

THE WEST COAST REGIONAL COUNCIL

MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD ON 28 SEPTEMBER 2021, HELD AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL & VIA ZOOM, COMMENCING AT 10.04 A.M.

PRESENT:

R. Williams (Chairman), T. Gibson, B. Smith, L. Martin (left meeting at 1.46 pm), L. Coll McLaughlin, A. Becker, A. Birchfield, P. Madgwick, F. Tumahai via Zoom (left meeting at 1.00p.m.), S. Roche, J. Cleine

IN ATTENDANCE:

J. Armstrong (Project Manager), L. Easton, E. Bretherton (WCRC), N. Selman (WCRC) via Zoom, H. Mabin (WCRC) via Zoom, P. Morris (GDC) via Zoom, T. Jellyman (WCRC), The Media

WELCOME

The Chairman welcomed everyone to the meeting. He reminded those present that this is a public meeting and members of the public as well as media are welcome to attend. The Chairman welcomed any members of the public who may be viewing the meeting via Council's Facebook page.

APOLOGIES:

MOVED (Gibson / Birchfield) *That the apologies from S. Bastion and S. Mason be accepted.*
Carried

CONFIRMATION OF MINUTES

The Chairman spoke of the difficulty in being able to hear and understand properly when meetings are held via Zoom. He requested that the minutes are more rigorously checked to ensure correctness if the meeting is held via Zoom.

Moved (Cleine / Smith) *that the minutes of the meeting dated 2 September 2021, be confirmed as correct, with the amendments listed below, made.*

Carried

Cr Coll McLaughlin advised that she had only abstained from voting for the third motion but not altogether, only with regard to Short Term Residential Visitor Accommodation Approach in the Plan.

P. Madgwick drew attention to page 4, under Short Term Residential Accommodation Approach in the Plan, he meant that the feedback from the visitor accommodation sector was unsolicited as opposed to the general feedback which was on the roadshow.

MATTERS ARISING

There were no matters arising.

The Chairman stated need to be mindful of the workload at the moment as there is a massive workload in this meeting and the next meeting.

Declarations of Interest

The Chairman advised that the routine register of interests from Local Authorities will come through automatically to this committee. P. Madgwick declared that he is a Director in Pokeka Ngai Tahu Ltd which features in the financial report. It was noted that F. Tumahai is also Director for this.

Financial Report

N. Selman spoke to this report. He stated that he would like feedback to the new format for the budget. N. Selman stated it is challenging to predict what legal costs are likely to be but they have been factored into the budget. He offered to answer questions.

Cr Roche asked what interest rate for borrowing is. N. Selman confirmed that this was set in February and is based on 2% interest charge. He clarified various matters relating to borrowing and funding.

J. Armstrong answered questions relating to governance costs.

P. Madgwick advised that the contract with Pokeka Poutini Ngai Tahu is for technical staff.

J. Armstrong confirmed that the Pokeka Poutini Ngai Tahu contract is a 12 month contract from the 1st of July.

Moved (Gibson / Smith)

- 1. That the Committee receive the report*
- 2. That the Committee gives approval for the Acting Chief Executive West Coast Regional Council to sign a contract with Pokeka Poutini Ngai Tahu Limited for \$50,000 for their input into TTPP development.*

Carried

NOTICE OF MOTION – FROM WEST COAST REGIONAL COUNCIL CHAIR BIRCHFIELD

Chair Birchfield spoke to this report and stated that this matter has been covered in the workshop. He stated this is going to have a big effect on private landowners and communities. He had originally thought it was 25% of the private land to be considered as SNA's, but he has been informed it is 36%. Chair Birchfield stated if this is added on to the Outstanding National Landscapes and the already 5,000 hectares of wetlands that has been confiscated from private landowners this is a very big chunk of private land on the West Coast.

Chair Birchfield feels this is going to have a very serious effect on the economy and communities. He stated that once restrictions are imposed a landowner will need a resource consent to do anything with the land, and this is what is happening with the resource consent hearing process for the Barrytown Joint Venture. Chair Birchfield feels this situation will need to be addressed by Parliament to protect private landowners.

