

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

**ENV-2025-CHC-000130
ENV-2025-CHC-000131**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of appeals under clause 14 of Schedule 1 of the RMA
against decisions of the Te Tai o Poutini Plan Committee
on the Te Tai o Poutini Plan

BETWEEN **FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND
INCORPORATED**

GREY DISTRICT COUNCIL

BULLER DISTRICT COUNCIL

Appellants

**AFFIDAVIT OF ROBERT REX WILLIAMS REGARDING FOREST AND BIRD
STRIKE OUT APPLICATION**
13 May 2026

Respondent's Solicitor
PO Box 323 QUEENSTOWN 9348
Tel +64 3 379 7622
Fax +64 3 379 2467

WYNN WILLIAMS

Solicitor: A H Balme / T M Ellis
(alice.balme@wynnwilliams.co.nz /
tracey.ellis@wynnwilliams.co.nz)

AND

TE TAI O POUTINI PLAN COMMITTEE

Respondent



I, **Robert Rex Williams**, of Christchurch, Civil Engineer, ~~swear~~ / solemnly and sincerely affirm:

- 1 My full name is Robert Rex Williams. I am the Chair of the Te Tai o Poutini Plan (TTPP) Committee. I have acted as both the interim and permanent Chair of the TTPP Committee since 2018.
- 2 I was originally appointed as the Interim Chair of the TTPP Committee by the Local Government Commission. I was then appointed to the permanent position of Chair of the TTPP Committee after a recruitment process run by the TTPP Committee in 2019. This means that I have chaired the TTPP Committee through the four-year development of the TTPP, through the receipt of public submissions, the hearings and decisions process and recently the receipt of appeals on the decision version of TTPP.
- 3 I have broad experience in a range of governance roles including serving as Chair of the West Coast District Health Board, Chancellor of the University of Canterbury, and a Commissioner of Canterbury Regional Council.
- 4 Annexed to this affidavit and marked "A" is a paginated bundle of documents that I refer to in my affidavit. Page numbers referred to in my affidavit below are references to pages within the bundle.

Scope of affidavit

- 5 I am aware of the application by Forest and Bird that seeks to strike out the appeals filed by Grey District Council and Buller District Council on the Proposed TTPP.
- 6 I provide this affidavit to assist the Court with its decision making in respect of the application but express no view on the application itself.
- 7 In this affidavit I address:
 - (a) The establishment of the Committee;
 - (b) Committee Decisions on Submissions and the appeals process; and
 - (c) Committee role vs District Council roles in administering the plan.



Establishment of the Committee

- 8 In 2015, the Local Government Commission looked at options to streamline the West Coast Councils' functions, duties and powers. A copy of the original application for West Coast Reorganisation from June 2015 is attached to my affidavit at [RW001].
- 9 A reorganisation proposal was released in 2018 that recommended transferring obligations for preparing a District Plan from the Buller, Grey and Westland District Councils (**District Councils**) to the West Coast Regional Council, with the Regional Council then delegating these obligations to a joint committee. This reorganisation proposal was detailed in an Order in Council on 5 November 2018 (**Final Proposal Order**). A copy of the Final Proposal Order is attached to my affidavit at [RW007].
- 10 The Final Proposal Order provided for:
- (a) The West Coast Regional Council and the District Councils continuing in existence as constituted;
 - (b) The obligations of the District Councils under section 73 and Schedule 1 of the Resource Management Act 1991 (**RMA**) for the preparation, notification, adoption, periodic amendment and review of the district plan, to be transferred to the West Coast Regional Council;
 - (c) The transferred obligations to be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland Districts under section 80 of the RMA; and
 - (d) Establishment of the West Coast District Plan Committee, a permanent joint committee between the four Councils and local iwi to which the West Coast Regional Council must delegate the district plan obligations transferred to it under the Order in Council. The purpose, terms of reference and initial membership of the West Coast District Plan Committee were also set out.
- 11 The Reorganisation Order detailing the formal reorganisation scheme was signed by the Governor-General in June 2019 and came into force in July 2019. The Reorganisation Order stated that:




- (a) The district plan obligations and powers of the District Councils (under section 73 and Schedule 1 RMA) were transferred to the West Coast Regional Council; and
 - (b) The West Coast Regional Council was obliged to delegate these powers to the TTPP Committee, established by the Reorganisation Order and made up of representatives from Buller, Grey and Westland District Councils, the West Coast Regional Council, Ngāi Waewae and Ngāti Mahaki ki Makaawhio, along with an independent chairperson.
- 12 A copy of the Reorganisation Order is attached to my affidavit at [RW010].
- 13 The Reorganisation Order states that the purpose and terms of reference for the TTPP Committee are to:
- (a) prepare and notify a combined district plan;
 - (b) hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the draft combined district plan;
 - (c) adopt a final combined district plan;
 - (d) monitor implementation of the combined district plan and the need for any amendments; and
 - (e) undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.
- 14 The Reorganisation Order also states that the initial membership of the TTPP Committee, until at least such time as the combined district plan becomes fully operative, comprises:
- (a) an independent chairperson;
 - (b) the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council;
 - (c) the mayor of Buller District and one other elected member from and appointed by Buller District Council;
 - (d) the mayor of Grey District and one other elected member from and appointed by Grey District Council;



JC

- (e) the mayor of Westland District and one other elected member from and appointed by Westland District Council;
 - (f) one representative appointed by Te Rūnanga o Ngati Waewae; and
 - (g) one representative appointed by Te Rūnanga o Makaawhio.
- 15 The Reorganisation Order makes provision for sub-committees to be established by the TTPP Committee and provides that Schedule 7 of the Local Government Act 2002 (**LGA**) applies to the TTPP Committee, except as otherwise provided in the Reorganisation Order (including that the TTPP Committee is a permanent joint committee and is it is not subject to powers of discharge or reconstitution by the four West Coast councils).
- 16 In addition, all parties to the TTPP Committee signed the Te Tai o Poutini Plan Committee Deed of Agreement, which set out the parties' formal obligations under the Reorganisation Scheme and how the TTPP Committee would operate. The Deed of Agreement records that all parties including the West Coast Regional Council agreed to the TTPP Committee governance arrangement. A copy of the signed TTPP Committee Deed of Agreement is attached to my affidavit at **[RW014]**.
- 17 The Reorganisation Order required the TTPP Committee to adopt its own standing orders. A copy of the current TTPP Committee Standing Orders is attached to my affidavit at **[RW023]**.
- 18 The Standing Orders set out a range of requirements, including in relation to the conduct of meetings and decision-making. The framework set by the Standing Orders provides for decisions on behalf of the TTPP Committee to be made by the TTPP Committee as a whole, rather than any one representative organisation such as a district council. The Standing Orders require that:
- (a) a quorum of the TTPP Committee is at least one member of four of the six parties to TTPP Committee (clause 10.1); and
 - (b) decisions will be made by majority vote of members present and voting (unless otherwise provided for in the LGA) and the independent chair does not have a casting vote (clauses 18.1 and 18.2).

Handwritten signature in black ink and initials 'JC' in blue ink.

Committee Decisions on Submissions and the Appeals Process

- 19 The TTPP Committee made its decisions on the provisions and matters raised in submissions and further submissions on the proposed TTPP (pursuant to clauses 10 and 11 of Schedule 1 of the RMA) by resolution on 24 September 2025 and gave notice of this decision on 10 October 2025. A copy of the 10 October 2025 public notice is attached to this affidavit at [RW091].
- 20 Prior to making this decision, the Committee carefully considered the options available to it when considering the recommendations of the hearings panel appointed by the Committee.
- 21 In August 2025 the Committee obtained legal advice on the decision making process and the steps it would be required to take to make decisions on submissions. This was reported to the Committee at its meeting on 26 August 2025. A copy of the legal advice is attached at [RW093].
- 22 Committee staff also obtained legal advice on how the Committee would respond to any appeals received on the Proposed TTPP. This advice, dated 13 August 2025, addressed how the Committee would determine its position on appeals if any of the member District Councils chose to appeal the proposed TTPP. On 7 October 2025, the advice was sent to the Chief Executives of the District Councils and the Regional Council along with the Poutini Ngai Tahu representatives and myself as Chair of the Committee. A copy of the email correspondence and advice is attached at [RW101].
- 23 On 14 August 2025 a Committee workshop was held where the staff took the Committee through the content of the TTPP to remind the Committee of what the notified version of the proposed TTPP addressed prior to receiving the Hearing Panel's recommendations. In this workshop, the Principal Planner presented a PowerPoint that included some slides addressing the appeal process. I understand that these slides were not informed by the 13 August 2025 legal advice. A copy of the relevant slides is attached at [RW110].
- 24 In October 2025, the local government election was held and following the election a number of new Committee members were appointed to the Committee.




- 25 At the first meeting of the new Committee on 19 November 2025, the Project Manager presented a report to the Committee that provided information on the establishment of the Committee and the processes that have been undertaken to reach public notification of the TTPP decisions version on 10 October 2025. It also included an explanation about the current appeals stage and the Committee's role both during appeals and in the future. A copy of this report is attached at [RW115] along with a presentation that was given at the meeting attached as [RW136].
- 26 The legal advice dated 13 August 2025 was also presented to the Committee at the 19 November 2025 meeting along with a report from the Committee's Principal Planner that addressed Next Steps for Appeals and Mediation. A copy of that report is attached at [RW154].
- 27 At the meeting on 19 November 2025, the Committee's Principal Planner took the Committee through a presentation on the next steps for appeals and mediation. A copy of this presentation is attached at [RW168].
- 28 The period for filing appeals on the proposed TTPP ended on 8 December 2025. The TTPP Committee's decision on the TTPP was appealed by 36 appellants, including each of the three District Councils.
- 29 Once appeals were received, the TTPP Committee considered its options for position setting on appeals in light of appeals on the proposed TTPP by TTPP Committee member organisations. These options were considered by the TTPP Committee on 10 February 2026. A copy of the Appeals Position Setting Process and Delegated Authority report from the agenda for the TTPP Committee meeting dated 10 February 2026 is attached to my affidavit at [RW178].
- 30 The five options for position setting on TTPP appeals set out for consideration by the TTPP Committee in the 10 February 2026 agenda were:
- (a) Option 1: Position setting by TTPP Committee;
 - (b) Option 2: Appoint Positions Subcommittee with 'rolling' membership consisting of at least two members and excluding any members whose organisations are an appellant or s274 party to an appeal on the relevant topic to make decisions on position setting;



- (c) Option 3: Appoint Positions Subcommittee consisting of all members of TTPP Committee to make decisions on position setting;
- (d) Option 4: Appoint Positions Subcommittee with fixed membership consisting of some subset of members (such as non-appellants) to make decisions on position setting; and
- (e) Option 5: Delegate decision making on position setting to the Independent Chair.

31 A decision on the position setting option was not made by the TTPP Committee at the meeting on 10 February 2026 and it was suggested that the Committee reconvene for a special meeting within the next week to allow more time and consideration before a decision was made. A copy of the minutes from the TTPP Committee meeting dated 10 February 2026 are attached to my affidavit at [RW187].

32 Despite a decision on position setting not being reached at the 10 February 2026 meeting, a motion was passed at that meeting to delegate to the TTPP Project Manager the power to carry out all actions for the general administration and efficient conduct of the TTPP Committee's response to the appeals to the Environment Court on the TTPP.

33 An extraordinary meeting of the TTPP Committee was held on 17 February 2026. In that meeting, the TTPP Committee:

- (a) Approved position setting Option 3 and resolved to appoint all of the members to the Positions Subcommittee and deal with any conflicts of interest for members whose organisations have lodged or joined an appeal on a topic by way of recusals meeting by meeting; and
- (b) Delegated the authority to make decisions to settle any Environment Court appeals on the TTPP to the TTPP Project Manager and legal counsel (acting severally) provided such decisions align with the position set on behalf of the TTPP Committee. The Positions Subcommittee may also delegate this authority on a topic-by-topic basis to a TTPP Committee member who is not a party to the appeals on that topic, subject to the same constraints.




- 34 A copy of the agenda and minutes from the TTPP Committee meeting dated 17 February 2026 are attached to my affidavit at [RW193] and [RW202].

Positions subcommittee

- 35 The TTPP Positions Subcommittee (**Positions Subcommittee**) held its first meeting on 4 March 2026. In that meeting, the issue of conflicts of interest for members parties that have lodged appeals against the TTPP was explained and considered. Conflicts of interest guidance specifically for the Positions Subcommittee was provided in the agenda for that meeting and is attached to my affidavit at [RW205].
- 36 The conflicts of interest guidance provided that, in summary:
- (a) the purpose of the TTPP Positions Subcommittee is to consider staff advice and make decisions on the general parameters of the TTPP Committee's position as respondent on appeals against the TTPP Committee's decision;
 - (b) all members of the TTPP Committee are members of the TTPP Positions Subcommittee;
 - (c) where individual Councils or Runanga have either appealed the TTPP or joined other appeals as a section 274 party, they have a potential conflict of interest if they participate in discussions or decision making of the TTPP Positions Subcommittee on appealed topics;
 - (d) the Project Manager will prepare and circulate agendas prior to each Positions Subcommittee meeting that identify the relevant topics, appellants and section 274 parties;
 - (e) where any member's Council or Runanga is an appellant or section 274 party on the topic(s) that are on the agenda for any meeting of the TTPP Positions Subcommittee, that member will be expected to recuse themselves from the meeting (including discussion and decision making) in accordance with section 19.8 of the TTPP Standing Orders; and
 - (f) staff of the individual Council or Runanga that have appealed the TTPP or joined appeals as a section 274 party also have a potential conflict of interest in relation to any discussions or




decision making of the Positions Subcommittee and should not attend those Positions Subcommittee meetings.

- 37 The agenda from the 4 March 2026 Positions Subcommittee meeting also included the proposed terms of reference for the Positions Subcommittee:

The Positions Subcommittee is a subcommittee of the TTPP Committee and is governed by the Local Government Reorganisation Scheme (West Coast Region) Order 2019 and the TTPP Committee Standing Orders.

1. Area of responsibility

a. Considering staff advice and making decisions on the general parameters of the TTPP Committee's position on appeals against the TTPP Committee's decision on the TTPP to guide negotiations and potential resolution of appeal points by TTPP Committee delegated representatives.

2. Powers to decide

a. The general parameters of the TTPP Committee's position on TTPP appeal points and topics.

3. Membership

a. All members of the TTPP Committee are appointed to the Positions Subcommittee.

4. Quorum

a. The Quorum for the Positions Sub-committee shall be two members.

5. Chairperson

a. The Chairperson of the Positions Sub-committee shall be the Independent Chair of TTPP Committee.

b. If the Independent Chair is absent or vacates a meeting, the Chairperson of the Positions Sub-committee shall be the chairperson of the West Coast Regional Council or other elected member from and appointed by the West Coast Regional Council.

- 38 The Positions Subcommittee resolved to adopt the terms of reference set out in the 4 March 2026 agenda, with the addition of point 5c as follows:

c. Staff of the individual Council or Runanga that have appealed the TTPP or joined appeals as a section 274 party also have a potential conflict of interest in relation to any discussions or decision making of the TTPP Positions Subcommittee on appealed topics. Individual Council or Runanga staff should not attend the parts of any Positions Subcommittee meetings, where the party is an appellant or s274 party on a particular topic.

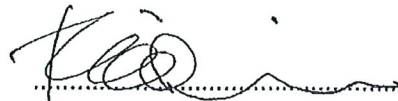
- 39 A copy of the minutes from the 4 March 2026 Positions Subcommittee meeting are attached to my affidavit at [RW210].

TTPP Committee role vs District Council roles in administering the plan

- 40 As set out above, the TTPP Committee has been transferred the statutory planning obligations of the Buller District Council, Grey District Council and Westland District Council. With the exception of this transfer of the plan-making obligations of the District Councils, clause 4b of the Reorganisation Order provides that each of the District Councils retains its current roles, powers and responsibilities by or under law.
- 41 Elected members from the Councils involved in the Committee are appointed to the Committee by their respective Council to carry out the Committee's functions and they are not representing their individual Council views. I have always considered that it is an important distinction to make. In practice this has meant that in my time as Chair of the Committee almost all decisions have been unanimous because the decisions are focused on what is best for the Committee and the West Coast as a whole.
- 42 The individual District Councils are still required to carry out their ordinary functions to implement the TTPP. This means that the role of enforcing and administering the TTPP is undertaken by each of the Buller, Grey and Westland District Councils in their respective districts. Resource consents need to be obtained from and granted by the respective district council, rather than the TTPP Committee.
- 43 The Committee will however continue to progress any variations or plan changes that are required over the lifetime of the TTPP.

Sworn / Affirmed at New York, NY,)
 USA, by audiovisual link)
 this 13th day of May 2026, before me)
 at Christchurch, New Zealand:

Jesse Stirling Cross
 Solicitor
 Christchurch

Robert Rex Williams

.....
 A Solicitor/~~Deputy Registrar~~ of the High Court of New Zealand
 Justice of the Peace

"A"

IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE

ENV-2025-CHC-000130
ENV-2025-CHC-000131

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of appeals under clause 14 of Schedule 1 of the RMA
against decisions of the Te Tai o Poutini Plan Committee
on the Te Tai o Poutini Plan

BETWEEN **FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND
INCORPORATED**

GREY DISTRICT COUNCIL

BULLER DISTRICT COUNCIL

Appellants

**EXHIBIT BUNDLE TO AFFIDAVIT OF ROBERT REX WILLIAMS
REGARDING FOREST AND BIRD STRIKE OUT APPLICATION**

EXHIBIT NOTE

This is the paginated bundle marked "A" referred to in the annexed affidavit of
ROBERT REX WILLIAMS sworn / affirmed at New York, NY, USA, by
audiovisual link this 13th day of May 2026, before me at Christchurch, New
Zealand:



Jesse Stirling Cross
Solicitor
Christchurch

.....
A Solicitor / ~~Deputy Registrar~~ of the High Court of New Zealand

Respondent's Solicitor
PO Box 323 QUEENSTOWN 9348
Tel +64 3 379 7622
Fax +64 3 379 2467

WYNN WILLIAMS

Solicitor: A H Balme / T M Ellis
(alice.balme@wynnwilliams.co.nz /
tracey.ellis@wynnwilliams.co.nz)

AND

TE TAI O POUTINI PLAN COMMITTEE

Respondent

PETER SALTER

ANTHEA KEENAN

Local Government Commission
Department of Internal Affairs
PO Box 5362
Wellington 6145

23 June 2015

Dear Sir / Madam

REORGANISATION OF LOCAL GOVERNMENT WITHIN SOUTH ISLAND WEST COAST REGION:

We make application to involve Government in finding suitable options for a more efficient and economical local governance of Buller, Greymouth and Westland District Councils and West Coast Regional Council.

A petition showing approximately 500 signatures is attached supporting our application. Including, statistical data for total West Coast region (from three District Council statistic data) & news clips.

Over past years there has been general unrest amongst ratepayers on the West Coast as they endure, what seems, unrealistic decisions made by Councils. This is seen by newspaper articles and meetings, culminating in ratepayer's revolt, especially in Westland District.

Consultation, within the present local government set up, of four Councils, has more than often been inadequate. Examples: 1. West Coast Regional Council investing in a controversial 1080 factory in Rolleston, Canterbury. 2. Westland District Council rating change to CV rating with many ratepayers facing increases of 100%. Unsatisfactory and undemocratic decision making and against wishes of ratepayers.

With a small rate base/population and median income of under \$30,000, rates have continued to rise year after year (double digits and up to 32% for some properties in Westland in past years). Westland & Buller District Councils have, in past twelve months, completed rating reviews and even though majority voted against, Westland Council is now applying capital rating with UAGC 30% (now altering it to 20%) which is presently resulting in 20 - 100% increases for a great number of properties. Buller Council voted against Capital rating. Greymouth Council also stayed with Land Value rating. The CV rating system is now confused and unclear to ratepayers.

For some time there has been reason to believe that three district councils and one regional council existing with three Mayors, one Chairman, four Chief Executives, thirty six Councillors and staff being carried by each Council, is extravagant. With each Council carrying out separate district plans, policies, reports etc. there is far too much administration office work and costs i.e. approx. \$15 million in wages for near 20,000 rateable properties or population of just over 32,000 for the region.

It would seem to us that, a simplified and unified Council administration system could be in place to reduce costs, sustain rates and or to maintain the required infrastructure and necessary services here.

West Coast region has farming, mineral, tourism based economy base, however these industries, over the past five years have generally declined: first in mining, also tourism which has left people on the Coast struggling to make ends meet – financial difficulty.

The region, although high in rain fall, has considerable bush and swampy area, dairy farm land & back country, creeks, lakes, rivers, river beds. The distance from Karamea to Haast is similar to that of from Wellington to Auckland. A long, narrow region – little distance from mountains to sea. Although it endures torrential rainfall and river flow, it also boasts beautiful scenery with Southern Alps backdrop.

Much of the area is entrusted to Department of Conservation, for conservation and visitor base, recreational purpose. This government entity also has administration, seemingly repetitive to that of Councils i.e. waste management controls, freedom camping policy.

Ratepayers have observed Council mismanagement and overspent budgets, insufficient procurement. Often there has not been enough shown good planning or economic viability of projects. Council's continue to increase their workload, employ more staff and spend up large out of declining rate paid money. There are meetings and workshops held behind closed doors.

Grey District has also faced decline of extraction industries, in turn economy affected but overall this Council seems to show reasonable and more suitable administration means and as well more in line, suitable and empathetic to ensure ratepayer satisfaction.

Region Statistics:

Westland

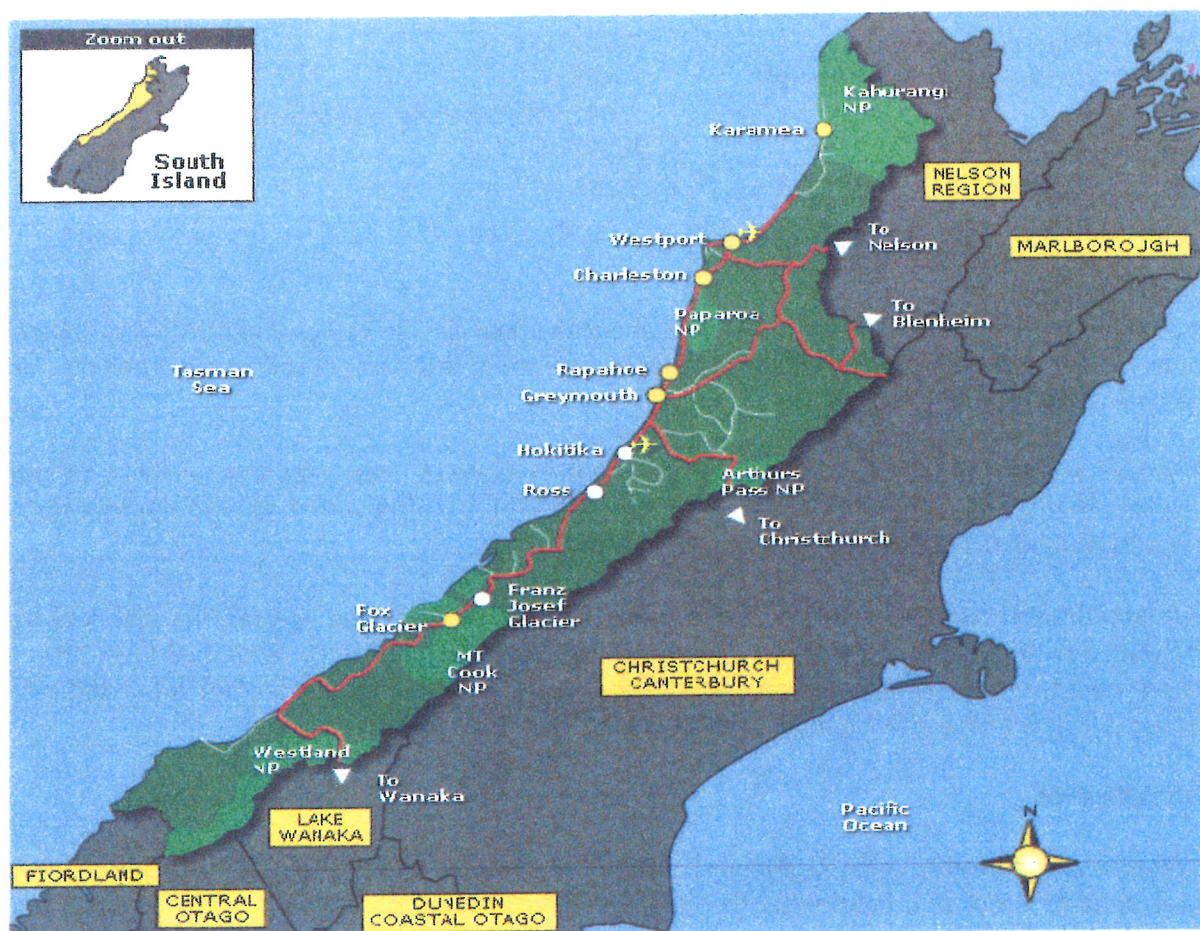
Usual resident population	8,304
Land area Km2	11,828
People per Km2	0.7
Median personal income	28,900

Greymouth

Usual resident population	13,371
Land Area Km2	3,475
People per Km2	3.8
Median personal income	26,600

Westport

Usual resident population	10,473
Land Area Km2	7,942
People per Km2	1.3
Median personal income	25,200



Total regional statistics:

Usual resident population	32,148
Land Area Km ²	23,245
People per Km ²	1.93
Median personal income	26,900

Total area of the Westland District (without Grey & Buller area) is 1,188,017 ha with rateable area 140,604 ha. Department of Conservation hold and manage large area of District – unrateable..this too is questionable and we wonder why some of DOC activity is not rateable?

Westland District Council:

Rateable properties	6,538
Number of bridges (not main highway)	269
Roading Km	673 (302 unsealed, 371 sealed)
Operating Revenue	\$ 17,769
Operating Expenditure	\$ 19,527

Greymouth District Council:

Rateable properties	8,652
Number of bridges (not main highway)	226
Roading KM	610 (260 unsealed, 350 sealed)
Operating Revenue	\$ 20,478
Operating Expenditure	\$ 23,997
	3.

Buller District Council:

Rateable properties	7,540
Number of bridges (not main highway)	143
Roading Km	601 (283 unsealed, 318 sealed)
Operating Revenue	\$ 18,764
Operating Expenditure	\$ 23,397

Administration

Auditors have made comment year after year about the financial difficulties and need for stringent controls. The contracting of consultants, another cost to ratepayers, has not solved the problems nor the financial difficulties showing.

Westland and Greymouth District Council along with the West Coast Regional Council and the Department of Conservation have administration offices (4) & bodies within 40 kms of each other. The workloads in many aspects and policy are repeated.

Westland District Council each year is continually late with planning and Annual Financial Reports and even now the Audit Management Reports are not available for the year ended 30 June 2014 – we are already eleven months into another financial year. Rating anomalies are not yet sorted out, yet the rating means is showing huge variances and threat to ratepayers.

Reorganisation

In reorganising the West Coast Region into a more collaborative and efficient administration body, we as ratepayers would foresee better than the existing arrangement.

Good local governance of the region, one Mayor, one CEO, less Councillors but as representation from each District and for the benefit of each District. To, listen to the people, with monthly or two monthly reports from each community.

Most issues within each District on the West Coast are similar and could be better administrated by one team of highly skilled and efficient management, therefore reducing costs.

With high tech computerised systems, the rating information data base for the region along with rate demands for 23,000 rateable properties could be centrally administered by one office.

Two Councils already have extensive roading Companies i.e. Westroads and West Reef, which could be utilised more by Districts, with work on the West Coast, rather than them having to invest in business off the West Coast or having to seek work elsewhere. Hokitika Airport, Greymouth Wharf and Westport Port must be up kept and promoted to fullest capacity by a strong West Coast Council, ensuring quality directorship and efficient returns from Council Controlled organisations.

A united West Coast District Council, would make for solid regional promotion, rather than small and individual District Councils competing against each other.

Department of Conservation also needs to link closely with the Council and to so that West Coast region is spoken for with strength. Visitors and tourists to the area really could be asked to contribute more toward costs incurred i.e. perhaps tourism entry tax to NZ.

Buller, Grey & Westland Districts could each retain their own boundaries, infrastructure maintenance and renewal with emergency servicing bases, which would ensure also that jobs are maintained for that purpose. Core council function as priority. An option could be to ring fence each District's finances if that is more suitable to ratepayers.

We see that by reducing administration costs from each District, the infrastructure budget for each District could be increased and so that townships, smaller communities & rural areas gain their necessary infrastructure or service requirements. One District plan (for the region), with standardised policies suitable for the whole region, cutting back on triplicate time/cost in forming and revision, would sustain.

Overall a united system would bring the West Coast region together, working from a head office base, forming a stronger and more efficient governing body which in turn will give greater security to the ratepayer base needs. Communication and consultation with ratepayers needs to be paramount with prioritisation of workloads. The smaller rate base shows a must for stringency.

It is important that rates are sustained level that West Coast permanent residents can afford and that our local government District Council is one of efficiency – nothing less.

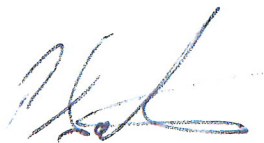
We would hope that Government could describe other suitable options for West Coast unified Council administration, so that ratepayers can be shown the advantages.

Brief Applicant information:

We have both had extensive interest in local community on the West Coast.

Anthea is long term West Coast resident. Past Administrator, of businesses & community organisations. A strong advocate for ratepayers. Stood for Westland District Council, Northern Ward, at last election. She was voted in with highest vote count, only to have to resign a year later, due to undesirable Council administration/environment, without leadership support.

Peter has been in business on the West Coast for 40 yrs, including 25 yrs tourism. Strong opponent of 1080 use. 2014 West Coast Tasman Candidate for 1080 Party rating third behind Labour and National with two thousand five hundred votes and ahead of the Green Party. During that time spoke to many people who supported a Unitary West Coast Council.



Peter Salter

23 /06/2015



Anthea Keenan

23 /6/2015

Local Government Reorganisation (West Coast Region) Final Proposal Order 2018

Order in Council

At Wellington this 5th day of November 2018

Present:

THE RT HON DAME SIAN ELIAS
Her Excellency the Administrator of the Government

In Council

Pursuant to section 25(1) to (3), (5) and (9) and clauses 33-40 of Schedule 3 of the Local Government Act 2002, the Governor-General, acting by and with the advice of the Executive Council and at the request of the Local Government Commission, makes the following order.

Order

1. Title

This order is the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018.

2. Commencement

(1) This order, except for clause 6, comes into force the day after the date of its notification in the *New Zealand Gazette*.

(2) Clauses 5, 7-15 come into force on the date the final proposal has effect on and from.

(3) Clause 6 comes into force on the date the reorganisation scheme has effect on and from.

3. Interpretation

The following terms have their meaning in this order as follows:

Act means the Local Government Act 2002.

final West Coast reorganisation proposal means the final proposal for a West Coast reorganisation, issued by the Local Government Commission on 11 September 2018.

four West Coast councils mean the Buller, Grey and Westland district councils and the West Coast Regional Council.

The date the final proposal has effect on and from means, for the purposes of section 25(1)(b) of the Local Government Act 2002, the date of commencement of this order in clause 2(1).

The date the reorganisation scheme has effect on and from means, for the purposes of section 25(4)(b) of the Local Government Act 2002, the implementation date.

implementation date means the date that is 28 days after the date on which an Order in Council under section 25(4)(a) of the Local Government Act 2002 giving effect to the reorganisation scheme is notified in the *New Zealand Gazette*.

RMA means the Resource Management Act 1991.

reorganisation scheme means the reorganisation scheme to complete the final West Coast reorganisation proposal, prepared under Part 4 of Schedule 3 of the Act and issued by the Local Government Commission.

Final Reorganisation Proposal for the West Coast

4. Final Proposal

This Order gives effect to the final West Coast reorganisation proposal prepared under Part 2 of Schedule 3 of the Act.

5. Affected Local Authorities Continue in Existence

(1) The West Coast Regional Council, the Buller District Council, the Grey District Council and the Westland District Council, as presently constituted and with their current boundaries, continue in existence.

(2) The councils referred to in subclause (1), with the exception of their district plan statutory obligations transferred by clause 6, continue to have all their current roles, powers and responsibilities by or under law.

6. Transfer of Statutory Obligations to West Coast Regional Council

(1) The obligations of Buller, Grey and Westland district councils under section 73 and Schedule 1 of the RMA for there to be a district plan at all times for each district and for the preparation, notification, adoption, periodic amendment and review of the district plan, are transferred to the West Coast Regional Council.

(2) The transferred obligations under subclause (1) for the preparation, notification, adoption, periodic amendment and review of new district plans for the councils must be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA.

(3) For the avoidance of doubt subclause (2) does not prevent the preparation, notification, adoption, periodic amendment and review of a document that meets the requirements of both the combined district plan and a regional plan, or a regional policy statement, or both, under section 80 of the RMA.

7. Establishment of the West Coast District Plan Committee

(1) The reorganisation scheme must provide that:

(a) There must be a permanent joint committee between the four West Coast councils and local iwi (the West Coast District Plan Committee).

(b) The West Coast Regional Council must delegate to the West Coast District Plan Committee its district plan obligations under clause 6(1) and 6(2).

