

APPENDIX TWO

PRE-HEARING MEETING REPORT

Report on pre-hearing meeting

Section 99 of the Resource Management Act 1991

Resource Consent Reference: RC240079 – ACG Properties Limited

Prepared by: Di Rossiter

Date: 8 October 2025

Pre-hearing meeting details

1. On 10 September 2025, the Buller District Council (BDC), conducting its function as consent authority under the Resource Management Act 1991, invited ACG Properties Ltd, who have applied for resource consent, and Andrzej Suchanski, Carolyn E Hewlett, Fiona McDonald, Lee Harris, Marie Elder, Richard Arlidge, Teresa Wyndham-Smith, Wendy Bullard, West Coast Penguin Trust (Inger Perkins), and Westland Petrel Conservation Trust (Denise Lyla Howard) who are submitters on the application, to meet.
2. The application was notified on 12 May 2025, and submissions closed 10 June 2025. Fifteen submissions were received, with 10 opposing the application, 4 neutral, and 1 in support of the application. Ten submitters indicated they wished for their submission to be heard. The requested meeting was therefore a pre-hearing meeting held under section 99 of the RMA.
3. The meeting was held by BDC at the request of ACG Properties Ltd for the purpose of clarifying and discussing the key issues. The meeting agenda, circulated on 4 September 2025 by BDC, outlined the issues for clarification as:
 1. Potential future air traffic plans
 2. Access and traffic safety
 3. Ecological impacts from disturbance, construction, noise, and lighting
 4. Landscape impacts, including visual, natural character, amenity, coastal environment/character
 5. Historic and cultural heritage impacts
 6. Lighting impacts on 'Dark Sky'
 7. Geotechnical risks and natural hazards/AF8
 8. Supply of potable water
 9. Hazardous substances – gas
4. To enable ongoing engagement between the applicant and the submitters, the use of a formal agreement (such as a Memorandum of Understanding) was discussed. This matter is discussed further under Issue 10 below.
5. The meeting was held on 10 September 2025, at 12:30pm.
6. The venue was:
The Boardroom
Punangairi Visitor Centre
Dolomite Point

7. Attendees were as follows:
- i. Buller District Council:
 - Independent Chair – Di Rossiter
 - Consultant Planner – Jess Hollis (online)
 - Council’s Technical Support Officer – Raewyn Mayo
 - Council’s Regulatory Support Officer – Julie Sail
 - ii. Applicant:
 - Agent – Daniel Thorne
 - Project Manager – Ant Beale
 - Applicant – Connor Magides
 - iii. Submitters:
 - Andrzej Suchanski
 - Carolyn E Hewlett
 - Fiona McDonald
 - Marie Elder
 - Teresa Wyndham-Smith
 - Wendy Bullard
 - West Coast Penguin Trust (Inger Perkins)
 - Westland Petrel Conservation Trust (Denise Lyla Howard)
8. The meeting concluded at 3.52pm.

Statutory and procedural matters

Requiring and requesting attendance

9. Section 99(2) allows consent authorities to request an applicant, a submitter or any other person it considers appropriate to attend a pre-hearing meeting. This can be either at the request of the applicant or submitters or on its own initiative.
10. In this case the applicant requested the meeting to be held and for submitters to attend. BDC agreed this was appropriate and advised by email on 20/08/25 that a meeting was to be held and required attendance by the parties listed below.
- Andrzej Suchanski
 - Carolyn E Hewlett
 - Fiona McDonald
 - Lee Harris
 - Marie Elder
 - Richard Arlidge
 - Teresa Wyndham-Smith
 - Wendy Bullard
 - West Coast Penguin Trust (Inger Perkins)
 - Westland Petrel Conservation Trust (Denise Lyla Howard)
11. In this case, the following required parties could not attend:
- Lee Harris
 - Richard Arlidge

12. Roy Arbon also submitted in opposition to the application and asked to be heard. At the time the pre-hearing meeting was held, Roy Arbon was identified as missing by the New Zealand Police. As such, it was not appropriate for Council to attempt to contact Mr Arbon regarding the pre-hearing meeting. At the time of writing this report, Mr Arbon's submission was still 'live' and will be addressed in due course by BDC to ensure resolution of this matter.
13. Other submitters not required to attend the pre-hearing meeting included Waka Kotahi / New Zealand Transport Agency, Pouhere Taonga / Heritage New Zealand, and the Director General of Conservation. The applicant is directly engaging with each of these agencies to resolve matters raised within each submission.

