



Te Tai o Poutini PLAN

A combined district plan for the West Coast

**Te Tai o Poutini Plan Committee Meeting
Buller District Council Chambers
Palmerston St, Westport
28 February 2023
AGENDA**

9.30	Welcome and Apologies	Chair
	Confirm previous minutes	Chair
	Matters arising from previous meeting	Chair
9.35	Financial Reports December 2022 and January 2023	Project Manager
9.45	Report – Te Tai o Poutini Plan Committee Selection of Hearing Panel	Project Manager
10.05	Update – TTPP Budget Information	Project Manager
10.30	Project Manager’s Reports	Project Manager
10.40	Meeting Ends	

Meeting Dates for 2023

March	Tuesday 21st, 10.00 -12.00pm	West Coast Regional Council
April	Tuesday 18 th April 9.30-11.30am	Westland District Council



Te Tai o Poutini PLAN

A combined district plan for the West Coast

MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD AT THE OFFICES OF THE GREYMOUTH DISTRICT COUNCIL AT 9.30AM ON THURSDAY 15TH DECEMBER 2022

PRESENT:

R. Williams (Chairman), J. Cleine (BDC), G. Neylon (BDC), P. Madgwick (Chair Ngati Mahaki ki Makaawhio), A. Cassin (WDC), H. Lash (WDC), T. Gibson (GDC), A. Gibson (GDC), F. Dooley (WCRC alternate), B. Cummings (WCRC) F. Tumahai (Chair, Ngati Waewae via Zoom)

IN ATTENDANCE:

J Armstrong (Project Manager), L. Easton (via zoom), H. Mabin (WCRC), F. Thomson (WCRC), K. Sims (WCRC), M. Bimont (WCRC), P. Morris (GDC), S. Bastion (WDC), R. Townrow (BDC),

WELCOME

Chair Williams welcomed everyone to the meeting and asked P Madgwick to open with a karakia.

APOLOGIES:

Cr A Birchfield

MATTERS ARISING

P Madgwick asked for introductions as this was the first meeting for the new Committee.

Moved (Madgwick/Cleine) *that the Minutes of meeting of 8th of September be accepted as a true and correct record*

Carried

F Dooley asked for an update of the LIDAR information for Westport and whether it had that been received and acted upon. He asked that this be done.

Chair Williams then explained how the meetings would run and mentioned the Order in Council, Deed of Agreement and the new Standing Orders that had been adopted. He asked if there were questions on how the committee operated.

FINANCIAL REPORT

Financial report 31st October – J Armstrong presented the report and stated that the WCRC financial team had prepared the report and asked for any questions. J Armstrong said there had been no payments made to Poutini Ngai Tahu as yet. Additional work taken on for the sites of significance to Māori after notification meant it was likely that a large portion of this would be paid out when the Committee received the first invoice.

The permanent planner for TTPP resigned in early November and has not been replaced. The Committee is relying on Lois Easton their principal planner, planning staff at the WCRC and Rachel Vaughan- who has contracted to help summarise submissions.

F Dooley wanted a robust analysis of the financial forecast which is going to be really important in the next phase, he felt it was timely to get more information around the assumptions on which the forecast has been prepared. Chair Williams replied that that had been the process and would continue with it to which F Dooley wanted clarity and was told the information would be at the next meeting.

Moved (T. Gibson/A. Gibson) *That the financial report be received*

Carried

TECHNICAL REPORT – Minor Errors Rectified

L Easton took the report as read and addressed the minor amendments in the report. She stated they hadn't identified anything further in the 300 submissions already assessed that needed to be fixed as a minor error, but as they work through submissions any significant matters would be brought back to the committee.

P Madgwick referred to the legal opinion in the minor amendments and asked L Easton whether it was possible to use that legal opinion to safely put through as a minor amendment the changes to the sites of significance to Māori at Paroa Lagoon and Cashmere Bay. L Easton replied that she had already looked at the issue and felt that it would fit within the intent of the minor amendments provisions in the RMA, so those changes would be possible.

P Madgwick asked for that advice to be put in writing then Poutini Ngai Tahu would then agree to put those through as minor amendments.

L Easton provided background about minor errors to the sites and areas of significance to Māori, stating there were three different errors identified.

Some of the sites had been omitted from one of the sets of maps which was a relatively easy error to correct. Then there was a problem that some of the sites in translating the data from the Ngai Tahu GIS to the TTPP GIS the shapes had changed, and the third one was the scale of mapping.

The legal advice given was that the omissions were easily rectified, the second part of the advice where the shapes had changed, legally the effect of the change on a minor error had to be neutral– so they couldn't change shapes where there were fewer or greater numbers of people affected by the shapes. The legal team provided advice on shapes which were related to a feature (Paroa Lagoon being a good example of that) but unfortunately the way the shape had been identified it overlapped onto properties, and across the State Highway.

It was a very clear error, and the legal advice was to name the site as a geographic feature then it should be fine to move the shape on the GIS to actually reflect where the Paroa Lagoon was. Cashmere Bay would also fit into that description as Cashmere Bay was a geographic feature.

L Easton suggested adding a resolution to the minor errors paper that was on the agenda seeking that the amendments at Paroa Lagoon and Cashmere Bay proceed.

H Mabin asked which was the official copy of the TTPP the hard copy or the e-copy? J Armstrong said the e-plan was the official copy, to which H Mabin said she noted that there were differences in the hard copy and the e-copy. J Armstrong said the minor amendments were made on the e-copy, and the hard copy also reflects the changes.

L Easton said that legal advice on minor amendments had been presented to the previous Committee. Chair Williams said that all the reports, legal advice and other papers from the last 3 years were easily accessible.

Chair Williams sought an additional resolution to the minor errors paper, that the SASMs at Paroa Lagoon and Cashmere Bay be amended.

A Gibson asked the meeting if there were errors found in any of the other submissions, would it be re-visited. L Easton explained that she had looked at around 300 submissions already, these are then summarised and allocated to topics. If there seems to be a “theme” of errors then they would be brought back to the Committee. There may be some errors that don’t have an impact until that part of the plan becomes operative so they will be left to be dealt with in the overall submissions process. The immediate focus is on errors in parts of the plan that are going to materially affect people at the moment in terms of the provisions having a legal effect. That is why the sites of significance to Māori and historic heritage minor errors have been addressed as those provisions have legal effect.

J Armstrong noted that amendments would be notified in a public notice and the affected parties would be contacted individually.

Chair Williams then re-visited B Cummings problems with his submissions and stated that since he could not log on then he could provide a written late submission. Chair Williams said that he has the authority to accept these late submissions.

H Lash asked if the people who struggled getting their submissions done had been advised that it can still happen. J Armstrong said no, they got less than half of the submissions from the on-line form and the rest were done on a physical form. P Madgwick understood that if someone had accessed the website and failed to complete the form, then the Planning department followed it up. F Dooley stated that under the Local Government Act he felt that the Committee had an obligation to accept any late submissions.

L Easton clarified that the Plan was prepared, and the submissions received under the Resource Management Act and that was the statute referred to under the submissions process. The whole process for notifications and submissions was very clear that the Committee set a closing date, and that was done. The Committee however have the authority to receive late submissions and that authority at the moment had been delegated to the Chair. There is no obligation to receive late submissions that is entirely up to the Committee. L Easton said it was a very structured process and outlined the extension process to the Committee for the late submissions.

F Dooley for the record did not accept L Easton’s explanation.

P Madgwick brought up about the minor changes on the Historical Heritage schedule tabled in August. He had brought to the team’s attention some missing heritage items in the Hokitika area and he noted that they were still not there. He asked if it was too late to run it past Heritage West Coast to make sure that everything had been captured.

L Easton said it would not be a minor amendment, it would have to be done as a variation to The Plan. They have received a lot of submissions on Heritage items including 26 requests for additions to the heritage schedule. P Madgwick was happy to wait for the hearings but wanted the schedule sent through to heritage West Coast so they can make sure everything is on there.

