



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Te Tai o Poutini Plan Committee Meeting

29 August 2024

8.00am

Via zoom

Meeting URL:

<https://wcrs-nz.zoom.us/j/82813222005?pwd=hEau0vaJ2038bt7vabFbxAoa8dK5za.1&from=addon>

Meeting ID: 828 1322 2005

Passcode: 571264

AGENDA

8.00am	Welcome and Apologies	Chair
8.05am	Confirm previous minutes of 2 August 2024 Confirm previous minutes 7 August 2024	Chair
8.10am	Matters arising from previous meeting	Chair
8.15am	Report – Activities on the Surface of Water Variation 1 Summary of Submissions	Senior Planner
8.30am	Meeting ends	

Meeting dates for 2024:

- 10 October 2024, 9.00 am at Grey District Council
- 12 November 2024 1.00 pm via Zoom



**MINUTES OF EXTRAORDINARY MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD VIA ZOOM
3.15pm FRIDAY 2 AUGUST 2024**

Present

Rex Williams (Chairperson), Mayor Jamie Cleine (Buller DC), Councillor Graeme Neylon (Buller DC), Mayor Tania Gibson (Grey DC), Councillor Allan Gibson (Grey DC), Mayor Helen Lash (Westland DC), Councillor Ashley Cassin (Westland District Council), Chairperson Peter Haddock (West Coast RC), Councillor Frank Dooley (West Coast RC), Kaiwhakahaere Francois Tumahai (Te Runanga o Ngati Waewae), Kaiwhakahaere Paul Madgwick (Te Runanga o Makaawhio)

In Attendance

Simon Pickford (Chief Executive, Buller DC), Paul Pretorius (Acting Chief Executive, Grey DC), Scott Baxendale (Acting Chief Executive, Westland DC), Darryl Lew (Chief Executive, West Coast RC), Jocelyne Allen (Group Manager, Regulatory and Policy, West Coast RC), Jo Armstrong (TTPP Project Manager, West Coast RC), Michael McEnaney (Regulatory Manager, Grey DC), Alice Balme (Partner and Solicitor, Wynn Williams, Queenstown), Laura Mills (Chief Reporter, Greymouth Star), Doug Bray (Senior Policy Planner, TTPP, West Coast RC)

Welcome and Purpose

The meeting opened at 3.15 with the Chairperson welcoming participants and outlining the purpose of the extraordinary meeting called in accordance with Section 8.3 of Standing Orders, to discuss a Notice of Motion from Mayor Gibson. This was the sole Agenda item. Mayor Gibson and Councillor Gibson expressed a desire to speak to the Notice of Motion.

Apologies - None received

Conflicts of Interest - None raised

Initial Notice of Motion and Report on it

Mrs Armstrong spoke to her report, which had been circulated as part of the agenda. The Notice of Motion from Mayor Gibson was read as follows:

I the undersigned ask that the Ecosystems and Indigenous Biodiversity Hearing scheduled for the end of August 2024 be delayed for a minimum of six months or until the Crown Review of the Resource Management (Freshwater and Other Matters) Amendment Bill, which includes proposed changes to the National Policy Statement for Indigenous Biodiversity has been finalized.

The reasoning given was as follows:

- *By all accounts it appears that the Government Review will impact key principles in relation to indigenous biodiversity which, if the Hearing should continue will most likely require a formal Plan Change to bring the TTPP in line with the intended changes. It is noted that the Section 42A*

Officer's Report does include proposed changes, however, it is considered problematic that changes that have not been passed as law are being incorporated. Should the provisions not become law or be changed then the TTPP will need to be rewritten and a Plan Change process gone through. This is not considered appropriate given the already considerable costs incurred by the TTPP process. RMA Section 34A and Clause 10 of the TTPP Order in Council enable you to delegate your power to hear submissions on the pTTPP.

- *The joint TTPP Committee is not scheduled to meet before the Hearing date, which will mean that the Hearing will be purely on Officer's reports without benefit of Committee oversight. It is respectfully suggested that this is not in line with either the letter or the spirit of the Order in Council that created the TTPP process. It is further suggested that it will be untenable if the situation should arise where the Joint Committee may refuse to confirm the Officer comment after the Hearing. This is most likely to happen given that the Officer's Report deviates substantially from the Joint Committee's stance re: SNAs, especially as it relates to Grey District.*
- *The delay will give all concerned more time to formulate a robust input into this process, knowing the outcome of the Resource Management (Freshwater and other Matters) Amendment Bill.*

Discussion

Mrs Armstrong pointed out there is a TTPP Committee Meeting scheduled for 7 August 2024 in Hokitika which is prior to the Ecosystems and Indigenous Biodiversity Hearings planned for 26-27 August 2024 in Westport and 29-30 August 2024 in Hokitika.

