

IN THE MATTER of
the Resource Management Act 1991

AND

IN THE MATTER of
Hearing of submissions, further
submissions and variations on the
Proposed Te Tai o Poutini Plan

MINUTE 53 – Renotification of Variation 2

INTRODUCTION

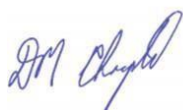
1. Variation 2 - Coastal Natural Hazard Mapping to the Te Tai o Poutini Plan (TTPP) was notified on the 27th of June 2024. The variation updated the mapping of coastal hazards (coastal erosion and inundation) in the proposed TTPP from that originally notified.
2. A total of 112 Submissions were received on Variation 2.

NATURAL JUSTICE

3. During the recent hearing of submissions of the Natural Hazards chapter the Hearings Panel heard statements from three parties who had submitted on Variation 2 expressing concerns about the process followed in Variation 2 in that submissions were only sought on the mapping and not the related objectives, policies and rules. The objectives, policies and rules associated with coastal natural hazards were not subject to change from the notified TTPP. The coastal natural hazard rules are however scheduled to be heard at the same time as the mapping.
4. The concerns were best summed up in the statement of Jane Whyte who said:
Variation 2 purported to only change mapping; in reality, this is an unfair approach. The mapping determines what rules, policies, and objectives apply. It is unfair to 'switch on' a series of objectives, policies, and rules that apply to a property without providing that property owner the opportunity to submit on those provisions that have just been 'switched on'.
5. The Hearings Panel has considered this matter, and legal advice has also been sought (attached). In essence we consider that in the interest of fairness and ensuring everyone has an opportunity to participate in the TTPP process where they are affected by it, that Variation 2 should be renotified and it be made clear within that notification that those wishing to submit are able to do so on all parts (objective, policies, rules and mapping) of the coastal natural hazard provisions.
6. To be clear submissions already received on the objectives, policies, rules and mapping of the coastal natural hazard provisions will maintain their status. However, the renotification will enable submitters who have for example only submitted on the mapping to now submit on the objectives, policies or rules should they so choose. It will also enable new submitters to submit on all parts of the coastal natural hazard provisions.

RECOMMENDATION

7. We strongly recommend to the TTPP Committee that Variation 2 be renotified to ensure the community has the opportunity to participate in the TTPP process and so as to avoid a potential judicial review which would cost unnecessary time and money. It should also be made clear that those wishing to submit are able to do so on all parts of the coastal natural hazard provisions.



Dean Chrystal

Independent Commissioner – Chair - on behalf of the Hearing Panel members

4 November 2024

MEMORANDUM

Date: 4 November 2024

To: Jo Armstrong

From: Alice Balme

Te Tai o Poutini Plan Variation 2

1. Variation 2 to the proposed Te Tai o Poutini Plan (**TTPP**) includes updates to the coastal hazard mapping in the TTPP. Submissions and further submissions have been received on Variation 2 in respect of the updated mapping. However, submitters have raised concerns that they did not have the opportunity to also submit on the relevant provisions associated with the mapping as part of the notification of Variation 2.
2. You have asked us for advice in respect of Variation 2 to the TTPP. In particular, whether Variation 2 needs to be re-notified, or whether the submissions period could be extended, to ensure that people who are affected by the Variation have the ability to make submissions on the relevant provisions.

Whether Variation 2 needs to be re-notified or whether you could extend the submissions period?

3. Variation 2 to the TTPP included updates to the coastal natural hazard mapping but did not specifically include any changes to the objectives, policies and rules of the TTPP that are relevant to these maps.
4. When Variation 2 was notified the TTPP committee advised potential submitters that submissions would only be received on the mapping and not the associated provisions. We understand that this has been raised as an issue with the Hearings Panel at the recent Natural Hazards hearing. People are concerned that they should be given an opportunity to make submissions on the TTPP provisions if their land is now covered by a coastal hazard overlay.
5. We agree that it is appropriate for persons who are affected by the coastal hazard mapping to have the opportunity to submit on the TTPP provisions as they relate to these maps.
6. In order to achieve this, we consider Variation 2 should be re-notified and, if re-notified, the TTPP Committee should advise that persons are able to submit on the provisions of the TTPP that relate to the coastal natural hazard mapping included in Variation 2 re-notified, as well as the mapping. These submissions will then “catch-up” with the remainder of the submissions on the plan and be heard as part of the scheduled Coastal Hazards Hearing in 2025.
7. We have considered whether it would be possible to simply extend the submission period for Variation 2. However, we consider the scope of what could be submitted on as part of Variation 2, as originally notified, was limited by the TTPP Committee to only the coastal natural hazard mapping. We do not consider that extending the submissions period for Variation 2 would be the appropriate process to enable persons to have the opportunity to submit on the provisions of the TTPP that relate to the coastal natural hazard mapping.

Conclusion

8. We trust that our advice assists. Please do let us know if you have any further questions or wish to discuss.

Wynn Williams