Moved (J. Cleine/A. Cassin) *that the technical report be received*

Carried

Moved (T. Gibson/G. Neylon) *That due to incorrect mapping at sites of significance to Māori (Paroa Lagoon, Gladstone and Cashmere Bay, Lake Brunner) these should be amended under the minor errors provisions of Schedule 1, Section 16)*

Carried

UPDATE REPORT - Private Plan Changes

L Easton provided background to the new Committee on this process. The Grey, Buller and Westland District Plans are still operative Plans. Prior to notifying TTPP a developer applied to make a Private Plan change to the Grey District Plan in the Moana north area. The developer did not meet the timeline for it to be a private plan change to the Grey District Plan, and the plan change will fall under the TTPP.

The paper before the Committee is on the process proposed to deal with private plan changes.

Staff at the WCRC have started processing the private plan change and recommendations will be brought to the TTPP Committee.

Any private plan change that impacts on a particular district, will require staff from that district having a significant role in processing the plan change.

All private plan changes will now come to this Committee as the decision maker. Costs will be charged back to the applicant.

J Cleine stated that currently all district plan changes as a TA - planning, technical costs - are on-charged to the applicant, would there be a mechanism in this process i.e., something affecting Buller – and the Buller technical team were part of the process, would that resource be charged back to the client? L Easton said that certainly would be the intention, she stated that she would make some clarifications to the process to ensure that is clear.

J Cleine asked about hearings on the private plan changes – would that be all of the Committee and would they be RMA qualified. L Easton replied this could be delegated to a sub-committee who would have to be RMA commissioners. They would make recommendations back to the full Committee.

Background regarding zoning at Moana was provided by L Easton.

H Mabin stated that there was an MOU between the district councils drafted and circulated, around how the process was supposed to happen and that included cost recovery.

B Cummings asked the Chair if all the costs will be carried by the WCRC until the “wash up” at the end. L Easton replied that the WCRC requires a deposit in these cases, a deposit has been charged to this developer for the costs.

F Dooley asked how someone can request a private plan change when this plan currently has no legal status. L Easton replied that this Plan does have legal status it is a *proposed plan* so therefore there can be changes to it, which can either be initiated by a member of the public as a private plan change or be initiated by this Committee as a variation. Many parts of the Plan are not in legal effect in terms of the rules, but parts of the plan such as heritage provisions do have legal weight. L Easton re-stated the legal standing of the plan.

Moved (T. Gibson/J. Cleine)

1. *That the Committee receive the report*

2. *That the proposed process for managing Private Plan Changes to Te Tai O Poutini Plan as outlined in this report be received*
3. *That the Committee note that a Private Plan Change has been received for re-zoning of the Moana North area*

Carried

REPORT - Extension of Submission Period – Retrospective Approval

H Mabin outlined to the Committee the purpose of the extension was to tidy up an operational matter that occurred when the various councillors had stepped down for the elections. It regarded the resourcing for 1200 letters that needed to be sent out to various people with regard to an inaccuracy in the sites and areas of significance to Māori. Time was running out to send the letters and an extension to the submission date was needed. H Mabin contacted the CEO's, the Chair, F. Tumahai and P. Madgwick and asked for their approval to extend the submission date. She now seeks retrospective approval for the unanimous agreement to the extension. H Mabin also thanked P Madgwick and F Tumahai for their wisdom and understanding shown throughout this period. They have also agreed to personally see anyone who feels they have a concern.

Chair Williams acknowledged the work undertaken by the WCRC around this matter.

Moved (Dooley/Lash)

1. *That the Committee receive the report*
2. *That the Committee retrospectively approves the extension of the proposed TTPP submissions period from 28 October 2022 to 11 November 2022*

Carried

REPORT - Nominations for TTPP Hearing Panel

J Armstrong explained that the previous Committee had asked the district councils and Poutini Ngai Tahu to nominate hearing panel members for this Committee's consideration. Noting that the decision on the make-up of the panel rests with the current Committee. Expressions of interest had also been sought for the position as Chair of the hearings panel, and three expressions have been received. Chair Williams said the matter was open for discussion today, but the decision would be made at the February meeting.

A Gibson wanted to know if the Ngai Tahu nominee was local. P Madgwick replied she was and had an impressive CV.

F Dooley asked the Committee to consider the level of risk they are prepared to take on when appointing hearings commissioners. He stated the Ngai Tahu and Buller DC nominees were excellent, but was concerned about the perception of bias for the GDC and WDC nominees

H Lash agreed with F Dooley's perception of bias comment and asked if the GDC nomination would still stand, to which T Gibson responded that the GDC nominee had plenty of experience and GDC fully backed his nomination.

L Easton said that Councillors (or former Councillors) as hearing commissioners were common, and most of the District Plans that are being heard at the moment will have Councillor/Commissioners; some of those will be commissioners who were councillors on the Planning committee that would have approved the proposed plan. She also stated that consideration of perception of bias is a judgement call.

A Gibson could not see the risk, he felt the GDC nominee had similar qualities to the Ngai Tahu nominee. F Dooley stated that his comment was not because of the individual, it was because of the risk to the Committee if the selection process is wrong.

F Tumahai agreed with F Dooley's and said again it is not about the individual's ability – it is the perception that they were part of this group and now they are commissioners.

P Madgwick said the perception issue is real, again noting that it is nothing about the individual at all, the issue is that he was closely involved in the drafting of every chapter of the Plan and citing his own involvement in the stewardship land re-classification where any perception of bias was pounced upon.

S Bastion asked for a point of clarification – was the Committee formally discounting people today? Chair Williams replied that they were not making a decision today, he expected members to take the discussion into account and return with a decision for the February meeting.

S Bastion stated that they had made a nomination today, and would they have to go back to the nominee if they were not going to proceed. Chair Williams said that it was not for this Committee to make that decision, that WDC was to make the decision.

H Lash formally withdrew the WDC nomination and noted another nominee would be presented.

F Dooley stated again risk and the perception of bias being a huge risk, and felt the Committee needed clarity going forward.

G Neylon provided his background having spent 25 years dealing with district plans. His involvement in the Buller District Plan included plan development, being on Roadshows, and he has sat on the hearing panels., He said he is passionate about having local people as commissioners and is a bit disappointed that Buller wasn't able to have a local person. He felt there was no perception of bias in having a local person nominated by Grey District Council on the hearing committee.

S Bastion noted there are a number of plans being reviewed currently and wondered if planning staff could inform the Committee about representation for RMA panel commissioners at other councils.

Chair Williams thought that opinion was divided around the Committee and it was difficult to craft a motion which defines the question of bias and then come to a decision. This discussion is noted and will be returned to in February. T Gibson stated that the Grey District were not prepared to withdraw their nominee at this stage. A Gibson felt the public would be happy to see some local people involved.

More discussion was held and finished when F Tumahai stated that himself and P Madgwick had just been through this exact thing with the Stewardship land around perception and he has seen it first-hand. Noting that it wasn't from locals, it was other people submitting on it.

J Armstrong brought up the topic of a panel to look at the Chair applicants and said that S Bastion had offered CE help and wanted suggestions of who would make up that panel. S Bastion outlined that as part of the TTPP governance structure there was a Steering Group made up of the CEs of the Councils which support the Committee. This group could assess the applicants and bring recommendations back to the Committee. P Madgwick stated that Poutini Ngai Tahu should have a role in this process because they have seen how important it is to get the Chair right.

F Dooley asked that a full budget be done on the associated costs when this hearing panel is set up.

Moved (Lash/Neylon)

1. *That the report is received*

2. *That the committee consider the proposed nominations for Te Tai O Poutini Plan hearings commissioners and noted that the WDC nominee was withdrawn*
3. *That the interviews for the shortlist of hearing panel Chair be conducted by persons made up of the Steering Group (CEs and Chairs of Poutini Ngai Tahu), TTPP Chair and supported by the TTPP Project Manager*

Carried

Update on RMA Reform - New Natural and Built Environment and Spatial Planning Bills

L Easton spoke to the paper and provided details on the process the Committee went through under the existing RMA, the acceleration from the original programme and the implications that have occurred.