Attendance of those delegated to make decisions

14. Section 99(4) states that an officer of the authority who has the power to make the decision on the application may attend, subject to the agreement of all the parties attending and participating, and if the consent authority is satisfied their presence is appropriate.
15. No officers with delegation to determine the application were present at the meeting.

Chairperson to prepare this report

16. Section 99(5) and (6) require the chairperson of the meeting to prepare a report outlining particular matters, and to circulate that report to all the parties and the consent authority (meaning, the commissioners or hearings panel that will hear and determine the application) no less than 5 working days before the hearing.
17. The report must, for the parties who attended the meeting:
 - a. set out the issues that were agreed; and
 - b. set out the issues that are outstanding.
18. However, the report must not include anything communicated or made available at the meeting on a without prejudice basis.
19. In addition, the report may, for all the parties:
 - a. set out the nature of the evidence that the parties are to call at the hearing; and
 - b. set out the order in which the parties are to call the evidence at the hearing; and
 - c. set out a proposed timetable for the hearing.
20. Commentary on these matters can be found from paragraph 20 of this report.
21. The meeting did not address matters pertaining to evidence or the hearing timetable.

Status of this report and next steps

22. Section 99(6) requires the chairperson to send this report to the consent authority and all the parties so that they have it at least 5 working days before the hearing. The report was sent by email to the parties on 14/10/25.
23. At the time of writing, no attending parties have advised that they no longer wish to be heard, and the application is scheduled to be heard no later than 29 January 2026.

24. Section 99(7) requires the consent authority (meaning, the commissioners delegated power of the consent authority by to determine the application) to have regard to this report in making the decision on the application.

Issue 1: Potential future air traffic plans

Issue is still to be resolved.

25. Multiple submitters raised concerns about future helicopter usage and associated adverse noise impacts on community and biodiversity, including Andrzej Suchanski, Lee Harris, Fiona McDonald, and Marie Elder.
26. The submitters requested that the applicant make a firm commitment to no helicopter landings at the site, except in the event of an emergency.
27. In response, the applicant agreed to propose wording for a consent condition that commits to 'no helicopter' landings at the site, unless in the event of an emergency. The applicant was advised that the proposed consent condition could be provided to Council as part of the applicant's hearing evidence. It could also be provided to the submitters as part of an informal feedback process.
28. The issue required no further clarification.

Issue 2: Access and traffic safety

Issue is still to be resolved.

29. Multiple submitters raised concerns about safe access to/from the State Highway associated with:
- Increased vehicle movements, including light and goods delivery vehicles
 - Insufficient visibility / sightlines at access
 - Inaccuracies within the AEE including the statement that "traffic along SH6 in this area is rather low", current speed of SH traffic, and no consideration of peak traffic, truck and trailer units, freight trucks, or tourist buses, that guests will not leave site during their stays
 - Crash history in the vicinity of the access to site.
30. Submitters included Andrzej Suchanski, Carolyn Hewlett, Lee Harris, Richard Arlidge, Marie Elder, Teresa Wyndham-Smith, Roy Arbon, and Wendy Bullard.
31. The submitters requested that a footpath / bicycle path be provided to link the site entrance with Truman Track, and that the design of the access be reviewed to ensure safe ingress to / egress from the site.
32. In response, the applicant confirmed that they are working with Waka Kotahi / NZTA to achieve safe access design to NZTA required standards.
33. When the updated site access designs are ready, the applicant may share the design plans with the submitters as part of an informal feedback process.
34. The applicant will consider, in discussion with NZTA, the feasibility of:
- Vegetation clearance within the SH corridor to improve sightlines
 - Widening the SH corridor by removing part of the inside highwall (the 'lump')

- Creating a pedestrian / cycle link from the entrance of the site to the entrance to Truman Track on the SH.
35. Once assessed, the applicant will provide the findings of these feasibility discussions to the submitters as part of an informal feedback process.
36. The issue required no further clarification.

