

**THE WEST COAST REGIONAL COUNCIL**

**MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE  
HELD ON 17 MAY 2022  
AT THE BULLER DISTRICT COUNCIL CHAMBERS & VIA ZOOM  
COMMENCING AT 9:32 A.M.**

**PRESENT:**

R. Williams (Chair), T. Gibson (via zoom), L. Martin (via zoom), L. Coll McLaughlin, A. Becker (via zoom), A. Birchfield (via zoom), P. Madgwick (via zoom), F Tumahai (via zoom), S. Roche, J. Cleine

**IN ATTENDANCE:**

J. Armstrong (WCRC), E. Bretherton (WCRC), L. Easton (WCRC) (via zoom), H. Mabin (WCRC) (via zoom), S. Bastion (WDC) (via zoom), S. Mason (BDC), R. Townrow (BDC), Michael McEnaney (GDC) (via Zoom)

**Welcome**

The Chair welcomed everyone to the meeting.

**Apologies**

B Smith was an apology for the meeting.

**Moved** (Williams) *That the apology from B Smith be accepted.*

*Carried*

**Declarations of Interest**

There were no declarations of interest.

**Confirmation of Minutes**

The Chair asked whether there were any amendments to the minutes of the previous meeting of 29 April 2022.

Cr Birchfield sought an amendment to the minutes to record his comment at the previous meeting to P Madgwick that iwi should maybe abstain from the vote on SNAs in view of the fact that iwi land had been excluded from the SNAs.

Cr Coll McLaughlin sought a change to the minutes regarding the zoning of public conservation land, as follows:

*Cr Coll McLaughlin confirmed with L Easton that the open space zone allowed grazing.*

*[new paragraph] L Easton advised that there had been a change in personnel at DOC, and that staff would need to clarify some matters with DOC on ~~zoning this matter~~. She will bring back some amended wording to ensure there is clear policy guidance on these zones, to the next meeting.*

**Moved** (Cleine / Roche)

*That the minutes of the meeting dated 29 April 2022 be confirmed as correct, subject to the amendments outlined above.*

*Carried*

### **Matters Arising**

Cr Becker said he had sent an email out regarding the decision on the exclusion of the Māori land from the ONL process. He had received several queries from landowners where ONLs had overlaid SNAs. The Chair invited Cr Becker to raise this later in the meeting.

There were no other matters arising.

### **Te Tai o Poutini Plan – Natural Hazards**

E Bretherton spoke to this report and took it as read. She sought agreement to change the name 'Fault Avoidance zone' to 'Earthquake Hazard overlay'. There were no comments on the change. E Bretherton then outlined the proposed changes set out in her report.

Kw Madgwick raised a query about the Ministry of Education and the coastal hazard overlay in relation to Granity School. He felt that the government should be leading on this, and if government is imposing a requirement for coastal hazard management they should 'walk the talk' in relation to their own operations.

Mayor Cleine noted that the coastal setback provision does not relate to elevation, and yet the overlays do. He asked whether that could be taken into account, where a site might have a cliff rather than beachfront. E Bretherton advised that the coastal setback overlay as it is at present is a precautionary approach, until the rest of the LiDAR is available. This is underway but not finalised. Once that information is available, the model used for the rest of the West Coast can be run in these areas, and the provisions can be amended.

Mayor Cleine asked about the permitted activities within the flood overlays, and limitations in the current draft wording on existing use rights. L Easton confirmed that existing use rights allowed for replacement of a house of similar scale. It was agreed that this should be made clear in the draft Plan rules.

Cr Coll McLaughlin asked for a discussion on the timeframes within the natural hazard section of the draft Plan for existing use rights. She would be reluctant to agree with a term of two years within some of the overlays, given that a large-scale event such as the Alpine Fault would make rebuilding within two years very difficult. Mayor Cleine supported this, noting that recovery from a large-scale event affecting much of a district can take years. In response to a question from Cr Roche, L Easton said that following a large-scale event like the Alpine Fault the government would likely introduce special legislation for the rebuild, as it did after the Christchurch earthquake.

Cr Coll McLaughlin confirmed with planning staff that the LiDAR information could be introduced by way of a submission by the Committee on the proposed Plan, once it became available.