Ms Balme noted that Section 42A Reports are prepared at the request of the Hearings Panel (i.e. the Independent Commissioners). They are thus "evidence" in the Hearing process, prepared in accordance with the Environments Court's Code of Practice for Expert Witness – requiring that such Report writers provide *independent, unbiased* expert opinions. It would not be appropriate for the Committee to have oversight of or input into what are evidence documents.

Ms Balme also pointed out that the Bill as it stands only *delays* the timeframe for identifying Significant Natural Areas (SNA)s – for three years. Options could include separating out the SNA-related provisions of the Plan and continuing with other aspects of the Ecosystems and Biodiversity Chapter (although doing so would leave the Plan inconsistent with both the National Policy Statement for Indigenous Biodiversity (NPSIB – unless and until changed) and the West Coast Regional Policy Statement (RPS)).

Mrs Armstrong commented that the Committee has delegated its powers with respect to convening and scheduling the hearings to the Independent Commissioners. So it is their decision as to whether or not such a delay can be accommodated (they having agreed so in the past). Discussions with the Panel Chairperson indicates the Hearing programme as it stands is integrally linked to a schedule of work that enables progress to continue efficiently and in a timely manner. Compromising that schedule could have a significant "flow on" effect. In particular, panel members have significant other commitments to do with the Plan and elsewhere. Mrs Armstrong also commented that Local Government elections are scheduled for 2025, and the Committee had intended to make decisions prior to elections. Costs for staff on fixed term contracts would also increase with a delay. Continuity of commissioners, decision makers and staff could thus be threatened if the delay is excessive. The

Committee also has a duty under Section 21 of the Resource Management Act 1991 (RMA) to avoid “unreasonable delay”. The fact is that a degree of uncertainty remains over precisely what is happening with respect to SNAs, while deferral of the Plan’s progress is definitely going to increase costs. Realistically there are two options – i.e. delay or proceed (the report setting out the pros and cons).

Mrs Armstrong confirmed (following clarification sought from the Chairperson) that one amendment to her report as presented should be made – i.e. last sentence of paragraph 3 (beginning “RMA Section 34 ...”) should be removed from that paragraph and added to paragraph 7a (after “staff note”).

Councillor Dooley queried whether such a delay could set any “undesirable precedent” (given a somewhat similar degree of uncertainty exists around natural hazards). Ms Balme confirmed potentially yes – there is arguably always a degree of uncertainty around Central Government intentions.

Mr Pretorious confirmed that he and the Grey Councillors had in fact revised the initial Notice of Motion somewhat – to a *fixed term* delay.

Mayor Gibson spoke to the Notice of Motion. She predicts the exercise of undertaking SNAs would be costly (around \$1 million/District) and needs to be undertaken amidst considerable hostility, given the perceived popular notion that SNAs have been done away with by the Government. The last thing certainly Grey District wants is to have to go through such a process and then reverse it; it incumbent on both Central and Local Government to work together to avoid this.

Mayor Gibson confirmed that she has already commenced discussion with Minister Hoggard (regarding central government intentions. Minister Hoggard (and possibly other Ministers) has agreed to meet, and with the intention of better clarifying the Government’s position and its timing. The 26-27 (Westport) and 29-30 (Hokitika) August 2024 Hearings for the Ecosystems and Indigenous Biodiversity Topic should, therefore, be delayed – at least until October 2024. Mayor Gibson drew parallels with Minute 14 of 11 January 2024, the Chairperson of the Independent Commissioners having agreed to delay the Ecosystems and Indigenous Biodiversity Hearings from March 2024 to later in the year, to enable the Government’s position on SNAs to be made clearer.

Mayor Gibson emphasized there appears an element of confusion in terms of who is responsible for what, in terms of leading the Plan formulation process. While it is true that responsibility for conducting the Hearings and making decisions has in fact been delegated to the Independent Commissioners, the TTPP Committee itself is comprised of Mayors and other Council members from the four local authorities who are responsible to their ratepayers. The Committee should not be seen as simply a “rubber stamping” body which leaves matters such as this entirely to the Commissioners.