(c) The purpose, and terms of reference for, the West Coast District Plan Committee are to:

(i) prepare and notify the proposed combined West Coast district plan (combined district plan):

(ii) hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the proposed combined district plan:

(iii) adopt a final combined district plan:

(iv) monitor implementation of the final combined district plan and the need for amendments:

(v) undertake amendments and reviews of the final combined district plan, or ensure these are undertaken, as required.

(d) The initial membership of the West Coast District Plan Committee, to at least such time as the combined district plan becomes fully operative, must comprise:

(i) an independent chairperson:

(ii) the chairperson of the West Coast Regional Council and one other elected member from, and appointed by, the West Coast Regional Council:

(iii) the mayor of the Buller District and one other elected member from, and appointed by, the Buller District Council:

(iv) the mayor of the Grey District and one other elected member from, and appointed by, the Grey District Council:

(v) the mayor of the Westland District and one other elected member from, and appointed by, the Westland District Council:

(vi) one representative appointed by Te Rūnanga o Ngāti Waewae:

(vii) one representative appointed by Te Rūnanga o Makaawhio.

(e) A West Coast District Plan Technical Advisory Team (the Technical Advisory Team) is established to provide technical advice to the West Coast District Plan Committee.

8. Appointment of Independent Chairperson of West Coast District Plan Committee

(1) The first appointment of the independent chairperson of the West Coast District Plan Committee must be made by the Local Government Commission on the recommendation of the transition board.

(2) All subsequent appointments of the independent chairperson must be made by the West Coast District Plan Committee.

9. Membership of Technical Advisory Team

The Technical Advisory Team must have a membership agreed by the West Coast District Plan Committee following nominations by the parties comprising the committee.

Financial Matters

10. Funding

(1) Subject to subclause (2), the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan must be funded by the West Coast Regional Council by a rate set in relation to all rateable land within the West Coast Region.

(2) The West Coast District Plan Committee may agree that the relevant district council or councils, or their district or districts, is to be responsible for funding work relating to a particular amendment to the operative combined district plan which will have only, or predominantly, a localised impact.

Transition Matters**11. Transition Body**

(1) A transition body is established by this order to make arrangements for the establishment and operation of the West Coast District Plan Committee and preparation of a combined district plan.

(2) The transition body must comprise:

- (a) a transition board; and
- (b) an implementation team.

12. Transition Board

(1) The transition board must comprise:

- (a) an independent chairperson appointed by the Local Government Commission;
- (b) the chairperson of the West Coast Regional Council and one other elected member from, and appointed by, the West Coast Regional Council;
- (c) the mayor of the Buller District and one other elected member from, and appointed by, the Buller District Council;
- (d) the mayor of the Grey District and one other elected member from, and appointed by, the Grey District Council;
- (e) the mayor of the Westland District and one other elected member from, and appointed by, the Westland District Council;
- (f) one member nominated by Te Rūnanga o Ngāti Waewae; and
- (g) one member nominated by Te Rūnanga o Makaawhio.

(2) The purpose and role of the transition board is to:

- (a) Recommend an appointment for the chairperson of the West Coast District Plan Committee;
- (b) Agree necessary meeting procedures for the West Coast District Plan Committee including but not limited to standing orders, appointment of deputy members, meeting quorum, and meeting publicity;
- (c) Agree a process for resolving disputes between the parties relating to the content of the combined district plan;
- (d) Agree necessary administrative support services for the West Coast District Plan Committee; and
- (e) Provide advice to the Local Government Commission on matters to be included in the reorganisation scheme completing the final reorganisation proposal, and other matters, as required.

13. Implementation Team

(1) The Local Government Commission must appoint an implementation team, including a manager.

(2) The Local Government Commission must appoint the implementation team from nominations from the West Coast Regional Council, the Buller District Council, the Grey District Council and the Westland District Council.

(3) The role of the implementation team is to:

- (a) give effect to decisions made by the transition board; and
- (b) provide advice on technical and operational matters to the transition board.

14. Areas of Interest of Iwi and Hapū in the West Coast Unaffected

This order makes no changes to the extent to which areas of interest for Ngai Tahu and Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are included in the Buller, Grey and Westland districts.

15. Clauses 45 and 46 of Part 4 of Schedule 3 of the Local Government Act 2002 Not to Apply

Clauses 45 and 46 of Part 4 of Schedule 3 of the Act do not apply to the reorganisation scheme.

RACHEL HAYWARD, for Clerk of the Executive Council.

Local Government Reorganisation Scheme (West Coast Region) Order 2019

Order in Council

At Wellington this 17th day of June 2019

Present:

THE RT HON PATSY REDDY, GNZM, QSO, Governor-General

Presiding in Council

Pursuant to section 25(4) and Part 4 of Schedule 3 of the Local Government Act 2002, the Governor-General, acting by and with the advice of the Executive Council and at the request of the Local Government Commission, makes the following order.

Order**1. Title and Purpose**

(1) This order is the Local Government Reorganisation Scheme (West Coast Region) Order 2019.

(2) This order:

- (a) Gives effect to the reorganisation scheme adopted by the Local Government Commission on 23 May 2019 which completes the final reorganisation proposal given effect to by the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 made on 5 November 2018;
- (b) is prepared under Part 4 of Schedule 3 of the Local Government Act 2002; and
- (c) is prepared to promote good local government in a way that meets the needs and preferences of affected communities.

2. Commencement

This order comes into force on the date that is 28 days after the date on which the order is notified in the *New Zealand Gazette*.

3. Interpretation

The following terms have their meaning in this order as follows:

Act means the Local Government Act 2002

combined district plan means a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA

party means each of the four West Coast councils, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio

RMA means the Resource Management Act 1991

four West Coast councils means the Buller, Grey and Westland district councils and the West Coast Regional Council

CONTENTS OF REORGANISATION SCHEME FOR THE WEST COAST**4. Affected local authorities continue in existence**

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

- (a) The four West Coast councils as presently constituted and with their current boundaries, continue in existence; and
- (b) The four West Coast councils as referred to in clause 4(a), with the exception of their district plan statutory obligations transferred by clause 6 of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018, continue to have all their current roles, powers and responsibilities by or under law.

5. Areas of interest of iwi and hapū in West Coast

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 there are no changes to the extent to which areas of interest for Ngai Tahu and Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio in particular, are included in Buller, Grey and Westland districts.

6. Transfer of Statutory Obligations

By clause 6 of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

- a. The obligations of each of Buller, Grey and Westland district councils under section 73 and Schedule 1 of the RMA for there to be a district plan at all times for each district and for the preparation, notification, adoption,

- periodic amendment and review of the district plan, are transferred to the West Coast Regional Council; and
- b. The transferred obligations under subclause 6(a) for the preparation, notification, adoption, periodic amendment and review of new district plans will be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA; and
 - c. Subclause 6(b) will not prevent the preparation, notification, adoption, periodic amendment and review of a document that meets the requirements of both the combined district plan and a regional plan, or a regional policy statement, or both, under section 80 of the RMA.

7. Further provisions of Reorganisation Scheme

The following provisions give effect to the Reorganisation Scheme which completes (and is prepared and issued in accordance with) the final proposal given effect to by the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018.

8. Establishment of Tai Poutini Plan Committee

(1) A joint committee is created between the four West Coast councils and local iwi known as the **Tai Poutini Plan Committee**.

(2) The Tai Poutini Plan Committee is a permanent joint committee, and is not subject to powers of discharge or reconstitution by the four West Coast councils under the Act.

(3) The West Coast Regional Council must delegate to the Tai Poutini Plan Committee its combined district plan obligations under clause 6(1) of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018.

(4) The purpose and terms of reference for the Tai Poutini Plan Committee are to:

- a. prepare and notify a combined district plan;
- b. hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the draft combined district plan;
- c. adopt a final combined district plan;
- d. monitor implementation of the combined district plan and the need for any amendments; and
- e. undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.

(5) The initial membership of the Tai Poutini Plan Committee, until at least such time as the combined district plan becomes fully operative, comprises:

- a. an independent chairperson;
- b. the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council;
- c. the mayor of Buller District and one other elected member from and appointed by Buller District Council;
- d. the mayor of Grey District and one other elected member from and appointed by Grey District Council;
- e. the mayor of Westland District and one other elected member from and appointed by Westland District Council;
- f. one representative appointed by Te Rūnanga o Ngati Waewae; and
- g. one representative appointed by Te Rūnanga o Makaawhio.

9. Independent chairperson of Tai Poutini Plan Committee

(1) There shall be an independent chairperson of the Tai Poutini Plan Committee who is a permanent member of the Committee.

(2) The first independent chairperson of the Tai Poutini Plan Committee appointed by the Local Government Commission is Robert Rex Williams.

(3) Subject to clause 9(5), the term of appointment of the first independent chairperson of the Tai Poutini Plan Committee is until at least such time as the combined district plan becomes fully operative.

(4) Any subsequent appointment of an independent chairperson and their term of appointment will be made by the Tai Poutini Plan Committee.

(5) Clauses 1 to 4A of Schedule 7 of the Act apply to the Tai Poutini Plan Committee in relation to the independent chairperson as if it were a local authority.

10. Sub-committees of Tai Poutini Plan Committee

(1) In the conduct of the Tai Poutini Plan Committee business as set out in this order, the Tai Poutini Plan Committee may appoint subcommittees, including to hear and consider submissions received on the draft combined district plan.

(2) Any such subcommittee is appointed for the purpose and for the period identified by the Tai Poutini Plan Committee and is then discharged.

(3) The Tai Poutini Plan Committee may appoint to any subcommittee a person who is not a member of a local authority if, in the opinion of the Committee, that person has the skills, attributes or knowledge that will assist the work of the subcommittee.

11. Procedure for Tai Poutini Plan Committee

(1) To the extent consistent with the provisions of this order:

- a. The Tai Poutini Plan Committee must adopt its own standing orders governing matters relating to Tai Poutini Plan Committee meetings and how these are conducted, and clauses 19, 20, 25A, 27 and 28 of Schedule 7 of the Act apply to the Tai Poutini Plan Committee as if it were a local authority; and
- b. The Tai Poutini Plan Committee may from time to time enter and, as necessary, amend a further deed of agreement governing the workings of the Committee including (but not limited to) matters such as meeting venue, media publicity regarding Committee decision-making, and provision of administrative support for the Committee.

(2) At the meetings of the Tai Poutini Plan Committee:

- a. the quorum consists of at least one member of four of the six parties to the Tai Poutini Plan Committee;
- b. voting is to be by majority of the members in attendance (whether in person or by audio link or audiovisual link);
- c. each party to the Tai Poutini Plan Committee may, for a specified meeting or meetings, appoint a deputy member in place of (as appropriate) that district's mayor, the chairperson of West Coast Regional Council or a member they have otherwise appointed who may perform all the functions, responsibilities, duties, and powers of the member for that meeting or meetings. The party must give notice to the other members (or the chairperson) of the appointment of a deputy for a specified member prior to the meeting or meetings concerned;
- d. in any case where the independent chairperson is unable to attend a meeting or meetings, the Tai Poutini Plan Committee may, for the specified meeting or meetings, appoint one of the members present to preside at that meeting who may perform all the functions, responsibilities, duties, and powers of the independent chairperson for that meeting; and
- e. the independent chairperson does not have a casting vote.

(3) Except as otherwise provided in this order, the provisions of Schedule 7 of the Act will apply (with all necessary changes) to the Committee and its meetings as if the Tai Poutini Plan Committee were a joint committee constituted under that Schedule 7.

12. Technical Advisory Team

(1) The West Coast District Plan Technical Advisory Team (the **Technical Advisory Team**) is established and will provide technical advice to the Tai Poutini Plan Committee as requested by the Committee.

(2) Membership of the Technical Advisory Team will be agreed by the Tai Poutini Plan Committee as needed from time to time following nominations by the parties comprising the Committee.

13. Funding

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

(1) Subject to clause 13(2), the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan will be funded by the West Coast Regional Council by a rate set in relation to all rateable land within the West Coast Region; and

(2) The Tai Poutini Plan Committee may agree that the relevant West Coast district council or councils, or their

district or districts, is to be responsible for funding work relating to a particular amendment to the operative combined district plan which will have only, or predominantly, a localised impact.

14. Clauses 45 and 46 of Part 4 of Schedule 3 of the Act not to apply

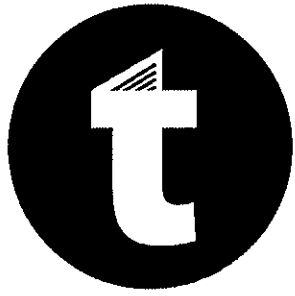
As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 clauses 45 and 46 of Part 4 of Schedule 3 of the Act do not apply to this order.

Dated this 17th day of June 2019.

MICHAEL WEBSTER, Clerk of the Executive Council.

2019-go2872

21-06-2019 10:37



Te Tai o Poutini

P L A N

BULLER DISTRICT COUNCIL

GREY DISTRICT COUNCIL

WESTLAND DISTRICT COUNCIL

WEST COAST REGIONAL COUNCIL

TE RŪNANGA O NGĀTI WAEWAE

TE RŪNANGA O MAKAAWHIO

Te Tai o Poutini Committee

Deed of Agreement

THIS DEED is made this 30 day of July 2020

Parties

BULLER DISTRICT COUNCIL

GREY DISTRICT COUNCIL

WESTLAND DISTRICT COUNCIL

WEST COAST REGIONAL COUNCIL

TE RŪNANGA O NGĀTI WAEWAE

TE RŪNANGA O MAKAAWHIO

Background

In October 2018 the Local Government Commission issued a final reorganisation proposal relating to district plan responsibilities on the West Coast. It involves transfers of statutory obligations and a delegation to a joint committee, comprising members of the Buller, Grey and Westland district councils, the West Coast Regional Council and local iwi, to be responsible for preparing and approving a new combined district plan for the West Coast. This initiative followed receipt by the Local Government Commission of a local government reorganisation application and then extensive consultation and investigation work on the West Coast from 2015 to 2018.

In November 2018 an Order in Council was signed giving effect to the Commission's proposal. This enabled a transition period to take place for making a number of detailed decisions prior to the joint committee beginning its work on the combined district plan. This work has been completed and the contents of the required reorganisation scheme agreed. The reorganisation scheme was given effect to by a further Order in Council on 17 June 2019.

In addition to the reorganisation scheme, the parties have agreed to the contents of a further document (Deed of Agreement) to assist the parties meet their formal obligations set out in the reorganisation scheme.

This Deed of Agreement sets out both the main provisions of the reorganisation scheme as well as the further detailed and procedural matters agreed by the parties on how the joint committee will operate.

Provisions of reorganisation scheme

Transfer of district plan obligations

1. The obligations of each of Buller, Grey and Westland district councils, under section 73 and Schedule 1 of the Resource Management Act 1991, for there to be a district plan at all times for each district and for the preparation, notification, adoption, periodic amendment and review of these district plans, are transferred to West Coast Regional Council.
2. The transferred obligations for the preparation, notification and adoption of new district plans and for the periodic amendment and review of those plans will be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the Resource Management Act 1991.
3. For the avoidance of doubt, clause 2 will not prevent the preparation, notification, adoption, periodic amendment and review of a document that meets the requirements of both the combined district plan and a regional plan or regional policy statement, or both, as authorised under section 80 of the Resource Management Act 1991.

Delegation of transferred obligations to joint committee

4. There is to be a permanent joint committee between all four West Coast councils and local iwi (the Te Tai o Poutini Plan Committee).
5. The West Coast Regional Council is to delegate to Te Tai o Poutini Plan Committee the district plan obligations transferred to it.

Role and membership of joint committee

6. The purpose and terms of reference for Te Tai o Poutini Plan Committee are to:
 - a) prepare and notify the proposed combined West Coast district plan (combined district plan)
 - b) hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the proposed combined district plan
 - c) adopt a final combined district plan
 - d) monitor implementation of the combined district plan and the need for amendments
 - e) undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.

7. The initial membership of Te Tai o Poutini Plan Committee, to at least such time as the combined district plan becomes fully operative, is to comprise:
 - a) an independent chairperson
 - b) the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council
 - c) the mayor of Buller District and one other elected member from and appointed by Buller District Council
 - d) the mayor of Grey District and one other elected member from and appointed by Grey District Council
 - e) the mayor of Westland District and one other elected member from and appointed by Westland District Council
 - f) one representative appointed by Te Rūnanga o Ngati Waewae
 - g) one representative appointed by Te Rūnanga o Makaawhio.
8. The first appointment of the independent chairperson of Te Tai o Poutini Plan Committee will be made by the Local Government Commission on the recommendation of the transition board, with all subsequent appointments made by the committee.

Technical Advisory Team

9. A technical advisory team is to provide technical advice to Te Tai o Poutini Plan Committee.
10. The membership of the technical advisory team will be agreed by Te Tai o Poutini Plan Committee following nominations by the parties comprising the committee.

Funding

11. Subject to clause 12, the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan will be funded by West Coast Regional Council through a rate set in relation to all rateable land within West Coast Region.
12. Te Tai o Poutini Plan Committee may agree that the relevant district council or councils, or their district or districts, is to be responsible for funding work relating to a particular amendment to the operative combined district plan which will have only, or predominantly, a localised impact.

Further provisions relating to operation of joint committee

Membership and meetings of Te Tai o Poutini Plan Committee

13. The four West Coast councils will appoint their second elected member to Te Tai o Poutini Plan Committee (i.e. other than the regional council chairperson/district mayor) at their first meeting after each triennial election. The councils will appoint, if necessary, a replacement member for a particular triennium as soon as practically possible.
14. Responsibility for hosting Te Tai o Poutini Plan Committee meetings will rotate around the six parties making up the committee.
15. The quorum for Te Tai o Poutini Plan Committee meetings will comprise one representative of four of the six parties comprising the committee.
16. Media publicity relating to Te Tai o Poutini Plan Committee meetings will be the responsibility of the chairperson but be undertaken after liaising with the regional council chairperson and district mayors as appropriate. Proposed media releases will generally be an agenda item for committee meetings.
17. Remuneration of council members of Te Tai o Poutini Plan Committee will be the responsibility of each council. Remuneration of the chairperson and iwi representatives will be agreed by Te Tai o Poutini Plan Committee and be funded by West Coast Regional Council.
18. Administrative support for Te Tai o Poutini Plan Committee and its meetings will be provided by West Coast Regional Council in conjunction with the organisation hosting a particular meeting as agreed by the parties.

Membership of West Coast District Plan Technical Advisory Team

19. Te Tai o Poutini Plan Committee will be supported by a technical advisory team comprising planners with expertise from across the four councils and local iwi.
20. The team will work with the project manager to ensure that Te Tai o Poutini Plan Committee receives technical support throughout the process. The team's contribution in kind to the district plan development process will be supported by their reporting organisation.
21. Each party to this agreement is expected to make contributions of staff time and technical expertise "in kind".

Steering group

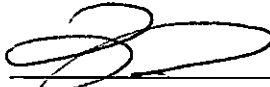
22. In addition to the technical advisory team, a steering group comprising the council chief executives and iwi representatives will meet regularly with the project manager to ensure the project is supported and progressing as planned.

Administration of existing district plans

23. The Buller, Grey and Westland district councils will continue to administer and be responsible for their own district plans in accordance with the requirements of the Resource Management Act 1991, until such time as there is an operative combined West Coast district plan.

Signatures

SIGNED by)
BULLER DISTRICT COUNCIL) 
by its authorised signatory) Authorised Signatory
in the presence of:)



Witness signature

Edith Bretterton

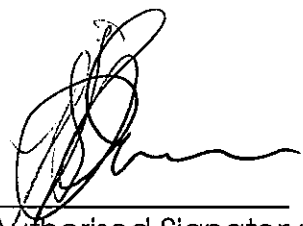
Witness name

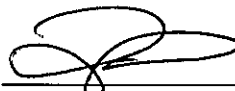
Senior Planner

Witness Occupation

Greymouth

Witness Town of Residence

SIGNED by)
GREY DISTRICT COUNCIL) 
by its authorised signatory) Authorised Signatory
in the presence of:)



Witness signature

Edith Bretterton

Witness name

Senior Planner


Witness Occupation

Greymouth

Witness Town of Residence

SIGNED by
WESTLAND DISTRICT COUNCIL
by its authorised signatory
in the presence of:

)
) 
) _____
) Authorised Signatory
)



Witness signature

Edith Bretherton

Witness name

Senior Planner

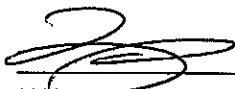
Witness Occupation

Greymouth

Witness Town of Residence

SIGNED by
WEST COAST REGIONAL COUNCIL
by its authorised signatory
in the presence of:

)
) 
) _____
) Authorised Signatory
)



Witness signature

Edith Bretherton

Witness name

Senior Planner

Witness Occupation

Greymouth

Witness Town of Residence



Te Tai o Poutini

PLAN

A combined district plan for the West Coast

Te Tai o Poutini Plan Committee

Standing Orders

Effective 27 February 2025

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies. They fulfil, with regard to the conduct of meetings, the requirements of the Local Government Act 2002(LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Although it is mandatory that local authorities adopt standing order for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee and subordinate body review their standing orders within at least their first six months following an election, to ensure that they fully meet the need for effective and inclusive meetings (see LGA 2002, cl. 27, Schedule 7).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

Contents

1. Introduction	9
1.1 Principles	9
1.2 Statutory references	10
1.3 Acronyms	10
1.4 Application	10
2. Definitions	10
General matters	16
3. Standing orders	16
3.1 Obligation to adopt standing orders	16
3.2 Process for adoption and alteration of standing orders	16
3.3 Members must obey standing orders	16
3.4 Application of standing orders	16
3.5 Temporary suspension of standing orders	16
3.6 Quasi-judicial proceedings	17
3.7 Physical address of members	17
4. Meetings	17
4.1 Legal requirement to hold meetings	17
4.2 Meeting duration	17
4.3 Language	17
4.4 Webcasting meetings	18
4.5 First meeting (inaugural)	18
4.6 Requirements for the first meeting	18
5. Delegations	18
5.1 Delegated Statutory Obligations	19
5.2 Decisions made under delegated authority cannot be rescinded or amended	19
6. Committees	19
6.1 Appointment of committees and subcommittees	19
6.2 Discharge or reconstitution of committees and subcommittees	19
6.3 Appointment or discharge of committee members and subcommittee members	20
6.4 Elected members on subcommittees	20
6.5 The Committee may replace members if committee not discharged	20
6.6 Decision not invalid despite irregularity in membership	20
6.7 Appointment of the joint committee	21
6.8 Status of joint committees	21
6.9 Power to appoint or discharge individual members of a joint committee	21
Pre-meeting	22

7.	Giving notice	22
7.1	Public notice – ordinary meetings	22
7.2	Notice to members - ordinary meetings	22
7.3	Extraordinary meeting may be called	22
7.4	Notice to members - extraordinary meetings	22
7.5	Emergency meetings may be called	22
7.6	Process for calling an emergency meeting	23
7.7	Public notice – emergency and extraordinary meetings	23
7.8	Meetings not invalid	23
7.9	Resolutions passed at an extraordinary meeting	24
7.10	Meeting schedules	24
7.11	Non-receipt of notice to members	24
7.12	Meeting cancellations	24
8.	Meeting agenda	25
8.1	Preparation of the agenda	25
8.2	Process for raising matters for a decision	25
8.3	Chairperson may delay or refuse request	25
8.4	Order of business	25
8.5	Chairperson’s recommendation	25
8.6	Chairperson may prepare report	26
8.7	Public availability of the agenda	26
8.8	Public inspection of agenda	26
8.9	Withdrawal of agenda items	26
8.10	Distribution of the agenda	26
8.11	Status of agenda	26
8.12	Items of business not on the agenda which cannot be delayed	27
8.13	Discussion of minor matters not on the agenda	27
8.14	Public excluded business on the agenda	27
8.15	Qualified privilege relating to agenda and minutes	27
	Meeting Procedures	28
9.	Opening and closing	28
10.	Quorum	28
10.1	Committee meetings	28
10.2	Committees and subcommittee meetings	28
10.3	Joint Committees	28
10.4	Requirement for a quorum	29
10.5	Meeting lapses where no quorum	29

10.6	Business from lapsed meetings	29
11.	Public access and recording	29
11.1	Meetings open to the public	29
11.2	Grounds for removing the public	29
11.3	The Committee may record meetings	30
11.4	Public may record meetings	30
12	Attendance	30
12.1	Members right to attend meetings	30
12.2	Attendance when a committee is performing judicial or quasi-judicial functions	30
12.3	Leave of absence	30
12.4	Apologies	31
12.5	Recording apologies	31
12.6	Absent without leave	31
12.7	Right to attend by audio or audiovisual link	31
12.8	Member's status: quorum	31
12.9	Member's status: voting	32
12.10	Chairperson's duties	32
12.11	Conditions for attending by audio or audiovisual link	32
12.12	Request to attend by audio or audiovisual link	32
12.13	Chairperson may terminate link	32
12.14	Giving or showing a document	33
12.15	Link failure	33
12.16	Confidentiality	33
13	Chairperson's role in meetings	33
13.1	Committee meetings	33
13.2	Other meetings	34
13.3	Addressing the chairperson	34
13.4	Chairperson's rulings	34
13.5	Chairperson standing	34
13.6	Member's right to speak	34
13.7	Chairperson may prioritise speakers	34
14	Public Forums	35
14.1	Time limits	35
14.2	Restrictions	35
14.3	Questions at public forums	35
14.4	No resolutions	36
15	Deputations	36
15.1	Time limits	36

15.2	Restrictions	36
15.3	Questions of a deputation	36
15.4	Resolutions	36
16	Petitions	37
16.1	Form of petitions	37
16.2	Petition presented by petitioner	37
16.3	Petition presented by member	37
17	Exclusion of public	37
17.1	Motions and resolutions to exclude the public	37
17.2	Specified people may remain	38
17.3	Public excluded items	38
17.4	Non-disclosure of information	38
17.5	Release of information from public excluded session	38
18	Voting	39
18.1	Decisions by majority vote	39
18.2	Open voting	39
18.3	Method of voting	39
18.4	Calling for a division	39
18.5	Request to have votes recorded	40
18.6	Members may abstain	40
19	Conduct	40
19.1	Calling to order	40
19.2	Behaviour consistent with Code of Conduct	40
19.3	Retractions and apologies	40
19.4	Disorderly conduct	40
19.5	Contempt	41
19.6	Removal from meeting	41
19.7	Financial conflicts of interests	41
19.8	Non-financial conflicts of interests	41
19.9	Qualified privilege for meeting proceedings	42
19.10	Qualified privilege additional to any other provisions	42
19.11	Electronic devices at meetings	42
20	General rules of debate	42
20.1	Chairperson may exercise discretion	42
20.2	Time limits on speakers	42
20.3	Questions to staff	43
20.4	Questions of clarification	43
20.5	Members may speak only once	43

20.6	Limits on number of speakers	43
20.7	Secunder may reserve speech	43
20.8	Speaking only to relevant matters	43
20.9	Restating motions	44
20.10	Criticism of resolutions	44
20.11	Objecting to words	44
20.12	Right of reply	44
20.13	No other member may speak	44
20.14	Adjournment motions	44
20.15	Chairperson's acceptance of closure motions	45
21	General procedures for speaking and moving motions	45
22	Motions and amendments	45
22.1	Proposing and seconding motions	45
22.2	Motions in writing	45
22.3	Motions expressed in parts	46
22.4	Substituted motion	46
22.5	Amendments to be relevant and not direct negatives	46
22.6	Foreshadowed amendments	46
22.7	Carried amendments	46
22.8	Lost amendments	46
22.9	Where a motion is lost	47
22.10	Withdrawal of motions and amendments	47
22.11	No speakers after reply or motion has been put	47
23	Revocation or alteration of resolutions	47
23.1	Member may move revocation of a decision	47
23.2	Revocation must be made by the body responsible for the decision	48
23.3	Requirement to give notice	48
23.4	Restrictions on actions under the affected resolution	48
23.5	Revocation or alteration by resolution at same meeting	48
23.6	Revocation or alteration by recommendation in report	48
24	Procedural motions	49
24.1	Procedural motions must be taken immediately	49
24.2	Procedural motions to close or adjourn a debate	49
24.3	Voting on procedural motions	49
24.4	Debate on adjourned items	49
24.5	Remaining business at adjourned meetings	50
24.6	Business referred to the Committee	50
24.7	Other types of procedural motions	50

25	Points of order	50
25.1	Members may raise points of order	50
25.2	Subjects for points of order	50
25.3	Contradictions	50
25.4	Point of order during division	51
25.5	Chairperson's decision on points of order	51
26	Notices of motion	51
26.1	Notice of intended motion to be in writing	51
26.2	Refusal of notice of motion	51
26.3	Mover of notice of motion	52
26.4	Alteration of notice of motion	52
26.5	When notices of motion lapse	52
26.6	Referral of notices of motion	52
26.7	Repeat notices of motion	52
27	Minutes	52
27.1	Minutes to be evidence of proceedings	52
27.2	Matters recorded in minutes	53
27.3	No discussion on minutes	53
27.4	Minutes of last meeting before election	53
28	Keeping a record	54
28.1	Maintaining accurate records	54
28.2	Method for maintaining records	54
28.3	Inspection	54
28.4	Inspection of public excluded matters	54
	Referenced documents	55
	Appendix 1: Grounds to exclude the public	56
	Appendix 2: Sample resolution to exclude the public	58
	Appendix 3: Webcasting protocols	61
	Appendix 4: Powers of a Chairperson	62
	Appendix 5: Sample order of business	67
	Appendix 6: Process for raising matters for a decision	68

1. Introduction

These standing orders have been prepared to enable the orderly conduct of Te Tai o Poutini Plan Committee (the Committee) meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with, and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendices, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition, the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and is not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that the Committee should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that “governance structures and processes are effective, open and transparent” (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968
OIC	Order in Council - Local Government Reorganisation Scheme (West Coast Region) Order 2019

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by the Committee for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working groups, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Appointed member means a member of the Committee, who is not elected.

Audio link means facilities that enable audio communication between participants at a meeting where one or more of the participants is not physically present at the place of the meeting.

Audiovisual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person in a position of authority in a meeting or other gathering, also known as the presiding member.

Chief executive means the chief executive of the West Coast Regional Council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice, and excludes the date of the meeting and date on which the notice is served.

Conflict of Interest means any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee or member of another body or because of any personal non-pecuniary interest, such as pre-determination or bias.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Debate means discussion by members that occurs once a motion has been moved/seconded

Deputation means a request from any person or group to make a presentation to the Committee which is approved by the Chairperson, and which may be made in English, te reo Māori or New Zealand Sign Language.

Division means a formal vote at the Committee, or a subcommittee meeting whereby the names of those members present, including the chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link means both an audio and audiovisual link.

Emergency meeting has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

four West Coast councils mean the Buller, Grey and Westland district councils and the West Coast Regional Council

Independent Chairperson means an appointed chairperson of Te Tai o Poutini Plan Committee who is a permanent member of the Committee. cl.9(1) of the OIC

Internet site means, in relation to the Committee or other person or entity, an Internet site that is maintained by, or on behalf of, the Committee, person, or entity and to which the public has free access.

Item means a substantive matter for discussion at a meeting.

Leave of the meeting means agreement without a single member present dissenting.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of the Committee who has been removed from a meeting due to behaviour that a chairperson has ruled to be in contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the Committee policy should one be in place.

Meeting means any first, inaugural, ordinary, extraordinary, or emergency meeting of the Committee, or subordinate decision-making bodies of the Committee convened under the provisions of LGOIMA.

Member means any person elected or appointed to the Committee.

Member of the Police means a Constable of the New Zealand Police within the definition of s.4 of the Policing Act 2008.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the Committee.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Officer means any person employed by West Coast Regional Council on behalf of the Committee either full or part time, on a permanent or casual or contract basis.

Pecuniary Interest includes any interest described in sections 3 and 6 of the Local Authorities (Members Interests) Act 1968.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of the Committee, publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to the Committee which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the chairperson.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the Committee; and
- Any other information which has not been released by the Committee as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the Committee as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the Committee's website. And in addition, is published in at least one daily newspaper circulating in the region or district of the Committee, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the Committee, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on the Committee's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Secunder means the member who seconds a motion or amendment.

Steering Group means the Chief Executive Officers of the four West Coast councils and the Kaiwhakahaere of Te Rūnanga o Ngati Waewae and Te Rūnanga o Makaawhio

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means subcommittees, and any other bodies established by the Committee that have decision-making authority, but not joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by the Committee.

Te Tai o Poutini Plan Committee means a permanent joint committee, created between the four West Coast councils and local iwi, which is not subject to the powers of discharge or reconstitution by the four West Coast Councils under the Act. Cl 8(2) of the OIC.

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Matariki, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should the Committee wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by the Committee to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop means, in the context of these standing orders, a gathering of the Committee members for the purpose of considering matters of importance to the Committee at which no decisions are made and to which these standing orders will not apply, unless required by the Committee. Workshops may include non-elected members. Workshops may also be described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

Te Tai o Poutini Plan Committee (the Committee) is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its subcommittees. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Committee, and by a vote of not less than 75% of the members present.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the Committee and subcommittees must obey these standing orders.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the Committee, its subcommittees and subordinate decision-making bodies. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of the Committee, a subcommittee, and subordinate body may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend Standing Orders may be taken before or during a debate. The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. Please Note: in the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the Committee may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of the Committee must give the Chairperson an electronic or other address, to which notices and material relating to meetings and Committee business may be sent or delivered.