S Bastion asked for clarification around the Spatial Planning Bill. L Easton replied that once that Bill is passed into law there will be a need to form a cross West Coast committee. There are some minimum requirements i.e. there must be a representative from every Council and iwi representation, but the one big difference is that there has to be a Crown appointee as well.

P Madgwick stated that the previous committee decided to “fast-track” TTPP development. In hindsight he questioned whether that was the best move and was there any process or opportunity to slow things down a bit.

L Easton said the Government had signalled as part of the Natural and Built Environment Act there will be further detail on national level regulations which could require a variation to the TTPP. Now that the proposed TTPP has been notified the obligation is to move through in a timely and orderly fashion. The RMA requires that submissions, decisions and hearings are undertaken within a two-year period. There is provision to extend the time if that is deemed necessary. That would take the Plan to June 2024.

Moved (Williams/Tumahai)

That the information be received

Carried

Project Managers Report

J Armstrong took the report as read. The team are summarising submissions at the moment.

J Armstrong asked if the Committee was happy with the report in the form it is now. P Madgwick thought it would be helpful to have a summary of the submissions as part of the monthly report. L Easton replied that they haven't processed the large organisational submissions yet but have the smaller ones from landowners all over the Coast. Based on that the single largest theme has been zoning requests, natural hazards being the second largest.

J Armstrong has heard from a number of people that they had a few problems accessing the on-line submissions tool due to internet problems, and there were hard copies at 19 different places around the region for people to access. Forms were sent to those who asked for them and she was confident that all who wanted to submit were able to. J Armstrong also stated that there will not be monthly committee meetings next year as things had slowed down compared to the development phase. The next meeting is set down for 28th February 2023.

J Cleine asked if members of the Committee (or their organisations) had made a submission what would happen around choosing a commissioner, as effectively they would be on both sides of that process. Chair Williams said he would think that those members would abstain from voting.

B Cummings again brought up how he could not get onto the mapping site and Ms Armstrong said there were hard copy maps available, and the team would have been happy to help him.

G Neylon asked whether once the hearing panel has been appointed, did they have the power to deal with any late submissions from that point onwards? L Easton replied yes, that was certainly the case.

F Dooley asked if this Committee and the hearing panel were subject to the Local Government Act.

L Easton replied that this committee and the hearing panel are acting under the Resource Management Act and while the councillor's as elected representatives are bound by the LGA there is a general principle that the RMA will over-ride the LGA on a particular topic that is stated in the RMA.

Chair Williams referred to the meeting dates for next year, saying they would be co-ordinated with the other Councils.

Moved (Williams/Neylon)

That the Project Managers report be received

Carried

General Business

H Mabin stated that a letter had been sent to the Ministry for the Environment by WCRC and the President of Local Government NZ seeking funding for the TTPP Plan. Neither LGNZ nor WCRC have had a response.

Public Excluded

That the meeting move into a Public Excluded section to protect individual privacy to discuss remuneration matters.

Moved (Williams/T. Gibson)

The meeting concluded at 11.30am



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong, Project Manager

Date: 31 January 2023

Subject: Financial Report to 31 December 2022

SUMMARY

This report includes the statement of financial performance to 31 December 2022.

RECOMMENDATION

1. The Committee receive the report.
2. The Committee approve \$20,000 additional budget for Poutini Ngāi Tahu involvement.
3. The Committee retrospectively approve going into contract with Pokeka Poutini Ngāi Tahu Limited for \$70,000, and delegate the Chief Executive West Coast Regional Council power to sign the contract on their behalf.

REPORT

The December statement shows that costs are behind those expected, with a reported deficit of **160,631** compared with a budgeted deficit of **205,596**. This is due to a number of costs differing from the anticipated December spend, and not all December invoices being accrued before the accounts were closed prior to Christmas. The resulting favourable variance against budget of **\$44,966** to the end of December is therefore overstated. The main variances and accruals are explained below:

1. A number of December invoices were not received until after the Christmas shut down. These were unable to be accrued and will appear in the January financial report. This includes invoices for website and consulting expenses totally around \$12,000.
2. The Isovist annual Plan hosting charge has been incorrectly entered in December. It should have been coded to prepayments to be expensed evenly throughout the year, as it relates to costs to be incurred over the next 12 months. A journal entry will be made to rectify this.
3. As we currently do not have a Senior Planner for TTPP we have engaged a planning consultant to undertake some of the submission and reporting functions. This will increase the Consultant Planner expense item, but savings will be made under Employee Costs.

4. TTPP hearings will not begin until the 2023/24 financial year, some of the funds allocated to the hearings will be redirected to research and any other over- spends as noted in previous reports.
5. The 2022/23 budget has allocated \$50,000 to Pokeka Poutini Ngāi Tahu Limited. This is for iwi planner input during the submissions and pre-hearing processes.

The Chief Executive WCRC has signed the contract for an additional \$20,000 (\$70,000 in total) on your behalf.

Consideration should be given to granting retrospective approval for the additional funding and for the Chief Executive WCRC to sign this contract.

We have received the first invoice against the contract for \$38,000, for payment in January.

6. The accumulated deficit (or borrowing requirement) since the start of the project is \$902,153.

Statement of Financial Performance to December 2022						
	Year to date			Full year		
	Actual	Budget	Variance	Forecast	Budget	Variance
INCOME						
Targeted Rate	239,988	250,000	(10,012)	500,000	500,000	-
	239,988	250,000	(10,012)	500,000	500,000	-
EXPENDITURE						
Employee costs	128,721	134,733	6,012	267,404	267,404	-
Consultant Planner	23,275	30,000	6,725	70,000	70,000	-
Governance	30,724	34,100	3,376	68,200	68,200	-
Poutini Ngai Tahu	-	25,000	25,000	50,000	50,000	-
TTPP Website	5,634	5,000	(634)	10,000	10,000	-
Isovist e-plan Platform	11,213	5,417	(5,796)	10,833	10,833	-
Research	45,245	30,000	(15,245)	60,000	60,000	-
Engagement Travel & Accommodation	4,869	7,867	2,998	13,033	13,033	-
Workshops & Events	270	-	(270)	10,000	10,000	-
Design & Printing	-	-	-	-	-	-
Media Costs	30,756	12,500	(18,256)	25,000	25,000	-
Mail Outs	37,181	40,000	2,819	40,000	40,000	-
Legal Advice	7,731	37,500	29,770	100,000	100,000	-
Hearings	-	(5,000)	(5,000)	100,000	100,000	-
Mediation	-	-	-	-	-	-
Environment Court	-	-	-	-	-	-
Interest	-	23,479	23,479	46,958	46,958	-
Share of WRC Overhead	75,000	75,000	-	150,000	150,000	-
	400,619	455,596	54,978	1,021,429	1,021,429	-
Net Surplus / (Deficit)	(160,631)	(205,596)	44,966	(521,429)	(521,429)	-

Accumulated deficit / borrowing requirement

Start of year	741,522	741,522
During period	160,631	521,429
End of period	902,153	1,262,951



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong, Project Manager

Date: 28 February 2023

Subject: Financial Report to 31 January 2023

SUMMARY

This report includes the statement of financial performance to 31 January 2023.

RECOMMENDATION

1. The Committee receive the report.

REPORT

The January statement shows that income is behind that expected, with a reported deficit of **214,377** compared with a budgeted deficit of **208,699**. This is due to a variance in the budgeted income from the targeted rate. A number of costs also differ from the anticipated January spend. The resulting unfavourable variance against budget is **\$5,676**. The main variances in costs are explained below:

1. As reported previously:
 - a. an increase in the Consultant Planner expense item, is offset by savings in Employee Costs,
 - b. a large invoice from Pokeka Poutini Ngāi Tahu Limited has been received for works undertaken,
 - c. the overspend in research for GIS mapping updates and other research requested by the Committee will be offset against the unused Hearings budget.
2. Media costs including printing of hard copy maps and plans has exceeded budget, due mainly to updated map book printing requirements.
3. The accumulated deficit (or borrowing requirement) since the start of the project is \$955,899.