Revised Notice of Motion - Discussion

The Chairperson asked the Grey District Council attendees to display the Notice of Motion as revised.

This read as follows:



That the Committee asks the Project Manager to remind the Hearings Panel that it had by Minute 14 – 11 January 2024 postponed the Ecosystems and Indigenous Biodiversity Hearing to October 2024, and that it be asked to reschedule the scheduled Hearing for the end of August 2024 to the end of October 2024 in line with that decision.

That the Committee seeks urgent meetings with the Crown to determine its intentions in relation to the signalled review on SNAs and how it impacts on the TTPP, and to inform the Crown of the grave implications for the Coast, both financial and social, if we continue to have to legislate for SNAs.

At the request of Councillor Dooley, the Grey District Team similarly posted Minute 14, highlighting paragraph 4:

The Hearing Panel agreed that there is sense in delaying the Hearing of the Ecosystems and biodiversity component of Topic 10 until later in the year, which is likely to be October, to see whether there is any clarity around the matter.

Mayor Cleine pointed out that the Notice of Motion as revised is essentially in two parts – i.e. firstly, is there a willingness to delay, and secondly *if so*, what should be next step? Mayor Gibson pointed out that a letter from Minister Hoggard encouraging the intended consultation had been received that day and was immediately circulated to Committee members, while Mr Pretorius emphasized that the Notice of Motion as revised takes into account the legal advice from Wynn Williams as discussed earlier.

The Chairperson confirmed his understanding of the Notice of Motion as revised. In particular, it was emphasised that any decision to delay would remain with the Chairperson of the Hearings Panel. The Chairperson also agreed that the revised Notice of Motion be voted on in its two separate paragraphs.

Chairperson Haddock expressed concern that the change to SNA provisions may not work out as intended, and the resultant delay could simply hold up finalizing the Plan generally – to the extent that increased costs and other difficulties result from changes in Committee personnel as a result of the 2025 Local Government Elections, and the inability of Commissioners and contracted staff to remain with the process. Such costs would be felt by ratepayers. To that extent, the Notice of Motion as revised was supported – i.e. an effective two months, c.f. the previous somewhat undefined period.

Some discussion took place around the relative costs of delaying or proceeding. Overall comments relative to the Revised Notice of Motion paragraph 1 were supportive.

Councillor Dooley confirmed that he and Mr Lew will be meeting next week with Simon Court (MP, Member of Environment Select Committee and Parliamentary undersecretary for RMA Reform), so that could present an opportunity for such discussion. Mayor Gibson confirmed it would be preferable to have a separate meeting with Associate Minister Hoggard as planned, so a good number of Committee members could attend.



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The Chairperson questioned the extent to which *the Committee* (i.e. in its entirety) would need to attend. Mayor Gibson confirmed she is open to however many as available attending.

Mr Madgwick confirmed his support for the motion, pointing out it would be very unwise to proceed with such strong signals re: SNAs being sent from the Government. He pointed out the importance of the Committee “getting things right”. This was supported by Mayor Lash and Mr Tumahai. The inherent feeling is that the Te Tai o Poutini Plan (TTPP) is “our Plan” (i.e. a District Plan for the three District Councils – Buller, Grey and Westland – which the TTPP Committee needs to retain control of.

Mayor Gibson queried why a matter such as this has to go before the Hearings Panel – and particularly when the TTPP Committee *itself* recently agreed to extend the closing date on submissions for Variation 2: Coastal Natural Hazards Mapping from 16 to 30 August 2024. The Chairperson felt that particular matter did not require any further attention at this stage.

Revised Notice of Motion – As Agreed

That the Committee asks the Project Manager to remind the Hearings Panel that it had by Minute 14 – 11 January 2024 postponed the Ecosystems and Indigenous Biodiversity Hearing to October 2024, and that it be asked to reschedule the scheduled Hearing for the end of August 2024 to the end of October 2024 in line with that decision.

Moved Mayor Gibson/Seconded Councillor Gibson
CARRIED (9 for/2 against – Councillor Dooley and Mayor Cleine)

That the Committee seeks urgent meetings with the Crown to determine its intentions in relation to the signalled review on SNAs and how it impacts on the TTPP, and to inform the Crown of the grave implications for the Coast, both financial and social, if we continue to have to legislate for SNAs.