Members are to provide their address within 5 working days of their appointment. Public access to those addresses is subject to the Privacy Act.

4. Meetings

4.1 Legal requirement to hold meetings

The Committee must hold meetings which are called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue for more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution, then any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting, or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori, when the normal business of the meeting is conducted in English, they must give prior notice to the chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

4.5 First meeting (inaugural)

The first meeting of the Committee, following a local authority triennial general election, must be called by the Chairperson as soon as practicable after the results of the Committee appointments are known. The Chairperson must give members not less than 7 days' notice of the meeting. However, in the event of an emergency the Chairperson may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The Chairperson (or, in the absence of the Chairperson, their nominee) must chair the first meeting.

The business to be conducted at the first meeting following a general election must include the following:

- (a) A general explanation, given or arranged by the Chairperson, of:
 - i. The Local Government Reorganisation Scheme (West Coast Region) Order 2019
 - ii. LGOIMA; and
 - iii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (b) The fixing of the date and time of the first meeting of the Committee, or the adoption of a schedule of meetings.

cl. 21(5), Schedule 7, LGA 2002.

Note: The Committee must adopt standing orders, however they do not need to be adopted every three years. The Committee is encouraged to review their existing standing orders early in their term to ensure that the settings are appropriate for their needs.

5. Delegations

The West Coast Regional Council must delegate to Te Tai o Poutini Plan Committee its combined district plan obligations under clause 6(1) of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018, and cl. 6 of the OIC.

5.1 Delegated Statutory Obligations

Under clause 6 of the OIC The Committee is delegated:

- a) The obligations of each of Buller, Grey and Westland district councils under section 73 and Schedule 1 of the RMA for there to be a district plan at all times for each district and for the preparation, notification, adoption, periodic amendment and review of the district plan and;
- b) The transferred obligations under subclause 6(a) for the preparation, notification, adoption, periodic amendment and review of new district plans will be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA.

5.2 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, the Committee or subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

cl. 30 (6), Schedule 7, LGA 2002.

6. Committees

6.1 Appointment of committees and subcommittees

The Committee may appoint, subcommittees that it considers appropriate.

- (a) The Committee may appoint subcommittees, including to hear and consider submissions received on the draft combined district plan.
- (b) Any such subcommittee is appointed for the purpose and for the period identified by the Committee and is then discharged.
- (c) The Committee may appoint to any subcommittee a person who is not a member of a local authority if, in the opinion of the Committee, that person has the skills, attributes or knowledge that will assist the work of the subcommittee

cl. 10 of the OIC

cl. 30(1) & (2), Schedule 7, LGA 2002.

6.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) The Committee may discharge or reconstitute a subcommittee, or other subordinate decision-making body.
- (b)

A subcommittee, or other subordinate decision-making body is, unless the Committee resolves otherwise, discharged when members elected at a subsequent triennial general election are appointed.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

6.3 Appointment or discharge of committee members and subcommittee members

The partner organisations comprising Committee membership may appoint or discharge any of their own appointed members of the Committee.

6.4 Elected members on subcommittees

The members of a subcommittee may be, but are not required to be, appointed members the Committee. The Committee may appoint a person who is not a member of the Committee to a subcommittee if, in the opinion of the Committee, the person has the skills, attributes or knowledge to assist the Committee or subcommittee. Cl 10(3) of the OIC.

At least one member of a subcommittee must be an appointed member of the Committee. A staff member of the Committee, in the course of their employment, can be a member of a subcommittee but not the Committee.

cl. 31(4) Schedule 7, LGA 2002.

6.5 The Committee may replace members if committee not discharged

If the Committee resolves that a subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule7, LGA 2002, the Committee may replace the members of that subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

6.6 Decision not invalid despite irregularity in membership

For the purpose of these standing orders, a decision of the Committee is not invalidated if:

1. There is a vacancy in the membership of the Committee at the time of the decision; or
2. Following the decision some defect in the appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

6.7 Appointment of the joint committee

Under cl 8 of the OIC;

The joint committee is created between the four West councils and local iwi known as Te Tai o Poutini Plan Committee.

The initial membership of the Committee, until at least such time as the combined district plan becomes fully operative, comprises:

- a. an independent chairperson;
- b. the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council;
- c. the mayor of Buller District and one other elected member from and appointed by Buller District Council;
- d. the mayor of Grey District and one other elected member from and appointed by Grey District Council;
- e. the mayor of Westland District and one other elected member from and appointed by Westland District Council;
- f. one representative appointed by Te Rūnanga o Ngati Waewae; and
- g. one representative appointed by Te Rūnanga o Makaawhio.

6.8 Status of joint committees

Te Tai o Poutini Plan Committee is a permanent joint committee and is not subject to powers of discharge or reconstitution by the four West Coast councils under the Act. Cl 8(2) of the OIC.

A signed Deed of Agreement between the six parties constituting the Committee contains procedural matters on how the Committee will operate.

6.9 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

7. Giving notice

7.1 Public notice – ordinary meetings

All meetings must be publicly notified together with the dates, the times and places on and at which those meetings are to be held, not more than 10 working days and not less than 5 working days before the day on which the meeting is to be held (See the LGNZ Guide to Standing Orders for more information).

s. 46, LGOIMA.

7.2 Notice to members - ordinary meetings

The Chairperson must give notice in writing to each member of the Committee of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the Committee has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule7, LGA 2002.

7.3 Extraordinary meeting may be called

An extraordinary Committee meeting may be called by:

- (a) Resolution of the Committee, or
- (b) A requisition in writing delivered to the Chairperson which is signed by:
 - i. Not less than one third of the total membership of the Committee (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

7.4 Notice to members - extraordinary meetings

The Chairperson must give notice, in writing, of the time and place of an extraordinary meeting called under Standing order 8.3, as well as the general nature of business to be considered, to each member of the Committee at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution, then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule7, LGA 2002.

7.5 Emergency meetings may be called

If the business the Committee needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or

If the Chairperson is unavailable to attend a meeting or meetings, the Committee may, for the specified meeting or meetings, appoint one of the members present to preside at that meeting who may perform all the functions, responsibilities, duties, and powers of the independent chairperson for that meeting.

cl. 22A(1), Schedule 7 LGA 2002. cl 11(2)d of the OIC.

7.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the Committee, and to the Steering Group, at least 24 hours before the time appointed for the meeting.

cl. 22A (2), Schedule 7 LGA 2002.

7.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of the Committee is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the Committee must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the TPP website and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

7.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where the Committee becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

7.9 Resolutions passed at an extraordinary meeting

The Committee must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the Committee unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

7.10 Meeting schedules

Where the Committee adopts a meeting schedule it may cover any period that the Committee considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

7.11 Non-receipt of notice to members

A meeting of the Committee is not invalid if notice of that meeting was not received, or not received in due time, by a member of the Committee unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of the Committee may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

7.12 Meeting cancellations

The chairperson of a scheduled meeting may cancel the meeting if they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The Chairperson must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

8. Meeting agenda

8.1 Preparation of the agenda

It is the chief executive's responsibility, on behalf of the chairperson, to prepare an agenda for each meeting, listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive must consult, unless impracticable, such as in the case of the inaugural meeting, the chairperson, or the person acting as chairperson for the coming meeting.

8.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the Committee, or subcommittee, in the case of all decision-making bodies other than the Committee, must also fall within the scope of their specific delegations.

8.3 Chairperson may delay or refuse request

The Chairperson may delay commissioning any reports that involve significant cost or are beyond the scope of the Committee that made the request. In such cases the Chairperson will discuss options for meeting the request with the Steering Group and report back to a subsequent meeting with an estimate of the cost involved, and seek direction on whether the report should still be prepared.

Where the Chairperson refuses a member's request to prepare a report, an explanation for that refusal should be provided to the member.

8.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

8.5 Chairperson's recommendation

A chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6, LGA 2002.

8.6 Chairperson may prepare report

The chairperson of a meeting has the right to prepare a report to be included in the agenda on any matter which falls within the responsibilities of that meeting, as described in its terms of reference.

For clarity, any recommendation must comply with the decision-making requirements of Part 6, LGA 2002.

8.7 Public availability of the agenda

All information provided to members at the Committee meeting must be publicly available, except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

8.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the Committee relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the member bodies, at public libraries under an authority's control and on the Committee's website, and:
- (b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

8.9 Withdrawal of agenda items

If justified by circumstances, an agenda item may be withdrawn by the Chairperson.

8.10 Distribution of the agenda

The Chairperson must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

The Chairperson may send the agenda, and other materials relating to the meeting or other Committee business, to members by electronic means.

8.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by a formal resolution of that meeting.

8.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA.

Items not on the agenda may be brought before the meeting through a report from TTPP staff or the chairperson.

Please note, that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

8.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision, or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

8.14 Public excluded business on the agenda

Items that are likely to be discussed under public-excluded must be indicated on each agenda, including the general subject of the item. The Chairperson, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

8.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will, or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

9. Opening and closing

The Committee may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

10. Quorum

10.1 Committee meetings

The quorum for a meeting of the Committee is:

- (a) At least one member of four of the six parties to Te Tai o Poutini Plan Committee (whether in person or via electronic link),
- (b) each party to Te Tai o Poutini Plan Committee may, for a specified meeting or meetings, appoint a deputy member in place of (as appropriate) that district's mayor, the chairperson of West Coast Regional Council or a member they have otherwise appointed who may perform all the functions, responsibilities, duties, and powers of the member for that meeting or meetings. The party must give notice to the other members (or the chairperson) of the appointment of a deputy for a specified member prior to the meeting or meetings concerned.

Cl.11(2) of the OIC.

10.2 Committees and subcommittee meetings

The Committee sets the quorum for its subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution, provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated.

cl. 23 (3)(b) Schedule 7, LGA 2002.

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. The quorum will consist of at least one member of four of the six parties to Te Tai o Poutini Plan Committee.

cl. 30A (6)(c) Schedule 7, LGA 2002.

10.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

10.5 Meeting lapses where no quorum

A meeting must lapse, and the chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost, the meeting will lapse if the quorum is not present within 15 minutes.

10.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the chairperson sets an earlier meeting, and this is notified by the Chairperson.

11. Public access and recording

11.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the Committee, and its subcommittees, must be open to the public.

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public

The chairperson may require any member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

s.50(1), LGOIMA

11.3 The Committee may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the Committee and may be subject to direction by the chairperson.

11.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings should be notified to the chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require, the chairperson may direct the recording to stop for a period of time.

12 Attendance

12.1 Members right to attend meetings

A member of the four West Coast councils has, unless lawfully excluded, the right to attend any meeting of the Committee.

cl. 19(2), Schedule 7, LGA 2002.

If a member of the local authority is not an appointed member of the meeting which they are attending, they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public then any members of the four West Coast councils who are present may remain, unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.2 Attendance when a committee is performing judicial or quasi-judicial functions

When the Committee is performing judicial or quasi-judicial functions, members of the local authority who are not members of the Committee are not entitled to take part in the proceedings.

12.3 Leave of absence

The Committee may grant a member a leave of absence following an application from that member. The Committee may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy and the Committee may approve an application from the Chairperson.

The Chairperson will advise all members of the Committee whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

12.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

12.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.6 Absent without leave

Where a member is absent from four consecutive meetings of the Committee without leave of absence, or an apology being accepted (not including extraordinary or emergency meetings), then the party to which the member belongs must appoint a deputy member in place of the absent member, who may perform all the functions, responsibilities, duties and powers of the member for that meeting or meetings. The party must give notice to the other members (or the chairperson) of the appointment of a deputy for a specified member prior to the meeting or meetings concerned.

Cl 11.2 of the OIC

cl. 5 (d) Schedule 7, LGA 2002.

12.7 Right to attend by audio or audiovisual link

Provided the conditions in standing orders 13.11 and 13.12 are met, members of the Committee, have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

Members who attend meetings by electronic link will be counted as present for the purposes of a quorum.

cl. 25A (4), Schedule 7, LGA 2002.

12.9 Member's status: voting

Where a meeting has a quorum, determined by the number present (either in person or by electronic link), the members attending by electronic link can vote on any matters raised at the meeting.

12.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audiovisual link, the chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audiovisual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

cl. 25A (3) schedule 7, LGA 2002.

12.11 Conditions for attending by audio or audiovisual link

Noting standing order 13.7, the chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

12.12 Request to attend by audio or audiovisual link

Where possible, a member will give the Chairperson at least 2 working days' notice when they want to attend a meeting by audio or audiovisual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the Chairperson must take reasonable steps to enable the member to attend by audio or audiovisual link. However, the Committee has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the Committee.

12.13 Chairperson may terminate link

The chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting;
- (d) The quality of the link is no longer suitable;
- (e) Information classified as confidential may be compromised (see also SO 13.16).

12.14 Giving or showing a document

A person attending a meeting by audio or audiovisual link may give or show a document by:

- (a) Transmitting it electronically;
- (b) Using the audiovisual link; or
- (c) Any other manner that the chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

12.15 Link failure

Where an audio or audiovisual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.16 Confidentiality

A member who is attending a meeting by audio or audiovisual link must ensure that the meeting's proceedings remain confidential during any time that the public is excluded. At such a time, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation they may terminate the link.

13 Chairperson's role in meetings

13.1 Committee meetings

The Chairperson must preside at meetings of the Committee unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting, or vacates the chair, the Mayor or Chair of the party hosting the meeting will preside at that meeting and perform all the functions, responsibilities, duties, and powers of the independent chairperson for that meeting.

If the Mayor or Chair of the host party is also absent the Committee members who are present must elect a member to be the chairperson at that meeting. This person may exercise the meeting responsibilities, duties, and powers of the Chairperson for that meeting.

In the case of a prolonged absence of the independent Chairperson, the Committee will agree whether to deputise one of its members into the role temporarily, or to continue to share the responsibilities, duties and powers of the independent chairperson among its membership.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002. cl. 11(2)d of the OIC.

13.2 Other meetings

In the case of subcommittees and subordinate decision-making bodies, the appointed chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the chairperson is absent from a meeting or vacates the chair, the deputy chairperson (if any) will act as chairperson. If the deputy chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as chairperson. This person may exercise the meeting responsibilities, duties and powers of the chairperson.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.3 Addressing the chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 Chairperson's rulings

The chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these standing orders (except in cases where a point of order questions the chairperson's ruling). Any refusal to obey a chairperson's ruling or direction constitutes contempt (see SO 20.5).

13.5 Chairperson standing

Whenever the chairperson stands during a debate members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the chairperson without interruption.

13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the chairperson.

13.7 Chairperson may prioritise speakers

When two or more members want to speak the chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or

- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

14 Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters of their choice, not necessarily on the meeting's agenda, to the attention of the Committee.

In the case of a committee and subcommittee, any issue, idea, or matter raised in a public forum, must fall within the terms of reference of that body.

14.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled Committee meeting. Requests must be made to the Chairperson (or their delegate) at least one clear day before the meeting; however, this requirement may be waived by the chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. Where the number of speakers presenting in the public forum exceeds 6 in total, the chairperson has discretion to restrict the speaking time permitted for all presenters.

14.2 Restrictions

The chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the Committee or subcommittee sits in a quasi-judicial capacity.

14.3 Questions at public forums

At the conclusion of the presentation, with the permission of the chairperson, Committee members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

14.4 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the LGNZ Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

15 Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the chairperson, or an official with delegated authority, five working days before the meeting; however, this requirement may be waived by the chairperson. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

15.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 Restrictions

The chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the Committee or subcommittee sits in a quasi-judicial capacity.

15.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

15.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

16 Petitions

16.1 Form of petitions

Petitions may be presented to the Committee, as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the Chairperson at least five working days before the meeting at which they will be presented; however this requirement may be waived by the chairperson.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see standing order 20.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the Chairperson in time to allow translation services to be arranged.

16.2 Petition presented by petitioner

A petitioner who presents a petition to the Committee or any of its committees and subcommittees, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the Chairperson at least 5 working days before the date of the meeting concerned.

16.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

17 Exclusion of public

17.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed

the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

17.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the Committee for advice on the matter under consideration.

s.48 (6) LGOIMA.

17.3 Public excluded items

The Chairperson must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

17.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the Chairperson, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the Chairperson has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

17.5 Release of information from public excluded session

The Committee may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition, the Chairperson may release information which has been

considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist.

18 Voting

18.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation, or standing orders, the acts of, and questions before, the Committee must be decided at a meeting through a vote exercised by the majority of the members that are present and voting.

cl. 24 (1), Schedule 7, LGA 2002.

18.2 Open voting

An act or question coming before the Committee must be done or decided by open voting.

- a. voting is to be by majority of the members in attendance (whether in person or by audio link or audiovisual link);
- b. The independent chairperson does not have a casting vote.

cl. 24 (3) Schedule 7, LGA 2002. cl.11(2)b and e.

18.3 Method of voting

The method of voting must be as follows:

- (a) The chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson will call a division;
- (b) The chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the chairperson who must declare the result.

18.4 Calling for a division

When a division is called, the Chairperson must record the names of the members voting for and against the motion, and abstentions, and declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

18.5 Request to have votes recorded

If requested by a member, immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters, such as a members' reason for their vote or abstention, is not permitted.

18.6 Members may abstain

Any member may abstain from voting.

19 Conduct

19.1 Calling to order

When the chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the chairperson may direct that they should immediately leave the meeting for a specified time.

19.2 Behaviour consistent with Code of Conduct

At a meeting no member may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

19.3 Retractions and apologies

In the event of a member, or speaker, who has been disrespectful of another member or contravened the Committee's Code of Conduct, the chairperson may call upon that member, or speaker, to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

19.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance, the chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.5 Contempt

Where a member is subject to repeated cautions by the chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

A member who has been found to be in contempt and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to standing order 20.6.

19.6 Removal from meeting

A member of the police or authorised security personnel may, at the chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the chairperson has ruled that the member should leave the meeting, and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the chairperson's permission.

19.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the chairperson, nor the meeting, may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

19.8 Non-financial conflicts of interests

Non-financial interests involve questions about whether the judgement of a member of the Committee could be affected by a separate interest, or duty, which that member may have in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter, or any subsequent vote.

The member must leave the table when the matter is considered but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the chairperson, nor the meeting, may rule on whether a member has a non-financial interest in the matter being discussed.

19.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the Committee in accordance with the rules adopted by the Committee for guiding its proceedings is privileged, unless the statement is proved to have been made with ill-will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

19.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the Committee.

s. 53, LGOIMA.

19.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting. Personal use may only occur at the discretion of the chair. A chairperson may require that an electronic device is switched off if:

- I. its use is likely to distract a meeting from achieving its business, or,
- II. a member is found to be receiving information or advice from sources, not present at the meeting, that may affect the integrity of the proceedings.

20 General rules of debate

20.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the chairperson.

20.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

20.3 Questions to staff

During a debate, members can ask staff questions about the matters being discussed. Questions must be asked through the chairperson, and how the question is to be dealt with is at the chairperson's discretion.

20.4 Questions of clarification

At any point in a debate a member may ask the chairperson for clarification about the nature and content of the motion which is the subject of the debate and/or the particular stage the debate has reached.

20.5 Members may speak only once

A member, depending on the choice of options for speaking and moving set out in Cl. 22.2 -22.4, may not speak more than once to a motion at a meeting of the Committee, except with permission of the chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

20.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the chairperson, announce whether they are speaking in support of, or opposition to, a motion.

20.7 Secunder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak until later in the debate.

20.8 Speaking only to relevant matters

Members may only speak to;

- I. any matter before the meeting
- II. a motion or amendment which they propose, and
- III. to raise a point of order arising out of debate,

Members must confine their remarks strictly to the motion or amendment they are speaking to.

The chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

20.9 Restating motions

At any time during a debate a member may ask, for their information, that the chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

20.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution, except by a notice of motion to amend or revoke the resolution.

20.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The chairperson must order the minutes to record the objection.

Note: This provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.

20.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

The original mover may speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried, the mover of the motion may use their right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right of reply until the closure motion.

20.13 No other member may speak

In exercising a right of reply, no other member may speak:

- I. After the mover has started their reply;
- II. After the mover has indicated that they want to forego this right; and
- III. Where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

20.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or

referred back to, a specified committee, is to be considered at the next ordinary meeting of that committee, unless otherwise specified.

20.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the chairperson considers it reasonable to do so.

However, the chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the chairperson puts the motion or amendment to the vote.

21 General procedures for speaking and moving motions

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22 Motions and amendments

22.1 Proposing and seconding motions

All motions, and amendments moved during a debate, must be seconded (including notices of motion). The chairperson may then state the motion and propose it for discussion. A motion should be moved and seconded before debate but after questions.

Amendments and motions that are not seconded are not valid and should not be entered in the minutes.

Note: Members who move or second a motion are not required to be present for the entirety of the debate.

22.2 Motions in writing

The chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.3 Motions expressed in parts

The chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

22.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

22.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion. Reasons for not accepting an amendment can include:

- a) Not directly relevant
- b) In conflict with a carried amendment
- c) Similar to a lost amendment
- d) Would negate a committee decision if made under delegated authority
- e) In conflict with a motion referred to the governing body by that meeting
- f) Direct negative.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

22.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be moved. However, members may foreshadow to the chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

22.7 Carried amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may, depending on the choice of options for speaking and moving set out in clauses 22.2 – 22.4, speak to it, and may move or second a further amendment.

22.8 Lost amendments

Where an amendment is carried, the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to

the original motion may, depending on the choice of options for speaking and moving set out in clauses 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

22.9 Where a motion is lost

In a situation where a substantive motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

22.10 Withdrawal of motions and amendments

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

22.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; and
- (b) The chair has started putting the motion.

23 Revocation or alteration of resolutions

23.1 Member may move revocation of a decision

A member may give the Chairperson a notice of motion for the revocation or alteration of all or part of a previous resolution of the Committee. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of Part 6, LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the Chairperson for consideration and report.

23.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body.

cl. 30 (6) Schedule 7, LGA 2002.

23.3 Requirement to give notice

A member must give notice to the Chairperson at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the Committee, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

23.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the Committee or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the Chairperson.

23.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

23.6 Revocation or alteration by recommendation in report

The Committee, on a recommendation in a report by the chairperson, a chief executive of one of the four West Coast councils, or any subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The Chairperson must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

24 Procedural motions

24.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

24.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

24.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

24.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

24.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.6 Business referred to the Committee

Where an item of business is referred (or referred back) to the Committee, the Committee will consider the item at its next meeting unless the meeting resolves otherwise.

24.7 Other types of procedural motions

The chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

25 Points of order

25.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

25.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the chairperson.

25.5 Chairperson's decision on points of order

The chairperson may decide a point of order immediately after it has been raised or may choose to hear further argument about the point before deciding. The chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

Should a point of order concern the performance of the chair, then the chair will refer the point of order to the deputy chair or, if there is no deputy, another member to hear arguments and make a ruling.

26 Notices of motion

26.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the Chairperson at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the Chairperson must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

26.2 Refusal of notice of motion

The chairperson may refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the Committee or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chairperson may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the Chairperson for consideration and report; or
- (f) Concerns a matter where decision-making authority has been delegated to a committee or subordinate body.

Note: Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee.

26.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

26.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

26.5 When notices of motion lapse

Notices of motion that are not moved when called for by the chairperson must lapse.

26.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a subcommittee of the Committee must be referred to that subcommittee by the Chairperson.

Where notices are referred the proposer of the intended motion, if not a member of that subcommittee, must have the right to move that motion and have the right of reply, as if a subcommittee member.

26.7 Repeat notices of motion

When a motion has been considered and rejected by the Committee, no similar notice of motion may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the Committee no other notice of motion which, in the opinion of the chairperson has the same effect, may be put while the original motion stands.

27 Minutes

27.1 Minutes to be evidence of proceedings

The Committee and its subcommittees must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

27.2 Matters recorded in minutes

The Chairperson must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The chairperson;
- (d) Any apologies or leaves of absences;
- (e) Member absent without apology or leave of absence;
- (f) Member absent on Committee business;
- (g) arrival and departure times of members;
- (h) Any failure of a quorum;
- (i) A list of any external speakers and the topics they addressed;
- (j) A list of the items considered;
- (k) Items tabled at the meeting;
- (l) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (m) The names of all movers, and seconders;
- (n) Any objections made to words used;
- (o) All divisions taken and, if taken, a record of each members' vote;
- (p) the names of any members requesting that their vote or abstention be recorded;
- (q) Any declarations of financial or non-financial conflicts of interest;
- (r) The contempt, censure and removal of any members;
- (s) Any resolutions to exclude members of the public;
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

27.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.4 Minutes of last meeting before election

The Chairperson must sign or agree to have their digital signature inserted in the minutes of the last meeting of the Committee before the next election of member parties.

28 Keeping a record

28.1 Maintaining accurate records

The Committee must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are the Committee's control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

28.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

28.3 Inspection

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

s. 51 LGOIMA.

28.4 Inspection of public excluded matters

The Chairperson must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Local Government Reorganisation Scheme (West Coast Region) Order 2019 (OIC)
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

The Committee may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable the Committee holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) Enable the Committee holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

s.7 LGOIMA 1987.

Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the Committee by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of the Committee named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Committee to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before the Committee where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Committee in those proceedings;
 - ii. The Committee is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of the Committee exist in relation to any application or objection under the Marine Farming Act 1971.

s. 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the Committee in those proceedings; or ii. the Committee is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		<p>To protect information which if public would;</p> <ol style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		<p>To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for;</p> <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, <p>(s 7(2)(ba)).</p>
		<p>To protect information which is subject to an obligation of confidence where the making available of the information would be likely to:</p> <ol style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To maintain the effective conduct of public affairs by protecting members or employees of the Committee in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the Committee to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*. *(Delete if inapplicable.)*

Appendix 3: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally, interjections from other members or the public are not covered. However, if the chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 4: Powers of a Chairperson

This Appendix sets out the specific powers given to the chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The chairperson's ruling is final and not open to debate.

Chairperson to decide points of order (SO. 26.5)

The chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the chairperson.

Items not on the agenda (SO.9.12)

Major items not on the agenda may be dealt with at that meeting if so resolved by the Committee and the chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the Committee may be discussed if the chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report (SO.9.6)

The chairperson, by report, has the right to direct the attention of the Committee to any matter or subject within the role or function of the Committee.

Chairperson's recommendation (SO.9.5)

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting (SO19.3)

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing (SO.23.2)

The chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts (SO.23.3)

The chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion (SO.27.2)

The Chairperson may refuse or accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the Committee; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the Chairperson may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the Committee, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions (SO.

If, in the opinion of the chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion (SO.27.7)

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the Committee, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the Committee, including vacancies.

Revocation or alteration of previous resolution

A chairperson may recommend in a report to the Committee the revocation or alteration of all or part of any resolution previously passed, and the Committee meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next scheduled meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition (SO.21.8)

The chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words (SO.21.11)

The chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising (SO.14.5)

Whenever the chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the chairperson may be heard without interruption.

Members may leave places (SO.14.6)

The chairperson may permit members to leave their place while speaking.

Priority of speakers (SO.14.7)

The chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes (SO.28.1)

The chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson is responsible for confirming the correctness of the minutes of the last meeting of the Committee prior to the next election of members.

Questions of speakers (SO.16.3)

The chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions (SO.20.3)

The chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.

Chairperson's rulings (SO.14.4)

Any member who refuses to accept a ruling of the chairperson, may be required by the chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour (SO.20.4)

The chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting (SO.20.6)

If a member or member of the public who is required, in accordance with a chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the chairperson, any member of the police or officer or employee of the Committee may, at the chairperson's request, remove or exclude that person from the meeting.

Audio or audiovisual attendance (SO.13.10)

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the chairperson is attending by audio or audiovisual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.



Appendix 5: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Extraordinary business
- (i) Notices of motion
- (j) Reports of committees
- (k) Reports of the Chairperson and staff
- (l) Chairperson, and appointed members' reports (information)

Public excluded section

- (m) Reports of committees
- (n) Reports of the staff
- (o) Chairperson, and members' reports (information)

Appendix 6: Process for raising matters for a decision

Matters requiring a decision at a meeting may be placed on the meeting's agenda by a:

- Report of the chairperson;
- Report of a subcommittee; or
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of the chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the chairperson.

**Public Notice of Decisions on Proposed Te Tai o Poutini Plan (TTPP)
the Combined District Plan for Buller, Grey and Westland Districts, Variation 1
Activities on the Surface of Water and Variation 2 Coastal Hazard Mapping
10 October 2025**

Pursuant to clauses 10 and 11 of Schedule 1 of the Resource Management Act 1991 (RMA), the Te Tai o Poutini Plan Committee (TTPP Committee) hereby gives public notice that it has made its decisions on the provisions and matters raised in submissions and further submissions on the Proposed Te Tai o Poutini Plan (pTTPP), being the Combined District Plan for Buller, Grey and Westland Districts, as well as Variation 1 Activities on the Surface of Water and Variation 2 Coastal Hazard Mapping.

The TTPP Committee resolved on 24 September 2025 to accept the recommendations, subject to a further amendment to Ecosystems and Indigenous Biodiversity Policy 1, of the Independent Hearing Commissioners appointed to hear and make recommendations on the pTTPP and Variations 1 and 2.

Pursuant to clause 9(1) of Schedule 1 of the RMA, TTPP Committee also gives public notice of its recommendations in respect of provisions included in the pTTPP pursuant to clause 4(5) Schedule 1 of the RMA. Decisions of the requiring authorities with designations within the district plan will be notified following the process set out in Clauses 9(2) and 13, Schedule 1 of the RMA.

The pTTPP is amended in accordance with the TTPP Committee's decision from the date of this Notice. The Decisions Version of the pTTPP (including Variations 1 and 2), and maps, can be viewed at <https://westcoast.isoplan.co.nz/eplan/>. Recommendation Reports (adopted by the TTPP Committee and now forming the TTPP Committee's decision) are available at <https://tppp/decisions-version/recommendation-reports/> and the Resolutions of the TTPP Committee at <https://tppp.nz/wp-content/uploads/2025/10/TTPP-Committee-Resolutions-24-Sep-2025.pdf>

A printable PDF decisions version showing text that has been added (as compared to the notified version) as underlined and highlighted in green, and text deleted in ~~strike-through~~ and highlighted in pink can be viewed at [**Te Tai o Poutini Plan Decisions Version PDF - Te Tai o Poutini Plan | West Coast District Plan**](#) and hard copies of the PDF Plan text, along with copies of this notice are also available at:

- Buller District Council offices, 6-8 Brougham Street, Westport
- Westport Library, 87-89 Palmerston Street, Westport
- Buller District Council Service Centre, 66 Broadway, Reefton
- Grey District Council offices, 105 Tainui Street, Greymouth
- Greymouth Library, 18 Albert Street, Greymouth
- West Coast Regional Council offices, 388 Main South Road, Paroa, Greymouth
- Arahura Marae, 1 Old Christchurch Road, Arahura
- Westland District Council offices, 36 Weld Street, Hokitika
- Hokitika Library, 20 Sewell Street, Hokitika
- Te Tari o Te Runanga o Makaawhio, 125 Revell St, Hokitika

Any person who made a submission on the pTTPP (including Variations 1 and 2) may appeal the TTPP Committee's decision to the Environment Court within 30 working days of the service of this notice of decisions. The appeal period closes at 5pm on 24 November 2025.

A copy of the appeal must be served on the TTPP Committee (via info@tppp.nz)

Details on how to lodge appeals are available at <https://tppp.nz/how-to-lodge-or-join-an-appeal/>. Forms for lodging or joining an appeal are contained within the Resource Management (Forms, Fees and Procedure) Regulations 2003.

Due to some formatting issues in the hard copy versions of the plan the official online e-plan text and maps should be referred to when making an appeal.

Rex Williams

Chairperson

On behalf of Te Tai o Poutini Plan Committee

10 October 2025

MEMORANDUM

Date: 1 August 2025
To: TTPP Committee
From: Lucy de Latour | Kate Dickson

Recommendations of TTPP Hearing Panel – actions of TTPP Committee and potential risks

Introduction

1. With the imminent delivery of the Hearing Panel recommendations report, the TTPP Committee has the important role of making final decisions on the Hearing Panel's recommendations. These recommendations and ultimately the Committee's decision reflect the considerable time and effort that had been poured into the TTPP by the Committee, staff and the community. The Committee can expect the recommendations report to demonstrate how the members of the community and the Committee's views have been heard, tested and distilled into a single document that will ultimately become the Combined District Plan for the West Coast.
2. The purpose of this memorandum is to restate the steps that will need to occur after the Hearing Panel's recommendations are provided to the TTPP Committee, and the options available to the Committee at this time.

