

**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 Environment 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 Pretorious 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.

Chair Haddock 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.



# Te Tai o Poutini PLAN

A combined district plan for the West Coast

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.