Moved Mayor Gibson/Seconded Councillor Gibson
AGREED

The Meeting ended at 4.15pm.



MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD AT WESTLAND DISTRICT COUNCIL AT 10.00AM ON 7 AUGUST 2024

Present

Rex Williams (Chairman), Mayor T. Gibson (GDC), Cr A. Cassin (WDC), P. Madgwick (Makaawhio), F. Tumahai (Ngāti Waewae), Cr A. Gibson (GDC), Mayor H. Lash (WDC);
Online: Mayor J. Cleine (BDC), Cr G. Neylon (BDC), Cr B. Cummings (WDC), Cr P. Haddock (WCRC),

In attendance

Scott Baxendale (WDC), J. Allen (WCRC), P. Pretorius (GDC), Chu Zhao (WCRC)
Online: J. Armstrong (TTPP Project Manager), Michael McEnaney (GDC), D. Lew (WCRC), Simon Pickford (BDC), Mia Turner (Public)

Welcome

Confirm minutes of the previous meeting held 19 June 2024

Moved (Cr A. Cassin/ Mayor J. Cleine)

That the minutes of the meeting held 19 June 2024 be confirmed

Carried

Confirm minutes of emergency meeting held online on 26 July 2024

Moved (F. Tumahai / Cr A. Cassin)

That the minutes of the meeting held online on 26 July 2024 be confirmed

Carried

Matter arising from previous meeting

Mayor T. Gibson asked a question about mapping: the mapping for the Grey District in previous minute stated that it was still offline, and people were wanting to view it and download at the moment and being a backup.

J. Armstrong noted that she has put a link under Technical Reports on the TTPP website.

Cr A. Gibson asked if there is any way we could make it easier for people to understand the mapping.

J. Armstrong responded that there is a lot of information on those maps, but the TTPP info line is available and staff are happy to step people through the process while they are online.

R. Williams added that Doug Bray responds a lot to the public's questions. R. Williams said that getting in touch with Doug would be his suggestion. If in doubt.

P. Madgwick suggested the staff could use plain English for writing letters.

R. Williams said he has read the letter very carefully to make sure that he is comfortable. He said he would do better in the future by using plain English.

P. Madgwick said sometimes the mapping on the website is not working.

J. Armstrong replied that they occasionally hear the same issue, but they don't have any trouble when they go to open it. She was not sure if it's a matter of overload or connections, but would follow up.

R. Williams added that he has found that using an IPAD is quite difficult and it's somewhat better if he tries his laptop.

Updated Te Tai o Poutini Plan Standing Orders

J. Armstrong noted that during the Committee Meeting in June 2024, committee members agreed to tabled amendments being made to Te Tai o Poutini Plan Standing Orders, and approved a recommendation that the amended Standing Orders would be presented at this meeting, to take effect from 1 October 2024. J. Armstrong has appended the final version of the standing orders and accepted the track changes from the version that committee members saw at the last meeting, and updated sections that committee members approved relating to attendance by electronic link.

Moved (Cr A. Gibson/ Cr P. Haddock)

That the Te Tai o Poutini Plan Standing Orders (attached) be adopted, to take effect from 1 October 2024.

Carried

Delegation to hear Variations 1 and 2

J. Armstrong noted that TTPP Committee approved the notification of Variation 1 - Activities on the Surface of Water, and Variation 2 – Coastal Natural Hazard Mapping at its 29 April 2022 meeting. Both variations were notified on 27 June 2024, and hearings for them have been scheduled for 26 November 2024 and the week of 17 March 2025. J. Armstrong noted the timing for this provides an opportunity for commissioners who have a really good understanding of the TTPP to continue with those variations and providing recommendations all at once. J. Armstrong pointed out one of the benefits of delegating to the current commissioners is that there is no need to amend the current contracts because they are engaged until all of the recommendation reporting is made.

Cr G. Neylon asked if people are submitting to the variation of the maps, are they entitled to submit to the rules that may come out of the variation.

J. Armstrong answered no, as the rules are not changing and rules were put out with the Proposed TTPP a couple of years ago, so they've already been out for submissions.