Executive summary

3. Following the hearings on the TTPP throughout late 2023 – 2024, the Hearing Panel will provide a recommendation report back to the TTPP Committee. This report makes a recommendation on how submissions on the TTPP should be treated and what that ultimately means in terms of drafting in the TTPP.
4. It is for the TTPP Committee to decide whether to accept or reject the recommendations contained in the report, in accordance with clause 10 of Schedule 1 of the RMA.
5. The TTPP Committee has three options when considering the recommendations of the Panel on the TTPP:
 - (a) accept the recommendations in full;
 - (b) accept the recommendations in part (and reject parts of the recommendations); or
 - (c) reject the recommendations in full.
6. If the Committee decided to reject the recommendations (in full or in part) it cannot simply substitute its own decision in place of the recommendations, as this would be subject to a high risk of successful legal challenge. This is because the Resource Management Act 1991 (**RMA**) and the principles of natural justice require the hearing of submissions on the TTPP to follow an appropriate and fair procedure in light of the particular circumstances.
7. The Committee could reduce the risk of successful challenge if it decides to reject the recommendations of the Panel (in part or in full) by adopting one (or a mixture) of the following options:
 - (a) re-hear the submissions itself on the parts of the TTPP that are rejected;
 - (b) appoint a differently constituted hearing panel to re-hear the submissions on the parts of the TTPP that are rejected;
 - (c) prepare a variation to amend the TTPP; or

- (d) withdraw the relevant part(s) of the TTPP (if those parts are able to be severed from the remainder of the TTPP).
8. If the Committee was to re-hear the submissions (and evidence) on the relevant provisions itself (or appoint a hearing panel to do so), the nature of any hearing would depend on the extent and scope of the recommendations that were rejected. For example, where the relevant provisions comprise a discrete and narrow issue with limited submissions, a fair and appropriate hearing process may be for the Committee to conduct a hearing “on the papers” (reviewing the material previously filed with the Hearing Panel, including recordings of the hearing, and making a new decision) before making a decision. We consider the circumstances in which this procedure would be sufficient to be fair and appropriate are likely to be very limited.
 9. Where the relevant provisions consist of a wider (or complex) issue, with many different variables (for example, a whole chapter or topic of the TTPP), then it may be fair and appropriate to conduct a re-hearing of the relevant submissions (including evidence etc) so that the Committee / hearing panel has the opportunity to ask questions of the relevant persons. We consider that in most instances this will be the appropriate outcome, which does then carry with it additional cost.
 10. Principles of conflict of interest and bias will also be relevant to the Committee when it is making the decisions on recommendations. It is important that Committee members ensure that no actual or perceived bias is present in the decisions, by ensuring a fair-minded lay observer would reasonably believe they are bringing an open and impartial mind in making that decision.
 11. Once the TTPP Committee makes a decision, submitters then have the opportunity to lodge appeals with the Environment Court. Provisions that may be seen as more contentious by the community are often appealed, so what is decided on by the Council (or in this case TTPP Committee) is often not the final version of the TTPP provisions that applies. The provisions will often change through mediation and hearing, with the Environment Court judge deciding what the provisions should say.
 12. The TTPP Committee will have an opportunity to be involved in the appeals process (as the Respondent on every appeal) and will need to determine the best process for managing this involvement and who it will authorise as a delegate to resolve matters on behalf of the Committee at mediations.
 13. Our detailed advice follows.

Detailed advice: Recommendations of TTPP Hearing Panel – actions of TTPP Committee and potential risks

Steps after recommendations are provided to TTPP Committee

1. The TTPP Committee was established by the Local Government Reorganisation Scheme (West Coast Region) Order 2019, and was transferred the plan-making functions of each of the three district councils in the region. The TTPP Committee then delegated the Hearing Panel all functions, powers and duties necessary (including powers conferred by sections 41 and 42 of the RMA) to hear submissions and evidence on the proposed TTPP and make recommendations to the Committee in respect of those submissions.¹
2. The Hearing Panel will provide its recommendations to the TTPP Committee, in response to submissions made on the TTPP. These recommendations will address whether the Hearing Panel considers each submission point on the TTPP should be accepted or rejected, and how the provisions of the TTPP should be worded to achieve the desired outcome.
3. Once the recommendations are provided to the TTPP Committee, the TTPP Committee is charged with making the decisions on the submissions. This is in accordance with clause 10 of Schedule 1 of the RMA.
4. There are three formal requirements of a decision under clause 10:²
 - (a) The submission determination - Each decision must state simply whether the local authority accepts or rejects in whole or in part, each and every submission or group of submissions on a specific provision or matter; and
 - (b) The provision determination - If one or more identified submission(s) is/are accepted in whole or in part, then those decisions should identify clearly, consistently and unambiguously what change is to be made to one or more provision or what provision is to be deleted, or what new provision is to be added; and
 - (c) The reasons - Each decision should contain its reasons in writing.
5. The decision must also include a further evaluation of the TTPP in accordance with section 32AA and the Committee must have particular regard to the further evaluation when making its decision.³
6. These requirements are what the Hearing Panel will address through their recommendation report.
7. The Committee will be making its decision on this report, and until the decision is made, no amendments will be made to TTPP.
8. Decisions are required to be given no later than two years after notifying the proposed plan under clause 5 of Schedule 1. As the TTPP was notified on 14 July 2022, we understand that an extension to this timeframe has been sought from the Minister for the Environment (and granted) until 14 January 2026.⁴
9. Once a decision is made on the TTPP, its provisions will eventually either become operative⁵ or be made operative,⁶ once any appeals have been determined.⁷
10. Given the power to make decisions on the TTPP was not delegated to the Hearing Panel, it is ultimately up to the TTPP Committee to make decisions on the provisions in accordance with

¹ TTPP Committee Meeting Minutes, 21 March 2023.

² *Queenstown Lakes District Council v Marcam Grand Lakes Ltd* EnvC C156/02, at [43].

³ RMA, Schedule 1, Clauses 10(2)(ab) and (4)(aaa).

⁴ In accordance with cl 10A of Schedule 1 of the RMA – see TTPP Committee meeting minutes from 7 August 2024.

⁵ RMA, s 86F.

⁶ RMA, Sch 1, cl 20.

⁷ RMA, Sch 1, cl 14.

clause 10 of Schedule 1 of the RMA. In order to make its decision on the TTPP, the TTPP Committee will need to decide whether to accept or reject each of the Hearing Panel's recommendations on submission points.

11. As part of making its decisions on the TTPP, the Committee may accept and adopt the report and recommendations of the Hearing Panel (including its appendices) as the Committee's decision on the provisions of and submissions on the TTPP in accordance with clauses 10(1), 10(2) and 10(4)(aaa) of Schedule 1 to the RMA.
12. The Committee has three options when considering the recommendations of the Hearing Panel on the TTPP:
 - (a) Accept the recommendations in full;
 - (b) Accept the recommendations in part; or
 - (c) Reject the recommendations in full.
13. We first address the general principles to be applied when considering each of these options, before addressing each option, in turn, below.

General principles to be applied

14. Hearings by a local authority require compliance with the basic criteria for a judicial hearing, including the rules of natural justice and fairness, as well as the requirements of the RMA (including Schedule 1).⁸
15. A hearing of submissions on a proposed plan is mandatory (unless no persons have lodged submissions, or no persons have indicated a wish to be heard).⁹ However, the TTPP Committee has wide discretion as to the nature of the hearing process, provided that the hearing is held in public and the procedure adopted is appropriate and fair in the circumstances, and conducted so as to avoid unnecessary formality.¹⁰ This largely reflects the principles of natural justice in the decision-making process. The powers to regulate the hearing process in this case were delegated to the Hearings Panel.
16. While the requirements of natural justice vary with the power that is exercised and the circumstances, fairness is at the heart of the issue. Those who have a right to be heard must be given an adequate opportunity to express their views and to influence the decision-maker.¹¹ An assessment of whether or not a decision-maker has acted fairly is a quintessential judicial task that is highly influenced by context.¹²
17. A hearing process in which interested parties, and supporting evidence, are heard goes a long way to meeting the requirements of fairness. However, decision-makers must also be alert to ensure that fairness encouraged by procedure is not undermined by what occurs after and the procedure to that point does not necessarily exhaust the requirements of fairness.¹³
18. The requirements of fairness include decisions being free from bias, predetermination or decision-makers having a conflict of interest. The Committee (and its members) must avoid predetermining any decision and approach all decisions with an open mind, even where a disposition to a certain position may legitimately exist. To do otherwise risks giving rise to allegations of conflict, bias or predetermination.

⁸ *Queenstown Lakes District Council v Marcam Grand Lakes Ltd* EnvC C156/02 22 November 2002 at [45].

⁹ RMA, Sch 1, cl 8B.

¹⁰ RMA, s 39.

¹¹ *New Zealand Co-operative Dairy Co Limited v Commerce Commission* [1992] 1 NZLR 601 (HC); *Accountants First Ltd v Commissioner of Inland Revenue* [2014] NZHC 2446, at [55].

¹² *Hawke's Bay and Eastern Fish and Game Councils v Hawke's Bay Regional Council* [2014] NZHC 3191 at [117]-[121].

¹³ *New Zealand Co-operative Dairy Co Limited v Commerce Commission* [1992] 1 NZLR 601 (HC) at [63].

19. The principles of natural justice require impartiality in decision-making in order to uphold public confidence in the administration of justice. Natural justice requires persons not to be 'judges in their own cause' – meaning a decision maker, including one with a delegated authority, should not have a stake in the outcome of the decision.¹⁴
20. When making decisions on the TTPP, the Committee should ensure that no fair-minded lay observer might reasonably apprehend that the decision-maker will not bring an impartial mind to the resolution of the case in the sense that he or she may unfairly regard with favour (or disfavour) the case of a party. Bias (and predetermination) can either be apparent or perceived, so even if there is a risk of a perception of bias this can create legal risk.
21. Breaching the rules of natural justice (including the right to be heard) when making a decision can amount to an error of law.¹⁵ It is necessary to bear these principles in mind when considering each of the options regarding the recommendations.

Accepting the recommendations

22. If the Committee is satisfied with the recommendations, then it can accept the recommendations and adopt the recommendations (and reasoning) of the Hearing Panel as its own decision.
23. Accepting the Hearing Panel's recommendations carries little legal risk. The Hearing Panel is the body that was appointed by the TTPP committee for their expertise and has heard all of the submissions, evidence and legal submissions on each of the matters addressed in its report, so it is appropriately placed (and qualified) to determine the most appropriate planning outcome or content of the TTPP. The Hearing Panel was provided the opportunity to ask questions of the individuals who made submissions before delivering their recommendations.
24. While there are some specific requirements for decisions in clause 10 of Schedule 1 (as outlined above), it is anticipated that the Hearing Panel's recommendations will be provided in a form that does achieve each of these requirements (for example, ensuring that the decision includes the reasons for accepting or rejecting the submission points). Staff and legal counsel can assist with this enquiry as necessary.
25. While there may be some appeals to the Environment Court as a result of the TTPP Committee's decision to accept the recommendations, these appeals would be challenges to the merits of the decision, and not the process adopted. These appeals cannot be avoided, and so it is not a risk of the decision to accept the recommendations itself – this is part of the usual planning process under the RMA.

Rejecting any of the Hearing Panel's recommendations

26. It is open to the Committee to accept some and reject other recommendations of the Hearing Panel. If the Committee decides to reject some recommendations it will need to provide reasons.
27. In our experience, it would be highly unusual for the Committee to reject the recommendations (in part or in full) as the Hearing Panel has heard all submissions and evidence on the TTPP.¹⁶ However, if it does decide to take this action, the Committee will need to decide what to do with the rejected parts of the recommendations / TTPP. The Committee cannot reject the recommendations and substitute them with its own decision, without significant legal risk.

¹⁴ *Nga Puawaitanga (Meremere) Ltd v Waikato District Council* (1998) 4 ELRNZ 480.

¹⁵ *Hawke's Bay and Eastern Fish and Game Councils v Hawke's Bay Regional Council* [2014] NZHC 3191 at [133].

¹⁶ Parts of a hearing panel's recommendation were rejected in relation to the Auckland Unitary Plan, but this was subject to special legislation that explicitly allowed the Council to accept or reject the recommendations. Other planning processes are also subject to similar legislative provisions (which may have implications for the appeal rights available), but there is no such provision in relation to the process that the TTPP is proceeding through.

28. If the Committee was to reject part of the Hearing Panel's recommendations, it could reduce the risk of successful legal challenge by adopting one of the following options:
- (a) Constitute a new hearing panel to rehear submissions and evidence (or for the Committee to hear this directly itself) on the aspects of the TTPP and Panel's recommendations the Committee has rejected;
 - (b) Prepare a variation of the plan as per Schedule 1, clause 16A; or
 - (c) Withdraw the relevant parts(s) of the TTPP (if the parts can be severed from the rest of the TTPP).

Substituting Committee's own decision

29. As set out above, it is not a viable option for the Committee to simply substitute its own decision for any aspect of the Hearing Panel's recommendations that it rejects. Substituting the recommendations with its own decisions risks the hearing procedure being considered inappropriate and unfair. This approach would also prevent those who have a right to be heard from expressing their views, which may be considered to breach the principles of natural justice.
30. Substituting its own decision in place of the Hearing Panel's recommendations would open the Committee up to significant risk of successful legal challenge. To reduce the risk of successful legal challenge, the Committee should only make a decision on submissions after conducting a new hearing so the Committee itself rehears the evidence and submissions on the relevant provisions of the TTPP (option (a) listed above).

Rehearing submissions

31. The ability to rehear submissions or appoint a new hearing panel to do so will depend on the scope and the extent to which the recommendations are rejected. If the rejection is on a matter that is severable from the rest of the Hearing Panel's recommendations, a re-hearing on only those submissions will carry less risk. However, rejecting key objectives and policies which impact multiple other provisions may give rise to greater risk of successful challenge due to the interrelated nature of the recommendations.
32. The nature of any subsequent hearing would need to be determined by the extent and scope of the recommendations rejected, in order to be consistent with the principles of natural justice. What is appropriate and fair turns on the circumstances of the proceedings. For example, if the issue is narrow and discrete, with limited submission points, then the Committee may be able to conduct a hearing "on the papers" (reviewing the material previously filed with the Hearing Panel, including recordings of the hearing, and making a new decision).
33. However, in most circumstances (or for contentious issues), we anticipate that it would be fair and appropriate to conduct a re-hearing of the relevant submissions and evidence, so that the decision-maker has the opportunity to ask any necessary questions. This would also be the case where a number of recommendations are rejected (for example in relation to a whole chapter/topic of the TTPP), rather than in relation to a discrete provision. This then incurs additional cost to the district councils, and comes with further delay associated with additional hearing time.
34. If there is a rehearing of submissions on the TTPP, it is important appropriate measures are taken to reduce the potential risk of allegations associated with predetermination and bias. One way of achieving this would be to appoint a whole new hearing panel.

Notification of variation

35. If the Committee was to reject all or some of the Hearing Panel's recommendations, a variation to the TTPP is possible under Schedule 1, clause 16A.
36. The preparation and notification of a variation would incur costs. A variation must follow the process set out in Schedule 1 of the RMA, including the notification and hearing of submissions – essentially the same process that the TTPP has followed to date. Following

the proper process would also incur timing delays in terms of making the TTPP fully operative (although part of the TTPP may be able to be made operative in advance of the variation progressing to completion).

Withdrawal of part of the TTPP

37. The Committee may have the option of withdrawing the relevant parts of the TTPP where it has rejected the Hearing Panel's recommendations.¹⁷ However, this will depend on the scope of the parts of the recommendations that are rejected. This is because part of a proposed plan can be withdrawn, provided that it does not have the effect of varying any other parts of the plan left behind.
38. If the withdrawal of part of a proposed plan does vary or affect other parts of the proposed plan, then the withdrawal would be classified as a variation, to which Schedule 1 of the RMA applies.¹⁸ The option to withdraw part of the TTPP would be available where for example, the withdrawal consisted of all of the provisions in relation to the management of a discrete activity, including policies, rules, explanations, definitions, appendices (or part thereof).
39. A withdrawal renders all submissions and/or appeals on that part of the Plan non-justiciable.¹⁹ The withdrawal of a proposed plan (or part of it) does not require a hearing,²⁰ but the TTPP Committee would be required to give public notice, including reasons for the withdrawal. Depending on the scope of the withdrawal, withdrawing part of the TTPP may undermine the ability of the Council to give effect to relevant higher order documents, for example the West Coast Regional Policy Statement.

When the Committee makes its decision

40. Once the Committee makes its decision, this must be publicly notified. On and from the date the decision is publicly notified, the plan is amended in accordance with the decision.²¹ At this point. The "decisions version" of the TTPP will be in effect and apply to all applications for resource consent. This replaces the "notified version" which is the version that is currently being applied.
41. If the decision is to not accept the recommendation of the Hearings Panel, we note that the notified version of the TTPP will remain in force (unless all the provisions are withdrawn).
42. When the decision is notified, a copy of the public notice (and clear statement of the period within which an appeal may be lodged) must be served on all submitters.²²
43. Following notification of the decision, a person who made a submission may appeal to the Environment Court. An appeal is required to be lodged within 30 working days of service of the notice of decision of the TTPP Committee.²³
44. If no appeals are received in relation to certain provisions, then rules in the TTPP may be treated as operative (in accordance with section 86F of the RMA), or there may be parts of the TTPP that can then be approved by the Committee and made operative.²⁴ We can provide further advice on these processes once the appeal deadline has passed.
45. We note that from previous experience with planning processes, there are often a number of appeals. This is particularly so for provisions that may be seen as more contentious by the

¹⁷ RMA, Sch 1, cl 8D.

¹⁸ *West Coast Regional Council v Royal Forest & Bird Protection Society of New Zealand* (2006) 12 ELRNZ 269, [2007] NZRMA 32.

¹⁹ *West Coast Regional Council v Royal Forest & Bird Protection Society of New Zealand* (2006) 12 ELRNZ 269, [2007] NZRMA 32 at [31].

²⁰ *West Coast Regional Council v Royal Forest & Bird Protection Society of New Zealand* (2006) 12 ELRNZ 269, [2007] NZRMA 32 at [65].

²¹ RMA, Sch 1, cl 10(5).

²² RMA, Sch 1, cl 11.

²³ RMA, Sch 1, cl 14.

²⁴ RMA, Sch 1, cls 17 and 20.

community, so often what is decided on by the Council (or in this case TTPP Committee) is not the final version of the provisions.

46. Once an appeal is lodged, the matter will be managed by the Environment Court. Most often, the parties would first seek to reach an agreed outcome through mediation, but if that cannot be achieved a hearing before the Environment Court would be necessary. In that instance, it will be the Environment Court judge that has the decision over the appropriate provisions to include within the TTPP.
47. The TTPP Committee will have an opportunity to consider the appeals and to participate in the resolution of appeals through mediation. For practical reasons, the Committee will need to appoint a delegate who has authority to settle the appeals at mediation. This can be determined at a later date. This is the TTPP Committee's opportunity to provide high-level policy guidance by setting its preferred position to be pursued through mediation, which will ultimately be implemented by staff with delegated authority.

Conclusion

48. We trust that our advice assists. Please let us know if you have any further questions, or would like to discuss.

Wynn Williams

Tracey Ellis

From: Jo Armstrong

Sent: Tuesday, 7 October 2025 9:59 AM

To: Paul Madgwick <makaawhio@gmail.com>; Francois Tumahai <francois@ngatiwaewae.org.nz>; Simon Pickford <simon.pickford@bdc.govt.nz>; Joanne Soderlund <joanne.soderlund@greydc.govt.nz>; Barbara Phillips <barbara.phillips@westlanddc.govt.nz>; Darryl Lew <darryl.lew@wrcr.govt.nz>; Rex Williams <nzrexwilliams@gmail.com>

Cc: Olivia Anderson <olivia.anderson@westlanddc.govt.nz>; Philippa Lynch <philippa.lynch@ngaitahu.iwi.nz>; Carissa du Plessis <carissa.duplessis@bdc.govt.nz>; Michael McEnaney <michael.mcenaney@greydc.govt.nz>; Lois Easton <Lois.Easton@wrcr.govt.nz>; Doug Bray <doug.bray@wrcr.govt.nz>

Subject: Important legal advice re TPPP appeals process

Good Morning

TPPP is on track for notification this Friday 10 October.

Notification marks the beginning of the appeals period, and the nature of the joint committee membership means that the appeals process is not straight forward for member organisations.

We have received the attached legal advice to help you guide the appeals process for your organisation.

In a nutshell the advice is that TPPP Committee members cannot be both an appellant and the respondent to appeals.

Committee members cannot appeal their own decision, so the options suggested are:

Committee members recuse themselves from any of their organisation's governance discussions and decisions about what their organisation might appeal

OR

Governance delegate the discussion and decisions about what to appeal to their staff.

In either case Committee members should not participate in the decision to appeal.

AND

If a member organisation appeals on a certain topic, the TPPC member should recuse themselves from participating in TPPC discussions and decisions on the Committee position for mediation **on that topic.**

It is extremely important that you bring this to the early attention of your governing body and TPPP Committee members following the local body elections, so that you can make decisions on how to proceed before such discussions take place.

The legal advice provides the reasoning behind these recommendations.

Please contact me if you have any questions.

Kind regards

Jo

Jo Armstrong

TTPP Project Manager | West Coast Regional Council

✉ jo.armstrong@wrc.govt.nz | ☎ +64 3 768 0466 ext. 9125



This email may contain information that is confidential, proprietary or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you have received this email message in error, please notify the sender and erase all copies of the message and attachments.



MEMORANDUM

Date: 13 August 2025
To: Jo Armstrong
From: Lucy de Latour | Kate Dickson

Options to address TTPP Committee position during mediation

1. The hearings of submissions on the proposed Te Tai o Poutini Plan (**pTTPP**) have concluded, and a decision on the Hearing Panel's recommendations is anticipated ahead of this year's local body elections.
2. A question has been raised regarding the TTPP Committee's position during potential mediations, in the event that appeals are lodged in the Environment Court following the TTPP committee's decisions on the Independent Hearing Panel recommendation. We understand that the TTPP Committee and the Buller, Grey and Westland District Council as well as the West Coast Regional Council and Ngāi Tahu lodged submissions both in respect of the pTTPP as notified and its respective variations.
3. The West Coast has led the way in developing a combined district plan through the joint TTPP Committee. While this has strengthened the decision making process, it raises questions for the Committee members during the appeals process. In particular, you have asked:
 - (a) How the councils / Poutini Ngāi Tahu that are members of the TTPP Committee could make a decision to appeal the Committee's decision on the pTTPP; and
 - (b) How the Committee can determine its position on the appeals if members of the Committee are also representatives of parties that have appealed the decisions on the pTTPP.

Executive summary

4. Because the TTPP Committee's membership comprises of representatives from each of the four West Coast councils, along with Ngāi Tahu, a TTPP Committee member participating in any decision of each individual organisation to lodge an appeal on the pTTPP could give rise to an allegation of a conflict of interest, predetermination or bias.
5. Likewise, those members participating in future decisions of the TTPP Committee on those appeals (or similar appeal points) may also give rise to a conflict of interest or allegation of predetermination or bias. Any such allegation creates a risk of legal challenge against the relevant decision (which would be brought by way of judicial review).
6. A detailed summary of the principles of decision making (including conflicts of interest and bias) is included in Appendix 1 to this advice.
7. While issues of conflict of interest and bias are ultimately for individual members to consider, and to decide how to respond (e.g. by standing aside from decision-making if necessary) our recommendation is that where one of the organisations represented on the TTPP Committee may wish to appeal (or join another appeal on) the decisions on the pTTPP, is that either:
 - (a) Those members recuse themselves from any discussions or votes on whether to appeal the TTPP Committee's decision, or join another party's appeal; or
 - (b) That organisation delegate the power to decide whether to appeal against the TTPP Committee's decision / join an appeal to staff, rather than this decision being made at a council / whole organisation level.
8. Both options ensure that members of the TTPP Committee are not seen to be appealing their own decision or making decisions in their own cause. With appropriate confidentiality procedures, these options will also help ensure that members can continue to participate in

future decision making on the TTPP Committee (other than on their own organisation's, or related, appeal points).

9. Although Poutini Ngāi Tahu decisions are not subject to judicial review as the councils are, a similar approach should be taken for separation in discussions and decision-making by the iwi representatives in respect of any prospective appeal. This will reduce the risk of members not being able to participate in future TTPP Committee decisions on appeals and the associated legal risks of those decisions.
10. Matters of conflict will also need to be considered when forming the TTPP Committee's position for mediation (e.g. deciding what parts of an appeal are or are not negotiable through mediation). The options available are likely to include:
 - (a) The TTPP Committee forming the position on the appeals and for mediation, with the representatives of the appellant member organisation recusing themselves (standing aside) from any discussion or voting on matters associated with their organisation's appeal (noting that this requirement for recusal may extend to other related appeal points); or
 - (b) Delegating the full decision-making on mediation to staff or the Committee's independent chair.
11. Both options limit bias which protects the TTPP Committee. Therefore, the preferred option will likely depend on which is more practical.
12. In our experience, option (a) maintains the TTPP Committee's ability to discuss and consider the position it wants for the objectives, policies and rules of the pTTPP, as the outcome from mediation. Further, this option means members who are part of organisations with appeals do not have to be entirely excluded from any further decision-making on the pTTPP; they will only have to stand aside from discussions on the topics relevant to their organisation's appeal points. There will still need to be some delegations to staff to manage the mediation process, for reasons of efficiency.
13. We recommend that a similar approach be taken in relation to any decision of the TTPP membership organisation to join other appeals as a s274 party.
14. Given that the role of the TTPP Committee is to represent the member organisations, and the potential need to stand aside from future decision-making on the TTPP Committee, lodging an appeal or s274 notice may dilute the organisation's role in that regard. Accordingly, we strongly encourage each of the organisations to consider whether it would be desirable for them to lodge or join an appeal. If all member organisations lodge an appeal or join an appeal as a section 274 party, this means that it may only be the independent chair of the TTPP Committee that is able to represent the TTPP Committee in setting this desired outcome through mediation (at least in relation to certain topics).
15. Our detailed advice follows.

Should the member Councils or organisations lodge or join appeals?

16. At the outset, we note that member Councils or other organisations that are represented on the TTPP Committee should carefully consider whether it would be desirable to appeal the decision made on their submissions (or join another party's appeal).
17. As outlined later in this advice, lodging an appeal may limit the ability of member Councils or member organisations to be represented on the TTPP Committee in respect of setting positions on mediation. Councils / member organisations (and individuals) will need to carefully consider whether their interests are best progressed by:
 - (a) lodging / joining appeals if dissatisfied with the decision, or
 - (b) being represented on the TTPP Committee on the appeals on an ongoing basis, as in some situations the two interests may be incompatible.

Risks to TTPP Committee of bias or perceived bias

18. As the pTTPP proceeds beyond decisions and onto determination of appeals, the risk of bias and perceived bias may occur in situations where:
- (a) The Councils (and Poutini Ngāi Tahu) that are represented on the TTPP Committee seek to appeal the decision of the TTPP Committee on their submissions (or join another party's appeal); and
 - (b) The TTPP Committee needs to take a position on a member Council or iwi appeal.
19. For example, this could arise if the TTPP Committee makes determinations on outcomes that they would like from mediation which, if known, could benefit member appellant's negotiations.
20. We understand that the member Councils and iwi have all made submissions on the pTTPP. There will accordingly be an appeal right to the Environment Court that arises from the TTPP Committee making decisions on the submissions on the pTTPP.¹ In the event that a member Council or iwi wishes to lodge an appeal against the TTPP Committee's decision, this may give rise to a conflict of interest or perception of bias for the representative on the TTPP Committee, as the appellant is also represented by the decision-maker on the matter that it wishes to appeal against. The principles of bias and conflict of interest are explained in more detail in **Appendix 1**.
21. Each appeal that is lodged with the Environment Court is likely to first proceed to mediation, to see if it can be resolved by agreement without the need for a Court hearing. Mediation will require the TTPP Committee to form a position on mediation (e.g. the ultimate outcome desired for the objectives, policies and rules of the TTPP), to be able to discuss this with the appellants and determine whether an agreement can be reached.
22. The TTPP Committee will need to determine how it intends to form a position ahead of mediations. However, if an appellant is also represented on the TTPP Committee, this also gives rise to a risk of bias or predetermination (as members of the organisation that is the appellant are also on the TTPP Committee, which would be responding to the appeal). Confidentiality considerations are also likely to arise. For example, if the TTPP Committee receives legal or other technical advice on appeals.
23. We have also considered whether this risk is reduced if member organisations sought to join other appeals under section 274 of the RMA, rather than lodge their own appeals. In our opinion, the same perception could arise as a result of seeking to join an appeal. Section 274 parties are afforded broad rights of participation in the Environment Court, allowing them to take an active role in supporting or opposing the appeal. This means that the member organisation could still take an active role on an appeal, even if it had not appealed the decision itself.
24. The TTPP Committee will need to consider how to protect itself against these risks in making decisions, and throughout the appeals process, on the pTTPP.

Options

Regarding decisions to appeal the pTTPP

25. In terms of the decision to appeal the pTTPP, the area that would create the most risk is where the decision to appeal is made by the full Council or organisation. This is because the same councillors/representatives who represent the council/other organisations on the TTPP Committee would then be part of the decision to appeal that decision. This creates a risk for both the decision making on the appeal, but also may preclude the member's participation in future TTPP Committee meetings, or create additional legal risk in relation to those decisions.
26. The options for the member organisations in this regard include:
- (a) Councillors or other members of the TTPP Committee recusing themselves from any discussions or votes on whether to appeal the TTPP Committee's decision; or

¹ RMA, Schedule 1, cls 10 and 14.

- (b) Delegating the power to decide whether to appeal against the TTPP Committee's decision to staff, rather than this decision being made at a council level.
27. Both of these options ensure that the councillors or organisation representatives that are also members of the TTPP Committee are not seen to be challenging their own decision, or making decisions in their own cause. To the extent that a TTPP Committee member is not involved in its Council's/organisation's decision to appeal, then it is less likely that an issue of bias or predetermination will arise in relation to that member's later involvement as part of the TTPP Committee. However, it will still be necessary to consider whether there could be a perception of bias, as discussed further below.
28. Recusal as referred to in the first option means that those councillors or representatives should not participate in any meetings or discussions on this topic.
29. If the first option is selected, the councils will need to ensure that the standing aside of those members would not affect the council's quorum to make a decision – if this is the case then the second option of delegation to staff would be preferable.
30. We recommend that similar approaches should also be taken by the iwi representatives on the TTPP Committee – they should ensure that they are not involved in any discussions or decisions on whether to appeal the TTPP Committee's decision so as to avoid any allegations of bias or conflict of interest in relation to any future participation on determining the position on appeal as part of the TTPP Committee.

Regarding mediations on member council / iwi appeals

31. The options in relation to forming the position on mediation for any member council / iwi appeals are similar. These include:
- (a) The TTPP Committee forming the position on the appeals and for mediation, with the representatives of the appellant member council / iwi recusing themselves from any discussion or voting on matters associated with that council's / iwi's appeal when the TTPP Committee decides upon it (noting that depending on the nature of the appeal points, this requirement for recusal may also extend to other related appeal points); or
- (b) Delegating the full decision-making on mediation to staff or the TTPP Committee independent Chair.
32. We have also considered whether, having recused themselves on decision-making on lodging the appeal, representatives of councils or organisations that have appealed could fully participate in pTTPP decision-making throughout mediation (including on their own appeal(s)). While this may technically be an option, we consider that it carries legal risk. Such an approach would be open to challenge on the basis that there would be at least a perception that the member would only vote in favour of an option that was preferable to their own Council / organisation. For this reason, we do not recommend this approach is taken.
33. In our experience, option (a) retains the TTPP Committee's ability to set its own preferred position to be pursued through mediation, while ensuring that this process is perceived to be as fair as possible. Taking this approach would also allow members of the TTPP Committee from parties that have also appealed the decision to recuse themselves from discussions on the topics relevant to their appeal points (noting that depending on the nature and extent of any appeals lodged, this could extend to other related appeals), without being excluded from decision-making on the pTTPP as a whole.
34. In the event that all member organisations of the TTPP Committee lodge or join appeals on a particular point, this will leave the TTPP Committee in a difficult position. In that situation, it may be that all members of the TTPP Committee that are also members of an organisation that have joined or lodged appeals need to stand aside from discussions on that appeal point. This may leave only the independent chair able to make decisions on the appropriate position for the Committee to take as respondent to the appeals. This may also require a delegation from the Committee to the independent chair to perform this role, to avoid any necessary quorum requirements.

35. The TTPP Committee will also need to consider practicality as part of the appeals management process. Based on our experience in other district plan reviews, and the issues that have arisen over the course of the pTTPP hearings, we anticipate there being multiple appeals lodged. It would be very time-intensive for the TTPP Committee to meet and determine its position on each individual appeal point ahead of mediation, and impractical for the entire TTPP Committee to then make decisions as to whether to settle an appeal through mediation.
36. The TTPP Committee will need to delegate at least some decisions to staff, in order to be able to effectively participate at mediation (e.g. the delegation to settle at mediation). The delegation to staff is simply a practical measure to ensure the TTPP Committee's position can be reflected through mediations, without needing the entire Committee's approval to agree to specific drafting changes (for example).
37. The TTPP Committee will also have to consider, as a whole, whether it should set its policy position for mediation, or whether it would be appropriate to delegate this power to a smaller subcommittee of TTPP Committee members. This will largely depend on matters of practicality (i.e. the number and variety of appeals, and the availability and willingness of all TTPP Committee members to meet to discuss the Committee's position on a regular basis).