Cr Becker agrees with Chair Birchfield and feels that government intervention is the only way this can be brought to a halt. Cr Becker read a statement to the meeting.

Mayor Smith is concerned about constraints that are going to be put on private land ownership. He stated that SNA's, natural hazards, Outstanding Natural Landscapes, Sites of Significance to Maori, Outstanding Natural Features, Outstanding Natural Characteristics are involved, and when the overlays go on there is a huge amount of land and this could involve half of the West Coast. He spoke of the resource consent process and the impact this will have on landowners. Mayor Smith stated he supports Chair Birchfield as this is undemocratic.

Cr Roche read a statement to the meeting. She spoke of the Regional Policy Statement (RPS) which was approved by WCRC in July 2020 and was signed by Chair Birchfield and Cr Challenger and become operative on 24 July 2020. Cr Roche stated that the RPS requires the identification of SNA's and this is stated in the RPS. She noted that legal advice has been sought on this and to defend an unlawful plan would be cost exorbitant. Cr Roche does not support Chair Birchfield's Notice of Motion for these reasons. Mayor Cleine agrees with Cr Roche. He spoke of the legal advice tabled at last month's meeting. Mayor Cleine agreed it is unpalatable but it is clear that at a national level there is no carve out or special treatment for the West Coast.

He is concerned about the costs of defending this, and the goal of the RMA which is appropriate protection of biodiversity and SNA's. Mayor Cleine stated he shares similar concerns to Chair Birchfield but for the reasons stated, he does not support the motion.

Mayor Gibson stated that she became a Mayor to represent the people of the West Coast. She feels that staff have done a good job but thinks there needs to be a line in the sand and to have some bite to some of these policies. Mayor Gibson stated taking peoples private land is not right. She feels that landowners are being hamstrung with costs and livelihoods are affected and there are people who are going to lose land. She feels these policies are undemocratic.

Cr Coll McLaughlin stated she is very sympathetic to comments made and to landowners but feels it must be recognised that there are political and legal processes, and this is a committee that is operating a legal process inside a legal framework. Cr Coll McLaughlin stated that the legal advice is clear, and if the committee supports the motion then that is unlawful. She feels that this committee should learn from the Schedule 2 Wetlands situation that it is not good practice to try to make a plan in court. Cr Coll McLaughlin stated this is very expensive and you do not get the outcome that you are seeking. She drew attention to comments in the legal advice contained in today's agenda relating to costs. Cr Coll McLaughlin stated she will be voting against the motion, as there are legal and political processes to follow and the committee need to act lawfully. She feels the Committee still needs to maintain political pressure and would like to see compensation revisited. She feels that it is not reasonable for ratepayers to take on these costs.

P. Madgwick stated this is heinous legislation and would like to see Maori reserve land withdrawn from this process. He feels this sort of legislation is unheard of and would not be found anywhere in the western world. P. Madgwick spoke extensively, he disputes that this land can be used and feels this is wrong.

P. Madgwick stated that the planners have given good advice and have been upfront from the start. He feels that it is a shame that the planners felt that they had to get the backing of a legal opinion. P. Madgwick stated that the blame for this is with the current occupants of the Beehive. He feels it would be an abdication of our responsibility to put up a protest of this legal requirement as it is unlawful for the Committee not to do this. P. Madgwick stated that that the experience of the Schedule 2 cost ratepayers \$1M for nothing, and it had the reverse outcome. P. Madgwick stated that WCRC fought it too late, with the result that the Environment Court made the decision and they decided to up the number of wetlands and grabbed even more than what was first envisaged, including a lot of Maori reserve land which is now useless. He stated the next phase is the SNA's and this will be done all over again and the Outstanding Natural Landscape is yet another layer as Chair Birchfield has said. P. Madgwick stated this is wrong. He feels the responsible thing to do is to roll with it as there is no escaping this legislation. P. Madgwick stated there is a chance to work with landowners once blocks are identified and mapped as SNA's, and other areas should be free for development. He stated that if this is not done then we will end up in the same situation as with the Schedule 2 wetlands and it will be done for us, and more horribly than what we expect. P. Madgwick stated that he cannot support the motion, but he fully supports the sentiment.