	Statement of Financial Performance to January 2023					
	Year to date			Full year		
	Actual	Budget	Variance	Forecast	Budget	Variance
INCOME						
Targeted Rate	280,526	291,667	(11,140)	500,000	500,000	-
	280,526	291,667	(11,140)	500,000	500,000	-
EXPENDITURE						
Employee costs	139,436	156,501	17,065	267,404	267,404	-
Consultant Planner	43,630	30,000	(13,630)	70,000	70,000	-
Governance	35,868	39,725	3,857	68,200	68,200	-
Poutini Ngai Tahu	33,280	25,000	(8,280)	50,000	50,000	-
TTPP Website	6,129	5,833	(295)	10,000	10,000	-
Isovist e-plan Platform	4,331	6,319	1,988	10,833	10,833	-
Research	52,272	30,000	(22,272)	60,000	60,000	-
Engagement Travel & Accommod	4,925	7,928	3,003	13,033	13,033	-
Workshops & Events	270	-	(270)	10,000	10,000	-
Design & Printing	-	-	-	-	-	-
Media Costs	30,943	12,500	(18,443)	25,000	25,000	-
Mail Outs	37,181	40,000	2,819	40,000	40,000	-
Legal Advice	19,137	37,500	18,363	100,000	100,000	-
Hearings	-	(5,833)	(5,833)	100,000	100,000	-
Mediation	-	-	-	-	-	-
Environment Court	-	-	-	-	-	-
Interest	-	27,392	27,392	46,958	46,958	-
Share of WRC Overhead	87,500	87,500	-	150,000	150,000	-
	494,903	500,366	5,464	1,021,429	1,021,429	-
Net Surplus / (Deficit)	(214,377)	(208,699)	(5,676)	(521,429)	(521,429)	-
Accumulated deficit / borrowing requirement						
Start of year	741,522			741,522		
During period	214,377			521,429		
End of period	955,899			1,262,951		



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Jo Armstrong, Project Manager
Date: 28 February 2023
Subject: **Te Tai o Poutini Plan - Selection of Hearing Panel**

SUMMARY

On 15 December 2022 you received a report entitled *Te Tai o Poutini Plan Hearings Commissioner Nominations* (Appendix 1).

Discussion on this paper resulted in the following actions:

- Westland District Council withdrew their nominee and will bring a replacement nomination to the February meeting,
- You requested information on the make-up of hearing panels at other councils,
- You approved the Steering Group and Committee Chair to undertake short-listing of applicants for hearings panel Chair.

This paper updates you on the actions taken, and requests approval of panel nominees and your selection of hearing panel Chair from the short-listed applicants.

RECOMMENDATIONS

That the Committee:

1. Receives this paper.
2. Discusses panel member nominations and approves four panel members for TTPP hearings.
3. Assesses the short-listed candidates for hearing panel Chair and approves selection of the preferred candidate.
4. Directs the Project Manager to undertake contractual negotiations with the approved panel and Chair candidates.
5. Delegates signing authority for these contracts to the Chief Executive, West Coast Regional Council.

Jo Armstrong
Project Manager

Background

1. On 15 December 2022 you received a report entitled *Te Tai o Poutini Plan Hearings Commissioner Nominations* (Appendix 1).
2. Discussion on this paper resulted in the following actions:
 - Westland District Council withdrew their nominee and will nominate a replacement at the February meeting,
 - You requested information on the make-up of hearing panels at other councils,
 - You approved the Steering Group and Committee Chair to undertake short-listing of applicants for hearing panel Chair.

Selecting Hearing Panel Members

3. Westland District Council (WDC) are currently recruiting for their vacancy and if a successful applicant has been endorsed by council prior to the TTPP Committee meeting they will present details of their nominee verbally at the meeting and will circulate a CV prior.
4. It is recommended that you consider the WDC nominee alongside the existing nominees (Veronica Baldwin, Anton Becker and Sharon McGarry) for the four positions as panel members for the TTPP hearings.
5. To aid your decision-making, information on the make-up of hearing panels at other councils where plan changes have recently been undertaken, was provided to you in a memo on 1 February 2023. The information is tabled below, and the memo is attached as Appendix 2.

Council	Hearing Panel Make-up		Individual Hearings Requirement	
	Independent	Councillor	Independent	Councillor
Central Hawkes Bay DC	3	3		
New Plymouth DC	All			
Porirua CC	All			
Queenstown Lakes DC			2 including Chair	1
Selwyn DC			2-3	1
Waimakariri DC	4	2		

Selecting a Hearing Panel Chair

6. The Committee Chair and TTPP Steering Group met on 19 January 2023 to discuss the applicants for hearing panel Chair, and the process for shortlisting them.
7. The process for shortlisting was emailed to the Committee on 24 January 2023 for agreement.
8. Following your agreement, the Chief Executives of the three district councils, Francois Tumahai representing Poutini Ngai Tahu and the TTPP Committee Chair were confirmed as the interview panel for the two preferred candidates.
9. Interviews took place on 16 and 17 February 2023.
10. Candidate's weighted scores from the interviews are reproduced below:

Attribute	Weighting	Candidate 1	Candidate 2
Price	10	5	3.9
Understanding of the West Coast	10	13.5	16
Technical Knowledge	20	40	43
Relevant experience – (45)			
Chairing at hearings	15	19.5	33.75
Writing skills for decisions	15	29.25	30.75
Leadership of panel	10	18.5	21.5
Flexibility/availability	5	9.25	11
Understanding of iwi interests	15	27	24
Total		162	183.9

11. Interview panel comments were that both candidates had very good leadership, management skills, and technical knowledge, but Candidate 2 had greater experience both chairing and as a commissioner on hearings panels.
12. Both referees for Candidate 2 highly recommended him and look forward to working with him again. His processes are efficiently run, he has a good rapport with submitters, great expertise, produces quality work and is easy to deal with. He also works closely with staff to ensure panel recommendations make sense and are implementable.
13. It is recommended that the Committee approve Candidate 2, as the preferred candidate for the Hearing Panel Chair role.

Appendix 1

Te Tai o Poutini Plan Hearings Commissioner Nominations



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong, Project Manager

Date: 15 December 2022

Subject: **Te Tai o Poutini Plan Hearings Commissioner Nominations**

SUMMARY

At its May meeting the Committee had an impromptu discussion about the need to select hearings commissioners for Te Tai o Poutini Plan (TTPP). A process for identifying candidates to sit on the hearings panel alongside Resource Management Act guidelines on commissioner responsibilities was presented at the 21 June 2022 Meeting.

The Meeting decided that decisions on the make-up of the hearing panel should lie with the new TTPP Committee, but felt that a five person panel, led by an independent Chair, would ensure that each of the three districts and Poutini Ngāi Tahu are represented.

It was suggested that Poutini Ngāi Tahu and each of the district councils nominate a potential commissioner and bring their nominations back to TTPP Committee for discussion.

At the same time expressions of interest for the role of hearing panel Chair are being sought. Chief Executives offered to form a panel to select a Chair from the applicants.

This paper provides information on the Poutini Ngāi Tahu and district council nominees for your discussion.

