



Te Tai o Poutini PLAN

A combined district plan for the West Coast

**Te Tai o Poutini Plan Committee Meeting
To be held via Zoom
17 February 2022
AGENDA**

9.00	Welcome and Apologies	Chair
	Confirm previous minutes	Chair
	Matters arising from previous meeting	Chair
9.05	Financial Report	Project Manager
9.15	Proposed 2022/23 Budget Paper	Project Manager
9.30	Technical Report – TTPP Planning Process from Draft to Operative Plan	Principal Planner
10.00	Project Manager's Report	Project Manager
10.20	Meeting Ends	

Meeting Dates for 2022 –

Due to Covid restrictions all meetings will be via Zoom until further notice

March	Tuesday 29 th , 10.30 -2.30pm
April	Friday 29 th , 9.45 - 12.45pm
May	Tuesday 24 th , 9.30 - 12.30pm
June	Tuesday 21 st , 9.30 -12.30pm
December	Thursday 15 th , 9.30 -12.30pm

THE WEST COAST REGIONAL COUNCIL

MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD ON 16 DECEMBER 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL & VIA ZOOM, COMMENCING AT 9.00 A.M.

PRESENT:

R. Williams (Chairman), A. Birchfield, J. Cleine, S. Roche, L. Coll McLaughlin, P. Madgwick, A. Becker, P. Haddock (GDC for T. Gibson)

LATENESS

B. Smith (joined the meeting at 9.27am by zoom), L. Martin (joined the meeting at 10.00am)

APOLOGISES

T. Gibson, F Tumahai

IN ATTENDANCE:

H. Mabin (CEO WCRC), S. Bastion (CEO WDC), S. Mason (CEO BDC), J. Armstrong (Project Manager, WCRC), L. Easton (Principal Planner, WCRC), E. Bretherton (Senior Planner, WCRC), P. Lynch (Poutini Environmental)

WELCOME

The Chairman welcomed everyone to the meeting. He suggested a rearrangement of the agenda to allow late attendees to be available for discussions about the Exposure Draft and Natural Hazards Companion Document.

APOLOGIES:

Moved (Birchfield / Coll McLaughlin)

That the apologies be accepted.

Carried

CONFIRMATION OF MINUTES

Moved (Cleine / Roche)

That the minutes of the meeting dated 2 December 2021, be confirmed as correct.

Carried

MATTERS ARISING

There were no matters arising from the minutes.

FINANCIAL REPORT

J. Armstrong spoke to this report. Brief discussion and clarification on future spending for review of the Outstanding Natural Landscape work.

That the Committee acknowledge the proposed variances to the 2021/22 budget which will be reflected in the Forecast for the Research component of Te Tai o Poutini Plan.

Moved (Roche / Smith)

Carried

CONSULTATION PLAN for the EXPOSURE DRAFT

J. Armstrong spoke to this report. S. Bastion queried if technical advisory team should attend drop-in sessions. L. Coll McLaughlin asked for invites to be sent to the events at earliest convenience. R. Williams asked for clarification on the different stages of the plan. L. Easton explained that the Exposure Draft has no legal status, whereas notification of the Proposed Plan in July 2022 will begin the legal Schedule process.

B. Smith joined the meeting at 9.27am by zoom.

General discussion on enabling certain provisions to become operative at the date of notification where strongly supported by the District Council.

L. Easton spoke to this, and how to pull forward parts of the plan to become operative at time of notification.

L. Easton will bring a paper on this at the February 2022 committee meeting explaining the process and requirements.

S. Mason and S. Bastion will confer on their requirements.

Discussion on timeframes, decision making and submissions. Decision makers are the Committee. Submissions are not part of the process seeking permission for some provisions to have this operative status. However the provisions would be open to submissions during the Schedule 1 notification process. The benefit of asking for immediate legal effect is to provide clarity to communities.

Confirmation sought and given that the plan has no legal status at draft. Discussion on the Court process, what is looked for, how the decisions are reached.

Clarification as to whether meeting dates clash with consultation dates.

Moved (Haddock / Cleine)

1. *That the Committee receives the report.*
2. *That the Committee discuss and approve the consultation plan and schedule for the TTPP Exposure Draft and Natural Hazards companion documents for community feedback.*

Carried

PROJECT MANAGERS REPORT

J. Armstrong spoke to the report and asked for queries.

A. Birchfield queried a risk register item regarding confidentiality. He was particularly interested in when Significant Natural Area (SNA) maps cease to be confidential. L. Easton responded that they formed part of an agenda, and are therefore publicly available on the TTPP website. S. Bastion confirmed confidentiality would be required for natural hazard maps which have not yet been brought to the committee.

Moved (Williams / Coll-McLaughlin)

L. Martin joined the meeting at 10.00am

Carried

FINAL REVIEW OF EXPOSURE DRAFT

L. Easton spoke to the draft. Clarification on how the Committee would access the maps was sought. E. Bretherton left meeting to print maps. L. Easton gave a zoning overview, followed by specific queries and clarifications. R. Williams queried map review process. J. Armstrong spoke to the mapping timeframes. R. Williams clarified how the Geographic Information System (GIS) functions and asked for staff clarification on how the Committee access maps.

Discussion on whether the Technical Advisory Team are included in the process. Workshopping to include them supported. Discussion on a peer review of the Draft Plan. Discussion on making a link to overlays available to the Committee.

1. *That the Committee receive the report.*
2. *That the draft Te Tai o Poutini Plan be released for public consultation on 26th January 2022.*

Moved (Cleine / Roche)

Meeting adjourned till 10.45am

Meeting resumed, proposal to adjourn the meeting to workshop the maps with the District's and resume the meeting at 11.30am.