Cr Coll McLaughlin asked about the addition to Policy 3. E Bretherton advised that it was raised by DOC that there were some missing steps, in terms of managing risk. These amendments lined it up with the NZCPS.

Cr Coll McLaughlin sought clarification about Rule 7. E Bretherton advised that there should have been a new permitted activity rule relating to new builds/flood susceptibility, and this would be added.

Cr Coll McLaughlin asked about a rule that would allow new commercial and industrial buildings in the coastal alert zone, and whether this should be added to Rule 38. E Bretherton said that a rule could be put in the Plan which provided for this.

**Moved** (Gibson / Birchfield):

1. *That the Committee receives the report; and*
2. *That the Natural Hazards provisions be amended in accordance with the approach outlined in the report.*

*Carried*

### **Te Tai o Poutini Plan – Westport Zoning and Natural Hazard Provisions**

L. Easton spoke to this report. She outlined the type of hazards that the Plan addresses in respect of Westport. Staff have tried to bring together a set of rules for consideration that support a long-term approach to Westport, and recognise all these issues. She noted that the rules were more permissive than the draft rules and that the Westport protection scheme had yet to be built., The Committee should be aware that there is a risk that the rules could be seen as too enabling and the Committee may receive strong submissions from some parties such as government agencies. The design of the protection works was still in a state of flux but if changes are needed to the Plan once that is settled then the opportunity to amend the Plan would be through a Committee submission.

In response to a question from Mayor Cleine, L Easton explained how the permitted activity rule would work in areas that are not protected from coastal inundation or flood hazards. She said that the residual risk matter had not been addressed in the draft Plan provisions, rather than imposing additional measures for this. Mayor Cleine asked whether there would be an explanatory note in the Plan outlining the approach to this. E Bretherton confirmed that there could be practice notes on this for those flood risk provisions, and S Mason explained to the Committee how practice notes worked.

Cr Roche thanked L Easton and E Bretherton for their work on this in response to feedback received from the community, and supported Mayor Cleine's view regarding residual risk and feeding this into the proposed Plan once they understand what the protection works will be.

There was further discussion on how the hazard rules would be applied. L Easton advised that she had had some feedback from the Department of Internal Affairs who had indicated they felt the rules may be too permissive. She indicated that there was an upcoming pre-notification process in which government departments including the DIA can provide feedback and they may push back on these rules.

L Easton spoke to proposed zoning changes in Westport outlined in her report. Cr Coll McLaughlin asked whether there had been consultation with landowners in the Alma Road area in relation to the suggestion to rezone an area to commercial zoning. L Easton advised that there had not been time to do this and

that there are large numbers of properties across the district that have been rezoned without any specific notification.

**Moved** (Cleine / Roche)

1. *That the Committee receive the report.*
2. *That the amended zoning for Westport as outlined in this report be included in the proposed Plan.*
3. *That the amended Westport Hazard Policy and Rules as outlined in the report be included in the proposed Plan.*

*Carried*

### **Te Tai o Poutini Plan – Franz Josef Zoning**

L. Easton spoke to this report. She advised that Westland District Council (WDC) had input into the provisions in the draft Plan and had been undertaking a separate consultation process on the zoning and were developing a master plan for the Franz Josef area. WDC have recently been impacted by a key staff member leaving, so had not yet been in a position to provide feedback on the submissions received from the community. Staff are hoping to receive detailed feedback from WDC staff at the end of the month, regarding the zoning. S Bastion advised that F Scadden had resigned from Council but has been engaged as a consultation to provide feedback.

Cr Martin said that he had received a lot of feedback and that he supported the recommendation to allow WDC planning staff to have more input in to this. He confirmed with S Bastion that the timeline to provide feedback from WDC was achievable.

**Moved** (Martin/Gibson)

1. *That the Committee receive the report.*
2. *That the amended zoning for Franz Josef as outlined in this report be included in the proposed Plan.*
3. *That any further amendments in relation to Cron Street, Franz Alpine Resort Tourist Zone areas or zoning for further development that are provided by the Westland District Council before 31 May 2022, be included within the proposed Plan.*

*Carried*

The Chair adjourned the meeting at 10:44 a.m. for a short break.

The meeting resumed at 10:56 a.m.