Issue 3: Ecological impacts from disturbance, construction, noise, and lighting

Issue is still to be resolved.

37. Multiple submitters raised concerns about potential adverse effects relating to the proposal on a wide range of ecological values on the site and across the wider area, including the Punakaiki Marine Reserve.
38. Submitters included The West Coast Penguin Trust (Inger Perkins), The Westland Petrel Conservation Trust (Denise Howard), Andrzej Suchanski, Lee Harris, Richard Arlidge, Fiona McDonald, Marie Elder, and Teressa Wyndham-Smith.
39. In response, the applicant confirmed that further ecological assessments are underway, and RMA Ecology have been commissioned and are programmed to commence in late September to address the submissions received.
40. The applicant will consider the process for Peer Review of RMA Ecology's assessments by an appropriately qualified local ecologist (such as Matt Charteris).
41. To address the requirements identified in the ecological investigations (including Peer Review findings), an Ecology Management Plan (EMP) will be developed. It was requested that the EMP also be Peer Reviewed by an appropriately qualified local ecologist (such as Matt Charteris).
42. The EMP will address the following:
- Construction and operational stages of the project
 - Restoration activities to be undertaken
 - Local sourcing of native plants from local nursery(ies)
 - Long-term obligations
43. The further ecological assessments and EMP could be provided to Council as part of the applicant's RFI response and hearing evidence. It could also be provided to the submitters as part of an informal feedback process.
44. Lighting (internal and external) may be dealt with separately to the EMP, and a Lighting Management Plan (LMP) could be developed, noting that the LMP's purpose is to protect both biodiversity and amenity values.
45. The applicant will consider commissioning Mike Gedes to undertake Peer Review of the LMP.
46. In consideration of the Marine Reserve, the applicant agreed to not establish public access to the shoreline. The applicant also agreed to engage with Don Neale (DOC) to seek advice and input into the proposal.

47. The applicant will consider mechanisms for addressing the above points and offer up wording for consent conditions to address these, as appropriate.
48. Any proposed consent conditions could be provided to BDC as part of the applicant's RFI and/or applicant's hearing evidence. It could also be provided to the submitters as part of an informal feedback process.
49. An agreement (such as a Memorandum of Understanding) may be used to establish and govern a 'stewardship partnership' between the applicant and representative submitters including, but not necessarily limited to:
- West Coast Penguin Trust (Inger Perkins)
 - Westland Petrel Conservation Trust (Denise Howard)
 - Fiona McDonald
50. The applicant is to consider and, if deemed appropriate, progress the establishment of the agreement. The establishment of any agreement is outside the scope of this consenting process and Council will therefore not be party to the agreement or involved in the facilitation of the agreement.
51. The issue required no further clarification.

Issue 4: Landscape impacts, including visual, natural character, amenity, coastal environment/character

Issue is still to be resolved.

52. Multiple submitters raised concerns about potential adverse effects relating to the proposal on a landscape, natural character and amenity effects on individual properties as well as across the wider area, including Andrzej Suchanski, Carolyn Hewlett, Richard Arlidge, Fiona McDonald, and Roy Arbon.
53. In response, the applicant will work with the building designer and/or landscape architect to consider the concerns raised by the submitters, including:
- Wind tunnel effects from orienting the gap between the two lodge buildings south to north
 - Opportunities to incorporate a living / turf roof on lodge to reduce visual impact
 - Further lowering profile to reduce visual impact
 - Concern regarding potential 'establishment failure' of screening vegetation, currently proposed to minimise visual impact from lodge and cabins
 - Use of local materials e.g. beach pebbles, will not occur. This will be clarified in relevant design plans
54. A Construction Management Plan (CMP) will be developed by the applicant to address minimising waste / litter impacts during the project's construction stage.
55. The applicant will offer up wording for a consent condition to address the requirement for the CMP, as appropriate. Any proposed consent condition could be provided to BDC as part of the applicant's RFI and/or applicant's hearing evidence. The applicant may report back to the submitters following further work with the building designer and/or landscape architect as part of an informal feedback process.

