new HPL Precinct, relatively large areas of land have been mapped as “highly productive” in the Buller and Grey Districts. The only rule applicable to these areas is the General Rural Zone Rule GRUZ – R3 about Residential Activities and Residential Units: “Residential unit density is no more than one unit per 10ha net site area in the Highly Productive Land Overlay”.

The National Policy Statement for Highly Productive Land (NPSHPL) came into force on 17 October 2022 and requires regional councils to identify and map areas of land classed as highly productive.

The main objective of the HPL is to protect highly productive land from subdivision, rezoning and development, with the priority focused on “land-based primary production”. Council notes that forestry activities are included in the definition of primary production, along with agricultural, pastoral, and horticultural activities.

The NPSHPL uses the Land Use Capability (LUC) criteria to determine which areas can be considered as highly productive. Only land that is LUC Class 1, 2 or 3 must be assessed as highly productive, but some areas with LUC Class 4 or higher soils can be considered as such if the soil type and the climate has the potential to be highly productive for primary production. There are no LUC Class 1 and 2 soils on the West Coast; there are a number of areas that have LUC Class 3 soils, mainly in the Grey and Buller Districts. A

detailed LUC soils map is provided on the website of Manaaki Whenua and reflects the LUC as mapped in the New Zealand Land Resource Inventory.

Once areas are defined as "highly productive", The NPSHPL appears to be very restrictive, as its Policies 5, 6 and 7 impose that the urban rezoning, development, and subdivision of highly productive land is "avoided". The stringency of the NPSHPL means that care and accuracy is needed when identifying HPL as it could adversely affect the social and economic wellbeing of the West Coast ratepayers.

Issues with the TTPP HPL Precinct and provisions

Inconsistencies between NPSHPL and TTPP HPL areas

The identification of HPL in the proposed TTPP does not correspond with the criteria imposed by the new NPSHPL, as follows:

Most of the highly productive areas in the pTTPP have been mapped as such because they are where pastoral farming is the main activity, seemingly without any consideration of the class of soil. For example, the TTPP maps show some narrow blocks of land are LUC Class 3 adjacent to the Grey River in the Grey Valley, but the TTPP maps also show HPL Precincts over ?current farmed land? at Atarau, Craigieburn, along the Big River, Nelson Creek, and along the Ahaura-Kopara Road which are LUC Category 5, meaning "severe limitations for arable use". The TTPP maps further have the HPL Precinct over the plains situated south of Waipuna, however these are LUC Category 6 soils which are classed as "non arable", and not considered as highly productive.

On the other hand, some LUC 3 areas such as south of Westport have not been included in the TTPP HPL Precinct. This makes it unclear what the rationale is for identifying the pTTPP HPL Precinct areas.

Council is aware of a submission lodged by a private landowner on the pTTPP questioning the appropriateness of the HPL Precinct over their land which is hilly and marginal for productive use. Staff have also received a phone call from a landowner concerned about the TTPP HPL Precinct over their land for the same reason.

It is unclear what the scientific basis is for identifying the larger total area of pTTPP HPL Precinct land with LUC Class 3-6 soils. As the NPSHPL is now in place and must be implemented, and regional and district councils must work together to identify HPL areas (NPS Part 3, 3.2), the WCRC considers that the pTTPP HPL Precincts should therefore be reviewed

Decision sought:

The pTTPP HPL Precincts should be scientifically reviewed by the four West Coast Councils.

Confusion between NPSHPL and TTPP HPL intent

The purposes of the NPSHPL and the TTPP HPL are different; the former aims to protect HPL for use in land-based primary production, particularly LUC Class 1-3 soils; while the pTTPP HPL areas seem to be intended to protect the productive 'farm' character and amenity values of rural areas. Council staff understand that the HPL Precinct in the pTTPP was not intended to implement the NPSHPL, however this information was received by Council staff prior to the NPSHPL being released. If this is the case, using the proposed term "Highly Productive Land" for the pTTPP Precincts when it is not implementing the NPSHPL is very confusing for landowners. The pTTPP HPL provisions need to be reviewed in relation to the NPSHPL provisions, to remove the confusion.