F. Tumahai stated that he is going to support the motion, and has stated from day one that he won't accept SNA's. He stated although he agrees with what P. Madgwick has said, he is concerned that if we don't do something, this will be done for us.

Cr Martin stated he completely understands, and notes that the implications are far reaching and it is important that they are understood. He stated that Westland District Council supports the sentiment and they want to be advocating for the West Coast community and the ratepayers who put elected members in their positions. Cr Martin agrees with what has been said, and feels that a very clear message needs to be sent to Wellington and to see some of this legislation addressed, to ensure that the West Coast context is considered. Cr Martin stated the message to Wellington needs to be that we do not agree with the legislation as it is put, and we would like to see significant changes that allow the concerns that are expressed around this table to be considered.

NOTICE OF MOTION FROM REGIONAL COUNCIL CHAIR BIRCHFIELD – STAFF ADVICE

J. Armstrong spoke to this report. She stated that the planning team are not unmoved by this situation and they have worked as diligently as they can on behalf of the West Coast on this. J. Armstrong stated that as discussed in this morning's workshop the Outstanding Natural Landscapes are generally almost entirely a subset of the SNA's, and it is not an additional amount of the private land. J. Armstrong urged the meeting to not take an unlawful step, and to actually include the SNA's in the plan. She advised there is the opportunity for the Committee to decide on what level of consenting is required as this is where the Committee can make a difference, and be able to take the opportunity to decide what can be permitted.

The Chairman advised that for clarity he feels it is best to actually deal with the motion as proposed by Chair Birchfield on page 11, rather than the motion set out on page 12.

Moved (Birchfield / Smith)

1. *That the Committee exclude all private land from Significant Natural Area identification and inclusion in the Te Tai o Poutini Plan; and*
2. *Exclude all private land from Outstanding Natural Landscape identification and inclusion in the Te Tai o Poutini Plan.*

In favour- Chair Birchfield, Mayor Smith, Mayor Gibson and F. Tumahai

Against - Mayor Cleine, Cr Roche, Cr Coll McLaughlin, P. Madgwick, Cr Becker, Cr Martin, R. Williams

The motion was lost

Chair Birchfield commented that all elected members are due for re-election next year and he is sure that the voters will be watching to see how this vote has gone.

Mayor Smith commented that democracy has taken place and he requested that the meeting moves on.

Cr Becker commented that he will be reminding the ratepayers from his constituency where the RPS came from which put the Committee in this position. He stated he would have voted on the motion if it had of been only on the NPSIB coming through.

Technical Update: Ecosystems and Indigenous Biodiversity draft Rules

L. Easton spoke to this report and stated she has tried to write draft rules that are defensible and has taken things that worked well out of the Buller and Westland plans. L. Easton stated she has tried to be as enabling as possible within the statutory framework.

Cr Coll McLaughlin is aware she has a conflict of interest, as she is a Surveyor. Cr Coll McLaughlin stated that she heard repeatedly that subdivisions are one of the few ways landowners can recoup some financial gain on their asset.

Extensive discussion took place. L. Easton answered questions and provided additional information regarding the draft report on SNA's, she reminded the meeting that they did not receive the report, but gave direction that we proceed with vegetation clearance, and the approach could be to include a high level map. She advised that there is no update on the NPS for Indigenous Biodiversity, or when this might be out. She advised that she is entirely comfortable with the proposed changes.

L. Easton stated that overall the draft provisions would be more enabling than the current Westland and Buller plans, and less enabling for Grey.

Chair Williams asked if there is a faint possibility that this matter will have to come back to the meeting again. L. Easton advised this depends on the NPS, but she noted that the last draft

gave councils five years to enact the requirements. She advised that it might be that a plan change is waited for in order to implement the NPSIB, and that would be in about five years' time.

Moved (Roche / Tumahai)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the draft Rules for Ecosystems and Indigenous Biodiversity.*

Against Cr Birchfield

Carried

The meeting adjourned at 11.08 a.m. and reconvened at 11.14 a.m.