Meeting resumed 11.30am.

A link to the overlays was provided to Committee during the adjournment. R. Williams spoke to the zoning maps having now been reviewed, and confirmed the availability and usability of the link to the maps being available to committee. R. Williams returned to the recommendations and queried if further discussion was required. Committee members confirmed they were now comfortable with the overlays. S. Bastion and J. Cleine noted that there were some changes to be made before the zoning maps are released, but that these are in hand. J. Cleine supports the resolution as stands. Following a brief discussion on rules, the resolution was confirmed. All were in favour.

Carried

FINAL REVIEW OF NATURAL HAZARDS COMPANION DOCUMENT AND MAPS

E. Bretherton spoke to the paper and responded to queries on Natural Hazard Method 1. L. Easton also spoke to Natural Hazard Method 1. Discussion on existing use rights. Legal advice will be sought to confirm interpretation to be included in the Natural Hazard Companion Document Introduction. L. Coll-McLaughlin outlined her wish to abstain from voting on these resolutions and reasons for doing so. R. Williams highlighted that further Natural Hazards provisions (Coastal Hazards and Land Instability) will come back to the Committee next year.

1. *That the Committee receive the report*
2. *The Committee approves the companion document and maps for the Natural Hazards in Te Tai o Poutini Plan be released for public feedback in January 2022.*

Moved (Becker / Birchfield)

All in favour, noting L. Coll McLaughlin abstaining from vote.

Carried

General Business

R. Williams spoke to the meeting dates for 2022 and publication dates. The February 2022 meeting will include the 2022/23 Budget. S. Roche expressed her thanks to the Committee and TTPP team for the work and input. R. Williams thanked the spirit in which the Committee has undertaken this work.

Meeting Closed

NEXT MEETING

The next meeting will be held via Zoom on Thursday 17th February commencing at 9.00 a.m.

.....
Chairman

.....
Date



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong, Project Manager

Date: 17 February 2022

Subject: November/December 2021 Financial Report

SUMMARY

This report includes the statement of financial performance to 31 December 2021.

RECOMMENDATION

1. That the Committee receive the report

REPORT

1. The statement of financial performance shows that costs are behind those expected, with a reported deficit of **(248,508)** compared with a budgeted deficit of **(477,412)**. This is largely due to a variance with the Research costs which has resulted in a favourable variance against budget of **\$228,904** for the year to date. This variance is partly due to timing, with \$60,000 representing economic analysis and/or peer review to support the Proposed Plan that won't be completed this year, so that work and the associated costs will show up in next year's plan and budget. The variance is also partly permanent as we will not be doing the on-the-ground SNA work. The budgeted cost for a mail out for the Draft plan has also been removed, as this was not required. The forecast has been updated to reflect this.
2. The accumulated deficit (or borrowing requirement) at the end of the period is **\$431,618**.

Table One

Statement of financial performance to December 2021						
	Year to date			Full year		
	Actual	Budget	Variance	Forecast	Budget	Variance
INCOME						
Targeted Rate	250,000	250,000	0	500,000	500,000	0
	250,000	250,000	0	500,000	500,000	0
EXPENDITURE						
Employee costs	148,662	125,000	(23,662)	285,000	250,000	(35,000)
Consultant Planner	58,333	50,000	(8,333)	100,000	100,000	0
Governance	30,756	32,500	1,744	65,000	65,000	0
Poutini Ngai Tahu	25,000	25,000	0	50,000	50,000	0
TTPP Website	2,500	2,500	0	5,000	5,000	0
Isovist e-plan Platform	3,712	5,417	1,704	10,833	10,833	0
Research	129,337	359,250	229,913	395,000	590,000	195,000
Engagement Travel & Accommod	6,173	7,500	1,327	15,000	15,000	0
Workshops & Events	0	0	0	3,000	3,000	0
Design & Printing	0	2,500	2,500	5,000	5,000	0
Media Costs	0	0	0	25,000	25,000	0
Mail Outs	0	0	0	0	20,000	20,000
Legal Advice	19,036	15,000	(4,036)	50,000	50,000	0
Hearings	0	0	0	0	0	0
Mediation	0	0	0	0	0	0
Environment Court	0	0	0	0	0	0
Interest	0	27,746	27,746	55,491	55,491	0
Share of WRC Overhead	75,000	75,000	0	150,000	150,000	0
	498,508	727,412	228,904	1,214,324	1,394,324	180,000
Net Surplus / (Deficit)	(248,508)	(477,412)	228,904	(714,324)	(894,324)	180,000
Accumulated deficit / borrowing requirement						
Start of year	183,110			183,110		
During period	248,508			714,324		
End of period	431,618			897,434		



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong, Project Manager

Date: 17 February 2022

Subject: Te Tai o Poutini Plan Draft Budget 2022-2031

SUMMARY

This report includes the updated forecast for the current financial year, which was used to inform development of the draft budget for the 2022/23 financial year, and annual budgets to 2031 included at Table 2.

RECOMMENDATION

1. That the Committee receive the report
2. That the Committee approves the 2022/23 budget of a Net Deficit of \$518,374 for recommendation to West Coast Regional Council to arrange funding.