Cr G. Neylon asked if people who suddenly find that they're within the hazard zone don't have any opportunity to submit on the rules.

J. Armstrong answered they could try a late submission, and it's acceptable.



Moved (F. Tumahai/ Mayor H. Lash)

1. *That the Committee receives this report*
2. *Acting under section 34A of the Resource Management Act 1991, and clause 10 of the Local Government Reorganisation Scheme (West Coast Region) Order 2019 Te Tai o Poutini Plan Committee delegates to Dean Chrystal, Anton Becker, Paul Rogers, Sharon McGarry and Maria Bartlett, all functions powers and duties necessary to hear submissions and evidence on Variations 1 and 2 to the proposed Te Tai o Poutini Plan, including the exercise of any powers conferred by RMA sections 41 (a) and 42 (a).*

Carried

Extension Request for Te Tai o Poutini Plan Decision

Cr A. Cassin asked the reason for applying for an extension after the end of the two-year period, instead of prior to the end of the two-year period.

R. Williams answered that this was overlooked in the change of staff.

Mayor H. Lash asked should they be looking to have more time than 12 months.

J. Armstrong said it was possible, and it might be prudent to at least ask for 18 months.

Moved (Mayor H. Lash/ Cr A. Cassin)

1. *That the Committee receives this report 2.*
2. *That the Committee direct and approve staff to prepare an application to the Minister for the Environment for an 18-month extension, to 14 January 2026, for giving a decision on the TTPP.*

Carried

June 2024 Financial Report

J. Armstrong noted that this is the end of the financial year statement, and the expenditures are tracking below expected, with a favourable variance of \$393,105. J. Armstrong noted that the deficit in the budget line for Pokeka Poutini Ngāi Tahu Limited is offset against lower costs for other budget items. The Pokeka Poutini Ngai Tahu contract is to secure the ongoing detailed and valuable input from them for the remaining hearing topics s42A reports. They will also prepare and provide more information on the SASM in Schedule 3 that were not submitted on and combine all SASM information into one report. J. Armstrong noted that the variance for the Consultant Planners and Contractors items is still \$75,000. J. Armstrong noted that the borrowing requirement to the end of the period for the whole process so far is \$1,783,330.

Moved (Cr A. Cassin/ Cr G. Neylon)

1. *That the Committee receive the report*

Carried

Project Manager Update

J. Armstrong noted that the link to coastal variation maps for the Greymouth Coastal Hazards is available in response to Mayor Gibson's query. J. Armstrong pointed out that commissioners are doing a lot of site visits at the moment in all three of the districts. J. Armstrong noted that the Hearings Chair issued Minute 33 on 18 July 2024, which explained that coastal hazard rules will no longer be heard with the other natural rules in October. These rules will now be heard along with Variation 2 – Coastal Natural Hazard Mapping in the week of 17 March 2025. J. Armstrong corrected that five submissions were received for Variation 1, not four submissions. J. Armstrong pointed out that staff held a public information session on Variation 2 in Westport on 30 July 2024, in response to public calls for further information. It was attended by over 100 people. J. Armstrong suggested that monthly Committee meetings get reinstated from now on and would get some dates into Committee members' calendars.

Cr A. Cassin passed on the thanks of the people of South Westland for offering the second public information session from the staff.

P. Madgwick noted that it's important to make sure that the public has the opportunity to understand coastal hazard variation. P. Madgwick added that we should have the maps on display in libraries in the three main towns.

J. Armstrong noted that maps are in the libraries and the district councils alongside the variation information in submission forms.

Cr G. Neylon asked if we could have a drop-box at the council when would submissions need to be received there.

J. Armstrong noted that they have an agreement with the Buller District Council, that council staff will seal the box at 5pm, and it will be collected in the following week.

Cr B. Cummings asked is there any possibility that area maps could be put up in the information centres like Haast, Punakaiki and Karamea.

J. Allen said she is going to check that.

Moved (Mayor T. Gibson / Cr P. Haddock)

1. *That the Committee receives the report.*

Carried

Motion about Extraordinary Meeting on 2 August

J. Armstrong pointed out the background of the motion, and reasons why the Ecosystem and Biodiversity hearing was rescheduled to August. J. Armstrong noted that the hearing panel has carefully considered the TTPP committee's request to postpone the August hearing date to November. J. Armstrong noted that this will incur additional costs, require the rescheduling of outstanding matters in variation one hearing, and ultimately will delay the release of the hearing



panel's decision next year. J. Armstrong noted that postponing the hearing will not enable the parties to provide further evidence. The Hearing Panel asks that the TTPP Committee urgently advise the Hearing Panel if it still requests the August hearing be postponed, in light of the consequences outlined above in Minute 36.

