



Project Manager Update

14 February 2024 – 28 March 2024

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Te Tai o Poutini Plan Team

As there is no Committee meeting scheduled for this month, this update is provided to keep you abreast of the latest matters arising for the TTPP team.

Mineral Extraction Hearing

At the TTPP Committee meeting on 14 February 2023, the Committee asked for more information about the hearing schedule and specifically, whether it would be possible for the Mineral Extraction topic to be swapped with one of the other topics to be heard later in the year. I have looked into this proposal, and have discussed this with the Chair of the Hearing Panel, Dean Chrystal, as well as Philippa Lynch, General Manager, Poutini Environmental.

The hearing schedule was discussed at the Committee meeting on 29 August 2023, and set out in Minute 2 dated 8 August 2023. The Mineral Extraction topic is due to be heard from 28 May 2024, over a period of two weeks at Westport and Greymouth. The s42A planning report is currently drafted and will be sent out to submitters on 15 April 2024. This report is being written by David Badham from Barker and Associates.

As this is a large hearing to be heard at two locations (Westport and Greymouth), there are difficulties with simply swapping this hearing for one of the latter hearings, including venue bookings, flight bookings (submitters and commissioners), and Commissioner availability. In addition, the consultants working on the s42A planning reports are working to specific and tight deadlines, so it's not possible to simply bring one of the other topics forward, as the report for that topic is not yet drafted. Under the Resource Management Act there are specific timeframes for how long prior to the hearing the s42A report needs to be sent out in order for submitter expert evidence and legal submissions to be provided in response.

Extending Hearings

I have also investigated whether the hearings could be pushed out into November or December, or

even into the new year. I have canvassed this option with the hearing panel, and unfortunately not all panel members are available to attend hearings at this time due to other commitments, including hearings for other Councils. Originally, the hearings were planned to finish in September, and now with the rearrangement of some of the other topics, the hearings are scheduled to finish at the end of October.

However, if the Committee were of a mind to delay some topics until 2025 for example, ideally we would have some of the same panel members hearing the submissions in order to maintain consistency with decisions.

Implications for Appeals

I understand that some of the concern regarding the hearing schedule relates to the potential for the provisions to be appealed. Indeed, we have heard that some parties are not wishing to attend the hearings as they are proposing to appeal the decision regardless. As such, we are expecting appeals on the decision and note that, based on other district plan processes, this is almost guaranteed to happen. Consequently, there may not be any change in outcome in relation to attendance at the hearing or likelihood of appeals, regardless of whether the hearing date for Mineral Extraction is pushed back or not. However, doing so at this late stage would be difficult for many parties planning to attend in May for the reasons stated above.

While we have not yet discussed how appeals will be dealt with, the Environment Court is likely to direct mediation ahead of any hearing of appeals. However, we intend to approach this in a different manner to that taken by WCRC during mediation of the Forest and Bird appeals on the Regional Policy Statement decision.

This is because the experience of other Councils, and the TTPP team members involved is that appeals can be settled through mediation, with the Plan still staying true to the Council direction if a more proactive approach for mediation management is taken. For example, the Greater Wellington Regional Council recently settled all of its appeals on its Natural Resources Plan without needing to go to Court, and yet has a plan that stayed true to the original direction set by the Councillors. A similar experience occurred with the Gisborne Regional Freshwater Plan. A large reason for this was the drafting of position statements by the Council which set out what they could concede, and what they were not prepared to move on, prior to attending mediation.

Given the constraints in terms of availability of staff resources, venues, transport and the hearing panel themselves, it is proposed that the current timeframe for hearing the Mineral Extraction submissions continue. Please note, however, that Dean Chrystal is prepared to give leave for submitters to file evidence late if they need more time. Minute 19 with the current hearing schedule through to the beginning of August 2024 is attached for your reference.

Changes to the National Policy Statement for Indigenous Biodiversity

We have received further advice from the Ministry for the Environment in relation to changes to the National Policy Statement for Indigenous Biodiversity (NPS-IB). The consultation document states the following:

Proposed changes to the NPSIB

The Government wants to address concerns that the SNA identification criteria may be too broad and could capture areas with less significant indigenous biodiversity. The Government is proposing to amend the NPSIB to suspend the direction to councils to assess their districts and include areas qualifying as SNAs in their plans. The proposed suspension would apply for three years from the date of the change taking effect.