Conclusion

38. We trust that our advice assists. We are happy to meet with you to discuss this advice, or to answer any questions.

Wynn Williams

Appendix 1: Principles of conflicts of interest, predetermination and bias

39. The TTPP Committee (and its members) must avoid predetermining any decision and approach all decisions with an open mind, even where a disposition to a certain position may legitimately exist. To do otherwise risks giving rise to allegations of conflict, bias or predetermination.
40. The courts have developed principles of natural justice to control the procedures by which decisions are made. The rules of natural justice require discretionary decision-making powers to be exercised in a way that is “procedurally fair”. Procedures under the RMA are subject to rules of natural justice as well as the decision-making provisions of the Local Government Act 2002.²
41. The principles of natural justice require impartiality in decision-making in order to uphold public confidence in the administration of justice. Natural justice requires persons not to be ‘judges in their own cause’ – meaning a decision maker, including one with a delegated authority, should not have a stake in the outcome of the decision.³
42. Conflicts of interests which do not involve a pecuniary interest are often dealt with under the common law rules about bias. These rules operate to ensure no actual bias, but also no appearance of bias.⁴ Apparent bias is concerned with public perceptions as to impartial decision-making and predetermination is concerned with “closed mind” decision-making.⁵ Related to this is the well-established principle that a person should not be the judge of their own case.⁶ Essentially, a decision-maker should not have an interest in the outcome.
- (a) Bias and conflicts of interest may arise due to the existence of a relationship or role, separate to the role of being a Mayor / Chair / Councillor or Committee member, or as a result of things that a person has said or done, either prior to, or while in the role of a Mayor / Chair / Councillor (or Committee member).
43. The principles of actual or apparent bias provide that a decision-maker should not impartially favour one side over another. The test for establishing bias centres on whether or not a fair-minded lay observer might reasonably apprehend that the decision-maker will not bring an impartial mind to the resolution of the case in the sense that he or she may unfairly regard with favour (or disfavour) the case of a party.⁷
44. Preconceived views have also been found to disqualify a decision-maker if there is a reasonable suspicion or likelihood of bias, particularly when statements reveal prior judgment or personal hostility towards a party, and statements made by decision-makers prior to a hearing have been held to illustrate bias.⁸ However, generally public statements of opinion or policy do not alone establish bias unless the public statements are binding upon the decision-maker.⁹ Existing opinions alone are not usually sufficient to prove bias if the decision maker retains a commitment to act with an “open mind” to address the issues,¹⁰ unless such an opinion would establish bias under the test set out above.

² Local Government Act 2002, s 39; New Zealand Bill of Rights Act 1990, s 27.

³ *Nga Puawaitanga (Meremere) Ltd v Waikato District Council* (1998) 4 ELRNZ 480.

⁴ We note for completeness that a third category of bias, presumptive bias, involves the principle that it is improper for a decision-maker who has an interest (usually pecuniary) in the outcome of a case, no matter how small, to decide that case. See *Anderton v Auckland City Council* [1978] 1 NZLR 657 at 680. As pecuniary interests are not relevant in the present circumstances, we have not dealt with this further.

⁵ *Save Chamberlain Park Incorporated v Auckland Council* [2018] NZHC 1462 at [180].

⁶ *Muir v Commissioner of Inland Revenue* [2007] 3 NZLR 495 (CA) at [62]; *Saxmere Company Limited v Wool Board Disestablishment Company Limited* [2009] NZSC 72.

⁷ *Richardson v Board of Governors of Wesley College* [1999] 2 ERNZ 199 at 22.

⁸ *English v Bay of Islands Licensing Committee* [1921] NZLR 127.

⁹ “Local Authorities Law in New Zealand”, Kenneth Palmer, Thomson Reuters, 37.2.3 (12) citing *Turner v Allison* [1971] NZLR 833 (CA); *Whitford Residents and Ratepayers Association Inc v Manukau City Corporation* [1974] 2 NZLR 340 (SC).

¹⁰ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541, [2019] 2 NZLR 501 at [88].

45. Councillors are entitled to have political or party affiliations and may therefore be committed to certain policies, but any such affiliations should be set aside when participating in quasi-judicial roles,¹¹ including making decisions on proposed plans (or plan changes). Commenting specifically on predetermination in local authority decision-making, the Court has previously stated:¹²

There is nothing objectionable about councillors holding preliminary or “in principle” views on decisions, provided when it comes to making the actual decision, they do so with an open mind to other alternatives. Indeed it is always likely to be the case that members of local authorities will hold particular views on certain issues. The effect of local body democracy is that persons are voted into office holding certain views. What is important is that when they come to make decisions they follow a thought process that recognises a change of mind may eventuate.

46. We note also that the Local Authorities (Members’ Interests) Act 1968 covers pecuniary / financial interests. In general, this Act provides that a member of a local authority or a committee of a local authority shall not vote or take part in the discussion of any matter in which that member has (directly or indirectly) a pecuniary interest, other than an interest in common with the public.¹³ However, there is an exception to this rule for matters surrounding the preparation, recommendation, approval or review of a district plan,¹⁴ so we have not considered it further for the purposes of this advice.

¹¹ “Local Authorities Law in New Zealand”, Kenneth Palmer, Thomson Reuters, 37.2.3 (13).

¹² *Whakatane District Council v Bay of Plenty Regional Council* [2009] 3 NZLR 799 (HC) at [117]; *Save Chamberlain Park Incorporated v Auckland Council* at [177].

¹³ Local Authorities (Members’ Interests) Act 1968, s 6(1).

¹⁴ Local Authorities (Members’ Interests) Act 1968, s 6(3)(e).

Te Tai o Poutini Plan

RW110



**Te Tai o
Poutini**
PLAN



Outline of Workshop

1. Overview of TTPP and what is in it (most of this session)

- Part 1 Introduction
- Part 2 District Wide Matters

10 min break

- Part 3 Area Specific Provisions
- Part 4 Schedules and Appendices
- Maps

10 min break

2. What will reporting look like for Decisions?

3. Effect of Decisions on planning outcomes for the West Coast/Te Tai o Poutini

Appeals

Once the Decision Plan is released submitters can appeal
People cannot make “whole plan” appeals – they need to be specific

We expect a range of different types of appeals including:

- Appeals from interest groups (e.g. in relation to Mineral Extraction, Ecosystems and Biodiversity)
- Appeals from Infrastructure organisations (in relation to policies and rules in a range of chapters)
- Appeals from businesses and individuals (e.g. in relation to specific rules, overlays or zoning that affect their property)

Appeals

- The TTPP Committee is the respondent to the appeals so cannot appeal itself
- The individual Councils can appeal parts of the Plan
- The Councils can also join any of the appeals by giving notice to the court within 15 working days of the appeals – becoming a s274 “party” to the appeal
- The Councils can join either in support of or opposition to any of the appeals
- Other people can also join as s274 parties “if they have an interest greater than the general public” or made a submission on the topic

Effect of Decisions - Appeals

- Once the appeals period is over, any part of the Plan not appealed becomes Operative and the former plans are no longer considered for that matter
- Unless someone appeals the whole zone (unlikely) rezoning will largely be operative, except for individual sites that have been appealed
- Appeals will be grouped into topics and the next stage is court appointed mediation
- Mediation will be held on the West Coast and TTPP staff will prepare “position papers” for the Committee to support the mediation process
- Anything not able to be agreed at Mediation will go to an Environment Court hearing



Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Jo Armstrong, Project Manager
Date: 19 November 2025
Subject: **Te Tai o Poutini Plan – Committee Roles and Responsibilities**

SUMMARY

This report provides information on the legal establishment of TTPP under an Order in Council in 2019, and the processes that have been undertaken to reach public notification of the TTPP decisions version on 10 October 2025.

Explanation about the current appeals stage and the Committee's role both during appeals and in the future are also discussed.

RECOMMENDATIONS

1. That the Committee receive the report.

Jo Armstrong

Project Manager

BACKGROUND

1. In 2015 some members of the West Coast community made a local government reorganisation application to the Local Government Commission. The Commission then ran a 'regional efficiency' collaborative process with the four West Coast councils and other parties to determine the best option.
2. In 2018 the Local Government Commission released its proposal, and an Order in Council detailing the formal reorganisation scheme was signed by the Governor General on 17 June 2019, coming into force on 19 July 2019. The content of the Order in Council is reproduced at Appendix 1.

OUTCOMES OF REORGANISATION

3. The main outcome of the Order in Council is that there must be a combined district plan for the whole of the West Coast, replacing the current Buller, Grey and Westland District Plans.
4. Clause 6 of the Order in Council transfers the obligations to prepare, hear, adopt, monitor and amend the Plan from the district councils to West Coast Regional Council. This is followed in clause 8(3) by a direction that the regional council must then delegate these obligations to Te Tai o Poutini Plan Committee.
5. The order establishes a permanent joint decision-making Te Tai o Poutini Plan (TTPP) Committee, which cannot be discharged by its member bodies.
6. The membership of TTPP Committee is also directed to be the Mayor or Chair and one other councillor from each of the four West Coast councils, representatives from the two Poutini Ngāi Tahu rūnanga and an independent Chair.
7. As the TTPP Committee is not a financial body, the Order in Council directs that the responsibility for raising a regional rate to fund TTPP falls to the West Coast Regional Council (WCRC). This means that WCRC employs TTPP staff and administers contracts on behalf of TTPP Committee.

Appointing Committee members

8. A Deed of Agreement (Appendix 2) has been signed between the six Committee parties. Point 13 in the Deed of Agreement sets out the process and timing for appointing members to Te Tai o Poutini Plan Committee following an election, as follows:
"The four West Coast councils will appoint their second elected member to Te Tai o Poutini Plan Committee (i.e., other than the regional council chairperson/district mayor) at their first meeting after each triennial election. The councils will appoint, if necessary, a replacement member for a particular triennium as soon as practically possible."
9. It has been the practice of previous TTPP Committee's to also identify an alternate or replacement member, should one become necessary, at the first meeting following a triennial election.
10. The Order in Council and Deed of Agreement also identify the meeting quorum as one representative of four of the six parties comprising membership of the Committee.

ROLES IN THE TTPP PROCESS

Te Tai o Poutini Plan Committee

11. Te Tai o Poutini Plan Committee is charged with preparing, approving, monitoring the implementation of and amending a combined West Coast district plan, Te Tai o Poutini Plan. It has full decision-making powers to achieve these objectives.
12. The Committee are responsible for providing best practice governance which ensures high quality district planning outcomes for the West Coast.
13. As elected officials, Committee members also have responsibilities to represent their communities' interests, keep them informed about TTPP decisions, and to advocate with central government and local entities to help support and resource TTPP.

Independent Committee Chair

14. The Committee Chair is a full voting member of the Committee.

15. The Order in Council states that the inaugural Chair should remain in office until the Plan becomes operative.
16. After a competitive selection process run by members of the TTPP Committee Rex Williams was appointed as the independent Committee Chair. The role of Chair is key to achieving Committee effectiveness. To achieve this the Chair should:
 - guide the committee to ensure high quality governance processes are followed to achieve best possible district planning outcomes for the West Coast.
 - meet with the Project Manager before each meeting to discuss and agree the business for the meeting.
 - take ownership of, and have final say in, the decisions about what business will be pursued at any particular meeting.
 - ensure that after each meeting appropriate reports (minutes) are prepared
 - act as the Committee's media contact
 - encourage good, open relationships between the Joint Committee, and the Project team and advisors.

TTPP Planning Team

17. The TTPP Planning team comprises a project manager, Jo Armstrong, and Principal Planner, Lois Easton who both work part time on TTPP as required. Both are contracted for specified roles during the ongoing planning process, including managing the upcoming appeals process and representing TTPP Committee at mediation and court proceedings throughout 2026.
18. Project manager responsibilities also include oversight for project outcomes including budgets, management of the project team, responding and reporting to TTPP Committee and undertaking stakeholder communications and engagement.
19. A permanent TTPP Senior Planner, Doug Bray, and fixed term Planning Technician, Chu Zhao, complete the TTPP Planning Team. These roles have been crucial during the hearings, although both currently work part time on TTPP and are otherwise employed by WCRC teams, with their time being charged to those cost centres.
20. All TTPP staff time is charged to the project only as work is required.

Technical Advisory Team

21. A Technical Advisory Team (TAT) comprising senior planners from each of the four councils and Poutini Ngāi Tahu has been the technical support advising the Committee during Plan development and the hearings process. They have worked with the planning team to form provisions that reflect the needs of the individual communities while delivering outcomes that work across the entire West Coast.

Steering Group

22. Under the Deed of Agreement, a Steering Group comprised of the four council Chief Executives plus two Runanga Chairs, is established to support the work of the TAT and provide operational and planning advice to the TTPP Project Manager.

West Coast Regional Council

23. As well as having responsibility for raising an annual rate to fund development and eventual maintenance of TTPP, WCRC also provide staff input to TTPP including IT, Communications, Administration, Finance, and GIS. TTPP pay WCRC an annual overhead fee for this and other assorted support.
24. A separate TTPP budget is maintained, in which the overhead is included as a monthly expense. TTPP financial reports are presented at each monthly meeting of the TTPP Committee.

FORMAL RESOURCE MANAGEMENT ACT PLAN MAKING PROCESS

Resource Management Act

25. The Resource Management Act (RMA) is the primary legislation under which all councils are required to have an operative district plan. The overriding purpose of the RMA is to promote the sustainable management of natural and physical resources. The RMA sets out rules that must be given effect to by regional and district plans, and National Planning Standards dictate how a plan must look, including chapters required and naming conventions standardized across the country.

RMA Schedule 1 Consultation Process

26. Schedule 1 of the Resource Management Act sets out the formal statutory process for preparation, change and review of plans by local authorities. The process is very prescriptive. The timeline below shows the progress of TTPP development through the Schedule 1 process.



Development of Te Tai o Poutini Plan

27. The TTPP Team spent just over three years developing the Proposed TTPP. During that time numerous workshops with councillors, council staff, stakeholder groups and the public were held.

28. A lot of engagement took place from March 2019 once the Project Manager was employed. Many face- to-face meetings were held with stakeholder groups to inform them of the TTPP process and to build relationships. This was ongoing throughout Plan development.
29. In 2020 the planners travelled throughout the region holding public drop-in sessions to raise awareness about the TTPP planning process and answer any questions. Meetings and workshops continued throughout 2020 and 2021 to get broad input on Plan provision development.
30. In January 2022 the TTPP Exposure Draft was published as a way of getting feedback to inform the Proposed Plan provisions. This was followed in April by eight drop-in sessions on a Draft Coastal and Land Instability Hazards Document.
31. A series of consultation meetings and drop-in sessions for the Exposure Draft were undertaken over late February as well as a series of online Zoom topic related workshops. There was a high degree of interest and engagement from both stakeholders and the wider public. The drop-ins were attended by 102 people, and 73 stakeholders attended the topic related workshops.
32. In general, the planning team made minor and technical updates to the draft Plan and took information on larger and more contentious topics back to the Committee for decisions.
33. A variety of research was contracted to inform the development of numerous sections of the Plan. Technical reports both existing and produced from this research are available on the TTPP website [Technical Reports - Te Tai o Poutini Plan | West Coast District Plan](#) .

Public Notification of the Proposed TTPP

34. On 14 July 2022 the proposed Plan was publicly notified. A proposed Plan includes the objectives, policies and rules that the decision-making body (TTPP Committee) recommend.
35. As versions of TTPP are notified the planning team ensures that engagement requirements, including the availability of appropriate documents, are met as required by RMA Schedule 1. All necessary actions at notification including having a public notice in local papers, sending information to all ratepayers, contacting identified landowners with new provisions as stipulated in Schedule 1, and informing local iwi, some government Ministries and bordering local authorities were undertaken.

From Proposed Plan Notification to TTPP Decisions Version Notification

36. Notification of the Proposed TTPP marked the beginning of the formal RMA Schedule 1 process. This included:
 - A required period for receiving public submission and further submissions
 - Submissions and further submissions were summarised and notified.
 - Planners reviewed each submission point and made recommendations as to whether change was required in the Plan.
 - Some Pre-hearing submitter meetings were held.
 - To avoid any perception of bias TTPP Committee decided that independent hearing commissioners would be nominated by the district councils and Poutini Ngāi Tahu to hear TTPP submissions. The 5 strong hearings panel, including an independent Chair selected by Committee and Steering Group members, was approved by TTPP Committee in 2023.
 - The TTPP Committee Notified Variations 1 and 2 to the proposed TTPP in 2024.
 - Submitters who requested to be heard in support of their submission attended hearings where Hearing Commissioners considered the submissions and any evidence supporting the submissions.
 - Hearing Commissioners prepared their recommendations in a report to TTPP Committee in September 2025.
 - TTPP Committee made its decision on the Commissioner recommendations, and this Decision Version of the Proposed TTPP was publicly notified on 10 October 2025.

PROCESS MOVING FROWARD

37. TTPP is currently in the appeals stage, which opened when the decision version of the Plan was notified on 10 October 2025. The Appeals period is open for 30 working days, closing on 25 November 2025.
38. An application to extend the appeals period by two weeks has since been received by the Environment Court.
39. Submitters now have the right to lodge appeals on Plan decisions with the Environment Court for any matter or content raised in a submission.
40. Although reform of the RMA is currently underway, the Government has directed that all notified plans, such as TTPP, must continue with the Schedule 1 processes. This stage of the Schedule 1 process includes:
 - Mediation meetings being held between TTPP staff and appellants to try to resolve appeals. TTPP Committee have an important role in directing staff on what position to take in mediation. The role of staff is to advise the Committee on risks regarding appeals, and the legal and financial implications of their decisions.
 - Any unresolved appeals following mediation will proceed to Court for resolution.
 - Parts of the Plan that are 'beyond challenge' (because no appeals were lodged on them) are treated as operative even if the whole plan is not fully operative.
 - The Proposed Plan becomes fully operative after all appeals have been resolved.
 - Throughout this process, and also once the TTPP becomes fully operative, the ongoing consenting and compliance functions for TTP remain the responsibility of individual district councils.

This is a long process, and the plan is not expected to be fully operative until at least 2027.

TIME REQUIREMENT FOR COMMITTEE MEMBERS

41. Over the three years of Plan development the time commitment for Committee members was high. The collaborative process was new, and there were large volumes of papers to be read for discussion at monthly meetings.
42. During the hearings process the number and length of meetings were reduced. This was followed by an increased time commitment during decision-making in September 2025.

Timeline for Committee Input Post 2025 Elections

43. Main activities which are anticipated for the Committee over the next three years include:
 - Regular meetings to update progress, set budgets and review financial statements etc.
 - Confidential workshops to set the Committee's position for negotiations at appeals mediation and court proceedings
 - Commencing amendments to TTPP as either plan changes or variations. According to cl13.2 of the Order in Council, *The Tai Poutini Plan Committee may agree that the relevant West Coast district council or councils, or their district or districts, is to be responsible for funding work relating to a particular amendment to the operative combined district plan which will have only, or predominantly, a localised impact.*
 - Some anticipated Variations include fixing any mistakes in the plan that were not submitted on, updating the Historic Heritage Schedule, and a plan change for a Greymouth Hazards Area which includes both flooding and coastal hazards.

An indication of the Committee's role and time required for these activities is produced in Table 1 below.

Table 1 TTPP Committee Activities 2025-2028

Activity	Committee Role	Time Commitment
TTPP Meetings	Reading agenda papers and attendance at meetings to discuss and make decisions on staff recommendations	2-4 hours bi-monthly
Mediation Workshops	For each appeal read the TTPP Chapter and the appeals received to understand the changes sought. Discuss options and advise staff on the position to take at mediation/hearings. Be available during mediation/hearings to further direct staff as necessary.	8 hours per topic appealed
Plan amendments	Additional reading and meetings as amendments occur. Papers and decision making will be at TTPPC meetings. Accredited TTPP Committee members may be called upon to hear submissions and write recommendations for decision-making.	2 hours bi-monthly As hearing commissioners several weeks of work per plan change or variation.

44. The Committee will be involved in assessing appeals in late 2025/early 2026, with both mediation and plan amendments expected to begin in 2026.
45. Once the Plan is fully operative, the Committee's role will be focused on implementation and review of the Plan including deciding on rolling plan changes.

Appendix One:

Local Government Reorganisation Scheme (West Coast Region) Order 2019 Order in Council

At Wellington this 17th day of June 2019 Present:

THE RT HON PATSY REDDY, GNZM, QSO, Governor-General

Presiding in Council

Pursuant to section 25(4) and Part 4 of Schedule 3 of the Local Government Act 2002, the Governor-General, acting by and with the advice of the Executive Council and at the request of the Local Government Commission, makes the following order.

Order

1. Title and Purpose

(1) This order is the Local Government Reorganisation Scheme (West Coast Region) Order 2019.

(2) This order:

(a) Gives effect to the reorganisation scheme adopted by the Local Government Commission on 23 May 2019 which completes the final reorganisation proposal given effect to by the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 made on 5 November 2018;

(b) is prepared under Part 4 of Schedule 3 of the Local Government Act 2002; and

(c) is prepared to promote good local government in a way that meets the needs and preferences of affected communities.

2. Commencement

This order comes into force on the date that is 28 days after the date on which the order is notified in the New Zealand Gazette.

3. Interpretation

The following terms have their meaning in this order as follows:

Act means the Local Government Act 2002

combined district plan means a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA

party means each of the four West Coast councils, Te Rūnanga o Ngati Waewae and Te Rūnanga o Makaawhio

RMA means the Resource Management Act 1991

four West Coast councils means the Buller, Grey and Westland district councils and the West Coast Regional Council

CONTENTS OF REORGANISATION SCHEME FOR THE WEST COAST

4. Affected local authorities continue in existence

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

(a) The four West Coast councils as presently constituted and with their current boundaries, continue in existence; and

(b) The four West Coast councils as referred to in clause 4(a), with the exception of their district plan statutory obligations transferred by clause 6 of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018, continue to have all their current roles, powers and responsibilities by or under law.

5. Areas of interest of iwi and hapū in West Coast

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 there are no changes to the extent to which areas of interest for Ngai Tahu and Te Rūnanga o Ngati Waewae and Te Rūnanga o Makaawhio in particular, are included in Buller, Grey and Westland districts.

6. Transfer of Statutory Obligations

By clause 6 of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

a. The obligations of each of Buller, Grey and Westland district councils under section 73 and Schedule 1 of the RMA for there to be a district plan at all times for each district and for the preparation, notification, adoption, periodic amendment and review of the district plan, are transferred to the West Coast Regional Council; and

b. The transferred obligations under subclause 6(a) for the preparation, notification, adoption, periodic amendment and review of new district plans will be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA; and

c. Subclause 6(b) will not prevent the preparation, notification, adoption, periodic amendment and review of a document that meets the requirements of both the combined district plan and a regional plan, or a regional policy statement, or both, under section 80 of the RMA.

7. Further provisions of Reorganisation Scheme

The following provisions give effect to the Reorganisation Scheme which completes (and is prepared and issued in accordance with) the final proposal given effect to by the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018.

8. Establishment of Tai Poutini Plan Committee

(1) A joint committee is created between the four West Coast councils and local iwi known as the Tai Poutini Plan Committee.

(2) The Tai Poutini Plan Committee is a permanent joint committee, and is not subject to powers of discharge or reconstitution by the four West Coast councils under the Act.

(3) The West Coast Regional Council must delegate to the Tai Poutini Plan Committee its combined district plan obligations under clause 6(1) of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018.

(4) The purpose and terms of reference for the Tai Poutini Plan Committee are to:

a. prepare and notify a combined district plan;

b. hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the draft combined district plan;

c. adopt a final combined district plan;

d. monitor implementation of the combined district plan and the need for any amendments; and

e. undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.

(5) The initial membership of the Tai Poutini Plan Committee, until at least such time as the combined district plan becomes fully operative, comprises:

- a. an independent chairperson;
- b. the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council;
- c. the mayor of Buller District and one other elected member from and appointed by Buller District Council;
- d. the mayor of Grey District and one other elected member from and appointed by Grey District Council;
- e. the mayor of Westland District and one other elected member from and appointed by Westland District Council;
- f. one representative appointed by Te Rūnanga o Ngāti Waewae; and
- g. one representative appointed by Te Rūnanga o Makaawhio.

9. Independent chairperson of Tai Poutini Plan Committee

(1) There shall be an independent chairperson of the Tai Poutini Plan Committee who is a permanent member of the Committee.

(2) The first independent chairperson of the Tai Poutini Plan Committee appointed by the Local Government Commission is Robert Rex Williams.

(3) Subject to clause 9(5), the term of appointment of the first independent chairperson of the Tai Poutini Plan Committee is until at least such time as the combined district plan becomes fully operative.

(4) Any subsequent appointment of an independent chairperson and their term of appointment will be made by the Tai Poutini Plan Committee.

(5) Clauses 1 to 4A of Schedule 7 of the Act apply to the Tai Poutini Plan Committee in relation to the independent chairperson as if it were a local authority.

10. Sub-committees of Tai Poutini Plan Committee

(1) In the conduct of the Tai Poutini Plan Committee business as set out in this order, the Tai Poutini Plan Committee may appoint subcommittees, including to hear and consider submissions received on the draft combined district plan.

(2) Any such subcommittee is appointed for the purpose and for the period identified by the Tai Poutini Plan Committee and is then discharged.

(3) The Tai Poutini Plan Committee may appoint to any subcommittee a person who is not a member of a local authority if, in the opinion of the Committee, that person has the skills, attributes or knowledge that will assist the work of the subcommittee.

11. Procedure for Tai Poutini Plan Committee

(1) To the extent consistent with the provisions of this order:

- a. The Tai Poutini Plan Committee must adopt its own standing orders governing matters relating to Tai Poutini Plan Committee meetings and how these are conducted, and clauses 19, 20, 25A, 27 and 28 of Schedule 7 of the Act apply to the Tai Poutini Plan Committee as if it were a local authority; and

b. The Tai Poutini Plan Committee may from time to time enter and, as necessary, amend a further deed of agreement governing the workings of the Committee including (but not limited to) matters such as meeting venue, media publicity regarding Committee decision-making, and provision of administrative support for the Committee.

(2) At the meetings of the Tai Poutini Plan Committee:

a. the quorum consists of at least one member of four of the six parties to the Tai Poutini Plan Committee;

b. voting is to be by majority of the members in attendance (whether in person or by audio link or audiovisual link);

c. each party to the Tai Poutini Plan Committee may, for a specified meeting or meetings, appoint a deputy member in place of (as appropriate) that district's mayor, the chairperson of West Coast Regional Council or a member they have otherwise appointed who may perform all the functions, responsibilities, duties, and powers of the member for that meeting or meetings. The party must give notice to the other members (or the chairperson) of the appointment of a deputy for a specified member prior to the meeting or meetings concerned;

d. in any case where the independent chairperson is unable to attend a meeting or meetings, the Tai Poutini Plan Committee may, for the specified meeting or meetings, appoint one of the members present to preside at that meeting who may perform all the functions, responsibilities, duties, and powers of the independent chairperson for that meeting; and

e. the independent chairperson does not have a casting vote.

(3) Except as otherwise provided in this order, the provisions of Schedule 7 of the Act will apply (with all necessary changes) to the Committee and its meetings as if the Tai Poutini Plan Committee were a joint committee constituted under that Schedule 7.

12. Technical Advisory Team

(1) The West Coast District Plan Technical Advisory Team (the Technical Advisory Team) is established and will provide technical advice to the Tai Poutini Plan Committee as requested by the Committee.

(2) Membership of the Technical Advisory Team will be agreed by the Tai Poutini Plan Committee as needed from time to time following nominations by the parties comprising the Committee.

13. Funding

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

(1) Subject to clause 13(2), the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan will be funded by the West Coast Regional Council by a rate set in relation to all rateable land within the West Coast Region; and

(2) The Tai Poutini Plan Committee may agree that the relevant West Coast district council or councils, or their district or districts, is to be responsible for funding work relating to a particular amendment to the operative combined district plan which will have only, or predominantly, a localised impact.

14. Clauses 45 and 46 of Part 4 of Schedule 3 of the Act not to apply

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 clauses 45 and 46 of Part 4 of Schedule 3 of the Act do not apply to this order.

Dated this 17th day of June 2019.

MICHAEL WEBSTER, Clerk of the Executive Council.

Appendix 2 Te Tai o Poutini Plan Deed of Agreement



BULLER DISTRICT COUNCIL

GREY DISTRICT COUNCIL

WESTLAND DISTRICT COUNCIL

WEST COAST REGIONAL COUNCIL

TE RŪNANGA O NGĀTI WAEWAE

TE RŪNANGA O MAKAAWHIO

**Te Tai o Poutini Committee
Deed of Agreement**

THIS DEED is made this 30 day of July 2020

Parties

BULLER DISTRICT COUNCIL

GREY DISTRICT COUNCIL

WESTLAND DISTRICT COUNCIL

WEST COAST REGIONAL COUNCIL

TE RŪNANGA O NGĀTI WAEWAE

TE RŪNANGA O MAKAAWHIO

Background

In October 2018 the Local Government Commission issued a final reorganisation proposal relating to district plan responsibilities on the West Coast. It involves transfers of statutory obligations and a delegation to a joint committee, comprising members of the Buller, Grey and Westland district councils, the West Coast Regional Council and local iwi, to be responsible for preparing and approving a new combined district plan for the West Coast. This initiative followed receipt by the Local Government Commission of a local government reorganisation application and then extensive consultation and investigation work on the West Coast from 2015 to 2018.

In November 2018 an Order in Council was signed giving effect to the Commission's proposal. This enabled a transition period to take place for making a number of detailed decisions prior to the joint committee beginning its work on the combined district plan. This work has been completed and the contents of the required reorganisation scheme agreed. The reorganisation scheme was given effect to by a further Order in Council on 17 June 2019.

In addition to the reorganisation scheme, the parties have agreed to the contents of a further document (Deed of Agreement) to assist the parties meet their formal obligations set out in the reorganisation scheme.

This Deed of Agreement sets out both the main provisions of the reorganisation scheme as well as the further detailed and procedural matters agreed by the parties on how the joint committee will operate.

Provisions of reorganisation scheme

Transfer of district plan obligations

1. The obligations of each of Buller, Grey and Westland district councils, under section 73 and Schedule 1 of the Resource Management Act 1991, for there to be a district plan at all times for each district and for the preparation, notification, adoption, periodic amendment and review of these district plans, are transferred to West Coast Regional Council.
2. The transferred obligations for the preparation, notification and adoption of new district plans and for the periodic amendment and review of those plans will be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the Resource Management Act 1991.
3. For the avoidance of doubt, clause 2 will not prevent the preparation, notification, adoption, periodic amendment and review of a document that meets the requirements of both the combined district plan and a regional plan or regional policy statement, or both, as authorised under section 80 of the Resource Management Act 1991.

Delegation of transferred obligations to joint committee

4. There is to be a permanent joint committee between all four West Coast councils and local iwi (the Te Tai o Poutini Plan Committee).
5. The West Coast Regional Council is to delegate to Te Tai o Poutini Plan Committee the district plan obligations transferred to it.

Role and membership of joint committee

6. The purpose and terms of reference for Te Tai o Poutini Plan Committee are to:
 - a) prepare and notify the proposed combined West Coast district plan (combined district plan)
 - b) hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the proposed combined district plan
 - c) adopt a final combined district plan
 - d) monitor implementation of the combined district plan and the need for amendments
 - e) undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.

7. The initial membership of Te Tai o Poutini Plan Committee, to at least such time as the combined district plan becomes fully operative, is to comprise:
 - a) an independent chairperson
 - b) the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council
 - c) the mayor of Buller District and one other elected member from and appointed by Buller District Council
 - d) the mayor of Grey District and one other elected member from and appointed by Grey District Council
 - e) the mayor of Westland District and one other elected member from and appointed by Westland District Council
 - f) one representative appointed by Te Rūnanga o Ngati Waewae
 - g) one representative appointed by Te Rūnanga o Makaawhio.
8. The first appointment of the independent chairperson of Te Tai o Poutini Plan Committee will be made by the Local Government Commission on the recommendation of the transition board, with all subsequent appointments made by the committee.

Technical Advisory Team

9. A technical advisory team is to provide technical advice to Te Tai o Poutini Plan Committee.
10. The membership of the technical advisory team will be agreed by Te Tai o Poutini Plan Committee following nominations by the parties comprising the committee.

Funding

11. Subject to clause 12, the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan will be funded by West Coast Regional Council through a rate set in relation to all rateable land within West Coast Region.
12. Te Tai o Poutini Plan Committee may agree that the relevant district council or councils, or their district or districts, is to be responsible for funding work relating to a particular amendment to the operative combined district plan which will have only, or predominantly, a localised impact.

Further provisions relating to operation of joint committee

Membership and meetings of Te Tai o Poutini Plan Committee

13. The four West Coast councils will appoint their second elected member to Te Tai o Poutini Plan Committee (i.e. other than the regional council chairperson/district mayor) at their first meeting after each triennial election. The councils will appoint, if necessary, a replacement member for a particular triennium as soon as practically possible.
14. Responsibility for hosting Te Tai o Poutini Plan Committee meetings will rotate around the six parties making up the committee.
15. The quorum for Te Tai o Poutini Plan Committee meetings will comprise one representative of four of the six parties comprising the committee.
16. Media publicity relating to Te Tai o Poutini Plan Committee meetings will be the responsibility of the chairperson but be undertaken after liaising with the regional council chairperson and district mayors as appropriate. Proposed media releases will generally be an agenda item for committee meetings.
17. Remuneration of council members of Te Tai o Poutini Plan Committee will be the responsibility of each council. Remuneration of the chairperson and iwi representatives will be agreed by Te Tai o Poutini Plan Committee and be funded by West Coast Regional Council.
18. Administrative support for Te Tai o Poutini Plan Committee and its meetings will be provided by West Coast Regional Council in conjunction with the organisation hosting a particular meeting as agreed by the parties.