RECOMMENDATIONS

1. That this report is received
2. That the Committee consider the proposed nominations for Te Tai o Poutini Plan hearings commissioners
3. That the final decisions on hearing commissioner appointments be made at a February 2023 meeting

Jo Armstrong

Project Manager

INTRODUCTION

1. At its 21 June 2022 Meeting the Committee received a paper (Appendix 1) detailing a process for identifying candidates to sit on the hearings panel. The paper also provided Resource Management Act guidelines on commissioner responsibilities for discussion.
2. To meet our statutory obligations and achieve the best outcomes for the West Coast it is recommended that hearing panel candidates include people with experience in and understanding of:
 - tikanga Māori and the perspectives of Poutini Ngai Tahu,
 - local district issues and requirements, and;
 - district plan hearings processes
3. The Meeting decided that decisions on the make-up of the hearing panel should lie with the new TTPP Committee, but felt that a five person panel, led by an independent Chair, would ensure that each of the three districts and Poutini Ngāi Tahu perspectives are represented.
4. The Meeting decided that Poutini Ngāi Tahu and the district councils would each nominate a potential commissioner and bring their nominations back to TTPP Committee for discussion.
5. The decision on the final make-up of the panel lies with the TTPP Committee. Final selection should take into account the variety of skills and experience required to hear the wide range of topics covered by TTPP.
6. Some hearings statistics from other councils that have recently completed their proposed district plans are tabled below:

Council	Number of hearings/topics	Time required
Porirua City Council	7 streams e.g. environment	7 week-long hearings over 18 months
Selwyn District Council	29 hearing topics (hearings were not required for some). 9 more hearings to go.	1-5 days each totalling 6 weeks over 16 months
New Plymouth District Council	24 hearings	Total of 15 weeks over 14 months
Central Hawkes Bay District Council	7 blocks of hearings	6 weeks over 9 months

7. Porirua City Council had five commissioners. They used a minimum of two for smaller topics with the Chair presiding over every hearing. Central Hawkes Bay District Council had six commissioners with a quorum of four. Selwyn appointed 10 commissioners and had four sit in each hearing.
8. Hearings for TTPP are likely to begin in the middle of 2023, with commissioners required to prepare beforehand.
9. It is anticipated hearings will occur over a six-month period and panel members will need to be approved by early 2023 to ensure their availability.

Nominees

1. The three district councils and Poutini Ngāi Tahu ask that you consider their nominees below for appointment to the TTPP hearings panel. All nominees are accredited RMA commissioners.

Nominator	Nominee	Experience	Availability
Poutini Ngāi Tahu	Veronica Baldwin	<ul style="list-style-type: none"> • Central and West Coast local government policy and planning • Stewardship land review • West Coast Conservation Board 	Yes
<u>Buller District Council</u>	Sharon McGarry	<ul style="list-style-type: none"> • Over 320 statutory decision-maker appointments • Barrytown JV hearing panel Chair • Science expertise on panels • Former resource management consultant 	Yes
Grey District Council	Anton Becker	<ul style="list-style-type: none"> • Inaugural TTPP Committee member • Past Grey district councillor with regulatory functions for district and spatial planning and the SNA process 	Yes
Westland District Council	Edith Bretherton	<ul style="list-style-type: none"> • RMA Planner for TTPP • Natural Hazard Analyst 	Yes

2. Further candidate information is included at Appendix 2.

Appendix 1



Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong, Project Manager

Date: 21 June 2022

Subject: **Te Tai o Poutini Plan Hearings Commissioner Nominations Process**

SUMMARY

At its May meeting the Committee had an impromptu discussion about the need to select hearings commissioners for Te Tai o Poutini Plan (TTPP). To answer some of the questions raised by the Committee this paper suggests a process for identifying candidates to sit on the hearings panel and provides Resource Management Act guidelines on commissioner responsibilities.

RECOMMENDATIONS

4. That this report is received
5. That the Committee consider the proposed nomination process for Te Tai o Poutini Plan hearings commissioners including the suggestion to consult with their peers to identify candidates for nomination.

Jo Armstrong

Project Manager

INTRODUCTION

3. This report provides information and guidelines about the process for hearings commissioner nominations.
4. Hearings for TTPP are likely to occur in 2023, so the need to nominate candidates now is not urgent. However, with the local body elections in October and the first TTPP Committee meeting with a potential change of membership not scheduled until December, the timeline for appointing commissioners will be significantly reduced.
5. As hearings could take some weeks, it would be beneficial for the new Committee to secure a panel early to ensure commissioner availability.
6. Identifying nominees now would help expedite the process and allow sufficient time for appointments to be confirmed prior to hearings.

Nominations Process

7. The Resource Management Act Schedule 1 section 8B says a local authority (TTPP Committee by the Order in Council) shall hold a hearing into submissions on its proposed plan.
8. Hearings must be undertaken by accredited hearings commissioners (section 39B). They could be independent commissioners, members of the Committee, or a mix of the two. Accreditation requires the Making Good Decisions qualification.
9. To avoid split decisions, hearings panels usually comprise an uneven number of commissioners. Many councils appoint three commissioners.
10. To meet our statutory obligations and achieve the best outcomes for the West Coast it is recommended that candidates include people with experience in and understanding of:
 - tikanga Māori and the perspectives of Poutini Ngai Tahu,
 - local district issues and requirements, and;
 - district plan hearings processes
11. The West Coast Regional Council has an approved list of hearing commissioners, and the list could be assessed for district plan experience. Lists held at district councils could yield a larger pool of district plan nominees.
12. The Regional council also has obligations under Schedule C of its Mana Whakahono a Rohe agreement with Ngāi Tahu which include:
 - Whenever Council staff approach Papatipu Rūnanga regarding hearing commissioner appointments, Pokeka Poutini Ngāi Tahu Limited will be included in communications to provide advice and assistance as needed.
 - Consultation between the Council and Papatipu Rūnanga will include: a) whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū; b) whether it is appropriate to include a trained Ngāi Tahu tribal member.
 - In order to provide for ease of consultation, the Council and Papatipu Rūnanga, with advice and assistance from Pokeka Poutini Ngāi Tahu Limited, will maintain a list of Ngāi Tahu tribal members trained as hearing commissioners that are approved by Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio, and other trained hearing commissioners with an understanding of tikanga Māori and of the perspectives of iwi and hapū, including Ngāi Tahu perspectives.

13. It is suggested that Poutini Ngāi Tahu Committee members supported by Pokeka Poutini Ngāi Tahu Limited make recommendations for an iwi panel member.
14. Other Committee members should work with their councils to identify and nominate panel members who are familiar with district issues and the plan making process.
15. It is recommended that an independent commissioner to act as the panel's Chairperson be nominated by Committee members
16. Any of these roles could be undertaken by an accredited TTPP Committee member.
17. There is likely to be a significant amount of evidence that requires technical areas of expertise. The Committee should consider appointing commissioners with experience in these areas to assist with the hearing panels understanding of the issues.
18. Once nominations are received the planning team will report the results to the Committee.

Appointments Process

19. As the hearings will take place after the local body elections, and TTPP Committee membership may change, it is recommended that the new TTPP Committee select and appoint the hearings panel with reference to the list of nominees you provide.
20. Currently Regional Council staff require Chair approval to appoint commissioners not on their Approved Hearings Commissioners List. Selection and decision to appoint will be made by the whole of the TTPP Committee, to ensure all partners have input.
21. The process would include:
 - Setting criteria, for example, experience, availability and cost
 - Determining weighting for the criteria to inform selection
 - Contacting nominees to ascertain availability, experience and fees
 - Reporting on preferred candidates
 - Final selection and approval to appoint commissioners by full Committee.

Responsibilities and limitations on Hearing panel membership

22. In addition to being accredited, there are a number of responsibilities and limitations on members of the panel that hears submissions.
23. Hearings must be conducted in a manner consistent with the principles of natural justice. This means that decision-makers allow all submitters to have a fair hearing, and there is no appearance or perception of predetermination or bias. For example, if a Committee member has made strong statements indicating a predetermined position in the past, that member would be unlikely to meet the test for a potential hearing commissioner, as any issues of natural justice would leave the decision on the TTPP susceptible to appeal.
24. The Local Authorities (Members' Interests) Act 1968 prohibits Councillors or members of committees from voting on or taking part in the discussion of any matter in which they have, directly or indirectly, any pecuniary interest, other than an interest in common with the public. Contravention of the Members' Interests Act is a criminal offence.
25. If Committee members are appointed to the hearing panel, it is likely they will need to abstain from the subsequent decision whether to accept those recommendations (as the hearing body will only be delegated the power to make recommendations), as they will be supporting their own recommendations so this could lead to an issue of predetermination or bias, as set out above.