Decision sought:

Review the pTTPP HPL provisions in terms of whether they meet the NPSHPL provisions, and amend the pTTPP HPL provisions once further consultation with affected landowners is undertaken.

Concern re community awareness of HPL

Council is concerned that landowners with land within the pTTPP HPL Precinct may not be aware of this Overlay affecting their land, and the restriction on the size of new rural-residential lifestyle blocks. Staff are aware that a number of public meetings were held before and after the pTTPP was notified, but are unsure if the HPL Precincts and Rule were raised at these meetings. From discussions with Buller and Grey District planning staff on 6 October, there are concerns about increased subdivision of productive rural land for residential lifestyle blocks in a certain area in each of their Districts, with increased reverse sensitivity issues, although these trends are not widespread in all of the pTTPP HPL areas. It appears that some rural landowners want to be able to subdivide their farmland for lifestyle blocks, and others do not. Some farmers want a smaller retirement block so they can remain in a rural area with the local community.

Notwithstanding personal desires, the NPSHPL provisions override the pTTPP HPL provisions and must be implemented by regional and district councils. The NPSHPL has more restrictive provisions to "avoid" development within identified HPL that is not land-based primary production. Given that the NPSHPL came into force after the pTTPP was publicly notified, the WCRC considers it would be prudent to advise rural landowners with LUC Class 3 soils on their land of the NPSHPL requirements during this stage of the

pTTPP process. Councils have the discretion to also protect, or restrict subdivision of, for example, LUC Class 4 soils, and there are a considerable number of large river valley flats throughout the West Coast Region that have Class 4 soils. These landowners should also be specifically advised of the NPSHPL and the pTTPP requirements. This may take some time but should be commenced promptly, and the pTTPP HPL provisions be placed on hold.

Decision sought:

Put the pTTPP HPL provisions on hold and undertake consultation with affected landowners.

This ends this part of the WCRC's submission on the pTTPP's Highly Productive Land Precincts and provisions.

Submission 4 – Sites and Areas of Significance to Māori, Hazard provisions, Landscape and Environmental Values, Community Wellbeing

Background

The West Coast Regional Council has received concerns from the Community on various provisions in the proposed Te Tai o Poutini Plan (pTTPP or the proposed Plan). These provisions relate to the following areas of the plan:

1. Sites and Areas of Significance to Māori,
2. Natural Hazard provisions,
3. Landscape, and
4. Community Wellbeing.

The following is a submission on recommendations for changes to the pTTPP for these provisions.

1. Sites and Areas of Significance to Māori

1.1. Council opposes

The way the Sites and Areas of Significance to Māori are mapped.

1.2. Reason for submission

The Sites and Areas of Significance to Māori site boundaries require refining. Landowners are concerned of how the Sites and Areas of Significance to Māori have been mapped and applied over their properties.

1.3. Decision sought

The sites need to be confirmed and the mapping of boundaries corrected.

- a) WCRC would like to see a process developed where Council Officers and mana whenua meet with landowners to walk over properties to refine the boundaries of the Sites and Areas of Significance to Māori sites.
- b) Sites and Areas of Significance to Māori maps and rules are refined in consultation with landowners.
- c) Mapped are reviewed and refined in agreement with mana whenua and landowners.

2. Natural Hazard Chapter (NH)

2.1. Council opposes

- The general Natural Hazard Rules and Objectives and Policies that give rise to the reasons for the submission below.

- Maps relating to Natural Hazard overlays
- Rules: NH - R50, NH - R51, NH - R52, NH - R53
- There is no clear definition for a 100-year Annual Recurrence Interval (1%ARI) plus a 1m sea level rise coastal event and a 1% Annual Exceedance Probability (AEP)

2.2. Reason for submission

WCRC are concerned that the general natural hazard provisions are unduly restrictive when flood hazard areas have not been refined in the flood maps.

The natural hazard overlay maps do not follow natural land contours. Maps need to be refined to exclude areas that are not subject to natural hazards, rather than relying on general studies.

NH - R50, NH - R51, NH - R52, NH - R53 - Westport and Hokitika Hazard Rules

WCRC are concerned there is no clarification of the conditions to meet rules NH - R51 and NH - R53.