Membership of West Coast District Plan Technical Advisory Team

19. Te Tai o Poutini Plan Committee will be supported by a technical advisory team comprising planners with expertise from across the four councils and local iwi.
20. The team will work with the project manager to ensure that Te Tai o Poutini Plan Committee receives technical support throughout the process. The team's contribution in kind to the district plan development process will be supported by their reporting organisation.
21. Each party to this agreement is expected to make contributions of staff time and technical expertise "in kind".

Steering group


22. In addition to the technical advisory team, a steering group comprising the council chief executives and Iwi representatives will meet regularly with the project manager to ensure the project is supported and progressing as planned.

Administration of existing district plans

23. The Buller, Grey and Westland district councils will continue to administer and be responsible for their own district plans in accordance with the requirements of the Resource Management Act 1991, until such time as there is an operative combined West Coast district plan.

SIGNED by
WESTLAND DISTRICT COUNCIL
by its authorised signatory
in the presence of:

) 
) _____
) Authorised Signatory
)



Witness signature

Edith Bretherton

Witness name

Senior Planner


Witness Occupation

Greymouth

Witness Town of Residence

SIGNED by
WEST COAST REGIONAL COUNCIL
by its authorised signatory
in the presence of:

) 
) _____
) Authorised Signatory
)



Witness signature

Edith Bretherton

Witness name

Senior Planner

Witness Occupation

Greymouth

Witness Town of Residence



Te Tai o Poutini PLAN

A combined district plan for the West Coast



Genesis of Te Tai o Poutini Plan

- In 2015 the Local Government Commission was asked to look at options to streamline local government on the West Coast
- Outcome = An Order in Council to combine Buller, Grey and Westland District Plans, and WCRC to rate for the process July 2019

Decision Making

- Governance and decision making for TTPP lies with the joint Committee (not the individual councils)
- Te Tai o Poutini Plan Committee is comprised of representatives of all four councils and both rūnanga, plus an independent Chair
- They are supported by dedicated TTPP staff and a Technical Advisory Team of council and iwi planners
- Chief Executives provide operational support

The Role of the TTPP Committee

- The TTPP Committee is charged with preparing, approving, the ongoing monitoring and amendment of Te Tai o Poutini Plan
- They have full decision-making powers to achieve these objectives.
- Committee members provide best practice governance, represent their council/rūnanga and communities' interests, and advocate with central government and local entities to support and resource TTPP.

Development of the Proposed Plan

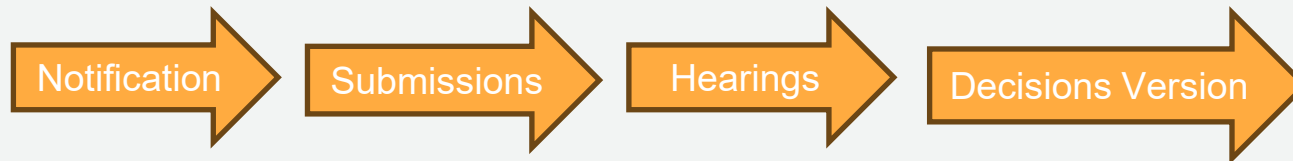
- 3 years to produce the Proposed Plan
- A lot of stakeholder engagement from day one
- Additional research on natural environment and natural hazards undertaken
- Draft Plan released January 2022 to get community/stakeholder feedback to inform the Proposed Plan.
- Committee approved changes and publicly notified the Proposed TTPP on 14 July 2022

Stakeholder Engagement

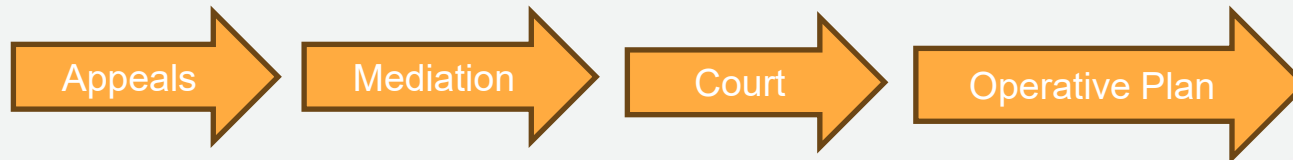
- Roadshow to towns and settlements across the region
- Workshops with key stakeholders and interested parties
- Website tppp.nz
- Information Sheets online and in hard copy
- Questionnaires online and published in the West Coast Messenger over five weeks in mid-2020
- Media ads
- Landowner letters

Formal Resource Management Act Schedule 1 Process

- Very prescriptive process from notification of the proposed TTPP to fully operative status.
- Formal process so far



- Next Steps in the formal RMA process



Proposed Plan to Decisions Version

- Public submissions July - Nov 2022
- Further Submissions period
- Independent Hearings Panel nominated by members and approved by TTPP Committee 2023
- Variations 1 and 2 approved by Committee and added to hearings December 2024-March 2025
- Public hearings 30 October 2023-20 March 2025
- Hearings Panel wrote decisions recommendations reports on the submissions for each TTPP topic
- TTPP Committee accepted the recommendations reports and reasoning and notified the Decisions Version of TTPP on 10 October 2025

Resource Management Act

- Outlines purposes the Plan must meet (s5)
- Directs what matters must be considered:
 - Matters of National Importance (s6); and
 - Other Matters (s7)
 - Principles of the Treaty of Waitangi (s8)
- Says what must be in a District Plan (s31)
- Requires an evaluation of the costs and benefits [including economic and employment impacts] to be published with the Plan [s32]
- Sets out what other regulations must be met in preparing the Plan

District Plans

- Deal with matters relating principally to **land**
- Have a hierarchy of other RMA Instruments (NPS, NES, Regulations, Water Conservation Orders) and Regional Policies and Plans that they have to follow
- Are about a local – district level interpretation but need to fit within the case law framework that has been developed over the last 30 years.
- Have to be justified and supported by evidence – outlined in the s32 Evaluation of Costs and Benefits

Hierarchy of legal requirements

Resource Management Act

National Policy
Statements

National Environmental
Standards

Water Conservation
Orders

National Planning
Standards



West Coast Regional Policy Statement

West Coast Regional Coastal Plan

West Coast Regional Land and Water Plan



Te Tai o Poutini Plan

(supported by Evidence and s32 Evaluation Report)

What is in the Plan

- Town centre and settlement form (zones and activities)
- Biodiversity and natural heritage management
- Natural hazards and risks
- Mineral Extraction
- Transport and infrastructure rules for utilities and also where development needs to connect
- Historic and cultural values and their protection
- Landscape and the natural environment
- Subdivision
- General rules around things like light, noise, signs, earthworks

Quick look at the online plan and maps

- Accessed at www.ttpn.nz
- Proposed Te Tai o Poutini Plan
- Proposed TTPP online Plan
- Read entire Plan or
- View Maps

Where we are in the Formal Resource Management Act Process

A reminder of where we are at:

- March 2019**
Plan development begins
- 2019-2021**
Community Engagement
- January 2022**
Te Tai o Poutini Plan Exposure Draft Released

Formal statutory process begins

- July 2022**
Notification of the Proposed Te Tai o Poutini Plan
- 2022 – 2023**
Public Submissions and Further submissions
- 2023 – 2025**
Public Hearings

We are here

- October 2025**
TTPP Decisions Version Notified
- 2025**
Appeals
- 2026**
Mediation/Court Proceedings
- 2027**
Operative Te Tai o Poutini Plan

- Notifying the proposed TTPP in July 2022 began the Resource Management Act Schedule 1 formal statutory process for preparation, change and review of plans by local authorities
- Very prescriptive process from Plan notification to fully operative status

Appeals and Mediation

- Appeals period closes 8 December 2025
- Staff analyse appeals and work with Environment Court to arrange mediation on each topic appealed
- Staff report on content of appeals and mediation scheduling
- TTPP Committee or sub-committee/s direct staff on what position to take for each appeal
- Legal advice received is that if the council or iwi body you represent lodges an appeal, you cannot take part in Committee mediation discussions on that topic. This would also apply if you appeal as an individual.
- Committee delegate authority to Chair or staff to accept outcomes of mediation
- Any appeals not resolved at mediation will proceed to court.

Fully operative TTPP

- Once all appeals are resolved the TTPP is fully operative replacing the current Buller, Grey and Westland district plans.
- TTPP Committee has the permanent role of implementing, reviewing and amending TTPP
- Amendments through plan changes and variations can commence ahead of a fully operative Plan and some may start as early as 2026.

Ongoing TTPP Committee Role

- Develop an understanding of TTPP and the planning context
- Work with staff to set a position on appeals - 2026
- Monitor the implementation of TTPP 2026 onwards
- Decide whether to initiate Variations or Plan Changes 2026 onwards
- Make Decisions on Private Plan Changes 2026 onwards
- Finalise the fully operative TTPP 2027

For information about Te Tai o Poutini Plan process go to:

Website : www.ttpn.nz

Email : info@tppn.nz



Te Tai o Poutini
P L A N

A combined district plan for the West Coast



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
 Prepared by: Lois Easton, Principal Planner
 Date: 19 November 2025
 Subject: **Te Tai o Poutini Plan – Next Steps for Appeals and Mediation**

SUMMARY

This report provides information for Te Tai o Poutini Plan Committee on the next steps for the planning process to finalise Te Tai o Poutini Plan.

GLOSSARY FOR THIS REPORT

Proposed Plan means the version of the Plan that was publicly notified for submissions on 14 July 2022.

Decision Plan means the version of the Plan released including the changes in response to submissions as outlined in the Decisions of the TTPP Committee. The Decision Plan was publicly notified on 10 October 2025.

Legal Effect means that the provision must be complied with. All rules in the TTPP Decision Plan have legal effect.

Operative means that the TTPP has become operative in terms of clause 20 of Schedule 1 or under section 86F of the RMA. Once operative, it replaces all parts of the previous district plans for Buller, Grey and Westland.

Part Operative means that parts of the TTPP (which have not been appealed or where appeals have been settled) are operative. For those matters only the TTPP is considered for resource consent applications. For matters under appeal, the relevant parts of the operative Buller, Grey and Westland District Plans are also considered.

RECOMMENDATIONS

1. That the Committee receive the report.

Lois Easton

Principal Planner

BACKGROUND

1. Te Tai o Poutini Plan (TTPP) was publicly notified as a Proposed Plan on 14 July 2022.
2. Hearings of submissions were heard by independent hearings commissioners over 2023-2025 with the final hearing – Variation 2, held in March 2025.
3. Recommendations on the submissions and amendments to TTPP were presented to the Committee in September 2025.
4. The Committee adopted the Recommendation reports from the Hearings Panel (except in relation to one policy) and made Decisions on TTPP.
5. The Decision Plan was publicly notified on 10 October 2025.
6. Submitters to TTPP are able to lodge appeals and the appeals period ends on 24 November 2025. This date may be extended by two weeks.
7. Appeals must relate to the submission(s) made by the appellant and the decisions on that/those submission(s). Appeals on the whole plan (e.g. “get rid of the plan”) are not legally possible.
8. Following the submission period, a 15 working-day period is provided whereby other people can become “s274 parties to the appeal”. This means a party can join an appeal – in support or opposition to it. They must have submitted on that matter, be a local authority, or be a person/entity that has an interest in that matter “greater than the general public”.
9. No new points of appeal can be raised when a s274 party joins an existing appeal and those parties can only address issues within the scope of the original appeal. If the party was a submitter, they can also only address matters within the scope of their original submission.
10. The appeals process is run by the Environment Court but assisted by TTPP staff. Once appeals are received, the Environment Court normally orders mediation, to avoid the need for unnecessary court hearings.
11. Mediation is run by the Environment Court, who will appoint a mediator and set the location. However, this will be held on the West Coast.
12. The TTPP legal counsel will work with the Environment Court staff to seek a process that is likely to resolve appeals as quickly and easily as possible.
13. The TTPP Committee is the respondent to the appeals as it is the Committee’s decisions that have been appealed.

14. As the respondent, staff and legal counsel representing the TTPP Committee will participate in the Court ordered mediation.
15. Only appellants/s274 parties (and their legal counsel) and the TTPP Committee staff representatives (and their legal counsel) are able to be present at the Environment Court mediation – this process is not open to participation by the general public.
16. Any matter not resolved at mediation will proceed to Environment Court hearing, most likely in late 2026 or early 2027.

THE TTPP COMMITTEE'S ROLE AS RESPONDENT TO THE APPEALS

17. The Decisions on TTPP are the TTPP Committee's Decisions, hence the TTPP Committee is the respondent on all appeals.
18. The Committee will therefore agree a position that they wish to put forward in response to each of the appeals.
19. Appeals will be broken up into points and grouped (like submissions were) and mediation held around topics. Ideally simple matters will be dealt with first, so that as many of the appeals as possible can be settled as quickly as practicable.
20. For each topic, staff will prepare a "position paper" for the Committee, outlining the matters appealed, and suggesting an approach, and bottom-line positions for the Committee.
21. This will be presented to and discussed in a confidential session of the Committee with final positions agreed by the Committee, prior to mediation.
22. The position will need to be that of the TTPP Committee – not the individual Council's and Rūnanga who may be appellants or s274 parties in their own right.
23. If Councils or the Rūnanga appeal or become s274 parties their representatives will not be able to participate in the decisions on the TTPP Committee position in relation to that matter (as they cannot be both appellant and respondent). Legal advice around this has been provided by the Committee's legal counsel Wynn Williams and is appended to this report. Staff at the Councils and Rūnanga will support Committee members through the complexities of this process should this situation arise.
24. Staff and TTPP legal counsel will represent the Committee's position at the mediation sessions.
25. Because mediation requires the agreement of all parties in a timely manner, delegation of agreement to the mediated outcome will need to be provided to a

staff member, or sole member of the Committee, who will be available during the mediation period. This could be, for example to the Chair of the Committee. The person will have to be able to physically sign the mediation agreements, preferably on the same day as any mediation agreement is reached.

- 26. If no agreement can be reached at mediation the matter will proceed to Environment Court hearing.
- 27. TTPP staff and legal Counsel will be required to support the Environment Court hearing process, which can be costly, so as a general approach it is considered preferable to try and resolve as much as possible at mediation.
- 28. At this stage it is expected that the Environment Court mediation might commence in the second quarter of 2026 and be completed within 3-6 months. This means any Environment Court hearings on matters that have not been able to be resolved at mediation might occur at the end of 2026/early 2027.

CURRENT LEGAL STATUS OF TTPP

- 29. Currently, all TTPP objectives, policies and rules have legal effect. However, because TTPP is not yet fully operative, the existing operative Buller, Grey and Westland District Plans also have to be considered during resource consent decision making, but the “weight” of the policy assessment goes onto TTPP. Matters such as rezoning are able to be implemented using zones as updated in the TTPP Decision Plan.
- 30. When the appeals period is ended, any part of TTPP not appealed will become operative and the former Buller, Grey and Westland District Plans will no longer be considered in relation to that matter. TTPP at that time will become a “part operative” Plan.
- 31. Staff will produce an annotated version of TTPP which identifies what parts of TTPP have been appealed and what parts are operative.
- 32. The table below sets out the different planning environment that is in place now, when appeals are lodged and when appeals are settled.

Decisions Plan in place (until the end of the appeal period)	When the appeal period is closed	When the appeals are settled.
All rules in the TTPP have legal effect, as per the	Some rules that have not been appealed will be considered beyond	All rules in the TTPP will be operative.

Decisions version of the text.	challenge and treated as operative.	
All rules in the TTPP are required to be complied with.	Some rules that have been appealed will continue to have legal effect, as per the Decision version, and are required to be complied with.	
All rules of the existing operative Buller - Grey - Westland District Plans are still operative and required to be complied with.	Some rules of the existing operative Plans will be replaced by the TTPP provisions that are treated as operative. Some rules corresponding to those appealed will continue to apply.	The Buller, Grey and Westland District Plans will no longer apply.

NEXT STEPS

33. Appeals on TTPP close on or within 10 working days of 24th November 2025 and the closing date for s274 parties to join (or oppose) appeals is 15th December or 19 January 2026 if an extension is granted by the Environment Court.
34. Staff will provide information to the next TTPP Committee meeting on 12 December outlining what matters have been appealed.
35. Position papers on each topic will be brought to the Committee at its February and March 2026 meetings.
36. Environment Court ordered mediation is expected to be undertaken in the second quarter of 2026.

Appendix 1



MEMORANDUM

Date: 13 August 2025
To: Jo Armstrong
From: Lucy de Latour | Kate Dickson

Options to address TTPP Committee position during mediation

1. The hearings of submissions on the proposed Te Tai o Poutini Plan (pTTPP) have concluded, and a decision on the Hearing Panel's recommendations is anticipated ahead of this year's local body elections.
2. A question has been raised regarding the TTPP Committee's position during potential mediations, in the event that appeals are lodged in the Environment Court following the TTPP committee's decisions on the Independent Hearing Panel recommendation. We understand that the TTPP Committee and the Buller, Grey and Westland District Council as well as the West Coast Regional Council and Ngāi Tahu lodged submissions both in respect of the pTTPP as notified and its respective variations.
3. The West Coast has led the way in developing a combined district plan through the joint TTPP Committee. While this has strengthened the decision making process, it raises questions for the Committee members during the appeals process. In particular, you have asked:
 - (a) How the councils / Poutini Ngāi Tahu that are members of the TTPP Committee could make a decision to appeal the Committee's decision on the pTTPP; and
 - (b) How the Committee can determine its position on the appeals if members of the Committee are also representatives of parties that have appealed the decisions on the pTTPP.

Executive summary

4. Because the TTPP Committee's membership comprises of representatives from each of the four West Coast councils, along with Ngāi Tahu, a TTPP Committee member participating in any decision of each individual organisation to lodge an appeal on the pTTPP could give rise to an allegation of a conflict of interest, predetermination or bias.
5. Likewise, those members participating in future decisions of the TTPP Committee on those appeals (or similar appeal points) may also give rise to a conflict of interest or allegation of predetermination or bias. Any such allegation creates a risk of legal challenge against the relevant decision (which would be brought by way of judicial review).
6. A detailed summary of the principles of decision making (including conflicts of interest and bias) is included in Appendix 1 to this advice.
7. While issues of conflict of interest and bias are ultimately for individual members to consider, and to decide how to respond (e.g. by standing aside from decision-making if necessary) our recommendation is that where one of the organisations represented on the TTPP Committee may wish to appeal (or join another appeal on) the decisions on the pTTPP, is that either:
 - (a) Those members recuse themselves from any discussions or votes on whether to appeal the TTPP Committee's decision, or join another party's appeal; or
 - (b) That organisation delegate the power to decide whether to appeal against the TTPP Committee's decision / join an appeal to staff, rather than this decision being made at a council / whole organisation level.
8. Both options ensure that members of the TTPP Committee are not seen to be appealing their own decision or making decisions in their own cause. With appropriate confidentiality procedures, these options will also help ensure that members can continue to participate in

future decision making on the TTPP Committee (other than on their own organisation's, or related, appeal points).

9. Although Poutini Ngāi Tahu decisions are not subject to judicial review as the councils are, a similar approach should be taken for separation in discussions and decision-making by the iwi representatives in respect of any prospective appeal. This will reduce the risk of members not being able to participate in future TTPP Committee decisions on appeals and the associated legal risks of those decisions.
10. Matters of conflict will also need to be considered when forming the TTPP Committee's position for mediation (e.g. deciding what parts of an appeal are or are not negotiable through mediation). The options available are likely to include:
 - (a) The TTPP Committee forming the position on the appeals and for mediation, with the representatives of the appellant member organisation recusing themselves (standing aside) from any discussion or voting on matters associated with their organisation's appeal (noting that this requirement for recusal may extend to other related appeal points); or
 - (b) Delegating the full decision-making on mediation to staff or the Committee's independent chair.
11. Both options limit bias which protects the TTPP Committee. Therefore, the preferred option will likely depend on which is more practical.
12. In our experience, option (a) maintains the TTPP Committee's ability to discuss and consider the position it wants for the objectives, policies and rules of the pTTPP, as the outcome from mediation. Further, this option means members who are part of organisations with appeals do not have to be entirely excluded from any further decision-making on the pTTPP; they will only have to stand aside from discussions on the topics relevant to their organisation's appeal points. There will still need to be some delegations to staff to manage the mediation process, for reasons of efficiency.
13. We recommend that a similar approach be taken in relation to any decision of the TTPP membership organisation to join other appeals as a s274 party.
14. Given that the role of the TTPP Committee is to represent the member organisations, and the potential need to stand aside from future decision-making on the TTPP Committee, lodging an appeal or s274 notice may dilute the organisation's role in that regard. Accordingly, we strongly encourage each of the organisations to consider whether it would be desirable for them to lodge or join an appeal. If all member organisations lodge an appeal or join an appeal as a section 274 party, this means that it may only be the independent chair of the TTPP Committee that is able to represent the TTPP Committee in setting this desired outcome through mediation (at least in relation to certain topics).
15. Our detailed advice follows.

Should the member Councils or organisations lodge or join appeals?

16. At the outset, we note that member Councils or other organisations that are represented on the TTPP Committee should carefully consider whether it would be desirable to appeal the decision made on their submissions (or join another party's appeal).
17. As outlined later in this advice, lodging an appeal may limit the ability of member Councils or member organisations to be represented on the TTPP Committee in respect of setting positions on mediation. Councils / member organisations (and individuals) will need to carefully consider whether their interests are best progressed by:
 - (a) lodging / joining appeals if dissatisfied with the decision, or
 - (b) being represented on the TTPP Committee on the appeals on an ongoing basis, as in some situations the two interests may be incompatible.

Risks to TTPP Committee of bias or perceived bias

18. As the pTTPP proceeds beyond decisions and onto determination of appeals, the risk of bias and perceived bias may occur in situations where:
- (a) The Councils (and Poutini Ngāi Tahu) that are represented on the TTPP Committee seek to appeal the decision of the TTPP Committee on their submissions (or join another party's appeal); and
 - (b) The TTPP Committee needs to take a position on a member Council or iwi appeal.
19. For example, this could arise if the TTPP Committee makes determinations on outcomes that they would like from mediation which, if known, could benefit member appellant's negotiations.
20. We understand that the member Councils and iwi have all made submissions on the pTTPP. There will accordingly be an appeal right to the Environment Court that arises from the TTPP Committee making decisions on the submissions on the pTTPP.¹ In the event that a member Council or iwi wishes to lodge an appeal against the TTPP Committee's decision, this may give rise to a conflict of interest or perception of bias for the representative on the TTPP Committee, as the appellant is also represented by the decision-maker on the matter that it wishes to appeal against. The principles of bias and conflict of interest are explained in more detail in **Appendix 1**.
21. Each appeal that is lodged with the Environment Court is likely to first proceed to mediation, to see if it can be resolved by agreement without the need for a Court hearing. Mediation will require the TTPP Committee to form a position on mediation (e.g. the ultimate outcome desired for the objectives, policies and rules of the TTPP), to be able to discuss this with the appellants and determine whether an agreement can be reached.
22. The TTPP Committee will need to determine how it intends to form a position ahead of mediations. However, if an appellant is also represented on the TTPP Committee, this also gives rise to a risk of bias or predetermination (as members of the organisation that is the appellant are also on the TTPP Committee, which would be responding to the appeal). Confidentiality considerations are also likely to arise. For example, if the TTPP Committee receives legal or other technical advice on appeals.
23. We have also considered whether this risk is reduced if member organisations sought to join other appeals under section 274 of the RMA, rather than lodge their own appeals. In our opinion, the same perception could arise as a result of seeking to join an appeal. Section 274 parties are afforded broad rights of participation in the Environment Court, allowing them to take an active role in supporting or opposing the appeal. This means that the member organisation could still take an active role on an appeal, even if it had not appealed the decision itself.
24. The TTPP Committee will need to consider how to protect itself against these risks in making decisions, and throughout the appeals process, on the pTTPP.

Options

Regarding decisions to appeal the pTTPP

25. In terms of the decision to appeal the pTTPP, the area that would create the most risk is where the decision to appeal is made by the full Council or organisation. This is because the same councillors/representatives who represent the council/other organisations on the TTPP Committee would then be part of the decision to appeal that decision. This creates a risk for both the decision making on the appeal, but also may preclude the member's participation in future TTPP Committee meetings, or create additional legal risk in relation to those decisions.
26. The options for the member organisations in this regard include:
- (a) Councillors or other members of the TTPP Committee recusing themselves from any discussions or votes on whether to appeal the TTPP Committee's decision; or

¹ RMA, Schedule 1, cls 10 and 14.

- (b) Delegating the power to decide whether to appeal against the TTPP Committee's decision to staff, rather than this decision being made at a council level.
27. Both of these options ensure that the councillors or organisation representatives that are also members of the TTPP Committee are not seen to be challenging their own decision, or making decisions in their own cause. To the extent that a TTPP Committee member is not involved in its Council's/organisation's decision to appeal, then it is less likely that an issue of bias or predetermination will arise in relation to that member's later involvement as part of the TTPP Committee. However, it will still be necessary to consider whether there could be a perception of bias, as discussed further below.
28. Recusal as referred to in the first option means that those councillors or representatives should not participate in any meetings or discussions on this topic.
29. If the first option is selected, the councils will need to ensure that the standing aside of those members would not affect the council's quorum to make a decision – if this is the case then the second option of delegation to staff would be preferable.
30. We recommend that similar approaches should also be taken by the iwi representatives on the TTPP Committee – they should ensure that they are not involved in any discussions or decisions on whether to appeal the TTPP Committee's decision so as to avoid any allegations of bias or conflict of interest in relation to any future participation on determining the position on appeal as part of the TTPP Committee.

Regarding mediations on member council / iwi appeals

31. The options in relation to forming the position on mediation for any member council / iwi appeals are similar. These include:
- (a) The TTPP Committee forming the position on the appeals and for mediation, with the representatives of the appellant member council / iwi recusing themselves from any discussion or voting on matters associated with that council's / iwi's appeal when the TTPP Committee decides upon it (noting that depending on the nature of the appeal points, this requirement for recusal may also extend to other related appeal points); or
- (b) Delegating the full decision-making on mediation to staff or the TTPP Committee independent Chair.
32. We have also considered whether, having recused themselves on decision-making on lodging the appeal, representatives of councils or organisations that have appealed could fully participate in pTTPP decision-making throughout mediation (including on their own appeal(s)). While this may technically be an option, we consider that it carries legal risk. Such an approach would be open to challenge on the basis that there would be at least a perception that the member would only vote in favour of an option that was preferable to their own Council / organisation. For this reason, we do not recommend this approach is taken.
33. In our experience, option (a) retains the TTPP Committee's ability to set its own preferred position to be pursued through mediation, while ensuring that this process is perceived to be as fair as possible. Taking this approach would also allow members of the TTPP Committee from parties that have also appealed the decision to recuse themselves from discussions on the topics relevant to their appeal points (noting that depending on the nature and extent of any appeals lodged, this could extend to other related appeals), without being excluded from decision-making on the pTTPP as a whole.
34. In the event that all member organisations of the TTPP Committee lodge or join appeals on a particular point, this will leave the TTPP Committee in a difficult position. In that situation, it may be that all members of the TTPP Committee that are also members of an organisation that have joined or lodged appeals need to stand aside from discussions on that appeal point. This may leave only the independent chair able to make decisions on the appropriate position for the Committee to take as respondent to the appeals. This may also require a delegation from the Committee to the independent chair to perform this role, to avoid any necessary quorum requirements.

35. The TTPP Committee will also need to consider practicality as part of the appeals management process. Based on our experience in other district plan reviews, and the issues that have arisen over the course of the pTTPP hearings, we anticipate there being multiple appeals lodged. It would be very time-intensive for the TTPP Committee to meet and determine its position on each individual appeal point ahead of mediation, and impractical for the entire TTPP Committee to then make decisions as to whether to settle an appeal through mediation.
36. The TTPP Committee will need to delegate at least some decisions to staff, in order to be able to effectively participate at mediation (e.g. the delegation to settle at mediation). The delegation to staff is simply a practical measure to ensure the TTPP Committee's position can be reflected through mediations, without needing the entire Committee's approval to agree to specific drafting changes (for example).
37. The TTPP Committee will also have to consider, as a whole, whether it should set its policy position for mediation, or whether it would be appropriate to delegate this power to a smaller subcommittee of TTPP Committee members. This will largely depend on matters of practicality (i.e. the number and variety of appeals, and the availability and willingness of all TTPP Committee members to meet to discuss the Committee's position on a regular basis).

Conclusion

38. We trust that our advice assists. We are happy to meet with you to discuss this advice, or to answer any questions.

Wynn Williams

Appendix 1: Principles of conflicts of interest, predetermination and bias

39. The TTPP Committee (and its members) must avoid predetermining any decision and approach all decisions with an open mind, even where a disposition to a certain position may legitimately exist. To do otherwise risks giving rise to allegations of conflict, bias or predetermination.
40. The courts have developed principles of natural justice to control the procedures by which decisions are made. The rules of natural justice require discretionary decision-making powers to be exercised in a way that is "procedurally fair". Procedures under the RMA are subject to rules of natural justice as well as the decision-making provisions of the Local Government Act 2002.²
41. The principles of natural justice require impartiality in decision-making in order to uphold public confidence in the administration of justice. Natural justice requires persons not to be 'judges in their own cause' – meaning a decision maker, including one with a delegated authority, should not have a stake in the outcome of the decision.³
42. Conflicts of interests which do not involve a pecuniary interest are often dealt with under the common law rules about bias. These rules operate to ensure no actual bias, but also no appearance of bias.⁴ Apparent bias is concerned with public perceptions as to impartial decision-making and predetermination is concerned with "closed mind" decision-making.⁵ Related to this is the well-established principle that a person should not be the judge of their own case.⁶ Essentially, a decision-maker should not have an interest in the outcome.
- (a) Bias and conflicts of interest may arise due to the existence of a relationship or role, separate to the role of being a Mayor / Chair / Councillor or Committee member, or as a result of things that a person has said or done, either prior to, or while in the role of a Mayor / Chair / Councillor (or Committee member).
43. The principles of actual or apparent bias provide that a decision-maker should not impartially favour one side over another. The test for establishing bias centres on whether or not a fair-minded lay observer might reasonably apprehend that the decision-maker will not bring an impartial mind to the resolution of the case in the sense that he or she may unfairly regard with favour (or disfavour) the case of a party.⁷
44. Preconceived views have also been found to disqualify a decision-maker if there is a reasonable suspicion or likelihood of bias, particularly when statements reveal prior judgment or personal hostility towards a party, and statements made by decision-makers prior to a hearing have been held to illustrate bias.⁸ However, generally public statements of opinion or policy do not alone establish bias unless the public statements are binding upon the decision-maker.⁹ Existing opinions alone are not usually sufficient to prove bias if the decision maker retains a commitment to act with an "open mind" to address the issues,¹⁰ unless such an opinion would establish bias under the test set out above.

² Local Government Act 2002, s 39; New Zealand Bill of Rights Act 1990, s 27.

³ *Nga Puawaitanga (Meremere) Ltd v Waikato District Council* (1998) 4 ELRNZ 480.

⁴ We note for completeness that a third category of bias, presumptive bias, involves the principle that it is improper for a decision-maker who has an interest (usually pecuniary) in the outcome of a case, no matter how small, to decide that case. See *Anderton v Auckland City Council* [1978] 1 NZLR 657 at 680. As pecuniary interests are not relevant in the present circumstances, we have not dealt with this further.

⁵ *Save Chamberlain Park Incorporated v Auckland Council* [2018] NZHC 1462 at [180].

⁶ *Muir v Commissioner of Inland Revenue* [2007] 3 NZLR 495 (CA) at [62]; *Saxmere Company Limited v Wool Board Disestablishment Company Limited* [2009] NZSC 72.

⁷ *Richardson v Board of Governors of Wesley College* [1999] 2 ERNZ 199 at 22.

⁸ *English v Bay of Islands Licensing Committee* [1921] NZLR 127.

⁹ "Local Authorities Law in New Zealand", Kenneth Palmer, Thomson Reuters, 37.2.3 (12) citing *Turner v Allison* [1971] NZLR 833 (CA); *Whitford Residents and Ratepayers Association Inc v Manukau City Corporation* [1974] 2 NZLR 340 (SC).

¹⁰ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541, [2019] 2 NZLR 501 at [88].

45. Councillors are entitled to have political or party affiliations and may therefore be committed to certain policies, but any such affiliations should be set aside when participating in quasi-judicial roles,¹¹ including making decisions on proposed plans (or plan changes). Commenting specifically on predetermination in local authority decision-making, the Court has previously stated:¹²

There is nothing objectionable about councillors holding preliminary or "in principle" views on decisions, provided when it comes to making the actual decision, they do so with an open mind to other alternatives. Indeed it is always likely to be the case that members of local authorities will hold particular views on certain issues. The effect of local body democracy is that persons are voted into office holding certain views. What is important is that when they come to make decisions they follow a thought process that recognises a change of mind may eventuate.

46. We note also that the Local Authorities (Members' Interests) Act 1968 covers pecuniary / financial interests. In general, this Act provides that a member of a local authority or a committee of a local authority shall not vote or take part in the discussion of any matter in which that member has (directly or indirectly) a pecuniary interest, other than an interest in common with the public.¹³ However, there is an exception to this rule for matters surrounding the preparation, recommendation, approval or review of a district plan,¹⁴ so we have not considered it further for the purposes of this advice.