26. The hearings are likely to take place over a number of weeks or months. The hearing process is time-intensive, as every submitter has the right to be heard and experts may need to explain technical evidence. Commissioners must also contribute to writing the decision after the hearing.
27. Remuneration for Councillors who hear submissions is limited by the Remuneration Authority Act. Councillors are entitled to receive an allowance of \$80 per hour for time related to a hearing of submissions (\$100 per hour for the chairperson of the hearings panel). However, a Mayor or a Regional Chairperson are not entitled to any additional remuneration as members of a hearings panel (see clause 15 of the Local Government Members (2021/22) Determination 2021).

Appendix 2

Nominees Curriculum Vitae

1. Poutini Ngāi Tahu Commissioner Nominee

Veronica Baldwin-Smith

Bachelor Resource and Environmental Planning (Hons)

Profile

- Extensive experience in central and local government processes and legislation ▪
- Resource management planning and environmental policy professional
- Informed and effective decision-maker
- Clear and concise verbal and written communicator
- Born and raised on the West Coast
- Worked at two West Coast district councils and the regional council in various resource management planning roles
- Experienced collaborator across iwi, hapū, local and central government

Expertise

- Accredited RMA Hearings Commissioner ▪
- Strong understanding of hearings processes and conduct
- Effective communicator and collaborator
- Applied knowledge of resource management policy and planning throughout the West Coast region
- Understanding and extensive experience in meeting regulatory requirements
- Decision making at corporate, local and central government level

Planning and Hearings Expertise

Local Government

Resource Consenting – Grey District Council, West Coast Regional Council Planning and Policy Development – Westland District Council

- Project management for five district plan changes.
- Public notification set up, submission processing and facilitation of plan change hearings, as per regulatory requirements.
- Developed resource management and local government policy.
- Analysed district issues and developed workable solutions.
- Interacted with various stakeholders including neighbouring councils, community groups, iwi and hapū, government departments and the public.
- Assessed and recommended decisions on various resource consent applications at a district and regional level, as per the relevant planning documents.

West Coast Region and Conservation

Stewardship Land Reclassification – West Coast Region

- Advising Poutini Ngāi Tahu on the reclassification of stewardship land on the West Coast.

- Liaison with central government officials on the reclassification programme and delivery.
- Understanding of implications for the West Coast region through the reclassification of stewardship land.
- Involved in the development of processes for public notification, submissions and hearings throughout the West Coast.
- Facilitated several hearings throughout the West Coast, with over 100 submitters attending hearings and over 600 submissions received on reclassification recommendations.
- Preparation of submissions analysis against regulatory requirements.

West Coast Tai Poutini Conservation Board Member (Nominated by Te Rūnanga o Ngāi Tahu)

- Understanding of conservation planning documents on the West Coast and interface with district and regional planning frameworks.
- Awareness of conservation and environmental matters on the West Coast and impacts for iwi, communities and industry throughout the West Coast.
- Experience in applying different pieces of legislation to decision making.
- Liaised with the public and the Department of Conservation.
- Provided informed advice for policy development and conservation planning.

Central Government

Ministry for the Environment

- Experience in policy development and contribution to legislative drafting.
- Reviews of the Resource Management Act.
- Working with district councils throughout New Zealand on best practice for Resource Management Act processes and resource consenting, as per legislative requirements.
- Provided advice and technical knowledge on resource management and environmental policy.
- Interacted with central government departments, stakeholders, industry and the public.

Private Secretary – Minister for the Environment (various)

- Advice on resource management and environmental programmes undertaken by the Ministry for the Environment.
- Understanding of environmental legislation and national planning and policy instruments – National Policy Statements and National Environmental Standards.
- Understanding of regional matters and interface between local and central government.

2. Buller District Council Commissioner Nominee

Sharon McGarry

Academic History

1994-1995 Masters of Science (Honours) Resource Management Centre for Resource Management, Lincoln University
1990, 92-93 Bachelor of Science (Zoology/Marine & Freshwater Biology) University of Canterbury

2006-current Self-employed Independent Hearing Commissioner

Statutory decision-maker appointments by:

Environmental Protection Authority –

Hearing and determining marine consent applications pursuant to the COVID19 Recovery (Fast-track Consenting) Act 2020 and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act).

Canterbury Regional Council, West Coast Regional Council, Northland Regional Council, Southland Regional Council, Marlborough District Council, Tasman District Council, Horizons Regional Council, Otago Regional Council, Buller District Council, Westland District Council, Grey District Council, Selwyn District Council, Christchurch City Council, Ashburton District Council, Nelson City Council, Waimakariri District Council, Mackenzie District Council and Chatham Islands Council –

Hearing and determining resource consent applications and writing decisions pursuant to the Resource Management Act (RMA). - Hearing and making recommendations on plan changes and designations. - Hearing and making recommendations on strategies and bylaws under the Local Government Act (LGA). - Determining resource consent condition reviews. - Hearing and determining objections pursuant to the RMA. - Training Councillors in hearing, determining, and writing hearing decisions. - Training Ngāi Tahu staff in making effective submissions. - Training, guiding and mentoring iwi commissioners

2006-2010 Minister of Conservation –

Minister's representative to hear and recommend/decide resource consent applications for Restricted Coastal Activities.

2000-2006 Resource Management Consultant

Canterbury Regional Council - Hearings Advisor providing advice to decision-makers and writing resource consent hearing decisions pursuant to the RMA. - Technical review of gravel management for the Canterbury Region.

Director General of Conservation - Analysis of Plan Changes 1 and 2 of the Canterbury Regional Coastal Plan and preparation of submission.

Private Clients - Preparing resource consent applications. - Peer reviews **Parliamentary Commissioner for the Environment** - Technical advice and review on the environmental impacts of cruise ships in New Zealand coastal waters.

Southland Regional Council - Reviewing and processing Tier 1 Oil Spill Contingency Plans, pursuant to the Maritime Transport Act 1994; undertaking coastal compliance inspections and monitoring; and providing evidence for the Environment Court for prosecutions and enforcement action.

West Coast Hearings include:

West Coast Regional Council & Grey District Council (24-27 August 2021) Chair of Hearing Panel of Independent Commissioners. Hearing to decide application by Barrytown JV Ltd to mine mineral sands on the Barrytown flats.

West Coast Regional Council and Grey District Council (12-13 March 2015) Independent Hearing Commissioner. Joint hearing to decide applications by Birchfield Minerals Ltd for resource consents associated with operating a 3,500 tonne gold-mining dredge on the Grey River.

West Coast Regional Council and Westland District Council (6-15 June 2012) Independent Commissioner on Hearing Panel. Joint hearing to decide applications by Trustpower for resource consents for the hydro-electric power scheme on the Kaniere River, Lake Kaniere.

West Coast Regional Council and Buller District Council (21-31 May 2012) ATTACHMENT 1 5 Independent Commissioner on Hearing Panel. Joint hearing to decide an application by Solid Energy New Zealand for resource consents to mine coal at Mt William, Stockton Plateau, West Coast.

West Coast Regional Council and Buller District Council (6-22 June 2011) Independent Commissioner on Hearing Panel. Joint hearing to the RMA to decide applications by Buller Coal Ltd (Bathurst) for resource consents to mine coal on the Denniston Plateau, West Coast.

West Coast Regional Council and Buller District Council (17-26 May 2010) Independent Commissioner on Hearing Panel. Joint hearing to decide applications by Solid Energy New Zealand for resource consents to construct and operate the Stockton Plateau Hydro Power Scheme, West Coast.

A full list of over 320 statutory decision-maker appointments is available on request.