Technical Update: Outstanding Landscapes and Outstanding Natural Features.

L. Easton spoke to this report. She advised that only those of internationally significant are to be included in the Outstanding Natural Features layer as they do need to be protected.

L. Easton clarified rules for vegetation clearance and stated there is a provision to not destroy anything of national significance. Minor earthworks were clarified.

Extensive discussion took place around vegetation clearance consent and the importance of getting this right.

L. Easton answered questions and provided additional advice on areas such as the Haast Hollyford Road. It was agreed that areas covering roads would be re-checked in the transport chapters. The Bruce Bay area is also to be rechecked.

Mayor Smith asked if an Outstanding Natural feature will impact on utilities. L. Easton advised that she will check the transport and energy section. It was noted that DoC approval would still be required.

L. Easton provided further information and agreed that Rule 6 would be relooked at with further input sought from infrastructure providers.

Rural zones for Buller were discussed and this is also to be checked.

Moved (Madgwick / Becker)

1. *That the information be received.*
2. *That the Committee provide feedback on the Rules for Outstanding Natural Landscapes and Outstanding Natural Features.*

Carried

Te Tai o Poutini Plan: Draft Rules for Natural Hazards Overlays

E. Bretherton spoke to this report. Mayor Smith and Cr Becker spoke of the importance of getting overlays correct.

E. Bretherton advised that the mapping is being worked through with staff from the engineering team, and civil defence. Mayor Smith stated that he would like to see overlays before he votes on this matter. Cr Martin suggested this could be parked until the mapping is finalised. It was suggested that individual workshops could be held with each Council. Mayor Cleine spoke of the importance of local knowledge in this area with regard to the recent Westport flood event.

J. Armstrong advised that it might be timely to relook at timeframes, she advised that the draft plan will not have everything in it. She advised that the proposed plan is due out in July. Chair Birchfield stated that following the Local Body Elections next year, there will be a new committee in place. J. Armstrong advised that the idea of fast tracking was that if the proposed

plan was out by July that would happen with the current committee. It was noted that it is likely to take around six months for new members to get up to speed.

It was agreed that time pressures will be discussed in general business. L. Easton provided advice on the timeline for notification of the Plan.

Cr Martin spoke of the importance of ensuring that the process is not held up and suggested that workshops are held to avoid delays. P. Madgwick stated that he is in favour of workshops as he feels the Plan is now at a critical stage.

Cr Coll McLaughlin spoke of the issues she had emailed E. Bretherton about. E. Bretherton answered questions and provided additional information. Discussion took place on re-zoning and provisions for future protective works. E. Bretherton advised that the rules have been run through with the technical teams.

Cr Roche spoke of the recent meeting of BDC where it was moved that floor height of up to 500mms permitted but it is the responsibility of the property owner to ensure that their storm water is captured appropriately. Cr Roche agreed to forward on the technical advice from BDC to E. Bretherton.

The Chairman asked for further clarification on potential liabilities. E. Bretherton advised there has been strong pushback from technical team on this matter.

It was agreed that overlay information would be provided at the workshops. It was also agreed that Iwi would have their own workshops with P. Lynch. Cr Coll McLaughlin stated that she would like to be invited to all workshops.

Moved (Williams / Birchfield)

1. *That the Committee receives the report.*
2. *That the Committee provide feedback and recommend that workshop are held with individual councils and iwi, with overlays to be provided and then reconsideration on the draft Rules for Natural Hazards overlays.*

Carried

Te Tai o Poutini Plan Technical Update – Public Access

E. Bretherton spoke to this report. It was noted that the sole objective is on page 66. L. Easton explained the rules for esplanades to the meeting. Minor wording changes were agreed to.

Moved (Smith / Becker)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the Objective for Public Access in the Te Tai o Poutini Plan.*

Carried

Technical Update: Financial Contributions Rules

L. Easton spoke to this report and spoke of the importance of these rules working well while they are in place. She advised that financial contributions are not payable on permitted activities and are very important under the Local Government Act and can be in the form of money, works or land, she also confirmed that financial contributions are a resource consent condition. L. Easton advised she would like to see this resolved prior to the draft Plan going out.