REPORT

1. The draft budget of a Net Deficit of \$518,374 for the 2022/23 financial year is presented for your approval.
2. This budget includes an expenditure increase of \$209,996 on the \$808,378 budget update for 2022/23 which was developed when the decision was made to Fast Track delivery of TTPP.
3. The increase is due mainly to:
 - Increased staff costs including overtime, leave entitlements and previously unbudgeted employer superannuation contributions. This change has been reflected each year to 2031
 - Increased Consultant fees, and anticipated time required
 - Research costs not previously budgeted for in 2022/23, to enable work such as peer reviews and economic analysis required for the hearings process
 - Retaining the governance fee at the current rate, rather than the anticipated reduced rate for Chair and Poutini Ngai Tahu Committee involvement in 2022/23
 - The increased cost for a mail out of information to all ratepayers on notification of the Proposed Plan. This item was increased based on the mail out cost for the recent WCRC LTP.

The additional cost of \$20,000 is offset by not having used the \$20,000 mail out budget in 2021/22.

4. The increase to the 2022/23 budget of \$209,996 should be offset by the forecast favourable variance against budget of \$219,219 for the 2021/22 financial year. We are now budgeting for the 2022/23 accumulated deficit to be \$1,406,479 compared with the initial budgeted accumulated deficit of \$1,442,580. This represents a favourable variance of \$36,101. The complete project cost as budgeted to 2031 remains at break even.
5. A change in the interest calculation has also been made. The original cost was calculated assuming a lump sum would be borrowed to fund TTPP 2021-2031. By only borrowing funds as the deficit accumulates, the interest charges have dropped significantly. This change will be reflected in future financial reports.
6. Table one shows the updated forecast for the 2021/22 budget based on the first six months spend. Changes are highlighted in yellow. Inclusion of this forecast in the 10 year budget at Table 2 gives a more complete picture of how the 2022/23 budget impacts the long term forecast.
7. The major changes in the 2021/22 forecast have been signalled in monthly financial papers to the Committee. These are an increase in employee costs as explained in point 3 above, and a reduction in research costs due to planned on-the-ground SNA identification not being undertaken.
8. A further change has been made to remove the mail out cost in this financial year as discussed in point 3 above.

Table 1 Updated financial forecast for 2021/22

	21/22	Forecast
Income	500,000	500,000
Fixed costs		
WCRC overheads	150,000	150,000
Employee cost	250,000	285,000
Consultant Planner	100,000	100,000
Governance	65,000	65,000
Poutini Ngai Tahu	50,000	50,000
TTPP website	5,000	5,000
Isovist e-plan platform	10,833	10,833
	630,833	665,833
Variable costs		
Research	590,000	395,000
Engagement Travel & accom	15,000	15,000
Workshops & events	3,000	3,000
Design & printing	5,000	5,000
Media costs	25,000	25,000
Mail outs	20,000	0
Legal	50,000	50,000
Hearings	0	0
Mediation	0	0
Environment Court	0	0
	708,000	493,000
Funding costs		
Interest	55,491	16,272
Total costs	1,394,324	1,175,105
Net surplus / (deficit)	-838,833	-675,105
Accumulated deficit	-1,051,833	-888,105

Table 2

	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31
		Forecast									
Income		500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Fixed costs											
WCRC overheads		150,000	150,000	150,000	150,000	50,000	50,000	50,000	50,000	50,000	50,000
Employee cost		285,000	290,000	290,000	290,000	60,000	60,000	60,000	60,000	60,000	120,000
Consultant Planner		100,000	70,000	25,000	20,000	0	0	0	0	0	100,000
Governance		65,000	65,000	16,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
Poutini Ngai Tahu		50,000	50,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
TTPP website		5,000	10,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Isovist e-plan platform		10,833	10,833	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
		665,833	645,833	511,000	498,000	148,000	148,000	148,000	148,000	148,000	308,000
Variable costs											
Research		395,000	60,000	0	0	0	0	0	0	0	0
Engagement Travel & accom		15,000	10,000	3,000	500	500	500	500	500	500	500
Workshops & events		3,000	3,000	0	0	0	0	0	0	0	3,000
Design & printing		5,000	5,000	0	0	5,000	0	0	0	0	3,000
Media costs		25,000	20,000	5,000	2,500	5,000	0	0	0	0	0
Mail outs		0	40,000	0	0	0	0	0	0	0	0
Legal		50,000	0	50,000	0	0	0	0	0	0	0
Hearings		0	200,000	0	0	0	0	0	0	0	0
Mediation		0	0	50,000	50,000	0	0	0	0	0	0
Environment Court		0	0	0	0	100,000	0	0	0	0	0
		493,000	338,000	108,000	53,000	110,500	500	500	500	500	6,500
Funding costs											
Interest		16,272	34,541	44,695	48,631	47,144	39,522	30,016	20,220	10,126	2,297
Total costs		1,175,105	1,018,374	663,695	599,631	305,644	188,022	178,516	168,720	158,626	316,797
Net surplus / (deficit)	-213,000	-675,105	-518,374	-163,695	-99,631	194,356	311,978	321,484	331,280	341,374	183,203
Accumulated surplus / (deficit)	-213,000	-888,105	-1,406,479	-1,570,174	-1,669,805	-1,475,449	-1,163,471	-841,987	-510,707	-169,333	13,870



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: 17 February 2022
Subject: **Te Tai o Poutini Plan – From Draft to Operative Plan**

SUMMARY

This report outlines the process going forward from the draft Te Tai o Poutini Plan to the provisions being operative.