56. The issue required no further clarification.

Issue 5: Historic and cultural heritage impacts

Issue is still to be resolved.

57. Multiple submitters raised concerns about potential adverse effects relating to cultural heritage and absence of engagement with iwi, as well as impacts on historic heritage, including Andrzej Suchanski, Lee Harris, and Marie Elder.
58. In response, the applicant confirmed that they will continue to seek to engage Ngāti Waewae, to keep them informed of material changes to the proposal.
59. An Archaeological Assessment has been commissioned. Once this is complete, the applicant will provide it to the submitters as part of an informal feedback process.
60. The issue required no further clarification.

Issue 6: Lighting impacts on 'Dark Sky'

Issue is resolved.

61. Lighting impacts on the 'Dark Sky' will be addressed within the LMP, as discussed under Issue 3.
62. No additional actions are required.

Issue 7: Geotechnical risks and natural hazards/AF8

Issue still to be resolved.

63. Multiple submitters raised concerns about geotechnical and natural hazard effects, including Carolyn Hewlett, Lee Harris, Marie Elder, Andrzej Suchanski, and Richard Arlidge.
64. Submitters identified two broad concerns:
- Site geotechnical safety (rock fissures, karst)
 - Civil defence and the potential drain on local emergency response and resources
65. In response, the applicant confirmed that T+T has been commissioned to undertake further geotechnical assessment.
66. Once complete, this may be provided to the submitters as part of an informal feedback process.
67. The applicant will consider and offer suggestions to the submitters for comment regarding Civil Defence matters, including how to achieve self-sufficiency in times of prolonged isolation.
68. The issue required no further clarification.

Issue 8: Supply of potable water

Issue still to be resolved.

69. Multiple submitters raised concerns about the potential adverse effects relating to connection to the Punakaiki water supply, including Andrzej Suchanski, Lee Harris, Marie Elder, Wendy Bullard, Teressa Wyndham-Smith
70. Submitters concerns included potential effects from increased demand on water supply, the unreliability of the existing supply, and concern that the additional demand will “make the situation worse”.
71. In response, the applicant will calculate likely on-site use of potable water, including the likely percentage of the time that water will need to be sourced via the town supply. The analysis will then be provided to the submitters for their information as part of an informal feedback process.
72. The applicant will consider other ways to reduce the draw from town water supply, including, but not necessarily limited to, refilling tanks at night and/or upsizing tank capacities. Any proposed changes could be provided to Council as part of the Applicant’s RFI and/or Applicant’s hearing evidence. It could also be provided to the submitters as part of an informal feedback process.
73. The issue required no further clarification.

Issue 9: Hazardous substances – gas

Issue still to be resolved.

74. Lee Harris and Marie Elder raised concerns about the potential adverse effects relating to the inappropriate storage of hazardous substances i.e., gas.
75. In response, the applicant confirmed that on-site gas will be stored in accordance with the Hazardous Substances and New Organisms Act (HSNO) (1996).
76. The applicant will also consider alternative power supply options, including incorporating more solar or wind power sources in the design. The findings may be provided to the submitters as part of an informal feedback process.
77. The issue required no further clarification.

Issue 10: Ongoing engagement between applicant and submitters

Issue still to be resolved.

78. Some submitters indicated a preference to engage with the applicant through an independent mediator funded by the applicant. Some submitters indicated comfort directly engaging with the applicant. Should an independent mediator be used, this would not preclude direct engagement. The applicant will consider whether an independent mediator will be used and offer suggestions to the submitters on how this may work.
79. The use of an independent mediator is outside of the scope of the consenting process. Council will not be able to resource or function as an independent mediator.

80. The issue required no further clarification.

Conclusion

81. The meeting concluded with the agreement that the chair would document the outcomes of the meeting and provide the information in letter form.

82. This letter was provided to the applicant on 18 September 2025.



Di Rossiter

Pre-hearing meeting chair