Mayor T. Gibson proposed that:

1. The Hearing Panel be advised that, whilst the implications of the delay as sought are duly noted, it is outweighed by the social and financial implications to the three District Councils of having to proceed with the process of identifying and protecting SNAs:
 - at a time that landowners are under a distinct impression that the District Councils are precluded from doing so.
 - at a time that the Government, per advice provided even over the past few days, remain committed to drastically modify the obligation of Councils in relation to SNAs.
2. On that basis, it be confirmed to the Hearing Panel that the Committee still requests the postponement of the August 2024 Hearing on the Ecosystems and Indigenous Biodiversity Chapter of TTPP to the week of 18th November 2024.

Moved (Mayor T. Gibson/ P. Madgwick)

Carried

Closing comments

R. Williams noted that we will have a brief meeting in September (the end of August), and we've got a full meeting on the 10th of October at Grey District Council at 9am.

Meeting ended at 11.35am.



Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Doug Bray, Senior Policy Planner

Date: 29 August 2024

Subject: Summary of Submissions received on the Activities on the Surface of Water Variation 1 to the Proposed Te Tai o Poutini Plan

BACKGROUND

1. Variation 1: Activities on the Surface of Water to the Proposed Te Tai o Poutini Plan has been undertaken in order to clarify that commercial and other activities associated with Westport Harbour and the Port of Greymouth are Permitted Activities. The Variation inserted a new Policy and new Rule, and amended an existing Rule in the Activities on the Surface of Water – Nga Mahi ki te Karewa o te Wai Chapter (additions underlined):
 - a. **ASW-P4** – Enable the use of the Port of Greymouth and Westport Harbour Ports and their use of the Mawheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.
 - b. **ASW-R4A** – Use of Watercraft for Commercial Activities and Port Activities on the Surface of Water
Activity Status: Permitted
Where: This is the use of the surface of water for commercial activities on water and other Port Activities:
 1. Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Mawheranui/Grey River, and including within the Erua Moana Lagoon;
or
 2. Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller RiverActivity status where compliance not achieved: Restricted Discretionary
 - **ASW-R6** – Commercial Activities on the Surface of Rivers, Lagoons and Lakes not associated with Westport Harbour Port and Port of Greymouth.
Activity Status: Restricted Discretionary
2. This Variation was subject to Limited Notification in accordance with Clause 5A of Schedule 1 of the Resource Management Act 1991 (RMA), with such notification served on the following:
 - Ministry for the Environment
 - Department of Conservation
 - Maritime New Zealand
 - Te Runanga o Ngati Waewae
 - West Coast Regional Council
 - Buller District Council
 - Grey District Council
 - Westland District Council
 - Westport Harbour Port



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- Port of Greymouth
 - Tai Poutini Resources (Tai Poutini Professional Services Ltd)
 - Westpower Ltd
 - Papahaua Resources Ltd
 - Rocky Mining Ltd
 - TiGa Minerals and Metals
 - WMS Group
 - Specific landowners identified as being:
 - Within the proposed Port Zone under the TTPP
 - Immediately adjoining the Proposed Port Zone
 - Immediately adjoining the Buller River between the State Highway 67 Bridge and the coastal marine area boundary
 - Immediately adjoining the Grey River between the State Highway 7 Bridge and the coastal marine area
3. The above parties were identified as directly affected by the Variation, based on responsibilities in relation to the regulation of surface water activity, land ownership within or immediately adjacent to those areas of relevance and/or previous submissions lodged on the issue. No other persons or organisations are considered directly affected by a Variation which simply clarifies that commercial activities associated with the existing Westport Harbour port and Port of Greymouth do not require regulation under the Proposed TTPP. The Variation is a somewhat technical one, which recognises that the West Coast Regional Policy Statement (Operative, 2020) defines the coastal marine area as being downstream of the two Ports. Consequently, Rule ASW-R6 would have imposed a Restricted Discretionary Activity Status on such activities on the surfaces of Erua lagoon, the Mawheranui/Grey River and the Kawatiri/Buller River. There is in fact no intention whatsoever to regulate day to day port operations under the Plan, with the additions of Policy ASW-P4 and Rule ASW-4A, together with the slight elaboration of Rule ASW-R6, confirming this.
4. The Variation was notified on Thursday 27 June 2024, with the closing time and date for submissions being 5.00pm on Friday 26 July 2024.