3. Grey District Council Commissioner Nominee

Anton Becker

- A local resident of the West Coast
- Involved in the development of the TTPP from the outset
- Knowledge of the natural hazard dynamic of the West Coast
- Past Councillor for the Grey District Council
- Responsible for GDC regulatory functions including district and spatial planning and the SNA process
- Significant experience in working within a team to achieve outcomes.

4. Westland District Council Commissioner Nominee

Edith Bretherton

Education and Development

- Bachelor of Business, Graduate Diploma of Arts, Bachelor of Science (Physical Geography and Earth Science), Masters of Science (Physical Geography) all from Massey University.
- NZPI associate member. Completed courses in Plan Development, Designations and Freshwater Plan Making
- Accredited RMA Commissioner

RMA planning experience

- Auckland Unitary Plan policy team
- Consenting under Auckland Unitary Plan (regional and district)
- West Coast Regional Plans including Regional Policy Statement, Regional Land and Water Plan, Regional Coastal Plan and implementation of National Policy Statement for Freshwater Management
- Te Tai o Poutini Plan, topics including Energy, Infrastructure, Transport, Natural Hazards, Designations, Public Access, Historic Heritage and Notable Trees. Planner for plan preparation (s.32), not 42a, therefore sufficient separation so as to manage predetermination. Not a submitter in own right, nor has been involved in preparation of submissions for others.
- Currently employed by GNS as a Natural Hazards Planner

West Coast Connection

Resident and property owner on the West Coast. Solid understanding of communities, stakeholders, and physical environment across the region

Appendix 2

Memo Local Authority Hearing Panel Composition



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Memo

To: Te Tai o Poutini Plan Committee
From: Jo Armstrong, Project Manager
Subject: Local Authority Hearing Panel Compositions

At your meeting on 15 December 2022, you asked for information about the composition of other local authority hearing panels, specifically whether councillors sat on these panels. Consideration was given to local authorities who have recently completed, or are currently undertaking, plan change hearings.

Not all commissioners hear every topic, with selection being made from among the hearings panel.

The table below indicates the mix of independents and councillor representatives either on the full panel or as the make-up for individual topic hearings.

Council	Hearing Panel Make-up		Individual Hearings Requirement	
	Independent	Councillor	Independent	Councillor
Central Hawkes Bay DC	3	3		
New Plymouth DC	All			
Porirua CC	All			
Queenstown Lakes DC			2 including Chair	1
Selwyn DC			2-3	1
Waimakariri DC	4	2		

At Porirua all decision-making functions have also been delegated to the independent hearing panel.

This memo will accompany your 28 February agenda to aid decisions on the TTPP hearing panel make-up.



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong, Project Manager

Date: 28 February 2023

Subject: **TTPP Budget Information**

SUMMARY

This paper brings Te Tai o Poutini Plan (TTPP) budget information to the Committee for discussion.

RECOMMENDATIONS

That the Committee:

1. Receives this paper.

Jo Armstrong
Project Manager

Introduction

1. Te Tai o Poutini Plan Committee (the Committee) is responsible for approving an annual budget which is forwarded to West Coast Regional Council for consideration and approval to include in their annual Plan.
2. Under clause 13(1) of the Local Government Reorganisation Scheme (West Coast Region) Order 2019, the Regional Council is required to raise a regional rate to fund TTPP.
3. Now the Plan is notified, and the submissions closed, the 2023/24 budget will need to include costs for running the hearings for the proposed Plan.
4. Depending on timing of the hearings, costs may occur over two or more financial years, and only require partial funding in 2023/24.
5. The 2023/24 budget will need to include sufficient funding for resources to deliver an operative Plan in a timely manner.
6. A smaller annual budget will result in the hearings process taking longer to complete. This will increase overall costs as some ongoing project costs will be incurred for longer than anticipated (e.g., some governance and employee costs and Poutini Ngai Tahu planner input).
7. The RMA sets an expectation that a plan should be operative within two years of notification (July 2024), otherwise an application to extend must be made to the Ministry for the Environment.
8. The number of hearings and length of time required is determined by the topics that submitters have requested to speak on, and how many submitters wish to speak.
9. Different hearings may require between one and five days to complete, and depending on the complexity of the topic, may be presided over by one commissioner, the full hearing panel, or any combination of members.
10. Information to determine hearing topics and the expected length of each hearing will not be available until at least May when the summary of submissions is complete and further submissions analysed. An estimate of the number of hearings will be included in draft budget development.
11. TTPP and other WCRC staff will develop a draft TTPP budget for inclusion in WCRC Annual Plan discussions. This will include an analysis of the annual overhead expense to WCRC. The draft budget will then be tabled at your 21 April meeting.
12. Some pre-hearing meetings will be run with submitters. The purpose of these meetings is to clarify or facilitate resolution of a matter or an issue relating to the proposed plan. Staff then report to the hearings panel about these matters, for deliberation and inclusion in panel recommendations. This means that while pre-hearing meetings may result in some submitters withdrawing their submissions (because their question has been answered) or choosing not to speak at the hearings (if they are comfortable that others will represent their views at the hearings), staff cannot assure submitters of achieving the outcome they are seeking, as this lies with the hearings panel and ultimately the Committee.
13. Pre-hearing meetings differ from mediation, which occurs following decisions. TTPP staff can enter mediation with parties who do not agree with a decision and have appealed it to the Environment Court. The mediation is overseen by a mediator who is appointed by the Environment Court. A good mediation process is where parties can agree on changes that the Committee is comfortable with approving, thereby limiting the number of appeals that are decided by the Court.

Cost Centres

14. Many of the costs related to the hearings also occur as ongoing project costs e.g., advertising for hearings and for Committee meetings. Cost centres already exist for these items and are used in compiling the monthly financial reports.

15. The WCRC Corporate Services Manager has suggested that the current cost centres should be used to capture all hearing costs, in combination with the ongoing project costs.
16. During hearings it is anticipated that the majority of costs will be associated with the hearings process.
17. The table below lists anticipated hearing costs, ongoing project costs, and the cost centre they would be charged to:

Hearing Costs	Project Costs	Cost Centre
Commissioner Travel/accom.	Staff Travel/accommodation	Travel
Venue hire - hearings	Venue hire - meetings	Venue Hire
Catering and commissioner meals	Staff meals when travelling	Food and catering
GIS and Research requested by panel	GIS and Research requested by TTPPC	Research
Expert witnesses and planning consultants	Contract Planners	Consultants - other
Advertising	Advertising	Advertising
Legal advice - hearings	Legal advice - general	Solicitors Fees
Poutini Ngai Tahu input	Poutini Ngai Tahu input	Poutini Ngai Tahu
Design and printing	Design and printing	Advertising
Employee costs	Employee costs	Employee Costs
Commissioner fees		Hearing Commissioners
	Governance fees	Councillor Salaries - Governance
	Isovist e-plan platform	Isovist Costs
	TTPP website	Website Expenses

Calculating costs of hearings

18. Discussions with a number of district councils who are undertaking, or have recently completed, proposed Plan hearings has provided some information about costs and resourcing to inform TTPP budget development.
19. Generally, councils have employed much larger planning teams than TTPP. Additionally, planning consultants have been used to write hearings reports and answer commissioner questions on dedicated topics. Experts have provided further research and given evidence at hearings. Topics and required expertise depend on the content of submissions received.
20. It is likely that TTPP will also need to employ an administrator to arrange meetings, travel, papers, minutes, timetables, communications, and website management.
21. To reduce costs, some hearings could be run by Zoom where this is considered appropriate. It is also possible to run some hearing days in Christchurch to reduce commissioners travel expenses. National bodies not domiciled on the West Coast could give evidence there.
22. As previously reported, councils have run between 7 and 29 hearings taking between 9 and 18 months to complete. It is anticipated the TTPP hearings process will take at least 12 months.
23. Judging by other council's experiences TTPP can expect to pay up to \$1million on commissioner fees, planning consultants and expert witnesses over a 12-month period. This does not include ongoing project costs, commissioner travel and the costs of running the hearings etc.
24. One council has an ongoing budget of \$1.5 million for their proposed plan, post-hearings.
25. A slightly larger council used 9 fulltime planners plus up to 30 consultants for hearings.
26. Hearings for the most contentious issues are likely to require more planner input and further research. The timing of these topics will impact the size of the budget in the years they occur.