It also discusses a number of matters where the district councils believe having legal effect at the Proposed Plan stage would give significant benefit to their communities. The report recommends that an application be made to the Environment Court to seek that these matters have legal effect at the time of notification.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That an application to the Environment Court be made seeking that under Section 86D of the Resource Management Act the following rules have immediate legal effect at the time of notification of the Proposed Te Tai o Poutini Plan:
 - a. The Flood Hazard Overlays and Rules for Westport;
 - b. The General Residential Zoning and Rules at Alma Road, Westport;
 - c. The General Residential and Medium Density Residential Zoning and Rules at Seaview;
 - d. The Medium Density Residential Zoning and Rules at the Hoktika Racecourse;
 - e. The Fault Avoidance Overlay and Rules for Franz Josef;
 - f. The Flood Hazard Overlay and Rules for the Waiho River/Franz Josef;
 - g. The amended zoning and Rules at Franz Josef, including
 - i. The General Rural Zoning on land currently zoned Tourist Zone located on or directly adjacent to the Alpine Fault;
 - ii. The Settlement Zoning on land to the north of the Alpine Fault and main Franz Josef village;
 - iii. The Scenic Visitor Zone and Rules on land along Cron Street.

Lois Easton
Principal Planner

INTRODUCTION

1. The exposure draft Te Tai o Poutini Plan was made available to the public on 26 January 2022. A series of consultation meetings and drop in sessions are being undertaken over late February. Feedback on the draft is able to be provided until 11 March and this will then be brought back to the Committee for discussion and decision around amendments to the draft Plan.
2. Further engagement on the coastal hazard provisions for Te Tai o Poutini Plan is programmed for April with feedback being brought back to the Committee in May.
3. At this stage, in order to avoid the election period for the Local Government Elections this year, and to meet the objective of notification prior to the enactment of the National and Built Environment Act, a Notification Date for the Proposed Te Tai o Poutini Plan is planned for 14 July 2022.

STATUS OF THE PROPOSED TE TAI O POUTINI PLAN

4. Once it is notified as a proposed Plan on 14 July 2022, Te Tai o Poutini Plan starts to take partial legal effect. The Objectives and Policies must be considered alongside those from the Operative Plans, and some rules also have immediate legal effect from notification. Most rules however do not have legal effect until the Committee decision on submissions has been made.
5. A rule that has legal effect must be complied with. This means that if an activity requires resource consent under a rule in the TPP that has legal effect then a resource consent must be obtained to undertake that activity.
6. A table showing the different effects of rules at different points in time is set out below:

Type of rule	At the time of notification	At the time of decision
Rules that have immediate legal effect <i>(those in section 86B(3) or as ordered by the Environment Court)</i>	Rules have immediate legal effect. "Legal effect" means that the rules must be complied with. This means that from notification, an activity affected by one of the rules with immediate legal effect must be assessed under the rules in both the operative district plan and the proposed plan, and may require consent under either one, or both.	Rules continue to have legal effect, but as they stand in the decision (for example, they may have been amended from the notified version of the proposed plan).
Rules that do not have legal effect until a decision on submissions are made <i>(section 86B(1)(c))</i>	Rules do not yet have legal effect (are not required to be complied with). These rules do not trigger resource consent requirements but are still a relevant consideration in some applications made under the Operative District Plans.	Rules have legal effect, and therefore must be complied with as they stand in the decision.
Rules that have further delayed effect <i>(Committee resolves prior to notification that rule has legal effect only once the proposed plan becomes operative)</i>	Rules do not yet have legal effect (are not required to be complied with), but are still a relevant consideration in some circumstances (for example, in the consideration of issues, reasons or methods in plans).	Rules do not yet have legal effect, and only have legal effect once the proposed plan is made operative under Schedule 1, clause 20 of the RMA (i.e. once all appeals are resolved on the entire plan).

Rules that have Legal Effect Immediately

7. Section 86 of the Resource Management Act outline what rules have effect at the time of notification. Section 86B (3) states:

A rule in a proposed plan has immediate legal effect if the rule—
(a) protects or relates to water, air, or soil (for soil conservation); or
(b) protects areas of significant indigenous vegetation; or
(c) protects areas of significant habitats of indigenous fauna; or
(d) protects historic heritage; or
(e) provides for or relates to aquaculture activities.

8. An analysis of the provisions in Te Tai o Poutini Plan has identified that the rules in the following chapters as a whole meet these criteria:
 - a. Historic Heritage;
 - b. Sites and Areas of Significance to Māori (Historic heritage is defined in the RMA to include these areas);
 - c. Ecosystems and Indigenous Biodiversity;
 - d. Activities on the Surface of Water.
9. The following chapters will in part meet these criteria and the Proposed Plan will need to specify which rules have legal effect and which do not.
 - a. Natural Character and Activities Adjacent to Waterbodies (the rules in relation to indigenous vegetation clearance and earthworks in riparian areas)
 - b. Coastal environment (the rules in relation to indigenous vegetation clearance and earthworks in the coastal environment)
 - c. Subdivision (the rules in relation to subdivision where this affects Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity and Historic Heritage)

Rules that Have Legal Effect following Submissions, Hearings and Decisions

10. Once the submission period has been completed, any rules (and objectives/policies) which have not received submissions about them have legal effect.
11. Once the hearings have been completed and decisions issued on the Plan, then all rules (and objectives/policies) not appealed will have legal effect (and be treated as operative, effectively replacing the previous rules dealing with the same subjects). We hope to reach this stage by the end of 2023.

Final Operative Plan

12. The whole Plan only becomes operative when all appeals are resolved. At this stage it is hoped that this might be achieved by the end of 2024. However, timeframes on appeal resolution are very difficult to predict as this will depend on the number of appeals and the success of any mediation.