It was agreed that rules relating to parking would be followed up on, along with reserve contributions. All present agreed that they are happy with aligning reserve contributions.

Cr Martin drew attention to financial contributions for cycleway and walkway access and commented that there is a lot of variability around the country on this. L. Easton advised that

the best way forward is for more detail to be included in infrastructure strategies for each Council.

Moved (Martin /Gibson)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the draft Rules for Financial Contributions.*
Carried

Jacksons Bay Port Zoning Provisions

L. Easton spoke to this report and advised that she has discussed this with Westland District Council staff. She spoke of the three sites used for port activities in this area. Mayor Smith drew attention to the area where fishing equipment is stored. It was agreed that the maps would be checked during the lunch break.

The meeting adjourned at 12.57pm and reconvened at 1.25 pm.

It was confirmed that the draft rules apply to the yard storage area and the Talley and Fiordland Lobster lot.

P. Madgwick stated that he would like the entire frontage to be covered by the draft rules. It was noted that some of the properties identified on the map are on road reserve. P. Madgwick stated that future growth needs to be provided with regard to port activities, in the front area of the esplanade.

P. Madgwick advised that the DoC reserve area is an archeological site, and a Pa site, and behind this area also. He stated the front area has been excavated for Talley's and the Fiordland Lobster Company, with the section behind being undeveloped. This also has archeological value.

Moved (Madgwick / Becker)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the proposed approach to zoning and rules for Jacksons Bay Port.*
Carried

Scenic Visitor Zone – Draft Objectives, Policies and Rules

L. Easton spoke to this report and spoke of the areas defined as tourist zones. She stated that Fox Glacier and Franz Josef have more in common than Punakaiki but all are in spectacular environments with tourist based activities. L. Easton advised that she has not received a lot of feedback on this from the technical teams at each of the district councils.

P. Madgwick spoke of the work being done by WDC on the masterplan for Franz Josef and the migration towards the north which may involve bush clearance. He stated this would need to be allowed for as there could be a future subdivision in this area. L. Easton spoke of rules she has suggested for this purpose.

Cr Coll McLaughlin spoke of issues raised during the recent roadshow at Punakaiki. She stated it would be good if the prioritisation of residents could be included.

Cr Coll McLaughlin stated that it was also heard that there is a residential housing shortage at Punakaiki, and it is difficult for residential growth. She asked if this could be looked at via the subdivision provisions. L. Easton advised that currently commercial zone is very restrictive, and there is not very much land at Punakaiki and there is very little land for houses even though there is a demand for this. She advised that work has been done on potential options but none of these have been good options. L. Easton advised that Barrytown and Charleston maybe need to be considered as there is more land available in these areas.

Discussion took place on the possibility of direct feedback being sought from the Punakaiki community.

L. Easton answered questions on vegetation clearance in this area.
P. Madgwick asked if the new visitor zone for Franz Josef would be extended to the north. L. Easton advised that following a recent workshop with WDC staff it is likely that a concept plan will be included in the plan to allow for a very clear picture for Franz Josef.
P. Madgwick stated this could extend from the current township through to the Tartare. L. Easton stated that she is expecting to receive further plans regarding this.

Moved (Smith / Gibson)

1. *That the information be received.*
2. *That the Committee provide feedback on the draft Objectives, Policies and Rules for the Scenic Visitor Zone.*

Carried

Draft Town Centre Design Guidelines – Reefton and Hokitika

L. Easton spoke to this report and stated this is very much guided on heritage for Reefton. She advised that the guidelines are to be used when a resource consent is triggered. Cr Roche stated she is fully supportive, Mayor Cleine agreed.

