

**IN THE MATTER of
the Resource Management Act 1991**

AND

**IN THE MATTER of
Hearing of submissions and further
submissions on the Proposed Te Tai O
Poutini Plan**

**MINUTE 46 – Buller District Council
Alma Road Rezoning
submission.**

INTRODUCTION

1. On 11 July and 30 September 2024, the Buller District Council (Council) wrote to the Hearings Panel (Panel) to formally request the early release of a decision or the issue of an interim recommending report or a statement from the Panel that there is no impediment (aside from Appeals) as to the rezoning of land in the Alma Road area, Westport, if the Panel is not able to complete their full recommendations on submissions prior to December 2024. The Panel understands the Council makes this request to enable it to satisfy a Kainga Ora condition as to funding for the development of infrastructure for this intended rezoning.
2. Council's request is based on several factors including:

A. Crown funding

There is a risk that access to Crown funding for infrastructure for the Alma Road area will be lost if the rezoning decision is not known before December 2024. Council's current funding agreement requires the TTPP to be Operative by December 2024 before construction funding can be released (ca.\$6M). Kainga Ora has been advised that this is not possible. Responding, Kainga Ora has advised, that without some certainty that the residential rezoning will happen, funding may be at risk as part of Government's funding reprioritisation.

Council sees the rezoning of the Alma Road area an essential natural hazard risk reduction strategy for Westport. This strategy aligns with the Central Government goals of adaption to the impacts of natural hazards and climate change.

Council's low rating base means the loss of Crown funding would make this risk reduction strategy unviable.

B. Strategic direction

The rezoning is consistent with the strategic direction of the TTPP as notified.

C. Further information

Since receiving correspondence from Council, the Panel has completed Hearings on the Residential Zone (16 – 18 July) and Noise (4-5 September) chapters of the TTPP.

Council has provided further information and evidence in response to the Panel's Minute 34 issued after the Residential Zone Chapter hearing. The Reporting Officer's right of reply report on the Residential Zone Chapter recommends the rezoning of the Alma Road area, subject to the Noise chapter provisions in relation to the Westport Rifle Club being resolved, including mapping of noise contours and any required amendment to Noise – R3.

The Noise chapter hearing has been completed. Council has also worked closely with the Reporting Officer over the Noise chapter hearing and has contributed to the development of a joint witness statement responding to issues raised at the hearing. There is agreement that any reverse sensitivity issues can be addressed to enable the rezoning of Alma Road. The right of reply from the Reporting Officer for the Noise chapter recommends use of a noise contour overlay and provisions, as agreed.

Council notes that Residential Zone chapter Reporting Officer is supportive of the Panel being able to advise Council that the rezoning, as proposed, can go ahead now that the noise issues have been resolved.

D. Partial withdrawal of submission

In response to Minute 34, Council has formerly withdrawn part of Submission 538 (page 105 of the Council's submission and coded as S538.528 in the Reporting Officer's S42A Report) which sought that three land parcels (Lot2 DP 418652, Lot 2 DP 404550, and Part Section 24 Block VII Kawatiri SD) to the immediate north of the Rifle Range Protection Area zoned General Rural be changed to General Residential. This means that submission point 538.528 is withdrawn, with the exception of the request to remove any error associated with references on the Plan Maps to a future urban zone. This addresses a number of further submissions in opposition to the rezoning of the area close to the Westport Rifle Club.

Council's response to Minute 34 included a detailed response to questions posed by the Panel during and following the Residential Zone hearing. All those matters are material in the Panel's consideration of the Council's rezoning request.

PANEL RESPONSE

3. The Panel recognises the difficulty Buller District Council faces and seeks to do all it can to assist the Council. However, there are procedural and best practice constraints on the Panel's ability to respond to aspects of the request from the Council.
4. The Panel has confirmed for the TTPP Committee that recommendations to them on any of the TTPP provisions will not be available until mid-year 2025. Council's critical December 2024 date to secure Crown funding is unable to be met in that regard.
5. Best practice for a Plan Review is that all Hearings Panel Recommendations are released at once. Following this process ensures the Plan is a coherent whole with no inconsistent provisions and is internally coherent.
6. Procedural challenges arise if discrete Panel recommendations are made, particularly where those recommendations are accepted by the TTPP Committee and they notify their decision, creating appeal rights to the Environment Court on those parts of the Plan while the rest of the TTPP is still under development. That outcome would cause confusion and complications, all of which would add time and cost to the TTPP hearing process.
7. While respecting these best practice and procedural constraints, the Panel can, based on the information received to date, strongly signal it has not identified impediments to the rezoning, such as suitability of the site for residential activities or any infrastructure constraints. Accordingly, a favourable recommendation from the Panel, while not confirmed, is most likely to eventuate, but later in time than the date relevant to Kainga Ora funding. Given the hearing process remaining, the Panel does not foresee any opportunities for the provision of any additional information which could alter its view on a favourable recommendation.
8. For completeness and certainty, we note our yet to be made final recommendations

in this case relates to rezoning of the land. Before residential activity could take place, a subdivision consent, at the very least, would need be obtained. We mention this not to identify impediments but to ensure all steps enabling residential development are understood by parties to the process.

9. Hopefully best practice and constraints we must operate under are understood and the response we have provided assists the Council in securing its funding in discussions with Kianga Ora.



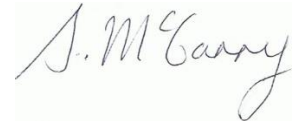
Dean Chrystal

Chair of the Hearing Panel



Paul Rogers

Residential Hearing Chair



Sharon McGarry

Noise Hearing Chair

5th October 2024