URGENT MATTERS WHERE IMMEDIATE LEGAL EFFECT IS SOUGHT BY BULLER AND WESTLAND DISTRICT COUNCILS

Buller District Council

13. The Buller District Council have requested that the Committee seek immediate legal effect for the key rules in relation to Westport flood hazards and enabling managed retreat for Westport residents to areas of higher ground away from the flood hazard. Specifically, they have sought that the following matters have immediate legal effect at the time of notification:
 - a. The rules in relation to the Flood Alert and Severe Flood Hazard areas in Westport;
 - b. The rezoning of higher ground on the Alma Road terrace at Westport to a Residential Zone and the area along the Buller Road to a Settlement Zone. The exact area of land is still being discussed internally at Buller District Council – but support for the principle of the rezoning is sought from the TTPP Committee at this time.
14. The reasons that the Buller District Council have provided for this are that:
 - a. The recent flooding in Westport has had a severe effect on the town. The current district plan provisions do not recognise the flood hazard in the Westport Town Centre and are inadequate to protect the community from the significant risks of the

flood hazard. A large number (over 500) of homes were severely damaged by the July 2021 floods, and over half the town was flooded. It is critical that the repair and rebuild, as well as the construction of new buildings in Westport be undertaken in such a way that reduces the significant risk to the community and dwelling occupants of the flood hazard. Making the flood hazard provisions have immediate legal effect at the time of notification will ensure that appropriate hazard mitigation is in place for rebuilds and new homes, and that the future significant risk to those dwellings of the flood hazard is reduced.

- b. Over 70 homes have been made uninhabitable by the 2021 floods. Alongside this there is no existing appropriately zoned land outside of any hazard areas for people to rebuild. The Alma Road terrace and Buller Road areas (currently zoned rural) have been identified as being sufficiently elevated and at lower risk of natural hazards, while still being close to Westport town, to be the best option for relocation of displaced people, and the eventual managed retreat of Westport Town. Funding has been gained from the government to support the development of emergency accommodation on the Alma Road terrace. By giving the rezoning of the Alma Road terrace and Buller Road areas immediate legal effect at the time of notification, the planned managed retreat and rehoming of displaced households will be able to be undertaken in a timely manner, with minimal costs to affected residents. While a Discretionary Activity resource consent would still be required for a subdivision under the Operative Buller District Plan, the rules in the Proposed Te Tai o Poutini Plan that have immediate legal effect will be afforded more weight in the Council's consideration of an application for resource consent. This will make the process easier for resource consent applicants.
- c. There has been considerable community dialogue through the Westport 2100 process about the hazards and risks in Westport. A substantial amount of consultation with the community occurred through this process, which specifically identified that Te Tai o Poutini Plan needed to implement the key recommendations. There is a high degree of awareness in the community about the key flood hazard provisions – the finished floor level requirements, through the work the Buller District Council has been undertaking since the July 2021 floods.

Westland District Council

- 15. The Westland District Council have requested that the Committee seek immediate legal effect for the key rules in relation to Franz Josef Alpine Fault and flood hazards and enabling managed retreat for Franz Josef town towards the north of the most hazardous area. They have also sought that key rezoning provisions in relation to Hokitika, which enable the substantial housing shortage to be addressed, also have legal effect. Specifically, they have sought that the following matters have immediate legal effect at the time of notification:
 - a. The rezoning of higher ground on the Seaview terrace at Hokitika to a Residential Zone (General and Medium Density).
 - b. The rezoning of higher ground in the Hokitika Racecourse at Hokitika to a Medium Density Residential Zone;
 - c. The rezoning of land at Franz Josef to support managed retreat from the Alpine Fault and Waiho River Severe Flood Hazard. This is made up of:
 - i. Rezoning some land in the most hazardous locations from Tourist Zone to General Rural Zone and thereby reducing the ability for further development there).
 - ii. Rezoning some land north of current town and further away from the Alpine Fault from Rural Zone to Settlement Zone.
 - iii. Rezoning the Cron Street area from Residential Zone to Scenic Visitor Zone to enable a new main street area to be developed off the Alpine Fault and further from the severe flood hazard.
- 16. The reasons that the Westland District Council have provided for this are that:
 - d. For Franz Josef:
 - i. The Alpine Fault runs directly through Franz Josef and is completely unrecognised by the Westland District Plan. There are some 45 properties which either lie directly on the fault, or so close that no building would

survive a rupture, and the risk of death is exceedingly high. The current Westland District Plan rules do not take into account the Alpine Fault, and substantial further development could occur on these sites, with the current zoning and absence of Fault Avoidance provisions. Introducing the Fault Avoidance provisions and “down zoning” those properties currently zoned Tourist Zone to General Rural Zone would allow the current activities to continue, but remove the risk that further additional development on the sites would occur.

- ii. The Waiho River also represents a very serious threat to land in and around the town. While there are Waiho River flood provisions in the Westland District Plan, the flood hazard has substantially increased and the identification does not cover many properties that are now at very severe risk.
 - iii. With the removal of the properties on the Alpine Fault from potential development, there is a need to provide options for managed retreat away from the Alpine Fault. There has been very substantial community dialogue, and a large number of studies looking at this issue. Progressive movement of the community north away from the Alpine Fault has been identified as the clear community preference.
- e. For Hokitika
- i. There is a considerable shortage of residential land in Hokitika and a large demand for housing. A substantial area around the town centre is at significant risk of natural hazards – both flooding from the Hokitika River and also coastal flooding. The Seaview and Hokitika Racecourse land are elevated, in locations that has been identified as being outside significant risks of natural hazards are ideal locations for the development of more intensive housing to meet the existing growth demands, as well as ensuring that new homes are outside of the area of greatest risk. The rezoning also means that should a natural hazard event occur, making some properties uninhabitable, there would be no planning barriers to enable relocation of households to the Seaview area as part of a managed retreat.

