



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