### **Consultation Plan and Schedule for the Proposed Te Tai o Poutini Plan**

J Armstrong outlined the schedule and requirements for the notification process. L Easton updated the Committee on which provisions have immediate legal effect at notification and outlined the submissions and further submissions process. She said they would bring a paper back to the Committee on appointing Commissioners to hear and decide submissions, and encouraged Councillors who were accredited to consider being on the panel.

In relation to Hearing Commissioners, Mayor Cleine and Cr Roche raised queries about potential conflicts of interest or those who may have expressed views around some matters in the Plan, and how that would be treated. L Easton advised that any person intending to make a submission on the proposed Plan would not be able to sit as a Commissioner. She said staff would bring a paper to the Committee which discussed who might be appropriate as a Commissioner, but she had been involved in other planning processes where members who sat on Committees developing a Plan were also subsequently involved as Hearing Commissioners, and she felt this was quite appropriate. Members who felt they may have a potential interest should always declare this interest and refrain from voting on those matters, where potential conflict might arise. She also advised that where people had made strong statements and had fixed views on a matter, this may present difficulties in terms of perceptions of predetermination. This can be mitigated by a mix of Commissioners, local and independent, on a panel.

In response to a question from the Chair, L Easton confirmed that it was possible for some Commissioners to hear and decide some matters in the Plan, and other Commissioners to hear and decide other sections. This may suit in particular where a Commissioner has particular expertise in one area.

Mayor Cleine asked about what the consultation with identified specific property owners would be. L Easton replied that in some circumstances specific letters would be sent to landowners where significant matters or changes were proposed. However, there were a significant number of properties across the region that would be rezoned. There would be information in the letters sent to all ratepayers highlighting this and advising them to check their zoning and make a submission if they did not support the rezoning.

Cr Coll McLaughlin had received feedback that people struggled with the E-Plan, and asked what other options there were for enabling the community to access the information easily so it was not a barrier. J Armstrong replied that there would be public meetings throughout the region, and the proposed Plan would be in hard copy in those places. Staff are available to take people through provisions relating to their property, and have also previously trained library staff in the region to use the E-Plan so they can assist the community. There was some discussion on boosting Facebook advertising.

J Armstrong advised that the legislation required that it must be an E-Plan.

S Bastion asked whether there might be some opportunity to provide training to prospective Commissioners. It was generally agreed that there was not sufficient time to arrange training and accreditation for Commissioners.

Cr Birchfield sought confirmation from staff that the SNA and ONL provisions would be operative as soon as they were notified. L Easton confirmed they would be. He advised that if he stood again for election he would be looking to be appointed as a Hearing Commissioner. He would be voting against this recommendation as he felt the new Plan should be delayed until the new Councils are in place after the election, as they will be the ones who will carry this through and he felt it should be put before them before it is released.

Cr Coll McLaughlin noted that although the SNA provisions would have immediate effect at notification, they were very similar to the provisions currently in place in the region.

**Moved** (Roche / Tumahai )

1. *That this report is received*

2. *That the Committee discuss and approve the consultation plan and schedule for the proposed TTPP.*

*Carried*

Cr Birchfield voted against the motion.

### **Te Tai o Poutini Plan – Sites and Areas of Significance to Māori**

L. Easton spoke to this report, advising the Committee that the report although brief summarised a very significant amount of work that had gone into these provisions. She acknowledged and thanked the Poutini Ngāi Tahu Kaiwhakahaere and staff who had put in a tremendous amount of work.

Mayor Cleine asked whether the list of sites, for example in Buller, are likely to be a surprise to people. Kw Tumahai responded that he did not think so, and that the rules were not that restrictive. Kw Madgwick advised that some of the sites had not been identified previously, but that should not be an issue as they have been careful not to impose onerous rules where sites were on private land. There was a minimal number of these, most being on Māori land or conservation land.

In response to a question from Cr Becker about a silent file notation in Ahaura township, Kw Madgwick said that this meant when people propose any work in that location, they just need to contact the relevant Rūnanga, in that case Ngāti Waewae, to talk through the issues, but it is not onerous. L Easton said that the rules were designed to promote dialogue with Rūnanga before people sought a resource consent, without the need to involve the Council. Mayor Gibson asked about future development at Victoria Park, and Kw Tumahai responded that they had just highlighted the area, and the conversations would need to happen after that. They had made it as permissive as possible. P Madgwick said that this was and is a significant site, but as it is owned by Mawhera Incorporation the final decision would be made by them.