HOW IS IMMEDIATE LEGAL EFFECT SOUGHT?

17. There is a provision within Section 86D of the Resource Management Act that enables the Committee to make application to the Environment Court for rules to have effect at the time of notification. This requires the TTPP to engage lawyers to prepare a notice of motion, which must be supported by an affidavit (evidence) as to the matters giving rise to the application (likely to be planning evidence to support the application as well as evidence in relation to natural hazard risks).
18. This application will then be heard by the Court, which may involve the presentation of legal submissions.
19. In order to grant immediate legal effect, the Court will need to be satisfied that doing so would be consistent with the purpose of the RMA. The Court often considers the following factors:
 - a. the nature and effect of the proposed changes by reference to the status quo;
 - b. the basis upon which it can be said that immediate legal effect is necessary to achieve the sustainable management purpose of the RMA;
 - c. the spatial extent of the area/s which are to become subject to the proposed changes and/or the approximate number of properties potentially affected;
 - d. consultation (if any) that has been undertaken in relation to the proposed changes;
 - e. whether the application should be limited or publicly notified, including consideration of potential prejudice.
20. The Court may direct that the application is served on other persons. If the matter is directed to be served on other parties / the public, those served will have the opportunity to join the Environment Court proceedings (for example if they wish to oppose the order sought).

21. Often applications of this type are considered without notice to the public ("ex-parte"). The Court will then weigh up the procedural fairness of any orders being made in its consideration of the matter (often having regard to matters such as public consultation that has already taken place).
22. Given the proposed timing of notification at the end of July this year, a very prompt application to the Environment Court will be required. The two district councils have indicated that they will cover the legal costs required, while the TTPP planning team are able to provide the planning evidence required.

NEXT STEPS

23. In order to make an application to the Environment Court, the TTPP Committee will need to engage lawyers to prepare a Notice of Motion (setting out broadly the grounds on which the application is sought), and evidence in support.
24. The evidence in support will need to satisfy the Court of the factors set out above, and will need to be detailed with respect to the effect of the provisions, a comparison to the status quo (operative plan rules) and why immediate legal effect is required / considered to meet the sustainable management purpose of the RMA.



Project Manager Update

1 December 2021 – 24 December 2021

Prepared By: **Jo Armstrong**
Date Prepared: **24 December 2021**

Accomplishments this Period

- The planning team continued to work on the Natural Hazards Companion Document during the first half of December.
- Work to proof the Exposure Draft Plan was undertaken, however, the final Exposure Draft version is not complete. External links, and some provisions and overlays are not being included, due to time constraints. Generally, if we do not have all sites identified for a topic, we are not including the overlays, so as not to confuse the public. This is the accepted general practice for a Draft Plan out for feedback only, and not in a legally binding process.
- We had our final Technical Advisory Team meeting on 6 December for a last look at the Exposure Draft before it was printed for Committee members.
- Work continues with contractors on natural hazards research and development of overlays. This will result in a second Natural Hazards consultation document being produced in March, for April consultation.
- Our request to Development West Coast for funding of an economics study on the benefits of including separate mineral extraction zones in TTPP has been denied. DWC considered the scope too limited to be of use outside of the TTPP process.
- A TTPP update was presented at the West Coast Regional Council Resource Management Committee meeting on 14 December.
- There will not be a January 2022 TTPPC meeting, as the Exposure Draft is being launched on 26 January, and there will be no further development to report on at that time.
- The February meeting will be via Zoom, to give an update on the Exposure Draft consultation, and introduce the 2022/23 budget.
- The March meeting will receive the report on consultation feedback, and be asked to approve the second Natural Hazards Consultation Document. This meeting is planned for Te Tauraka Waka a Maui Marae at Bruce Bay.

Plans for Next Period





- Place hard copy Exposure Drafts and Natural Hazards Companion Documents at 18 sites across the West Coast for the consultation period 26 January to 11 March 2022.
- On-going natural hazards work to inform the second Natural Hazards Consultation Document
- Begin writing the Section 32 Cost Benefit Analysis to accompany the Proposed Plan in July.
- TTPPC meeting by Zoom on Thursday 17 February at 9.00am