27. Interest to fund the TTPP borrowing forms part of the budget. Borrowing to 31 January 2023 was \$955,899.
28. Commissioner deliberations and recommendation writing will continue after hearings are completed, and mediations are likely to follow, with their attendant costs.
29. TTPP will also require ongoing budgets after the Plan is operative, as the TTPP Committee is a permanent joint committee with an ongoing role to:
 - monitor implementation of the Plan, and need for any plan changes;
 - manage any private plan changes requested; and
 - undertake plan changes and reviews of the combined district plan, or ensure these are undertaken, as required, for example, as a result of changes to national direction.

Next steps

30. A draft budget will be tabled at your 21 April 2023.
31. Analysis of the summary of submissions will be required to identify hearing topics and number of submitters, before a final draft 2023/24 budget can be developed for your approval around May 2023.



Project Manager Update

1 December 2022 – 23 December 2022

Prepared By: **Jo Armstrong**
Date Prepared: **23 December 2022**

Accomplishments this Period

- The planning staff and contractors have been focusing on loading submissions to the Spoken analysis tool and summarising the first of the submissions.
- It looks like over 500 submissions have been received, including around 20 late submissions accepted by the Chair on your behalf.
- To date approximately 300 of the simple submissions have been summarised. These submissions may only have one or two submission points and/or be focused entirely on one topic.
- Of these 300 submissions the top numbers of submission points are:
 - 73 Rezoning Requests (i.e. rezone from mineral extraction zone to general rural).
 - 67 Natural Hazard Rules
 - 37 Natural Hazard Maps
 - 34 SASM maps
 - 25 SASM Rules
 - 25 Historic Heritage Schedule
 - 16 GRUZ - R12 (Permitted Mineral Extraction in the General Rural Zone)
 - 13 Ecosystems and Biodiversity Rules
- The remaining submissions will take longer to process, some a considerable amount a time. Due to the Christmas break, the summaries may not be complete by the end of January. I will keep you informed if we need to delay the February meeting or add a meeting in March.
- The search for a new senior planner continues. To date only one application has been received and the applicant did not have the requisite training or experience.
- We have received three expressions of interest for the role as Chair of the hearings panel. I have contacted the Steering Group (CEs and Poutini Ngāi Tahu Chairs) to discuss a process for making recommendations to the Committee.
- The next TTPP Committee meeting is proposed for 28 February 2023 at Buller District Council, subject to completion of the summary of submissions.

Plans for Next Period





- Respond to queries
- Summarise submissions

- Assess expressions of interest for hearing panel Chair
- Develop draft 2023/24 budget
- Update coastal research
- Update WCRC Resource Management Committee
- TTPPC meeting proposed for 28 February 2023 at Buller District Council

Key Issues, Risks & Concerns

Item	Action/Resolution	Responsible	Completion Date
Decision makers can't agree	Get agreement on pieces of work prior to plan completion	Chairman	Ongoing
Budget insufficient for timely plan delivery	Work with TTPPC to recommend budget, and with WCRC to raise rate to achieve deliverables	Project Manager TTPP Committee CE WCRC	Annually Jan/Feb
Changes to national legislation	Planning team keep selves, Committee and Community updated on changes to legislation and the implications for TTPP	Project Manager Planning Team	Ongoing
Staff safety at public consultation	Committee members to proactively address & redirect aggressive behavior towards staff	TTPP Committee	Ongoing
National emergencies such as Covid-19 lock down	Staff and Committee ensure personal safety and continue to work remotely as able. Work with contractors to expedite work.	Project Manager TTPP Committee	Ongoing
Time and Cost of Appeals Process	Realistic budget set for best case costs. Awareness that contentious issues such as SNAs, natural hazards, mineral extraction and landscape provisions could see an extended appeals process, increasing costs to reach operative plan status	TTPP Committee TTPP Steering Group Project Manager	Ongoing
Community concerns over proposed Plan content	Respond to queries by phone, email and public meetings. Update information.	TTPP Committee Project Manager	Ongoing

Status

Overall		
Schedule		Proposed Plan Notified. Summary of submissions underway.
Resources		Future budgets required to cover hearings and mediation
Scope		Schedule 1 processes leading to updates to Plan to achieve operative status

Schedule

Stage	Target for Completion	Comments
Te Tai o Poutini Plan Notified	14 July 2022	This will be the “Proposed” Plan
Summary of Submissions	February 2023	
Further Submissions	March 2023	Submissions must be summarised and published and then there are 10 working days for further submissions
Pre-hearing meetings /Mediation	April/May 2023	Indicative time only
Hearings Te Tai o Poutini Plan	From July 2023	Indicative time only.
Decisions Te Tai o Poutini Plan	2024	Indicative time only
Ongoing Decision Making for TTPP	2024 onward	TTPPC is a permanent Committee. Once the Plan is adopted the ongoing Committee role includes

Stage	Target for Completion	Comments
		monitoring implementation and the need for any amendments, undertaking amendments and reviews, or ensuring these are undertaken, as required.
Appeals and Mediation Te Tai o Poutini Plan	From mid-2024	Indicative time only. Any parts of the Plan not appealed are operative from the end of the Appeal Period.
Environment or High Court	2024-2025	Indicative time only.



Te Tai o Poutini PLAN

A combined district plan for the West Coast



Project Manager Update

1 January 2023 – 31 January 2023

Prepared By: Jo Armstrong
Date Prepared: 31 January 2023

Accomplishments this Period

- The planning staff and contractors have been focusing on loading the final submissions to the Spoken analysis tool and continuing to summarise the submissions.
- The Chair continues to receive late submissions which he is accepting on your behalf.
- 540 submissions have been received.
- To date nearly 420 submissions containing over 4500 submission points have been summarised.
- From these 420 submissions the top numbers of submission points are on:
 - Natural Hazards
 - Ecosystems and biodiversity
 - Sites and Areas of Significance to Māori
 - General Rural Zone
 - Mineral Extraction
 - Rezoning Requests (134 rezoning requests so far)
 - Coastal Environment
 - Subdivision
 - Strategic Direction
 - Rural Zone Policy
- The remaining submissions are mostly large with, comments on multiple parts of the Plan. These will take longer to summarise, and the summary of submissions is unlikely to be completed in time to be brought to the February meeting. This will necessitate running a Committee meeting in March to approve the summary.
- The search for a new senior planner continues. To date two applications have been received but neither applicant had the requisite training or experience.
- We received three expressions of interest for the role as Chair of the hearings panel.
- The Steering Group and Committee Chair met on 19 January to make an initial assessment of the applications, determine selection criteria and select an interview panel from among their number. This panel will make recommendations to the Committee for its decision.
- Early discussions on the 2023/24 budget have taken place with the WCRC Corporate Services Manager. Work on the budget continues.
- Research to assess the coastal inundation impact on properties where this has not previously

been undertaken is due in early February. Details will be brought to the next Committee meeting.

- The next TTPP Committee meeting is on 28 February 2023 at Buller District Council. Early budget discussions and selection of the hearing panel Chair will be on the agenda.

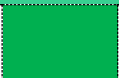



Plans for Next Period

- Respond to queries
- Summarise submissions
- Interview hearings panel Chair applicants for short-listing
- Develop draft 2023/24 budget
- Update WCRC Resource Management Committee
- TTPPC meeting 28 February 2023 at Buller District Council

Key Issues, Risks & Concerns

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Stage	Target for Completion	Comments
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Further Submissions	March 2023	Submissions must be summarised and published and then there are 10 working days for further submissions
Pre-hearing meetings /Mediation	April/May 2023	Indicative time only
Hearings Te Tai o Poutini Plan	From July 2023	Indicative time only.
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