For rules NH - R50 and NH - R52, the rules as written are unenforceable over the 10 years of the Plan. Tying a flood protection scheme to an ARI means any flood protection scheme must offer this level of protection in perpetuity. A scheme is constructed to offer a certain level of protection, but climate change or new flood data, may mean that level of protection changes over time.

On a technical basis, that level of protection may not be offered over the 10-year life of the Plan. For example, if the protection is modelled in year 3, it may show it only offers a 1 in 98-year ARI, therefore it would fail to comply with the rule and no-one could build in the protection area, or be subject to minimum floor heights.

Additionally, buildings that are constructed before the year 3 modelling occurs, may be illegal if the protection is re-modelled to show a lower protection. In the event the modelling shows a lower protection, it may mean those buildings need retrospective resource consent

2.3. Decision Sought

a) General Natural Hazard provisions:

That the Natural Hazards provisions provide for the social and economic wellbeing of West Coast Communities.

b) Maps relating to Natural Hazard overlays:

Are refined to the property level for natural hazard overlays. Maps are refined for the coastal setback overlay to the property level.

c) Rules NH - R50, NH - R51, NH - R52, NH - R53 are reworded to provide clarity to land owners. Suggested wording:

Where new buildings are not protected by the Hokitika/Westport Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event:

- a. Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;*
- b. Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event.*

Provide a clear definition of clear definition for 100-year Annual Recurrence Interval (1% ARI) plus 1m sea level rise coastal event and a 1% annual exceedance probability (AEP).

The Council seeks to be a party to the refinement of objectives, policies, rules and accompanying maps for Natural Hazards.

3. Landscape and Environment Values

3.1 Council opposes

The ecosystems and indigenous biodiversity, natural character, natural features and landscape provisions.

3.2 Reasons for the Submission

Maps and rules place undue burden on property owners through making areas of their land non-productive.

Excluding areas of land from productive purposes does not provide for the social and economic wellbeing of West Coast Communities.

The objectives, policies, rules and accompanying maps result in adverse consequences on West Coast Communities.

3.3 Decision Sought

That the Plan is refined to ensure there are no adverse effects on the social or economic wellbeing of West Coast people and communities, and no undue burden is placed on the West Coast Community from the proposed Plan provisions.

The Council seeks to be a party to the refinement of objectives, policies, rules and accompanying maps for ecosystems and indigenous biodiversity, natural character, natural features and landscape provisions.

4. Community Wellbeing

4.1 Council opposes

The parts of the proposed Plan that adversely affect the social or economic wellbeing of West Coast people and communities, and no undue burden is placed on the West Coast Community from the Plan provisions.

4.2 Reason for the Submission:

The Council is concerned that the pTTPP does not give effect to Part 2 of the Resource Management Act, in that it will not enable the West Coast people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

4.3 Outcome Sought

Review the proposed Plan to ensure the social and economic impact of the pTTPP provisions is justly balanced with the Community's cultural well-being, and for their health and safety, while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

5. Zoning of Greenfields Land with no requirement for infrastructure plans

5.1 Council **opposes**

- The zoning of Greenfields land for residential activity with no provision for infrastructure plans including the objectives, policies, rules and accompanying maps. It is not appropriate to include Greenfields areas for climate adaptation with no rules around provision of infrastructure.
- The exclusion of references to surface water and stormwater disposal in the plan.

5.2 Reasons for the Submission

Infrastructure needs to be provided for in an integrated way to ensure that Greenfield sites can be adequately serviced, and that infrastructure services integrate with the surrounding environment. There needs to be 'infrastructure outline plans' developed prior to zoning provisions being included in the Plan.

Surface water and stormwater disposal needs to be considered for all new zoning to ensure climate resilience for all new areas, and to minimise impact on surrounding land areas.

5.3 Outcome Sought

The Council seeks to be a party to the refinement of the Greenfield areas of TTPP to ensure that the Plan is efficient, effective and useable for our West Coast communities and industry, and these sites are appropriately serviced.

Surface water and stormwater objectives, policies, rules and accompanying maps are developed for all new zones in the region.