Key Issues, Risks & Concerns

- Covid 19 disruptions

Item	Action/Resolution	Responsible	Completion Date
Not getting key stakeholder buy-in	Contact and meet with them individually. Plan stakeholder workshops and on-going engagement process	Project Manager	Ongoing
Not producing a proposed plan in a timely manner	Set achievable milestones and monitor/report progress. Identify additional expertise and/or capacity	Project Manager Planning Team	30 June 2022
Decision makers can't agree	Get agreement on pieces of work prior to plan completion	Chairman	Ongoing
Budget insufficient for timely plan delivery	Work with TTPPC to recommend budget, and with WCRC to raise rate to achieve deliverables	Project Manager TTPP Committee CE WCRC	Annually Jan/Feb
Changes to national legislation	Planning team keep selves, Committee and Community updated on changes to legislation and the implications for TTPP	Project Manager Planning Team	Ongoing
Staff safety at public consultation	Committee members to proactively address & redirect aggressive behavior towards staff	TTPP Committee	Ongoing
National emergencies such as Covid-19 lock down	Staff and Committee ensure personal safety and continue to work remotely as able. Work with contractors to expedite work.	Project Manager TTPP Committee	Ongoing
Committee delay or reduce scope of required research	Committee ensure timely research is enabled	TTPP Committee	Ongoing
Time and Cost of Appeals Process	Realistic budget set for best case costs. Awareness that contentious issues such as SNAs, Natural hazards and landscape provisions could see an extended appeals process, increasing costs to reach operative plan status	TTPP Committee TTPP Steering Group Project Manager	Ongoing
Fast track budget insufficient to meet new timing for Proposed Plan notification by 14 July 2022	Project Manager to report monthly on whether anticipated expenditure for the remainder of the period is on track to be met by the allocated budget	Project Manager TTPP Committee	31 July 2022
Insufficient capacity for council and iwi technical staff to input fully into Draft and Proposed Plans	Planning Team provide outline of needs for technical input. TTPP Steering Group determine best delivery of technical services	Project Manager TTPP Steering Group	30 June 2022
Unable to meet 14 July 2022 notification date	Keep Committee informed of delays and investigate mitigation options	Project Manager TTPP Steering Group	31 July 2022
Risk of confidential, unverified or draft information being made public, negatively impacting development of TTPP (financially and/or time line) along with the outcomes for the West Coast	Ensure Committee members adhere to Standing Orders	Committee Chair	Ongoing

Status

Overall		
Schedule		Work programme revised and achieving on schedule, but capacity of researchers to deliver to earlier timeframe uncertain
Resources		Staff capacity stretched under fast track
Scope		Deliver efficient, effective and consistent Te Tai o Poutini Plan

Schedule

Stage	Target Completion	Revised Fast Track Completion	Comments
Complete project initiation documentation	30-Apr-19	19-July-2019	TTPPC approved
Identify and contact key stakeholders	03-May-19	Ongoing	Connection made with all key stakeholders and started a second round of contact with other interested parties
Contract senior planning consultant	01-Aug-19	29-July-2019	Contract in place 29/7/19 -30/6/20
Recruit permanent senior planner	30-Sep-19	7-Sep-2019	Started at WCRC on 14 October 2019
Set up Te Tai o Poutini Plan website and communications package	30-Sep-19	30 Nov- 2019	Development complete. Available at www.ttp.westcoast.govt.nz
Set planning milestones	31-Oct-19	30 Aug-2019	Presented at August 2019 TTPPC meeting
Hold key stakeholder workshop for Settlements section	28-Feb-20	23 Oct and 21 Nov 2019	Greymouth and Hokitika, then Westport
Hold Community information meetings	31-Mar-20	16-27 Mar 20 and 24-22 Sep 2020	Roadshow in March 2020 and opportunities to coincide with council-community meetings and local events Outcome of Roadshow to be presented to May TTPPC meeting
Hold key stakeholder workshops for Infrastructure section	30-Apr-20	31-Jul-20	Greymouth and Hokitika, then Westport. Delayed due to Covid-19 Lockdown
Draft Provisions (Issues, Objectives, Policy and Rules) for Urban Areas developed	31-May-20	31-May-20	For presentation to May TTPPC meeting
Workshop discussion with environmental interests re biodiversity provisions	30-Jul-20	31-Aug-20	Delayed due to Covid-19 Lockdown
Draft Provisions (Issues, Objectives, Policy and Rules) for Rural Zones and Settlement Zones developed	31 – Aug-20	31-Aug-20	For presentation to August TTPPC meeting
Hold key stakeholder workshops for mining and extractive industries	31-Aug-20	31-Jul-20	Due to work programme changes during Covid-19 lockdown
Historic Heritage Workshops	31-Aug-20	31-Aug-20	
Conclude TTPP Roadshow	30 –Sep-20	30-Sep-20	Postponed due to COVID-19
Workshop with agricultural interests re biodiversity provisions	30-Oct-20	28 October 2020	
On Hold - Contact with landowners re SNA assessment, landowner meetings			To discuss potential SNAs and seek permission if we do field assessments.
On Hold - Field work for SNA assessments			Begin with drive-by evaluation prior to possible property assessment at owner invitation
Zoning changes proposed	31-Dec-21	30 September 2021	Specific zone change proposals will come to the Committee through 2021
Targeted stakeholder consultation on draft provisions of Te Tai o Poutini Plan	30-May-22	30 September 2021	Targeted consultation with stakeholders on draft provisions with the aim of addressing concerns at this more informal stage
Iwi review of draft Te Tai o Poutini Plan	30-July-22	20 November 2021	This is in addition to hui and consultation throughout the development process and is a