In response to a question from Cr Coll McLaughlin, L Easton confirmed these areas had been mapped by Poutini Ngāi Tahu. She undertook to send a link to the Committee so they could see the maps.

There was some discussion on the New Zealand Archaeological Association (NZAA) sites that were to be appended to the Plan. Kw Madgwick advised that these were unreliable in their present form and needed more work in terms of being verified by the NZAA. He said that previously there had been some identification of sites in regional documents, but nothing on the scale of the work that had been done here. He said that this is a significant body of work in this context as it had never been brought together before in this way. In that respect it is a really interesting list and the maps bring it all together and give it context.

### **Moved (Gibson/Birchfield)**

1. *That the Committee receive the report.*
2. *That draft Sites and Areas of Significance to Māori Objectives, Policies, Rules and Schedule as appended to this report, subject to any minor and technical amendments identified by Te Rūnanga o Ngāi Tahu and Poutini Ngāi Tahu as part of the RMA Schedule 1 pre-notification consultation process, be included within the proposed Te Tai o Poutini Plan.*

*Carried*

### **Te Tai o Poutini Plan – Noise Provisions**

L. Easton spoke to this report, noting that this issue was significant to some of the submitters. They had received feedback from Waka Kotahi NZTA and Crown Public Health agencies that the draft Plan did not adequately protect public health in relation to noise. Staff are proposing amendments to what was in the draft Plan.

Cr Becker asked about the Greymouth Airport and whether there would be restrictions on expansion of the airport, given its proximity to the hospital. L. Easton advised that Marshall Day, the noise experts engaged by staff, had allowed for expansion of airport activity and that restrictions applied largely to new proposals rather than existing development.

S Bastion noted that his concern was Franz Josef, and he felt that the noise assessment may be subjective. L. Easton clarified that there are noise limits that must be met, which set objective standards. S Bastion said that there may need to be changes of landing sites at the heliport given the new stop bank at Franz Josef, which impedes two landing sites, and asked if this would trigger a review of the resource consent. L. Easton said there was a designation over the site, so this would probably fit within the designation but this should be checked. Kw Madgwick felt that it was a missed opportunity to relocate the heliport, and that a long-term view has not been taken. In his view it does not accord with the work DOC is doing, which is seeking to reduce the frequency of flights.

Cr Coll McLaughlin noted the change in allowing a greater level of noise in some of the zones than in the draft Plan and asked whether this may raise issues of reverse sensitivity. L. Easton said she had looked at other Councils' approaches and had tried to find a workable solution, but acknowledged they were likely to receive submissions on this. The Chair said that some matters to do with noise can be addressed in bylaws. It was acknowledged that currently none of the District Councils had noise control bylaws.

**Moved** (Williams/Gibson)

1. *That the Committee receive the report.*
2. *That the amended Noise provisions as contained in Appendix Two be included in the proposed Te Tai o Poutini Plan.*

*Carried*

### **Te Tai o Poutini Plan – Ecosystems and Biodiversity**

L. Easton sought direction from the Committee on the approach the Committee wanted to take with this.

Cr Martin said that his Council appreciated the time that had been allowed for Councils to take this matter back to their meetings and discuss this further. Westland District Council (WDC) had held a workshop, and then held an extraordinary meeting to consider this paper. At the meeting, option 2 was endorsed and the WDC representatives on the TPPP Committee will vote accordingly. Mayor Cleine advised that Buller District Council had had a similar process, and by majority vote had decided to endorse option 2.

Cr Birchfield said that his views were known on this, and he would be voting for option 1 and against the recommendation as proposed in this paper.

Mayor Gibson reiterated that Grey District Council's (GDC) view was that this was an important decision for Westland and Buller, and that GDC members would be abstaining from the vote. Cr Becker endorsed this.

There was some discussion on voting in support of the decisions of the two District Councils, given the absence of the Westland Mayor. Crs Becker and Coll McLaughlin advised that they were happy to vote in support of Westland's decision.

In response to a query from Cr Coll McLaughlin, L Easton recommended deleting the words '*including pakihi*' from ECO R1 - 3(v) on page 147 of the agenda, and removing the words '*pakihi or other*' from subclause (c) of clause 3(v).

