

8 November 2024

The Hearing Panel
TTPP
GREYMOUTH

Scenic Hotel Group Limited - TTPP

We act for Scenic Hotel Group Limited and have been instructed to forward the **attached** brief submissions on “scope” in relation to our client’s original submission and the evidence presented at the recent hearings.

Yours faithfully
MEARES WILLIAMS



pp
Simon Johnston
Partner

Email: simon.johnston@meareswilliams.co.nz

5 November 2024
The Chief Executive
Scenic Hotel Group
Christchurch

By email – kall@scenicgroup.co.nz

Re: TTPP Plan - Scope

1. I understand the Hearing Panel and Reporting Officer have raised questions around whether the planning and other evidence lead by Scenic at the recent hearings is within the “scope” of the original Scenic submission on the Plan dated 11 November 2022. If the planning and other evidence is not considered to be fairly within the “scope” of the matters referred to in the original submission, the Hearing Panel may decide not to take it into account.
2. The legal issue Scenic faces is that its original submission was very general and did not specifically really refer to or put in issue many of the matters that Scenic later raised in evidence at the hearings eg – there is no reference to building or foundation heights or recession plans, no reference to “workers accommodation”, no reference to Barrytown (as it was not then owned), no reference to the specific changes that Scenic wanted to see made to the Plan and its rules, policies and objectives. As we understand it the Panel is now effectively asking Scenic to show that in relation to some of the specific matters covered by its evidence –
 - (a) Whether its original submission, when read as a whole, fairly and reasonably raises some issues and some relief, expressly or by implication.
 - (b) Were the council and other potentially affected members of the public able to understand what issues were being raised and what relief was being sought to enable them to understand the submission and participate in the plan change process (if they wished) by supporting or opposing Scenic.
3. The nature of the Scenic submission presents some legal problems in the area of “scope” as the issues and relief sought are not clear when compared to the specific and focused evidence lead by Scenic and its planners at the hearing.
4. In light of that we have prepared the attached brief submissions around the issue of “scope” and tried to argue that many of the Scenic issues that have been raised by the Panel officer were raised “indirectly” or “by implication” in the original submission. That is probably the only way we can argue these points. The arguments around “scope” and Scenic’s position are not strong and may well not be accepted by the Hearing Panel. Having said that, the Scenic evidence and presentation were very good and the points raised highlighted a number of potential problems with the proposed plan and areas the drafter of the plan had overlooked eg – the importance of workers accommodation in the townships. It is to be hoped that even

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if the Panel considers some of Scenics evidence is “out of scope”, the changes Scenic has requested are still included in the final plan.

5. Would you please consider the draft submissions and let us have any comments on them within the next few days. They can then be filed with the Panel. If you want to discuss further, a Zoom can be arranged.

Yours faithfully
MEARES WILLIAMS

A handwritten signature in black ink, appearing to read 'Simon Johnston', with a long horizontal flourish extending to the right.

Simon Johnston
Partner

Email: simon.johnston@meareswilliams.co.nz

Scope of Scenic Submission dated 11 November 2022

1. The scope of the submission is very wide.

1.1 It relates to all Scenic owned properties listed in pages 1 and 2, being properties situated in Franz Josef Township, Fox Glacier Township and Punakaiki (in the Westland, Grey and Buller Council areas). The property at Barrytown was purchased by Scenic after the plan was advertised, but the general statements in the submission regarding it applying generally to all rules, policies and objectives and applying to staff accommodation equally apply to the Barrytown property.

1.2 The submission opposed all the proposed rules and zone changes (page 2). Opposition to policies and objectives is seen as part of the opposition to rules and zone changes as they are all interrelated and changes in one area will affect the other areas. This enables Scenic to advance submissions in relation to all proposed new rules, zones, policies and objectives in the plan. It is not limited to any particular rules, policies and zones – Scenic can select which particular rules, zones, policies and objectives it wishes to address in its current submissions.

1.3 Subclauses in point 2 are also wide in scope and enable Scenic to make its current submissions –

(j) (p3) the reference to “respect for property rights and focus on supporting their communities.”

Scenic is making submissions on rules such as those which try to reduce building heights in the Punakaiki township and restrict development by making it more difficult to build new accommodation in various townships to grow tourism and provide for staff accommodation close to where the staff are employed. Businesses, such as hotels, require staff and in more remote places like the West Coast, it is important that staff accommodation is provided close to the work place. Scenic cannot “enhance and expand its properties” on the West Coast without providing for staff needs (refer to paragraph 4 under Background on p1).

(l) (p3) the reference to “ill-conceived regulations” considered to be unworkable.

This is a laypersons reference to rules, policies and objectives and is relevant to a range of issues, including those in point (j)(p3) above.

1.4 Natural Hazards Management

Point 3 (p3) of the Scenic submission.

Point 3(a) is a very wide submission which opposes all rules and zones as being unnecessary, unduly restrictive and may affect the ability to develop properties.

Again, this goes to the issue of ensuring rules, policies, objectives and zones encourage tourism on the West Coast and in particular the ability to build new visitor and staff accommodation.

1.5 Community Growth and changes

Point 4 (p4) of the Scenic submission.

Point (a) is wide and supports “further development” within the West Coast towns generally (that includes Barrytown as well as Franz Josef, Fox Glacier and Punakaiki) This relates to the Scenic submissions focused on encouraging tourism on the West Coast and in particular the ability to build new visitor and staff accommodation.

2. The Scenic submission references the need for staff housing/worker accommodation by implication in a number of places, including:-
 - (a) p1 Background (paragraph 4). “... enhancing, expanding our properties”. Without staff accommodation close by that will not be possible.
 - (b) p2 key issues. “2) Where future development is allowed”. Without rules encouraging staff housing in close proximity there will be no new commercial development or expansion of existing businesses”.
 - (c) p2 point 2(b). “Concerns over proposed changes limiting the ability to develop future projects such as Hotel extensions etc...”. Again, this will not be possible without workable rules dealing with staff accommodation in the West Coast townships.
 - (d) p3(j). References to supporting communities. Encouraging staff housing in townships is an essential part of supporting and growing local communities.
 - (e) p4 point 4(a). The references to “zones” can be seen as a laypersons reference to wider “rules, policies and objectives” to support the further development of West Coast townships.

Scenic considers that the references to “worker accommodation” are fairly included within its wider concerns and by necessary implication. There is an important omission around “workers accommodation” in the plan as drafted. The practical issues for businesses and all the townships and local communities that depend on tourism for employment and to enable further growth on the West Coast need that omission corrected.

3. Scenic considers that its submission is very wide in scope and enables it to make the current submissions which are focused on encouraging tourism to grow on the West Coast and, in particular, ensuring the new plan contains rules, zones, policies and objectives which encourage and enable the development of further visitor accommodation in the townships it has identified (Fox Glacier, Franz Josef, Punakaiki and Barrytown) and the development of proper staff housing in and in close proximity to those townships. Without proper staff housing, tourism and accommodation businesses will be unable to operate and enable further economic growth on the West Coast.
4. The original Scenic submissions was written by laypersons as part of Scenic’s desire to participate in the public plan process. It would be unfair and undesirable if the law required lay people who wish to participate in such a fundamental public process to be forced to engage lawyers and planners (at significant cost) to ensure that their submission and the concerns expressed would not be challenged later on the basis that they did not address every rule, point or issue in the same manner and using the same language as you would expect from a

lawyer or planner. Participation by lay people in the plan change process should be encouraged – not discouraged. Their private submissions should be considered “in the round”, not subjected to scrutiny because they have not used the language of lawyers and planners.