Stage	Target Completion	Revised Fast Track Completion	Comments
			mandatory step
Full “Draft” Te Tai o Poutini Plan to Committee	30-Sep-22	16 December 2021	A draft Plan will not have legal status, but will show all the cumulative decisions of the Committee
Targeted Consultation on “Draft” Te Tai o Poutini Plan	Oct-22	11 March 2022	Targeted consultation – industry and interest groups meetings. Draft Plan also available for wider community feedback, and community drop-in sessions. Note that while we will be seeking feedback on the “Draft” Plan, some work will still be being undertaken and would feed into the final “Proposed Plan”, not this pre-notification draft.
Further Natural Hazards Consultation	22-Apr-22	22-Apr-22	Consultation document and drop-in sessions on Coastal Hazards, Land Instability and Westport focused hazard provisions.
Amendment of “Draft” Plan to “Proposed Plan” provisions	30-Nov-22	30 June 2022	Feedback to Committee on results of Exposure Draft consultation, any legal opinions on contentious provisions and final decisions.
Notify Te Tai o Poutini Plan	30-Aug-23	14 July 2022	This will be the “Proposed” Plan
Submissions on Te Tai o Poutini Plan	30-Oct-23	30 September 2022	40 working days for submissions is the legal requirement
Local Body Elections	30-May-22	October 2022	
Further Submissions	30-Feb-24	30 November 2022	Submissions must be summarised and published and then there is a 20 working day period for further submissions [this part of the process may no longer be required depending on RMA reform progress]
Hearings Te Tai o Poutini Plan	31-August-24	28 April 2023	Indicative time only
Decisions Te Tai o Poutini Plan	30-Sep-24	31 October 2023	Indicative time only
Appeal Period	30-June-25	30 November 2023	Indicative time only. Any parts of the Plan not appealed are completely operative from the end of the Appeal Period.
Ongoing Decision Making for TTPP	November 2025 onward	November 2023 onward	TTPPC is a permanent Committee. Once they have adopted the Plan their ongoing role includes monitoring implementation and the need for any amendments; and undertaking amendments and reviews, or ensuring these are undertaken, as required.
Appeals and Mediation Te Tai o Poutini Plan	Oct-25	April 2024	Indicative time only.
Environment or High Court [Fast Track Process]	2026	2024-2025	Indicative time only.



Te Tai o Poutini PLAN

A combined district plan for the West Coast



Project Manager Update

1 January 2022 – 31 January 2022

Prepared By: Jo Armstrong
Date Prepared: 31 January 2022

Accomplishments this Period

- Work on the TTPP Exposure Draft and the Natural Hazards Companion Document containing the draft objectives, policies, rules and overlays (maps) for the Alpine, Hope, Clarence and Awatere Faults, Lake Tsunami, Coastal Tsunami and River flooding was completed.
- Final adjustments to maps, websites and advertising continued into the New Year
- The Exposure Draft E-plan and Natural Hazards Companion Document went live on the TTPP website on 26 January 2022. Links to our Home page can be accessed directly from all our council websites.
- Advertising in all newspapers and bulletins throughout the districts was arranged for, or close to, 26 January. Ongoing reminders will be placed in the four main newspapers until the feedback period closes on 11 March 2022.
- Hard copies of the TTPP Exposure Draft, Natural Hazards Companion Document, Information Sheets, Feedback Forms and advertising poster were delivered to 18 venues across the districts for communities to access between 26 January and 11 March 2022.
- Library and council front office and planning staff have received training on the E-Plan.
- Technical reports used to develop TTPP were made available on the TTPP website from 26 January.
- Our quarterly newsletter focusing on the Exposure Draft launch was produced and sent to stakeholders in January.
- The first of a number of chapters that will comprise our Section 32 report was completed. The Joint Committee is required to undertake an evaluation of any Proposed TTPP provision before notifying those provisions. The s32 evaluation report provides the reasoning and rationale for the proposed provisions and should be read in conjunction with those provisions, with the degree of detail of the assessment correlating to the scale and significance of the anticipated effect of the provisions (s32(1)(C)).
- Work continues with contractors on natural hazards research and development of overlays. This will result in a second Natural Hazards consultation document being produced in March, for April consultation.
- Work on the proposed budget for the 2022/23 financial year is underway, for presentation at the February meeting.
- The 17 February meeting will be via Zoom, to give an update on the Exposure Draft consultation, and introduce the 2022/23 budget. A verbal update on the progress of the natural hazards work for the final two topics, coastal and land instability, will also be given.

- The March meeting will receive the report on consultation feedback, and be asked to approve the second Natural Hazards Consultation Document to go out for feedback 4-22 April. This meeting will be via Zoom.
- Covid Update – Until further notice TTPP Committee meetings will be by Zoom only. Zoom links have already been sent to you in the meeting invitations. Stakeholder engagement will also be affected by Covid restrictions. Eight meetings on topics of interest being held from 21 to 24 February will now be accessed by Zoom only, with no in-person option. Nine drop-in sessions from 17 February to 1 March will go ahead, with restrictions at each venue being adhered to. This includes showing a vaccine pass, wearing a mask, limiting numbers and enforcing distancing requirements.

Plans for Next Period

- Drop-in sessions at nine venues across the districts. **You can still come to the sessions in your main centres and district venues to hear what your local communities have to say.** Council staff have been asked to send you invitations for these sessions
- Eight stakeholder meetings on main topics of interest
- On-going natural hazards work to inform the second Natural Hazards Consultation Document
- Writing chapters for the Section 32 Cost Benefit Analysis to accompany the Proposed Plan in July
- Budget development
- Updating WCRC Resource Management Committee
- Technical Advisory Team Meeting on 9 February
- TTPPC meeting by Zoom on Thursday 17 February at 9.00am

Key Issues, Risks & Concerns

- Covid 19 disruptions, particularly to scheduled engagement in February and April

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Not getting key stakeholder buy-in	Contact and meet with them individually. Plan stakeholder workshops and on-going engagement process	Project Manager	Ongoing
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Risk of confidential, unverified or draft information being made public, negatively impacting development of TTPP (financially and/or time line) along with the outcomes for the West Coast	Ensure Committee members adhere to Standing Orders	Committee Chair	Ongoing
TTPP staff undeliverable work load to July 2022	Support current staff and consider contracting additional staff if required to meet timeframes	Project Manager TTPP Committee	14 July 2022

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