SUMMARY OF SUBMISSIONS

5. Submissions were received from the following:
- Harbourmaster, Buller District Council (Submission 665)
 - Westpower Ltd (Submission 547)
 - West Coast Regional Council (Submission 488)
 - Manager, Port of Greymouth (Submission 666)
 - WMS Group (HQ) Ltd and WMS Land Co Ltd (Submission 599)

The submission summary is attached as Appendix 1. At this stage, Westpower and WMS Group are the two submitters who wish to be heard.

6. It is recommended that this summary be notified for further submissions for the statutory 10 working day period. Those submitters and any further submitters wishing to be heard can then be offered such an opportunity. Dean Chrystal (Chairperson of the Panel of Independent Commissioners) has at this stage set aside Tuesday 26 November 2024 for such a Hearing, which he intends convening alone and virtually.



IRRELEVANT SUBMISSION FROM SOMEONE OUTSIDE OF THE LIMITED NOTIFICATION

7. The following submission was received from Mr Alex Woods (750 Taylorville Road, Taylorville). Mr Woods was not one of the parties Limited Notified for this Variation. This requested the following:

- That landfill dump sites be mapped
- That public, private and cleanfill landfill dump sites be included, where compliance can be improved and thus protect settled areas and assist land purchasers

Mr Woods wishes to speak in support of his submission.

8. It is a little unclear as to precisely what Mr Woods is submitting on in relation to the TTPP. Essentially:

- He has headed the submission "Submission Te Tai o Poutini Plan"
- There are in fact *two* Variations to the TTPP itself which have been notified recently – i.e. Variation 1: Activities on the Surface of Water (which was limited notified) and Variation 2: Coastal Natural Hazards Mapping (which was publicly notified, with submissions closing on 30 August 2024).

Mr Wood's submission bears no relevance to either Activities on the Surface of Water or Coastal Natural Hazards Mapping, being the only two matters subject to Variations (1 and 2 respectively) and for which submissions have been recently sought. Therefore, his submission cannot be allowed in terms of either Variations 1 or 2. Rather, he has raised matters which are realistically the concern of the Grey District Council in terms of solid waste management, and he should be referred accordingly.

9. Section 41D of the RMA provides for the striking out of submissions. In accordance with Section 41D(1), any local authority, consent authority or person given authority to conduct a Hearing in relation to functions under the RMA – including a Variation to a proposed District Plan – may direct that any submission received be struck out in whole or in part if satisfied that at least one of the following apply:

- The submission is frivolous or vexatious
- The submission discloses no reasonable or relevant cause
- It would be an abuse of the Hearing process to allow the submission or part of it to be taken further
- The submission is supported only by evidence that purports to be independent, but is in fact evidence that has been prepared by a person who is not independent or does not have sufficient specialised knowledge or skill to provide such expert evidence
- The submission contains offensive language

In accordance with Section 41D(2) of the RMA, the authority concerned may make its decision before, at or after the Hearing and must record its reasons for the decision. Section 41D(3) provides for any submitter whose submission is struck out in whole or in part to be able to object to such a decision, in accordance with Section 357(2) of the RMA (Section 357 providing for rights of objection to a range of decisions made under the RMA).

10. In this particular instance, Mr Woods' submission is one which discloses no cause of relevance to Variation 1, meaning it would be an abuse of the Hearing process to allow those matters submitted on to be taken any further. The Chairperson of the Hearings Panel, conducting this particular Hearing alone, should, therefore, be advised to strike out this particular submission ahead of the Hearing itself.