Cr Birchfield said that 25,000 ha of private land was to be taken up in SNAs, and asked the Committee to bear that in mind when they were voting. This was on top of 5,000 ha for the wetlands. He felt it was treachery to let this private land go and felt the Committee should be fighting it, all the way to the Environment Court if necessary. He will be voting against it. He also wanted to go back and revisit the Outstanding Natural Landscape (ONL) vote. He said he got caught up in the vote to exclude the iwi land but is clear he is not in favour of the ONL vote, which he felt should have been split.

Cr Martin said he felt Cr Birchfield's view was shared by a number of people, and this came up at their Council meeting. However, what unfortunately had to drive their decision was the need to comply with the Regional Policy Statement (RPS). He said that if the requirement to map was not in the RPS then they felt they would have been on much stronger legal footing in supporting option 1. They felt option 2, a five year process, is a better option than fast tracking this and forcing it on people. He would prefer to dump it but given that they would not be able to defend that legally, he thinks that it is better to have early engagement with people, and work with them on it.

Cr Birchfield responded with a comment regarding World War II. Chair Williams directed the meeting towards considering the recommendation in the paper and sought additional comments.

Kw Madgwick said that they didn't like it but were stuck with it. Cr Martin emphasised that the votes are the way their Councils have asked them to vote.

**Moved (Roche/Williams)**

1. *That the Committee receive the report.*
2. *That the Ecosystems and Biodiversity Chapter as amended in Appendix Two, and with any further changes from this meeting, be included within the proposed Plan.*

*Carried*

Cr Birchfield and F Tumahai voted against the motion. Mayor Gibson abstained from the vote.

**Te Tai o Poutini Plan – Monthly Report**

J Armstrong spoke to this report. She advised that staff were really pleased with the amount of engagement and feedback from the coastal and land instability hazard consultation they had undertaken in April. There is no financial report this month as this meeting is being held earlier than the 20<sup>th</sup>.

Cr Birchfield said that he disagreed with the timetable for the Plan set out this report. He also objected to the Chair's response to his earlier statement. The Chair responded that as Chair, he had the right to make such a judgement as to the appropriateness of any comments.



**Moved** (Cleine / Martin) *That the Committee receive the report.*

*Carried*

Cr Birchfield voted against the motion.

**General business**

Cr Becker asked about situations where areas had both an SNA and ONL overlay, giving the example of an approach to him by a property owner who was concerned that there was an existing SNA on their land that now also had an ONL notation. He said there were two or three examples of this, and asked whether the ONL could be removed from those properties, on the basis that it already had an SNA underneath it.

L Easton explained that they had used criteria and recommendations from a landscape architect to identify ONLs. Land tenure had not been considered in that. The discussion at the last meeting was about whether Māori reserve land would be excluded. She said there would probably be a lot of ONLs across a lot of SNAs, because different criteria are used to identify them. Cr Becker felt that this was unacceptable to have two overlays, and that it would be too complicated to do anything.

Kw Madgwick said they resent this ONL provision, as much as the SNAs, but his understanding was that these landscape areas had existed previously and had been updated now. He gave the example of areas around Makaawhio/Mahitahi/Bruce Bay where ONL overlays had not been identified over any private farmland but were overlaid over all of the Māori reserve land. He felt this was not fair and was arbitrary. He said that this was land that has never left Māori hands in the first place and therefore the Crown shouldn't have any rights over this. He agreed with Cr Becker that it was unjust.

Cr Becker again asked whether the ONL overlay could be removed from identified SNAs. L Easton said that while she was conscious this was not an agenda item and therefore could probably not have a resolution from the Committee at this meeting, she could do further analysis of areas where there were both SNA and ONL overlays and bring that back to the next Committee meeting. This would then place the item on the agenda and provide the Committee with an opportunity to make a formal resolution. Cr Becker said he was happy with that. He was supported by Kw Tumahai who said he felt this situation was disgusting.

There was no other general business.

The meeting closed at 12:26 p.m.

The Chair thanked everyone for their attendance.

**NEXT MEETING**

Tuesday 21 June 2022 at the West Coast Regional Council.

.....  
Chair

.....  
Date