Appendix 1:

Form 18 Notice of requirement by local authority for a designation

Sections 145, 168(1), (2), 168A, and 181, and clause 4 of Schedule 1, Resource Management Act 1991

To the Buller District Council, Grey District Council, Westland District Council

The West Coast Regional Council (WCRC or the Council) gives notice of a requirement for a designation in respect of the Council's hydrology and air quality monitoring structures, Rating District erosion and flood protection structures, quarries, and two properties in Paroa, Greymouth, ~~any land, water, subsoil, or airspace~~ where a restriction is necessary for the safe or efficient functioning or operation of works.

*The sites to which the requirement applies are as follows:
describe the site as it is commonly known and in a way that will enable it to be easily identified (eg, the street address, the legal description, proximity to any well-known landmark, the grid reference (if known)).*

Site information for all the existing structures is listed in the Appendices A, B, and C/D Excel spreadsheets, which will be provided as part of this requirement. These are the locations of the Regional Council's existing hydrology and air quality monitoring structures, Rating District hazard protection structures (including the three large flood protection structures to be developed at Greymouth, Hokitika and Franz Josef), four quarries, and the WCRC buildings and property at 388 Main South Road and 78 Jacks Road, Paroa, Greymouth.

The nature of the proposed work is:

Ongoing operation and maintenance of existing air quality and hydrology monitoring structures at sites throughout the West Coast region in the future.

Existing Rating District natural hazard protection structures will need ongoing maintenance, repair and possible upgrading in the future at sites located throughout the West Coast region.

Ongoing extraction of rock from, and maintenance of, the existing quarry sites in the future.:

The Council's existing office building and shed at 388 Main Road, Paroa, and existing storage buildings at Jacks Road will need ongoing maintenance.

Further information on the nature of the proposed work is in the four Supporting Information reports to be provided.

The nature of the proposed conditions that would apply are:

This is explained in the four Supporting Information reports to be provided.

The effects that the work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

This is explained in the four Supporting Information reports to be provided.

Alternative sites, routes, and methods have been considered to the following extent:

This is explained in the four Supporting Information reports to be provided.

The work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

This is explained in the four Supporting Information reports to be provided.

**The following resource consents are needed for the proposed activity and have (or have not) been applied for:*

This is explained in the four Supporting Information reports to be provided.

The following consultation (or No consultation) has been undertaken with parties that are likely to be affected:

Further details are in the four Supporting Information reports to be provided.

Heather Mabin attaches the following information required to be included in this notice by the proposed Te Tai o Poutini Plan – One District Plan for the West Coast, made under the [Resource Management Act 1991](#).

[List documents that you are attaching.]

Add to the proposed Te Tai o Poutini Plan, Designations section, a reference to the following documents:

West Coast Regional Council Assets Designation: Appendices A, B and C/D: Excel Spreadsheets with details of locations, types of structures and authorisations for, Air quality and Hydrology monitoring structures (Appendix A), Rating District hazard protection structures (Appendix B), Quarries and two Properties (Appendix C/D).

West Coast Regional Council Assets Designation Supporting Information Reports for the air quality and hydrology monitoring structures, Rating District hazard protection structures (including the three large flood protection structures to be developed at Greymouth, Hokitika and Franz Josef), Quarries and two Properties.

West Coast Regional Council Assets Designation: Site Use Agreement between the Ministry of Education and the West Coast Regional Council for installation and operation of the air quality monitoring machines at the Reefton Area School grounds.

Signature of person giving notice
(or person authorised to sign
on behalf of person giving notice)

Date

(A signature is not required if notice is given by electronic means.)

Note to person giving notice

If the notice relates to a requirement for a designation, or an alteration to a designation, under [section 168A](#) of the Resource Management Act 1991, you must use—

- this form if the requirement is lodged with the Environmental Protection Authority; or
- [form 20](#) if the requirement is not lodged with the Environmental Protection Authority.

If the requirement is lodged with the Environmental Protection Authority, you must also lodge a form in [form 16A](#) at the same time.

You must pay any charge payable to the territorial authority for the requirement or alteration to the requirement under the [Resource Management Act 1991](#).

If this notice is to the Environmental Protection Authority, you may be required to pay actual and reasonable costs incurred in dealing with this matter (*see* [section 149ZD](#) of the Resource Management Act 1991).

Schedule 1 form 18: amended, on 18 October 2017, by [regulation 15\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 18: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).