RECOMMENDATIONS

1. That the information be received.
2. That in accordance with Clause 7(3) of Schedule 1 of the RMA, the Summary of Submissions be limited notified to all those to whom notification of the Variation was initially served, on 29 August 2024.
3. That the required two week period for receipt of further submissions close on 14 September 2024.
4. That consistent with Section 41D of the RMA, the TTPP Committee recommend to the Chairperson of the Hearings Panel, responsible for convening the Hearing for Variation 1, that Mr Alex Woods be advised that his submission bears no relevance to either subject of what have been two recently notified Variations to the TTPP – i.e. Variation 1: Activities on the Surface of Water or Variation 2: Coastal Natural Hazards Mapping. His submission cannot, therefore, be allowed in terms of being of relevance to either Variation. It is recommended that the Chairperson of the Hearings Panel be encouraged to so advise Mr Woods ahead of the Hearing itself, and recommend to Mr Woods that he contact the Grey District Council if wishing to pursue the matter he has written about any further.

Doug Bray

Senior Policy Planner (TTPP)



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Submitter	Submission Point	Provision	Submission	Reasons	Decision Requested
Harbourmaster, Buller District Council (655)	S655.001	Activities on the Surface of Water - Policy ASW-P4	Support	The proposed changes will support the efficient functioning of Westport Harbour	That the new Policy ASW-P4 is added to the Plan
Westpower Limited (S547)	S547.0511	Activities on the Surface of Water - Policy ASW-P4	Support	The proposed Policy ASW-P4 seeks to enable the continued use of both Westport Harbour and the Port of Greymouth	That the new Policy ASW-P4 is retained
West Coast Regional Council (S488)	S488.040	Activities on the Surface of Water - Policy ASW-P4	Support	What is proposed in the Variation is consistent with the Regional Land Transport Strategy	That the Variation (including Policy ASW-P4) be adopted
Manager, Port of Greymouth (S666)	S666.003	Activities on the Surface of Water - Policy ASW-P4	Support	What is proposed supports the continued operation of the Port activities	The new Policy ASW-P4 is supported
WMS Group HQ Limited and WMS Land Co Limited (S599)	S599.174	Activities on the Surface of Water - Policy ASW-P4	Support	The Variation makes it clear that Port activities in Westport and Greymouth are Permitted Activities	Retain the proposed Policy ASW-P4
Harbourmaster, Buller District Council (S665)	S665.002	Activities on the Surface of Water - Rule ASW-R4A	Support	The proposed changes will support the efficient functioning of Westport Harbour	That the new Rule ASW-R4A is added to the Plan
Westpower Limited (S547)	S547.0512	Activities on the	Support	The continued use of the Ports	That the new Rule ASW-R4A is



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		Surface of Water – Rule ASW-R4A		for activities required	Port is retained
West Coast Regional Council (S488)	S488.039	Activities on the Surface of Water – Rule ASW-R4A	Support	What is proposed in the Variation is consistent with the Regional Land Transport Strategy	That the Variation (including Rule ASW-R4A) be adopted
Manager, Port of Greymouth (S666)	S666.001	Activities on the Surface of Water – Rule ASW-R4A	Support	What is proposed supports the continued operation of the Port activities into the future	That the new Rule ASW-R4A be retained
WMS Group HQ Limited and WMS Land Co Limited (S599)	S599.175	Activities on the Surface of Water – Rule ASW-R4A	Support	The Variation makes it clear that Port activities in Westport and Greymouth are Permitted Activities	Retain the Proposed Rule ASW-R4A
Harbourmaster, Buller District Council (S665)	S665.003	Activities on the Surface of Water – Rule ASW-R6	Support	The proposed changes will support the efficient functioning of Westport Harbour	The amendment to Rule ASW-R6 is supported
Westpower Limited (S547)	S547.0513	Activities on the Surface of Water – Rule ASW-R6	Support	The amendment to Rule ASW-R6 assists with interpretation of this Rule	That the proposed amended heading to Rule ASW-R6 be retained
West Coast Regional Council (S488)	S488.041	Activities on the Surface of Water – Rule ASW-R6	Support	What is proposed in the Variation is consistent with the Regional Land Transport Strategy	That the Variation (including the amendment to Rule ASW-R6) be adopted
Manager, Port of Greymouth	S666.002	Activities on the	Support	What is proposed	That the amendment to



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(S666)		Surface of Water – Rule ASW-R6		supports the continued operation of the Port activities into the future	Rule ASW-r6 be retained
WMS Group HQ Limited and WMS Land Co Limited (S599)	S599.176	Activities on the Surface of Water – Rule ASW-R6	Support	The Variation makes it clear that Port activities in Westport and Greymouth are Permitted Activities	Retain the amendment to Rule ASW-R6