Moved (Smith / Roche)

1. *That the information be received.*
2. *That the Committee provide feedback on the draft Guidelines for the Reefton and Hokitika Town Centres.*

Carried

Responses to NPS Freshwater Management and NPS Urban Development Requirements for District Plans

L. Easton spoke to this report. She highlighted areas from the introduction page.

Moved (Birchfield / Cleine)

1. *That the Committee receive the report.*

Carried

Te Tai o Poutini Plan Draft Chapter Review – Rural Zones

L. Easton spoke to this report. Discussion took place on amenity values.
L. Easton provided information on size of and rules around herd homes and hot houses. It was agreed this should be larger. L. Easton agreed to make this change.
L. Easton clarified the rules for Community Halls hours of operation.
Minerals extraction rule was discussed. L. Easton advised this is for small scale operations, not commercial use. L. Easton advised that this matter will be heavily contested. She is proposing a permitted activity rule that would allow for low scale alluvial mining of up to two hectares being disturbed at any time. L. Easton advised that she has done a lot of consultation with the minerals sector and is hoping to bring this to next month's meeting.
L. Easton stated it is very unlikely that a permitted activity rule for mining would get through.
L. Easton answered questions about discretionary rules. L. Easton agreed to a minor word change to rule 26.

L. Easton advised that she is awaiting further feedback from Westland District Council on settlement zones.

Moved (Cleine / Birchfield)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the draft Rural Zone provisions for Te Tai o Poutini Plan.*

Carried

Project Manager's Report

J. Armstrong spoke to her report and took it as read. She advised that there will be some holdups with regard to research which is related to lockdown.

She provided an update on mineral extraction zones.

Mayor Smith spoke of a letter received last week from the mining sector following a recent meeting. L. Easton advised that their preference is for general provisions for the mineral extraction zone. L. Easton stated that her aim is to try to provide enabling provisions and to be able to get something through that will not be appealed as mineral extraction is a big part of the West Coast. Options were discussed and it was agreed that L. Easton would bring this to matter to the next meeting. The Chairman stated that once the draft is to hand then feedback can be worked through.

J. Armstrong requested feedback on the possibility of an economic study on mining issues being progressed. Mayor Cleine suggested that data could be obtained from Minerals West Coast. Discussion took place on funding. Cr Coll McLaughlin feels that there should have one more attempt at getting funding from DWC specifically for funding a study for economic benefit to the West Coast. Cr Roche commented that DWC have done a lot of work on this and they might be able to do this. It was agreed this would be progressed.

Discussion took place on the venue for the November meeting. It was agreed that this would be followed up via email.

Moved (Coll McLaughlin / Roche) *That the report is received.*

Carried

GENERAL BUSINESS

The Chairman spoke of work ahead, and the length of time future meetings are likely to take. The Chairman stated he has had a conversation with representatives from a Genetic Modified Organism group (GMO) who are keen to write a paper, make a submission and to address the committee to emphasise the importance of this topic. The Chairman stated that in view of the committee's heavy workload he feels the committee should decide if they wish to hear this. It was noted that other district plans cover GMO's. Cr Coll McLaughlin stated that if they prepared a paper then the committee could read it and then decide whether or not to receive the paper. All agreed with this.

Chair Birchfield stated that initially he was pretty positive about the Plan as he felt it was going to solve a lot of things and make things easier. He stated he now takes the opposite view as we now have wetlands, SNA's, ONL's and earthquake fault zones which is going to take up half of our land area in some sort of restriction. He stated that this is a backward step and the \$4M estimated to cover this could double and he is now not that confident in the process.

Chair Birchfield stated there is going to be a new committee in place this time next year and he will revisit the vote.

The Chairman advised that there is a need for a two paragraph introduction to draft Plan. The Chairman stated he would write this then circulate it but he would like input from everyone, and for everyone to sign it. J. Armstrong advised that she has sent the draft out to the

committee. Mayor Smith stated would be unusual if anyone else to sign it other than the Chairman. It was agreed that The Chairman would sign the draft.

The meeting closed at 2.42 p.m.

The Chairman thanked everyone for their attendance.

NEXT MEETING

Friday 29 October at Buller District Council.

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Chairman

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Date

Meeting Dates for 2021

	Type of meeting	Day, Date and Time	Venue
October	In Person	Friday 29	Buller District Council
December	In Person	Thursday 2	Grey District Council
December	In Person	Thursday 16	Grey District Council