What parts of the NPSIB would be addressed

This change could be achieved by amending all or part of, the following NPSIB clauses:

- Clause 3.8, which sets out the process and requires councils to commence assessments of their districts to identify areas that qualify as SNAs.
- Clause 3.9, which requires councils to notify these SNAs in district plans.
- Clauses 4.1 and 4.2, which set the timeframes for councils to carry out these requirements for SNAs.

There may be a need to make more changes to the NPSIB to implement the changes set out above (including transitional provisions as required)

Existing obligations under the Resource Management Act 1991 to recognise and provide for areas of significant indigenous vegetation and significant habitats of indigenous fauna in their district plans would remain in place. Processes initiated before the NPSIB came into force, including existing SNAs and biodiversity protection rules already in plans and policy statements, would also stay.

More information in relation to this matter and the implications for the TTPP process will be brought to the Committee meeting on 29 April 2024.

Activities on the Surface of Water Variation

At the last meeting, the Committee resolved to publicly notify the Variation for Commercial Activities and Port Activities on the Surface of Water in relation to Port of Greymouth and Westport Harbour Port (the Ports Variation). The intention was that this be publicly notified with the Variation for Coastal Hazard Mapping. However, the Committee requested further information in relation to the coastal hazard mapping, and to not publicly notified the variation for coastal hazard mapping at this stage.

To publicly notify the Ports Variation on its own to all ratepayers, which was not the intention of staff, would cost in the vicinity of approximately \$40,000. Instead, it is recommended that the Ports Variation be limited notified only to those parties affected by the variation. This will result in considerable cost savings. As such, the Ports Variation will not be publicly notified by 28 March 2024. We will come back to the Committee at the next meeting with an updated report, timeline and recommendation to notify this variation on a limited basis to affected parties.

Staffing

We have welcomed a new planning technician, Mr Chu Zhao, who has replaced Tayla Merhtens, and is quickly coming to grips with the role, having helped with the Natural Features and Landscapes hearings in Hokitika and Westport already. I'm pleased to announce that Tayla had a baby girl and both are doing well. We have begun recruitment for a Senior Planner, and will update you on progress with this at the next meeting.

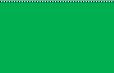



Plans for Next Period

- Recruitment of Senior Planner
- Reports to the Committee in relation to the NPS-IB and SNAs, Coastal hazards mapping, limited notification of the Ports Variation, Greymouth flood modelling, financial reports and draft budget information
- Drafting s32A report for the Ports Variation
- Continuation of hearings
- Ongoing preparation for future hearings
- Updates to Committee on hearings

Key Issues, Risks & Concerns

Item	Action/Resolution	Responsible	Completion Date
Decision makers can't agree	Get agreement on variations prior to notification	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, first half of calendar year
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 hearings and consultation	Staff to notify appropriate parties. Committee members to proactively address & redirect aggressive behavior towards staff	CE WCRC, TTPP Committee	Ongoing
National emergencies such as Covid-19 lock down and weather events	Staff and Committee ensure personal safety and continue to work remotely as able. Work with contractors to expedite work.	Project Manager 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, mineral extraction and landscape provisions could see an extended appeals process, increasing costs to reach operative plan status	TTPP Committee TTPP Steering Group Project Manager	Ongoing
Community concerns over proposed Plan content	Respond to queries by phone, email and public meetings. Update information.	TTPP Committee, Project Manager	Ongoing

Status

Overall		
Schedule		Hearings continue, variations to be notified in due course, hearings to be completed by November 2024 at this stage, any central government direction which may affect the hearing schedule to be followed
Resources		Budget for hearing to be monitored, staff resources are constrained by lack of Senior Planner
Scope		Schedule 1 processes leading to updates to Plan to achieve operative status

Schedule

Stage	Target for Completion	Comments
Hearings for Te Tai o Poutini Plan	November 2024	
Notification of Coastal Hazard Variation	TBC	
Notification of Variation to Activities on the Surface of Water Chapter	May/June 2024	Indicative time only
Decisions Te Tai o Poutini Plan	Beginning 2025	Indicative time only
Ongoing Decision Making for TTPP	2025 onward	TTPPC is a permanent Committee. Once the Plan is adopted the ongoing Committee role includes monitoring implementation and the need for any amendments or variations, undertaking variations and reviews, or ensuring

Stage	Target for Completion	Comments
Appeals and Mediation Te Tai o Poutini Plan	From early 2025	these are undertaken, as required. Indicative time only. Any parts of the Plan not appealed are operative from the end of the Appeal Period.

Attachments:

Minutes from Hearing Commissioners

- Minute 19 – Updated hearing timetable



Te Tai o Poutini PLAN

A combined district plan for the West Coast