¹¹ "Local Authorities Law in New Zealand", Kenneth Palmer, Thomson Reuters, 37.2.3 (13).

¹² *Whakatane District Council v Bay of Plenty Regional Council* [2009] 3 NZLR 799 (HC) at [117]; *Save Chamberlain Park Incorporated v Auckland Council* at [177].

¹³ Local Authorities (Members' Interests) Act 1968, s 6(1).

¹⁴ Local Authorities (Members' Interests) Act 1968, s 6(3)(e).



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Next Steps for Appeals and Mediation



Appeals Process

- Is run by the Environment Court but assisted by TTPP staff and legal team
- Mediation is the normal next step
- Environment Court appoints a mediator and sets a location(s) (will be on the West Coast)
- Aim is to have a process that resolves appeals as quickly and easily as possible.
- The TTPP Committee is the respondent to the appeals as it is the Committee's decisions that have been appealed.
- If matters can't be resolved at mediation then they proceed to the Environment Court for hearing

TTPP Committee Role

- The Committee will need to agree a position in response to each appeal
- To aid the Committee, staff will prepare “position papers” for each appeal topic
- The Committee position may be different to appellant members of the Committee
- Submitters and appellants (either organisations or individual committee members) should not participate in deciding on the Committee position in relation to those matters
- The Committee position will be put forward by the TTPP staff and legal team at mediation

Mediation Agreements

- If agreement is reached at mediation a Mediation Agreement is signed
- The Committee will need to delegate the authority to sign any mediation agreement to a person who is available throughout the mediation period as agreements normally are signed straight away

Current Legal Status of TTPP

- TTPP has legal effect but is not yet operative
- Currently two plans are in place for each district
 - TTPP and the existing operative Buller / Grey / Westland District Plans
- Weight of policy assessment goes to TTPP
- When appeals period is ended any part of TTPP not appealed becomes operative and the old plans are no longer considered in relation to those matters – TTPP will be a Part Operative Plan
- Once all appeals are settled the Plan becomes fully Operative

Next Steps

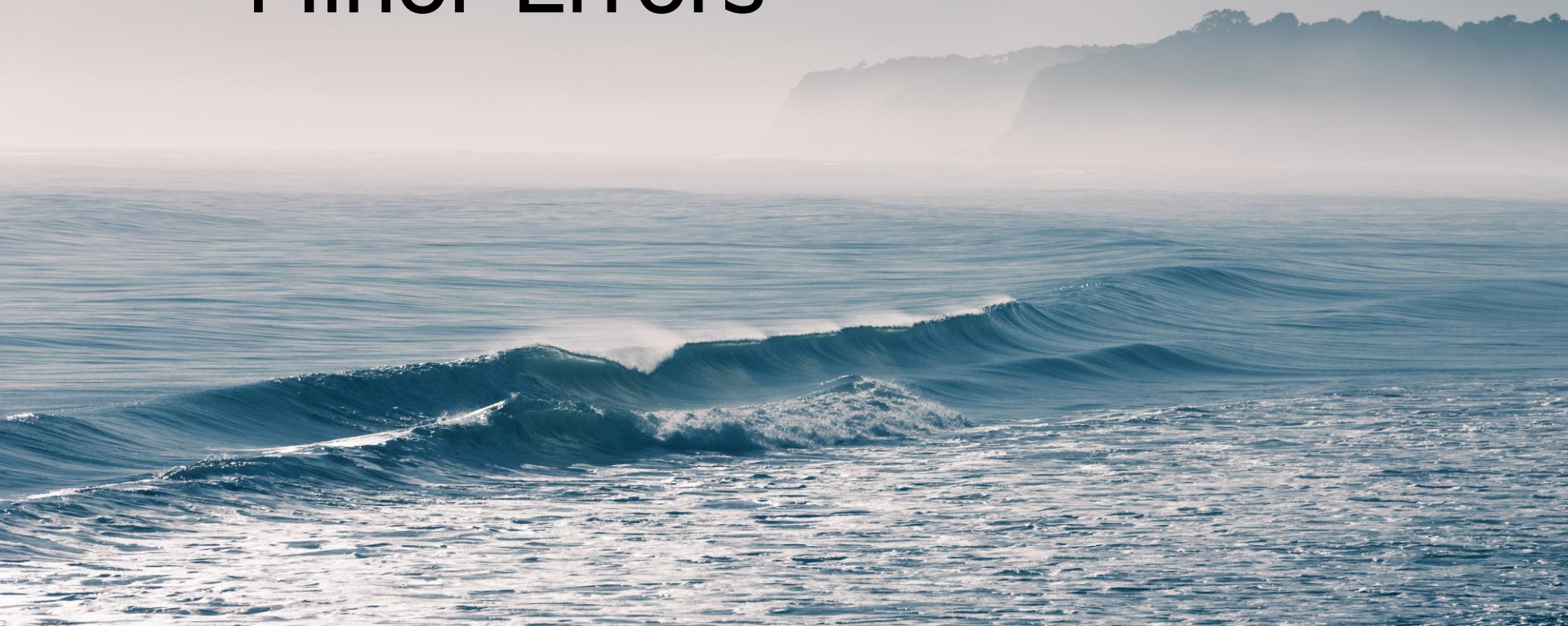
- Appeals close 8 December
- S274 parties can join by 19th January
- Minor errors can be corrected under clause 16 of Schedule 1 of the RMA
- A Plan Change to address “unworkable provisions, inefficient outcomes” can be applied for with MFE (this work is underway)
- Plan Changes to address natural hazards matters can proceed at any time.



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Minor Errors



Minor Errors

- Clause 16 of Schedule 1 of the RMA allows the correction of minor errors
- Once the Plan came into effect and started being used a series of minor errors were identified
- 16 errors to the Plan text and 6 errors to the maps were identified and corrected during the period the Committee was not in existence – approved by the Chair
- Retrospective approval from the Committee is sought for these corrections

Further Minor Errors and Corrections

- Since the first minor error correction, a few more minor errors have been picked up
- A further minor error correction is expected to be brought to the December meeting of the Committee
- Some more significant errors have been identified which would require a Plan Change
- Discussions with MFE indicate that a Plan Change to address these would be likely to be accepted
- A report on a potential Plan Change will also come to the December meeting

Matters Being Looked at for Potential Plan Change

- Zoning errors
- Designations errors
- Historic heritage schedule incorrect extents
- Historic heritage listings – removing sites with insufficient heritage value
- Site coverage vs building coverage issues
- Minor structures/building setbacks catching firefighting water tanks
- Incorrect references to technical standards
- Earthworks setbacks tripping up natural hazard mitigation structures
- Noise rule referring to alterations rather than additions



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

Date: 10 February 2026

Subject: **Appeals Position Setting Process and Delegated Authority**

SUMMARY

This paper seeks approvals from Te Tai Poutini Committee (TTPP Committee) to enable the efficient and effective resolution of the appeals on the Te Tai Poutini Plan (TTPP), whether by direct discussions with the parties, Court assisted mediation, or hearing and determination by the Environment Court.

RECOMMENDATIONS

That Te Tai o Poutini Plan Committee Resolve to:

1. Receive this report.
2. Approve Position setting Option 2:
 - a. Appoint a Positions Subcommittee to make decisions on the position setting for resolution of any appeals to the Environment Court on the TTPP; and
 - b. Appoint all members of the TTPP Committee to the Positions Sub-committee; and
 - c. Each Positions Subcommittee shall be made up of at least two members and exclude any members where the Council or Runanga that they represent is a party to an appeal on a relevant topic;
 - d. The quorum for the Positions Sub-committee shall be two members; and
 - e. The Chair of the Positions Sub-committee shall be the Independent Chair of the TTPP Committee; and
 - f. Adopt the Terms of Reference for the Positions Sub-committee attached as Appendix 2.
3. Delegate the authority to make decisions to settle any Environment Court appeals on the TTPP to both the TTPP Independent Chair and the TTPP Project Manager (acting severally).
4. Delegate to the TTPP Project Manager the power to carry out all actions for the general administration and efficient conduct of the TTPP Committee's response to the appeals to the Environment Court on the TTPP.
5. Note that now that appeals have been lodged with the Environment Court, the ultimate decision on the process and the outcome of that appeal will be determined by the Court and is not for the TTPP Committee to decide.

Jo Armstrong

Project Manager

BACKGROUND

1. The Decisions Version of the TTPP was publicly notified on 10 October 2025.
2. Submitters on the TTPP were required to lodge any appeals with the Environment Court by 8 December 2025. Thirty six appeals were received.
3. Following the appeals period, a 15 working-day period was provided whereby other people could file notice under s274 of the Resource Management Act 1991 (RMA) that they wish to become parties to the appeal if they submitted on the TTPP or have an interest that is greater than the public generally.
4. An application to extend the s274 period from 19 January 2026 to 2 February 2026 was made to the Environment Court and was approved on 13 January 2026.
5. The appeals process is run by the Environment Court. Once appeals are received, the Environment Court normally orders mediation, to avoid the need for unnecessary court hearings if matters can be resolved by agreement.
6. Appeals will be broken up into points and grouped into topics for direct discussions or mediation. Ideally simple matters will be dealt with first, so that as many of the appeals as possible can be settled as quickly as practicable.
7. Mediation is run by the Environment Court, who will appoint a mediator. Mediators are Environment Court Commissioners, with expertise in RMA mediation. The Environment Court will also set the location for the mediation meetings. However, this will likely be held on the West Coast.
8. The TTPP staff and legal counsel will work with the Environment Court to seek a process that will resolve appeals as quickly and easily as possible.
9. At this stage it is expected that the Environment Court mediation may commence in the second quarter of 2026 and be completed within approximately 6 months. This means any Environment Court hearings on matters that have not been able to be resolved at mediation may occur at the end of 2026/early 2027. This indicative timeframe will however be impacted by a number of factors including the availability of parties and scheduling of mediation and any Court time.

THE TTPP COMMITTEE IS RESPONDENT TO THE APPEALS

10. The TTPP Committee is the respondent (and a party) to all appeals on the TTPP, as it is the Committee's decisions that have been appealed.
11. As the respondent, the starting point for the TTPP Committee is that it will defend its decisions on the TTPP in the Environment Court. However, it is possible for the TTPP Committee to agree to take a different position, in response to points made in appeals, through direct discussions or a mediated settlement with the parties (or even later in a hearing before the Environment Court).
12. The TTPP Committee is not the decision maker on appeals, the Court is. Any agreements reached between the parties as a result of direct discussions or mediation will need to be submitted to the Environment Court for approval (by way of consent order).
13. If no agreement can be reached through direct discussions or at mediation, the appeal will proceed to an Environment Court hearing, where a judge will decide the outcome.
14. TTPP staff and legal counsel will be required to support the Environment Court hearing process, which can be costly, so as a general approach it is considered preferable to try and resolve as much as possible through direct discussions or at mediation.

PRINCIPLES FOR TTPP COMMITTEE POSITION SETTING

15. In developing position recommendations TTPP staff recommend using the following overall principles:
 - The starting point is that the TTPP Committee will defend its decisions on the TTPP.
 - Any position taken must be consistent with the RMA and the hierarchy of planning documents which District Plans need to comply with. Recommendations made cannot be contrary to this in any way.

- Where possible positions should be “future proofed”. This means being aware of proposed legislation (where this is drafted and has been released as a bill), and proposed national direction (where this is drafted and has been released) – while recognising that until a bill becomes an Act and national direction is gazetted they have no status in law. This can only be done within the scope of existing appeals, and to the extent that it is consistent with national direction that is currently in force.
- Prioritise positions which will minimise impacts on private property owners in terms of additional regulatory burden. This has been a strong direction from previous TTPP Committees.
- Be pragmatic. If the appeal has reasonable merit and will not have a major impact on the implementation of the Plan support the appeal points. Once finalised the TTPP will be monitored by the Committee and future Plan Changes remain a mechanism to amend aspects of the Plan that are found to not be working properly.
- On matters with specific technical requirements generally take an approach which is defensible based on supporting technical expert advice.

TTPP POSITION SETTING PROCESS

16. To enable direct discussions or mediation to progress efficiently, it is recommended that the TTPP Committee agree a position in response to each appeal point (grouped by appeal topics), that can then be represented by officers with delegated authority to conduct negotiations and attempt to resolve appeals on its behalf.
17. In setting a position on each appeal point, the Committee would be identifying the broader policy outcomes or bottom lines that it would like to achieve. It is important to be pragmatic about position setting and provide some flexibility for the officers seeking to negotiate agreements. Specific, hard line positions may be difficult to achieve and may be more likely to result in the need for hearings by the Environment Court, with greater time and financial burden.
18. For each topic, staff would prepare a ‘position setting’ report outlining the matters appealed and a recommended position in response. The position setting meetings would be confidential and the public would be excluded.
19. The position set for each appeal point on each topic must be that of the TTPP Committee – not the individual Councils and Rūnanga who may be appellants or s274 parties in their own right.
20. There would be risk of perception of bias and possible legal challenge if Councils or the Rūnanga representatives on the TTPP Committee participate in discussions or decision making on positions in response to appeals that their organisations are a party to (either as an appellant or s274 party). Even if the representatives themselves were not involved in the decision of their Council or Runanga to appeal or join an appeal, they may still be seen as having a conflict of interest that may influence their view on responding to the appeal points.
21. The full TTPP Committee is not required to determine the Committee’s position on each appeal.
22. As a result of individual organisations choosing to lodge appeals or join other appeals as section 274 parties, the committee members representing those organisations can no longer participate in TTPP Committee decisions to set positions on the topics affected by those appeals (as they cannot act as both party to the appeal and respondent). To the extent that representatives of those organisations wish to influence the outcomes reached through the appeal process, that will have to be achieved through their individual organisations involvement in the mediation / appeals process rather than through participation on the TTPP Committee. Regardless of this, the Court is still the final decision maker on all appeals, not the Committee.
23. Legal advice on this issue (provided to member organisation CEs or Chairs in October and included in the TTPP Committee 19 November 2025 agenda) includes the following options:
 - (a) The TTPP Committee forming the position on the appeals and for mediation, with the representatives of the appellant member organisation recusing themselves (standing aside) from any discussion or voting on matters associated with their organisation’s appeal (noting that this requirement for recusal may extend to other related appeal points); or

- (b) Delegating the full decision-making on mediation to staff or the Committee's independent chair.

24. A practical issue with option (a) (now that appeals and s274 notices have been lodged) is that the Local Government Reorganisation Scheme (West Coast Region) Order 2019 requires a quorum consisting of at least one member from four of the six parties to the TTPP Committee. Based on individual Council and Runanga appeals and s274 notices, recusals would result in the Committee being unable to meet this quorum requirement for decision making on some topics. Appendix 1 to this report lists the topics that TTPP Committee members are a party to (either as an appellant or s274 party). The one topic where no TTPP Committee members are a party is Notable Trees. This illustrates that there will be some topics where recusals would result in failure to achieve the quorum for a position setting meeting.

APPOINTMENT OF POSITIONS SUBCOMMITTEE

25. Staff recommend that the TTPP Committee appoint a Positions Subcommittee to set the position for any resolution of appeals, topic by topic. All members of the TTPP Committee would be appointed to this sub-committee and the Positions Subcommittee for each topic would be made up of at least two members and exclude any members whose Council or Runanga are party to an appeal on that topic.
26. In some cases the majority of members of the TTPP Committee may be able to sit on the subcommittee (e.g. where few of the Councils or Runanga have appealed or joined an appeal on the relevant topic as set out in Appendix 1). However this option also ensures that the quorum can be met when all the District Councils and Runanga have either appealed or joined an appeal on the topic and only the Independent Chair and representatives of the West Coast Regional Council do not have any potential conflict of interest (as they have not lodged or joined any appeals).
27. The reduced quorum of two for the subcommittee would also enable greater flexibility for scheduling of meetings, taking into account Court timetabling and availability of members.
28. Alternative options to the above are:
- Appointing all of the members to the Positions Subcommittee and dealing with any conflicts of interest for members whose organisations have lodged or joined an appeal on a topic by way of recusals meeting by meeting. While this enables the smaller quorum for a subcommittee to be applied, it provides less certainty that the risk presented by conflicts of interest will be adequately managed.
 - Appointing a Positions Subcommittee with a fixed membership, such as the members whose organisations have not lodged or joined any appeal (i.e. the Independent Chair and the representatives of the West Coast Regional Council) or some other fixed sub-set of members. The main disadvantage of this option is that the members who are not appointed to the Positions Subcommittee would not be able to participate in decision making on position setting for any topics, even where their organisation is not a party to an appeal on the topic.
 - Delegating decision making on all position setting to the Independent Chair (as referred to in the previous legal advice). This option would avoid any risk of perception of conflict of interest, but would also be the most restrictive in terms of participation in the position setting process by TTPP Committee members.
29. A summary of the options for position setting and their advantages and disadvantages is provided in Table 1 below.

Table 1 – Options for position setting

Option 1: Position setting by TTPP Committee	<ul style="list-style-type: none"> • Enables potential participation by all members • Risk of perception of conflicts of interest • Requires members to consider recusals meeting by meeting • Risk that quorum for TTPP Committee meeting will not be met
Option 2: Appoint Positions Subcommittee with 'rolling' membership consisting of at least two members and excluding any members whose organisations are an appellant or s274 party to an appeal on the relevant topic to make decisions on position setting	<ul style="list-style-type: none"> • Enables all members to participate in position setting for all topics where their organisations have not lodged an appeal or s274 notice • Removes risk of perception of conflicts of interest • Removes need to manage recusals at each meeting (except where other conflicts of interest arise) • Removes risk that quorum for meetings will not be met • Enables flexibility for attendance taking into account Court timetabling and member availability
Option 3: Appoint Positions Subcommittee consisting of all members of TTPP Committee to make decisions on position setting	<ul style="list-style-type: none"> • Enables potential participation by all members • Risk of perception of conflicts of interest • Requires members to consider recusals meeting by meeting • Risk that quorum for meeting will not be met is removed (due to quorum of two applying to subcommittee meetings)
Option 4: Appoint Positions Subcommittee with fixed membership consisting of some subset of members (such as non-appellants) to make decisions on position setting	<ul style="list-style-type: none"> • May remove risk of perception of conflict of interest and need to manage recusals depending on membership • May remove risk that quorum for a meeting will not be met, depending on availability of appointed members • Restricts members who can participate in position setting on any topic to appointed members
Option 5: Delegate decision making on position setting to the Independent Chair	<ul style="list-style-type: none"> • Avoids risk of perception of conflict of interest • No need for meetings and quorum requirements do not apply • Most restrictive in terms of participation by TTPP Committee members in position setting

30. Staff recommend Option 2 for position-setting. If the TTPP Committee decides to approve this option, staff recommend that the attached Terms of Reference for the Positions Subcommittee are also adopted to ensure that the purpose and scope of the appointment and delegation are clear (Appendix 2).

DELEGATED AUTHORITY TO ENTER AGREEMENTS TO RESOLVE APPEALS

31. Following position setting on topics, the TTPP Committee's legal counsel, Principal Planner (for each topic), Project Manager and possibly other technical experts or staff will participate in direct discussions and attend Court assisted mediation with parties to attempt to settle appeals points without the need for a hearing. In doing so, these representatives will seek to give effect to the positions that have been set through the position setting process.
32. The Environment Court requires that each party must have at least one representative attending any mediation who has authority to make decisions to settle the appeal (including giving instructions to legal counsel to sign any mediation agreement or consent order). Council respondents usually delegate this authority to a Council officer.

33. Staff are seeking that the TTPP Committee make such a delegation to enable direct discussions and mediation to proceed efficiently. As the TTPP Committee is made up of six parties, options for delegating this function could be to a sole member of the Committee (such as the Independent Chair), or to TTPP staff. The person(s) must be available throughout the mediation period, be familiar with the content of the TTPP, be able to represent the TTPP Committee's position and be available to provide instructions to legal counsel to sign any mediation agreements on the same day as any mediation agreement is reached. It is recommended that more than one person is delegated this authority to ensure their availability as required.
34. Taking into account these considerations, staff recommend that the TTPP Committee delegate this authority to enter into any agreements to settle any appeals generally in accordance with the positions that have been set through the TTPP position setting process to the TTPP Chair and Project Manager (with any one of them being able to make the decision).

DELEGATION TO ENABLE ADMINISTRATION OF APPEALS

35. For completeness, staff also seek a delegation to enable efficient administration of the appeal and mediation processes. This is for matters such as liaising with parties on scheduling of meetings, mediation and other appeal processes and providing instructions to legal counsel on procedural matters for the conduct of the appeals with the Court.
36. Staff recommend that this delegation be made to the TTPP Project Manager.

CONSIDERATIONS UNDER THE LOCAL GOVERNMENT ACT 2002

37. Staff consider that the decisions recommended within this paper are of low significance, because they relate to the TTPP Committee's processes regarding the management of appeals rather than the substance of the issues the appeals raise. Additionally, the appeals have been lodged through a participatory RMA process, where interested parties have the ability to participate in the appeals if they choose to do so.

Appendix 1

Topics to Which TTPP Committee Member Organisations are Appellants or s274 Parties

Topic	TTPP Committee Member Organisation Parties (Appellants and/or section 274 parties)
Strategic Directions	Buller District Council Grey District Council Poutini Ngāi Tahu
Introduction and General Provisions	Poutini Ngāi Tahu Buller District Council Grey District Council
Energy	Poutini Ngāi Tahu Buller District Council
Infrastructure	Buller District Council Poutini Ngāi Tahu
Transport	Buller District Council
Historic Heritage	Buller District Council
Hazardous Substances	Buller District Council
Natural Character and the Margins of Waterbodies	Buller District Council Poutini Ngāi Tahu
Natural Features and Landscapes	Buller District Council Poutini Ngāi Tahu
Activities on the Surface of Water	Poutini Ngāi Tahu Buller District Council
Coastal Environment	Buller District Council Grey District Council Poutini Ngāi Tahu Westland District Council
Commercial and Industrial Zones	Poutini Ngāi Tahu Buller District Council
Earthworks	Grey District Council Buller District Council Poutini Ngāi Tahu
Ecosystems and Indigenous Biodiversity	Buller District Council Grey District Council Poutini Ngāi Tahu
Light	Buller District Council Grey District Council
Mineral Extraction (General)	Grey District Council Buller District Council Poutini Ngāi Tahu
Mineral Extraction (Buller Coalfield Zone)	Buller District Council Poutini Ngāi Tahu
Mineral Extraction (Mineral Extraction Zone)	Buller District Council Poutini Ngāi Tahu

	Grey District Council
Natural Hazards	Buller District Council Grey District Council Westland District Council Poutini Ngāi Tahu
Noise	Buller District Council Grey District Council Westland District Council Poutini Ngāi Tahu
Rural Zones and Activities	Westland District Council Poutini Ngāi Tahu Grey District Council Buller District Council
Settlement Zone	Poutini Ngāi Tahu Buller District Council
Open Space and Recreation Zones	Buller District Council
Port Zone	Grey District Council
Future Urban Zone	Buller District Council
Scenic Visitor Zone	Poutini Ngāi Tahu Buller District Council
Sites and Areas of Significance to Māori	Poutini Ngāi Tahu Buller District Council Westland District Council
Subdivision	Poutini Ngāi Tahu Buller District Council Grey District Council
Temporary Activities	Poutini Ngāi Tahu Buller District Council
Transport	Buller District Council Grey District Council
Zone Mapping	Poutini Ngāi Tahu Westland District Council
Whole Plan – various cross plan provisions	Grey District Council Poutini Ngāi Tahu Buller District Council Westland District Council

Appendix 2

TTPP POSITIONS SUBCOMMITTEE TERMS OF REFERENCE

The Positions Subcommittee is a subcommittee of the TTPP Committee and is governed by the Local Government Reorganisation Scheme (West Coast Region) Order 2019 and the TTPP Committee Standing Orders.

1. Area of responsibility
 - a. Considering staff advice and making decisions on the general parameters of the TTPP Committee's position on appeals against the TTPP Committee's decision on the TTPP to guide negotiations and potential resolution of appeal points by TTPP Committee delegated representatives.
2. Powers to decide
 - a. The general parameters of the TTPP Committee's position on TTPP appeal points and topics.
3. Membership
 - a. All members of the TTPP Committee are appointed to the Positions Subcommittee.
 - b. Each Positions Subcommittee meeting to consider and decide on an appeal topic or group of topics shall be made up of at least two members and shall exclude any members where the Council or Runanga that they represent is a party to an appeal on a relevant topic.
4. Quorum
 - a. The Quorum for the Positions Subcommittee shall be two members.
5. Chairperson
 - a. The Chairperson of the Positions Subcommittee shall be the Independent Chair of TTPP Committee.
 - b. If the Independent Chair is absent or vacates a meeting, clause 13.1 of the TTPP Standing Orders applies.



**MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD AT BULLER DISTRICT COUNCIL
CLOCKTOWER, PALMERSTON STREET, WESTPORT AT 9.00 AM ON 10 FEBRUARY 2026**

Present

R. Williams (Chairman), Mayor T. Gibson (GDC), Mayor H. Lash (WDC), Mayor C. Russell (BDC), Cr A. Cassin (WCRC), Kaiwhakahaere P. Madgwick (Makaawhio), Kaiwhakahaere F. Tumahai (Ngāti Waewae), Cr L. Webb (BDC), Cr A. Gibson (GDC), Cr G. Maitland (WDC), Cr C. Smith (WCRC)

In attendance

Matt Smith (WCRC), Darryl Lew (WCRC), J. Armstrong (TTPP Project Manager), Alice Balme (Wynn Williams), Joanne Soderlund (GDC), Michael McEnaney (GDC), Carissa du Plessis (BDC), Simon Pickford (BDC), Barbara Phillips (WDC), Lois Easton (TTPP Principal Planner), Philippa Lynch (Poutini Environmental), Chu Zhao (WCRC).

Welcome

Apologies

No apologies

Conflict of Interest Declaration

None raised
Circulation of an Interests Register was requested

Confirm minutes of the previous meeting 12 December 2025

Moved (Chair Williams / Kaiwhakahaere Madgwick)

That the minutes of the meeting held 12 December 2025 be confirmed.

Carried

Matters arising from previous meetings

None raised

Analysis of Appeals Received

L. Easton noted that 36 appeals were received on the plan. She added that the Appeals on the TTPP fall generally into three groups: Appeals in relation to a specific property – either it's zoning or overlay(s) that affect the property; Appeals in relation to relatively narrow matters in specific provisions; and Wide-ranging appeals that cover large parts of the Plan.



Moved (Cr Webb / Mayor Russell)

1. *That the Committee receive the report*

Carried

Verbal update on s274 Parties Joining Appeals

L. Easton explained that parties can join appeals under s274 of the RMA. She noted that 206 notices of people joining appeals were received, mostly from appellants joining each other's appeals. There are 11 new parties joining appeals under s274, this brings the total number of parties involved to 47.

Legal update on Mediation Process

A. Balme outlined the mediation process, explaining that the first step in any environment court process is a direction from the court that appeals go to mediation. Mediation is a form of alternative dispute resolution under Environment Court procedures and represents a more cost-effective approach than full court hearings. The mediations will be presided over by Environment Court commissioners, with appeals grouped into topics rather than being mediated individually to ensure efficiency and comprehensive discussion. The job of the mediator is to help the parties on the day, to facilitate discussion and bring the collective minds together to reach a resolution. All parties to each appeal will be invited to participate, typically bringing lawyers and expert witnesses. A. Balme also outlined the roles of the TTPP Committee in this process, legal counsel and TTPP Staff.

A. Balme added that mediation is not held as a public session, only the parties to the appeals can attend. There is no record of the discussion, mediation is conducted on a 'without prejudice basis', meaning everything that happens in the room stays in the room.

The Committee raised questions about venue locations, with preference expressed for holding mediations on the West Coast, including at Arahura Marae for matters relating to Sites and Areas of Significance to Māori. A. Balme said staff will discuss this with the Environment Court, but the Environment Court has the final decision on the venue.

Report – Appeals Position-Setting Process and Delegated Authority

J. Armstrong noted that appeals will be broken up into points and grouped into topics for direct discussions or mediation. Ideally simple matters will be dealt with first, so that as many of the appeals as possible can be settled as quickly as practicable. This includes direct discussions with appellants whose appeals might be easily settled ahead of mediation.

J. Armstrong highlighted the principles for TTPP Committee Position Setting on page 14 of the agenda.

A. Balme outlined TTPP Position Setting Process on page 15 and the Appointment of Positions Subcommittee on Page 16 of the agenda.



Kaiwhakahaere Tumahai thought that recommendations 2 (b) and (c) contradict each other, and asked for further clarification:

- b. Appoint all members of the TTPP Committee to the Positions Sub-committee; and
- c. Each Positions Subcommittee shall be made up of at least two members and exclude any members where the Council or Runanga that they represent is a party to an appeal on a relevant topic.

A. Balme explained that in the resolutions, the option recommended is to appoint a position subcommittee, and to appoint all members of the committee to the subcommittee. However, for each subcommittee meeting, any members who are also parties to the appeals being considered will be excluded from the meeting. This is why b and c are set out separately. A. Balme added that the quorum for a subcommittee is just two members.

A. Balme talked about Delegated Authority to Enter Agreements to Resolve Appeals on Page 17 of the agenda.

Kaiwhakahaere Madgwick commented that he is struggling with this proposed delegation because it's basically a loss of West Coast autonomy. Kaiwhakahaere Tumahai agreed with Kaiwhakahaere Madgwick.

Cr Smith commented that it is important that West Coasters are the determinants, he added that it should be ensuring that the West Coast perspective is retained here.

Kaiwhakahaere Madgwick pointed out that he won't be supporting the Recommendation 3 which was for the Project Manager and the Chairman of TTPP to have that delegation.

Kaiwhakahaere Madgwick suggested that the chair of the West Coast Regional Council has the delegation and two or one members of the TTPP committee who are non-conflicted.

D. Lew commented the wording should be 'the delegation is given to any joint committee member that is not conflicted'.

Mayor Russell commented that he is relaxed with the recommendation which he said is straightforward. He supported the recommendation as it reads.

The meeting was adjourned for 10 minutes. Resumed at 11am.

Cr Maitland suggested they maybe adjourn this situation and come back with a bit more information or ideas around approaching it differently.

Kaiwhakahaere Tumahai agreed with Cr Maitland.

Cr Smith asked if they could add the words to the end of Recommendation 3 that 'within the boundaries set by the committee'. Mayor Russell supported this.

GDC supported leaving this item on the table as well for more options and information.



Chair Williams suggested having a special meeting within one week to advance the matter, and perhaps deleting recommendation 3 and approving the others.

Mayor Lash pointed out that they can only accept the first point at this stage.

Motion:

Moved (Chair Williams / Cr Smith)

1. *Receive this report.*
2. *Approve Position setting Option 2:*
 - a. *Appoint a Positions Subcommittee to make decisions on the position setting for resolution of any appeals to the Environment Court on the TTPP; and*
 - b. *Appoint all members of the TTPP Committee to the Positions Sub-committee; and*
 - c. *Each Positions Subcommittee shall be made up of at least two members and exclude any members where the Council or Runanga that they represent is a party to an appeal on a relevant topic;*
 - d. *The quorum for the Positions Sub-committee shall be two members; and*
 - e. *The Chair of the Positions Sub-committee shall be the Independent Chair of the TTPP Committee; and*
 - f. *Adopt the Terms of Reference for the Positions Sub-committee attached as Appendix 2.*
3. *Delegate the authority to make decisions to settle any Environment Court appeals on the TTPP to both the TTPP Independent Chair and the TTPP Project Manager (acting severally). The delegator's authority occurs within the boundaries set by the Positions Subcommittee.*
4. *Delegate to the TTPP Project Manager the power to carry out all actions for the general administration and efficient conduct of the TTPP Committee's response to the appeals to the Environment Court on the TTPP.*
5. *Note that now that appeals have been lodged with the Environment Court, the ultimate decision on the process and the outcome of that appeal will be determined by the Court and is not for the TTPP Committee to decide.*

Kaiwhakahaere Madgwick, Mayor Lash, Mayor Gibson, Cr Gibson, Cr Webb, Kaiwhakahaere Tumahai, Cr Maitland, Cr Cassin and Chair Smith voted against the motion.

Motion was lost.

New motion was raised by Cr Cassin – to approve recommendations 1,4 & 5 only:

Moved (Cr Cassin / Mayor Gibson)

1. *Receive this report.*
2. *Delegate to the TTPP Project Manager the power to carry out all actions for the general administration and efficient conduct of the TTPP Committee's response to the appeals to the Environment Court on the TTPP.*



3. *Note that now that appeals have been lodged with the Environment Court, the ultimate decision on the process and the outcome of that appeal will be determined by the Court and is not for the TTPP Committee to decide.*

Carried

Mayor Russell voted against.

An online extraordinary meeting to discuss options for position setting and delegated authority will be set up next week.

Report – Draft 2027 Expenses Budget

J. Armstrong presented the draft budget for anticipated expenses 1 July 2026 to 30 June 2027 for discussion and approval to present to West Coast Regional Council for funding. She outlined three budget options in Table 2, acknowledging high uncertainty due to the unpredictable nature of mediation and court processes.

J. Armstrong noted that staff recommend Option 2, the mid-range budget of \$1,080,500 be confirmed and approved, on the understanding that WCRC will increase the budget to also cover interest and overhead costs.

Mayor Russell raised concerns about public messaging, noting that the comparative cost-effectiveness had not been well communicated to residents.

Chair Williams suggested writing a press release on this topic following the meeting.

Moved (Mayor Russell / Kaiwhakahaere Madgwick)

1. *That the Committee receive the report*
2. *That the Committee acknowledge the uncertainty inherent in setting this budget and confirm and approve the 2027 draft budget expenses as set out in Option 2 totalling \$1,080,500 for presentation to West Coast Regional Council for funding.*

Carried

Financial Report to 31 December 2025

J. Armstrong presented the financial statement to 31 December 2025, noting the budget exceeding to date as a result of unanticipated hearings related costs.

Mrs Armstrong pointed out a new column in Table 2 for Current Year-to-Date figures had been added in response to a request at the December TTPP Committee meeting.



Moved (Cr Webb / Cr Cassin)

1. *That the Committee receive the report.*

Carried

Meeting ended at 11.50 am.

NEXT MEETING

A handwritten signature in blue ink, written over a horizontal line. The signature is cursive and appears to be 'Cassini'.

Chairman

February 17, 2026

Date



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Te Tai o Poutini Plan Committee Extraordinary Meeting

17 February 2026

11.30AM

Online

Livestreamed on YouTube

[@westcoastregionalcouncil5171](https://www.youtube.com/@westcoastregionalcouncil5171)

AGENDA

11.30am	Welcome and Apologies	Chair
11.35am	Appointing the Positions Subcommittee and Delegating Authority to Settle at Appeals	Project Manager Legal Counsel
12.30pm	Meeting ends	

TTPP Committee Meetings for 2026	Time	Venue
4 March	9.00-12.00	Grey District Council
10 April	9.00-12.00	West Coast Regional Council
11 May	9.00-12.00	Westland District Council
11 June	9.00-12.00	Buller District Council
14 July	1.00-4.00	Grey District Council
11 August	9.00-12.00	West Coast Regional Council
17 September	9.00-12.00	Westland District Council
15 October	1.00-4.00	Buller District Council
12 November	9.00-12.00	Grey District Council
15 December	9.00-12.00	West Coast Regional Council



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

Date: 17 February 2026

Subject: Appointing the TTPP Positions Subcommittee and Delegating Authority to Settle at Appeals

SUMMARY

This paper seeks resolutions from Te Tai Poutini Committee (TTPP Committee) to approve Position setting Option 2 and to delegate authority to settle on Environment Court appeals on TTPP, to enable effective resolution of the appeals on the Te Tai Poutini Plan (TTPP).

RECOMMENDATIONS

That Te Tai o Poutini Plan Committee Resolve to:

1. Receive this report.
2. Approve Position setting Option 2:
 - a. Appoint a Positions Subcommittee to make decisions on the position setting for resolution of any appeals to the Environment Court on the TTPP; and
 - b. Appoint all members of the TTPP Committee to the Positions Sub-committee; and
 - c. Each Positions Subcommittee shall be made up of at least two members and exclude any members where the Council or Runanga that they represent is a party to an appeal on a relevant topic;
 - d. The quorum for the Positions Sub-committee shall be two members; and
 - e. The Chair of the Positions Sub-committee shall be the Independent Chair of the TTPP Committee; and
 - f. Adopt the Terms of Reference for the Positions Sub-committee attached as Appendix 2.
3. Delegate the authority to make decisions to settle any Environment Court appeals on the TTPP to a TTPP Committee member who is not a party to the appeals and/or the TTPP Project Manager and/or an independent contractor (acting severally) provided such decisions align with the position set on behalf of the TTPP Committee.

Jo Armstrong

Project Manager

THE TTPP COMMITTEE IS RESPONDENT TO THE APPEALS

1. The TTPP Committee is the respondent (and a party) to all appeals on the TTPP, as it is the Committee's decisions that have been appealed.
2. As the respondent, the starting point for the TTPP Committee is that it will defend its decisions on the TTPP in the Environment Court. However, it is possible for the TTPP Committee to agree to take a different position, in response to points made in appeals, through direct discussions or a mediated settlement with the parties (or even later in a hearing before the Environment Court).
3. The TTPP Committee is not the decision maker on appeals, the Court is. Any agreements reached between the parties as a result of direct discussions or mediation will need to be submitted to the Environment Court for approval (by way of consent order).
4. Mediations involve compromise on all parties' initial positions in order to be successful. If a mediation is successful, a mediation agreement is signed on the day of mediation containing the general content of any amendments the parties have agreed to. The parties then collaborate to prepare documentation to record that agreement for the Court. Once submitted to the Environment Court, the Environment Court judge considers the agreement reached, and whether it is consistent with the law. If so, usually consent orders are issued, which is effectively a decision of the Environment Court approving the mediated outcome (and resolving the appeal).
5. The TTPP Committee's legal counsel will attend mediation. Their job is to represent the Committee's position in the mediation and to ensure that any agreement reached is consistent with the law.
6. TTPP staff (or other representatives) will provide technical input at mediations. To do so, the representatives will need to be provided direction from the Committee or other delegated body as to the outcome considered appropriate. Legal counsel will then rely on the technical input in order to reach an agreement consistent with the Committee's preferred position.
7. It is the role of delegates with authority to settle on appeals to ensure that overall outcomes reached at mediation are consistent with the position of the TTPP Committee as expressed to staff in the position reports.
8. If mediation is unsuccessful, the next step is to proceed to an Environment Court hearing. This involves parties calling evidence (often provided by experts) in support of their position and having a hearing before an Environment Court judge to decide the appropriate outcome.

TTPP POSITION SETTING PROCESS

9. TTPP legal counsel and technical staff will attend mediations on behalf of the Committee to resolve appeals on the TTPP where that is possible.
10. In order to effectively participate in mediation, the representatives require a clear understanding of the TTPP Committee's position in response to each appeal.
11. For each topic, staff would prepare a 'position setting' report outlining the matters appealed and a recommended position in response. This report will be discussed with members of the Committee with the outcome being a clear direction from the Committee that sets the parameters for resolution of appeals. The position setting meetings would be confidential and the public would be excluded.
12. Where individual Councils or Runanga have either appealed the TTPP or joined other appeals as a section 274 party, it is not possible for the members appointed by those councils to the TTPP Committee to participate in setting the TTPP Committee's position on appeals (members cannot act as both a party to the appeal and the respondent).
13. To the extent that representatives of those organisations wish to influence the outcomes reached through the appeal process, that will have to be achieved through their individual organisations involvement in the mediation / appeals process rather than through participation on the TTPP Committee. The Court is still the final decision maker on all appeals, not the Committee. This means that the Committee's position in mediation has no greater weight than

- the position taken by any other party. All of the parties to the mediation must work together to reach a compromise.
14. If the individual organisations decide that they would prefer to participate in the appeals as part of the Committee, they have an opportunity to withdraw parts of their appeals and remove the conflict. The individual organisations should take advice from their legal counsel about the implications of this.
 15. Legal advice on this issue (provided to member organisation CEs or Chairs in October and included in the TTPP Committee 19 November 2025 agenda) includes the following options:
 - (a) The TTPP Committee forming the position on the appeals and for mediation, with the representatives of the appellant member organisation recusing themselves (standing aside) from any discussion or voting on matters associated with their organisation's appeal (noting that this requirement for recusal may extend to other related appeal points); or
 - (b) Delegating the full decision-making on mediation to staff or the Committee's independent chair.
 16. A practical issue with option (a) (now that appeals and s274 notices have been lodged) is that the Local Government Reorganization Scheme (West Coast Region) Order 2019 requires a quorum consisting of at least one member from four of the six parties to the TTPP Committee. Based on individual Council and Runanga appeals and s274 notices, recusals would result in the Committee being unable to meet this quorum requirement for decision making on some topics. Appendix 1 to this report lists the topics that TTPP Committee members are a party to (either as an appellant or s274 party). The one topic where no TTPP Committee members are a party is Notable Trees. This illustrates that there will be some topics where recusals would result in failure to achieve the quorum for a position setting meeting.

APPOINTMENT OF POSITIONS SUBCOMMITTEE

17. Staff recommend that the TTPP Committee appoint a Positions Subcommittee to set the position for any resolution of appeals, topic by topic. All members of the TTPP Committee would be appointed to this sub-committee and the Positions Subcommittee for each topic would be made up of at least two members and exclude any members whose Council or Runanga are party to an appeal on that topic.
18. In some cases the majority of members of the TTPP Committee may be able to sit on the subcommittee (e.g. where few of the Councils or Runanga have appealed or joined an appeal on the relevant topic as set out in Appendix 1). However, this option also ensures that the quorum can be met when all the District Councils and Runanga have either appealed or joined an appeal on the topic and only the Independent Chair and representatives of the West Coast Regional Council do not have any potential conflict of interest (as they have not lodged or joined any appeals).
19. The reduced quorum of two for the subcommittee would also enable greater flexibility for scheduling of meetings, taking into account Court timetabling and availability of members.
20. Alternative options to the above are:
 - Appointing all of the members to the Positions Subcommittee and dealing with any conflicts of interest for members whose organisations have lodged or joined an appeal on a topic by way of recusals meeting by meeting. While this enables the smaller quorum for a subcommittee to be applied, it provides less certainty that the risk presented by conflicts of interest will be adequately managed.
 - Appointing a Positions Subcommittee with a fixed membership, such as the members whose organisations have not lodged or joined any appeal (i.e. the Independent Chair and the representatives of the West Coast Regional Council) or

some other fixed sub-set of members. The main disadvantage of this option is that the members who are not appointed to the Positions Subcommittee would not be able to participate in decision making on position setting for any topics, even where their organisation is not a party to an appeal on the topic.

- Delegating decision making on all position setting to the Independent Chair (as referred to in the previous legal advice). This option would avoid any risk of perception of conflict of interest, but would also be the most restrictive in terms of participation in the position setting process by TTPP Committee members.

21. A summary of the options for position setting and their advantages and disadvantages is provided in Table 1 below.

Table 1 – Options for position setting

Option 1: Position setting by TTPP Committee	<ul style="list-style-type: none"> • Enables potential participation by all members • Risk of perception of conflicts of interest • Requires members to consider recusals meeting by meeting • Risk that quorum for TTPP Committee meeting will not be met
Option 2: Appoint Positions Subcommittee with 'rolling' membership consisting of at least two members and excluding any members whose organisations are an appellant or s274 party to an appeal on the relevant topic to make decisions on position setting	<ul style="list-style-type: none"> • Enables all members to participate in position setting for all topics where their organisations have not lodged an appeal or s274 notice • Removes risk of perception of conflicts of interest • Removes need to manage recusals at each meeting (except where other conflicts of interest arise) • Removes risk that quorum for meetings will not be met • Enables flexibility for attendance taking into account Court timetabling and member availability
Option 3: Appoint Positions Subcommittee consisting of all members of TTPP Committee to make decisions on position setting	<ul style="list-style-type: none"> • Enables potential participation by all members • Risk of perception of conflicts of interest • Requires members to consider recusals meeting by meeting • Risk that quorum for meeting will not be met is removed (due to quorum of two applying to subcommittee meetings)
Option 4: Appoint Positions Subcommittee with fixed membership consisting of some sub-set of members (such as non-appellants) to make decisions on position setting	<ul style="list-style-type: none"> • May remove risk of perception of conflict of interest and need to manage recusals depending on membership • May remove risk that quorum for a meeting will not be met, depending on availability of appointed members • Restricts members who can participate in position setting on any topic to appointed members
Option 5: Delegate decision making on position setting to the Independent Chair	<ul style="list-style-type: none"> • Avoids risk of perception of conflict of interest • No need for meetings and quorum requirements do not apply • Most restrictive in terms of participation by TTPP Committee members in position setting

22. Staff recommend Option 2 for position-setting. If the TTPP Committee decides to approve this option, staff recommend that the attached Terms of Reference for the Positions Subcommittee are also adopted to ensure that the purpose and scope of the appointment and delegation are clear (Appendix 2).

DELEGATED AUTHORITY TO ENTER AGREEMENTS TO RESOLVE APPEALS

23. Following position setting on topics, the TTPP Committee's legal counsel, Principal Planner (for each topic), Project Manager and possibly other technical experts or staff will participate in direct discussions and attend Court assisted mediation with parties to attempt to settle appeals points without the need for a hearing. In doing so, these representatives will seek to give effect to the positions that have been set through the position setting process.
24. The Environment Court requires that each party must have at least one representative attending any mediation who has authority to make decisions to settle the appeal (including giving instructions to legal counsel to sign any mediation agreement or consent order). This is set out in the Environment Court Practice Note. The practice note also makes clear that any matters discussed in mediation must be kept confidential and cannot be discussed outside of the mediation. This underscores the importance of having a person in the room with delegated authority to resolve appeals. Council respondents usually delegate this authority to a Council officer.
25. Staff are seeking that the TTPP Committee make such a delegation to enable direct discussions and mediation to proceed efficiently. As the TTPP Committee is made up of six parties, options for delegating this function could be to a sole member of the Committee (such as the Independent Chair), or to TTPP staff. The person(s) must be available throughout the mediation period, be familiar with the content of the TTPP, be able to represent the TTPP Committee's position and be available to provide instructions to legal counsel to sign any mediation agreements on the same day as any mediation agreement is reached. It is recommended that more than one person is delegated this authority to ensure their availability as required.
26. Taking into account these considerations, staff recommend that the TTPP Committee delegate this authority to enter into any agreements to settle any appeals generally in accordance with the positions that have been set through the TTPP position setting process to at least two of the following: a TTPP Committee member who is not a party to the appeals, the TTPP Project Manager or an independent contractor (with any one of them being able to sign the agreement). This delegation would come with the proviso that the delegated authority occurs within the boundaries of the position set by the Positions Subcommittee, and any potential resolution outside those boundaries would require approval of the Positions Subcommittee.

CONSIDERATIONS UNDER THE LOCAL GOVERNMENT ACT 2002

27. Staff consider that the decisions recommended within this paper are of low significance, because they relate to the TTPP Committee's processes regarding the management of appeals rather than the substance of the issues the appeals raise. Additionally, the appeals have been lodged through a participatory RMA process, where interested parties have the ability to participate in the appeals if they choose to do so.

Appendix 1

Topics to Which TTPP Committee Member Organisations are Appellants or s274 Parties

Topic	TTPP Committee Member Organisation Parties (Appellants and/or section 274 parties)
Strategic Directions	Buller District Council Grey District Council Poutini Ngāi Tahu
Introduction and General Provisions	Poutini Ngāi Tahu Buller District Council Grey District Council
Energy	Poutini Ngāi Tahu Buller District Council
Infrastructure	Buller District Council Poutini Ngāi Tahu
Transport	Buller District Council
Historic Heritage	Buller District Council
Hazardous Substances	Buller District Council
Natural Character and the Margins of Waterbodies	Buller District Council Poutini Ngāi Tahu
Natural Features and Landscapes	Buller District Council Poutini Ngāi Tahu
Activities on the Surface of Water	Poutini Ngāi Tahu Buller District Council
Coastal Environment	Buller District Council Grey District Council Poutini Ngāi Tahu Westland District Council
Commercial and Industrial Zones	Poutini Ngāi Tahu Buller District Council
Earthworks	Grey District Council Buller District Council Poutini Ngāi Tahu
Ecosystems and Indigenous Biodiversity	Buller District Council Grey District Council Poutini Ngāi Tahu
Light	Buller District Council Grey District Council
Mineral Extraction (General)	Grey District Council Buller District Council Poutini Ngāi Tahu
Mineral Extraction (Buller Coalfield Zone)	Buller District Council Poutini Ngāi Tahu
Mineral Extraction (Mineral Extraction Zone)	Buller District Council Poutini Ngāi Tahu

	Grey District Council
Natural Hazards	Buller District Council Grey District Council Westland District Council Poutini Ngāi Tahu
Noise	Buller District Council Grey District Council Westland District Council Poutini Ngāi Tahu
Rural Zones and Activities	Westland District Council Poutini Ngāi Tahu Grey District Council Buller District Council
Settlement Zone	Poutini Ngāi Tahu Buller District Council
Open Space and Recreation Zones	Buller District Council
Port Zone	Grey District Council
Future Urban Zone	Buller District Council
Scenic Visitor Zone	Poutini Ngāi Tahu Buller District Council
Sites and Areas of Significance to Māori	Poutini Ngāi Tahu Buller District Council Westland District Council
Subdivision	Poutini Ngāi Tahu Buller District Council Grey District Council
Temporary Activities	Poutini Ngāi Tahu Buller District Council
Transport	Buller District Council Grey District Council
Zone Mapping	Poutini Ngāi Tahu Westland District Council
Whole Plan – various cross plan provisions	Grey District Council Poutini Ngāi Tahu Buller District Council Westland District Council

Appendix 2

TTPP POSITIONS SUBCOMMITTEE TERMS OF REFERENCE

The Positions Subcommittee is a subcommittee of the TTPP Committee and is governed by the Local Government Reorganisation Scheme (West Coast Region) Order 2019 and the TTPP Committee Standing Orders.

1. Area of responsibility
 - a. Considering staff advice and making decisions on the general parameters of the TTPP Committee's position on appeals against the TTPP Committee's decision on the TTPP to guide negotiations and potential resolution of appeal points by TTPP Committee delegated representatives.
2. Powers to decide
 - a. The general parameters of the TTPP Committee's position on TTPP appeal points and topics.
3. Membership
 - a. All members of the TTPP Committee are appointed to the Positions Subcommittee.
 - b. Each Positions Subcommittee meeting to consider and decide on an appeal topic or group of topics shall be made up of at least two members and shall exclude any members where the Council or Runanga that they represent is a party to an appeal on a relevant topic.
4. Quorum
 - a. The Quorum for the Positions Subcommittee shall be two members.
5. Chairperson
 - a. The Chairperson of the Positions Subcommittee shall be the Independent Chair of TTPP Committee.
 - b. If the Independent Chair is absent or vacates a meeting, clause 13.1 of the TTPP Standing Orders applies.



MINUTES OF EXTRAORDINARY MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD ONLINE AT 11.30 AM ON 17 FEBRUARY 2026

Present

Kaiwhakahaere F. Tumahai (Ngāti Waewae) (Chairman), Mayor T. Gibson (GDC), Mayor H. Lash (WDC), Mayor C. Russell (BDC), Cr A. Cassin (WCRC), Kaiwhakahaere P. Madgwick (Makaawhio), Cr L. Webb (BDC), Cr A. Gibson (GDC), Cr G. Maitland (WDC), Cr C. Smith (WCRC)

In attendance

Matt Smith (WCRC), Darryl Lew (WCRC), J. Armstrong (TTPP Project Manager), Alice Balme (Wynn Williams), Joanne Soderlund (GDC), Michael McEnaney (GDC), Carissa du Plessis (BDC), Simon Pickford (BDC), Barbara Phillips (WDC), Olivia Anderson (WDC), Philippa Lynch (Poutini Environmental), Chu Zhao (WCRC).

Welcome

Apologies

Rex Williams (Chairman)

Appointing the TTPP Positions Subcommittee and Delegating Authority to Settle at Appeals.

Cr Maitland asked if the committee member can engage with appellants on their appeals outside of the formal process.

A. Balme answered that once they understand the committee's position, then staff will try to engage with the individual appellants and representatives to attempt to resolve points where that's possible without the need for formal mediations.

Cr Gibson asked what happens if the committee members are approached by the people in the system.

A. Balme answered that the committee members can hear their concerns but have to work through the formal process to resolve things.

A. Balme provided detailed explanation of five options for position setting on Page 5 of the agenda, with staff recommending Option 2. A. Balme noted that a subcommittee was being recommended because it would only require a quorum of two.

Mayor Lash preferred Option 3, because it provides an inclusive and transparent directional position setting for the committee and also enables any perceived or actual conflict to be raised, discussed, and mitigated openly.

Cr Smith disagreed with Mayor Lash, he said Option 2 provides better security around the issue of conflict.



Cr Gibson agreed with Mayor Lash.

Kaiwhakahaere Madgwick disagreed with Cr Smith and A. Balme. He noted that Option 3 serves their interests well, as their legal advice from Ngāi Tahu indicated this approach was viable and commonly used in other regions. In addition, Option 3 allows the individuals to decide on the recusals, it gives the committee more scope, and Option 2 is too limiting and more strictly applied.

Moved (Kaiwhakahaere Madgwick / Mayor Lash)

1. *Receive this report*
2. *Approve Position setting Option 3:
To appoint all of the members to the Positions Subcommittee and deal with any conflicts of interest for members whose organisations have lodged or joined an appeal on a topic by way of recusals meeting by meeting.*

Carried

Cr Gibson, Mayor Gibson, Mayor Russell, Cr Maitland, Kaiwhakahaere Tumahai, Cr L. Webb agreed.

Against Cr Cassin & Cr Smith.

A. Balme then explained the second decision required regarding administrative delegation for mediation settlement authority. This delegation would allow designated individuals to sign mediation agreements on behalf of the committee, provided the agreements align with positions set by the committee. She clarified this was purely administrative and would not involve changing the committee's established positions.

A. Balme noted that the Recommendation 3 has been revised from the previous meeting and clarified that the person who exercises the delegation needs to be available to attend the mediation for the topic, not for the whole TTPP.

Moved (Kaiwhakahaere Madgwick / Mayor Lash)

3. *Delegate the authority to make decisions to settle any Environment Court appeals on the TTPP to the TTPP Project Manager and legal counsel (acting severally) provided such decisions align with the position set on behalf of the TTPP Committee. The Positions Subcommittee may also delegate this authority on a topic-by-topic basis to a TTPP Committee member who is not a party to the appeals on that topic, subject to the same constraints.*

Carried

Meeting ended at 12.36 pm.



NEXT MEETING

A handwritten signature in blue ink, appearing to be 'T. Allan', written over a horizontal line.

Chairman

March 4, 2026

Date



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Te Tai o Poutini Plan Positions Subcommittee Meeting

4 March 2026

10.00am

Grey District Council

AGENDA

10.00am	Welcome and Apologies	Chair
10.05am	Report – Positions Subcommittee Procedures	Project Manager Legal Counsel
10.15am	In Committee - Position Setting Information Papers: <ol style="list-style-type: none"> 1. Māori Purpose Zone 2. Introduction, Transport and Minor Zone Appeals 3. Whole Plan, Infrastructure, General District Wide Matters and Minor Zone Appeals 	Principal Planner
12.00pm	Meeting ends	

This meeting will not be Livestreamed as the majority of items are confidential

TTPP Submissions Subcommittee Meetings for 2026	Time	Venue
10 April	10.00-12.00	West Coast Regional Council
11 May	10.00-12.00	Westland District Council
11 June	10.00-12.00	Buller District Council
14 July	2.00-4.00	Grey District Council
11 August	10.00-12.00	West Coast Regional Council
17 September	10.00-12.00	Westland District Council
15 October	2.00-4.00	Buller District Council



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Positions Subcommittee

Prepared by: Jo Armstrong, Project Manager

Date: 4 March 2026

Subject: **TTPP Positions Subcommittee Procedures**

SUMMARY

At its extraordinary meeting on 17 February 2026 the TTPP Committee approved the membership of the TTPP Positions Subcommittee. This report presents guidance for members on their role and processes for maintaining confidentiality and seeks a resolution that the meeting be held under public exclusion, due to the confidential nature of the papers and decisions being made. The paper also presents a Positions Subcommittee Terms of Reference for approval.

RECOMMENDATIONS

That TTPP Committee:

1. Receives this report.
2. Resolves that the public is excluded from the whole of the proceedings of this meeting. This is to enable the TTPP Positions Subcommittee to consider its position in response to appeals on the TTPP without prejudice or disadvantage to negotiations and to maintain legal professional privilege under s7(2)(i) and s7(2)(g) of LGOIMA.
3. Permits Alice Balme and Fiona McLeod of Wynn Williams to remain at this meeting after the public has been excluded because of their legal knowledge which will be of assistance in relation to the matter to be discussed, and of relevance to their representation of TTPP Committee positions at appeals mediation and hearings.
4. Adopt the Terms of Reference for the Positions Subcommittee attached as Appendix 1.

Jo Armstrong

Project Manager

INTRODUCTION

1. The sole role of the TTPP Positions Subcommittee is to determine what the TTPP Committee position will be for each TTPP topic which has been appealed to the Environment Court.
2. Guidance to help members manage conflicts of interest during subcommittee meeting is provided to help maintain confidentiality of information that will enable TTPP planning and legal counsel to fairly represent the TTPP Committee position at mediation.
3. Terms of Reference are also provided at Appendix 1 for your approval.

CONFLICTS OF INTEREST GUIDANCE

4. The purpose of the TTPP Positions Subcommittee is to consider staff advice and make decisions on the general parameters of the TTPP Committee's position as respondent on appeals against the TTPP Committee's decision on the TTPP to guide negotiations and potential resolution of appeal points by TTPP Committee delegated representatives.
5. All members of the TTPP Committee are members of the TTPP Positions Sub-committee. Where individual Councils or Runanga have either appealed the TTPP or joined other appeals as a section 274 party they have a potential conflict of interest if they participate in discussion or decision making of the TTPP Positions Sub-committee on appealed topics. This is because members cannot act as both respondent and a party on an appeal (and be seen to be making decisions in their own cause). The below provides guidance for the TTPP Positions Subcommittee members on how meetings will be run to manage any potential conflicts of interest:
 - a) The Project Manager will prepare, and the Chairperson will circulate to members, the agenda for each meeting of the Positions Subcommittee in the usual way and in accordance with section 8 of the TTPP Standing Orders. This agenda will identify the topics that will be discussed and decided upon at the meeting. It will also identify the appellants and section 274 parties on those topics.
 - b) Where any member's Council or Runanga is an appellant or section 274 party on the topic(s) that are on the agenda for any meeting of the TTPP Positions Subcommittee, that member will be expected to recuse themselves from the meeting (including discussion and decision making) in accordance with section 19.8 of the TTPP Standing Orders. This requires the member to leave the table when the matter is being considered. While the standing orders do not require the member to leave the room, this is advisable. If the member is attending the meeting by audio or audio-visual link, they will be expected to turn their camera and microphone off or terminate the link to the meeting. The minutes must record the member's declaration of conflict of interest and abstention from discussion and voting.
 - c) Staff of the individual Council or Runanga that have appealed the TTPP or joined appeals as a section 274 party also have a potential conflict of interest in relation to any discussions or decision making of the TTPP Positions Subcommittee on appealed topics. Individual Council or Runanga staff should not attend the Positions Subcommittee meetings, unless specifically requested by the Subcommittee. Similarly, Technical Advisory Team members should only attend if specifically requested.
 - d) The meetings of the TTPP Positions Subcommittee will be confidential to enable the subcommittee to carry on, without prejudice or disadvantage, negotiations (section 7(2)(i) LGOIMA) and to maintain legal professional privilege (section 7(2)(g) LGOIMA). In accordance with section 17.4 of the TTPP Standing Orders, no member or officer may disclose to any person, other than another member, officer or person authorised by the Chairperson, any information that has been, or will be, presented at any meeting from which the public is excluded or is proposed to be excluded. Members may not disclose TTPP Positions Subcommittee agenda material to their individual Councils or Runanga (unless authorised by the Chairperson).

CONFIDENTIALITY

6. To ensure any reports, discussions and decisions of the Positions Subcommittee remain confidential, a resolution to exclude the public will be presented at the start of each Positions Subcommittee meeting.
7. The motion to exclude the public has been prepared under TTPP Standing Orders 17.1, to comply with schedule 2A of the Local Government Official Information and Meetings Act.

TERMS OF REFERENCE

8. Now that the membership of the Positions Subcommittee has been determined, staff recommend that the attached Terms of Reference for the Positions Subcommittee are adopted to ensure that the purpose and scope of the appointment and delegations are clear (Appendix 1).

Appendix 1

TTPP POSITIONS SUBCOMMITTEE TERMS OF REFERENCE

The Positions Subcommittee is a subcommittee of the TTPP Committee and is governed by the Local Government Reorganisation Scheme (West Coast Region) Order 2019 and the TTPP Committee Standing Orders.

1. Area of responsibility
 - a. Considering staff advice and making decisions on the general parameters of the TTPP Committee's position on appeals against the TTPP Committee's decision on the TTPP to guide negotiations and potential resolution of appeal points by TTPP Committee delegated representatives.

2. Powers to decide
 - a. The general parameters of the TTPP Committee's position on TTPP appeal points and topics.

3. Membership
 - a. All members of the TTPP Committee are appointed to the Positions Subcommittee.

4. Quorum
 - a. The Quorum for the Positions Sub-committee shall be two members.

5. Chairperson
 - a. The Chairperson of the Positions Sub-committee shall be the Independent Chair of TTPP Committee.
 - b. If the Independent Chair is absent or vacates a meeting, the Chairperson of the Positions Sub-committee shall be the chairperson of the West Coast Regional Council or other elected member from and appointed by the West Coast Regional Council.

MINUTES OF MEETING OF TE TAI O POUTINI PLAN POSITIONS SUBCOMMITTEE HELD AT GREY DISTRICT COUNCIL TAINUI STREET, GREYMOUTH AT 10.00 AM ON 4 MARCH 2026

Present

R. Williams (Chairman), Mayor T. Gibson (GDC), Mayor H. Lash (WDC), Mayor C. Russell (BDC), Cr A. Cassin (WCRC), Cr L. Webb (BDC), Cr A. Gibson (GDC), Cr G. Maitland (WDC), Chair C. Smith (WCRC)

In attendance

J. Armstrong (TTPP Project Manager), Alice Balme (Wynn Williams), Lois Easton (TTPP Principal Planner), Fiona McLeod (Wynn Williams), J. Soderlund (GDC)

Welcome

Apologies

Kaiwhakahaere F. Tumahai (Ngāti Waewae)

Kaiwhakahaere Madgwick recused himself from the entire meeting.

Moved (Chair Williams/Cr. Gibson)

That the apologies be accepted

Carried

Report – Positions Subcommittee Procedures

J. Armstrong reiterated that the purpose of the Subcommittee is to determine the Committee's positions on the topics appealed.

Mrs Armstrong commented that all TTPP Committee members are members of the Positions Subcommittee and this gives rise to the issue of conflict of interest for member parties that have lodged appeals against TTPP. She explained that the legal advice remains the same and is reflected in the guidance provided in the report. This includes members who are conflicted in this way, would be expected to recuse themselves from discussions and decisions on topics their parties have appealed. This also applies to staff from member parties who made the appeals applications and will be attending mediation as appellants, where maintaining their ability to give independent planning advice is crucial.

All Positions Subcommittee meetings will be confidential to enable members to have free and frank discussions either in support or opposition of the appeals, and to formulate its position.

In time the final Committee positions will be made public, as will those of the appellants. This will enable all parties to effectively prepare for the mediations.

Mrs Armstrong also reminded members that the normal rules of non-disclosure apply to the confidential sections of the meetings.

Mayor Gibson questioned why technical staff are not attending the meetings to provide technical advice on topics they are not appellants on.

Ms. Balme explained that Ms. Easton and herself are available at the meetings to answer any technical questions on matters raised in appeals. Members technical staff are involved in the appeals and independence between appellants and the respondent is crucial.

Cr Maitland agreed with Mayor Gibson

J. Armstrong clarified that it is only on topics that member parties have not appealed, which they would like their staff attendance for.

J. Soderlund asked if staff attendance could be on individual points rather than for whole topics.

Ms. Balme explained that discussions will be on topics and that it would not be possible to break topics into points for discussion.

Chair Smith agreed with Ms. Balme and Mrs Amstrong as topics are too interrelated to extract points.

Cr Gibson raised the concern that TTPP staff are making the position decisions independently and the Subcommittee will not have a say.

Chair Smith said the papers provide staff advice for the Subcommittee to discuss and set their own position.

Changes to the wording of Point 5c of the Conflicts of Interest Guidance were discussed and agreed by the meeting.

Chair Williams drew the meetings attention to point 5 of the Positions Subcommittee

Terms of Reference. Attendees were comfortable with the proposed Chairmanship for the subcommittee.

Moved (Mayor Lash/ Chair Smith)

That the Positions Subcommittee:

- 1. Receives this report.*

2. *Resolves that the public is excluded from the whole of the proceedings of this meeting. This is to enable the TTPP Positions Subcommittee to consider its position in response to appeals on the TTPP without prejudice or disadvantage to negotiations and to maintain legal professional privilege under s7(2)(i) and s7(2)(g) of LGOIMA.*
3. *Permits Alice Balme and Fiona McLeod of Wynn Williams to remain at this meeting after the public has been excluded because of their legal knowledge which will be of assistance in relation to the matter to be discussed, and of relevance to their representation of TTPP Committee positions at appeals mediation and hearings.*
4. *Adopts the Terms of Reference for the Positions Subcommittee attached as Appendix 1.*
5. *That point 5c of the Conflicts of Interest Guidance wording should be amended to:*
 - c) *Staff of the individual Council or Runanga that have appealed the TTPP or joined appeals as a section 274 party also have a potential conflict of interest in relation to any discussions or decision making of the TTPP Positions Subcommittee on appealed topics. Individual Council or Runanga staff should not attend the parts of any Positions Subcommittee meetings, where the party is an appellant or s274 party on a particular topic.*

Carried

The meeting went into the Public Excluded session at 10.31

The meeting ended at 12.00