



Local Government
Commission

Mana Kāwanatanga ā Rohe

Final proposal for combined **West Coast** District Plan



Buller
District
Council

Grey
District
Council

Westland
District
Council

West Coast
Regional
Council

September 2018

www.lgc.govt.nz

Introduction

The Local Government Commission is pleased to present this final proposal for local government reorganisation on the West Coast.

The proposal involves a transfer of statutory obligations for district plans (under the Resource Management Act 1991) from the three West Coast district councils to West Coast Regional Council. The transferred obligations will then be delegated to a joint committee involving all four councils and local iwi along with an independent chairperson. This committee will be responsible for preparing and approving a new combined district plan covering the West Coast.

The final proposal is very similar to the draft proposal the Commission released in April 2018, for consultation with the West Coast community. The final proposal includes an additional provision for West Coast Regional Council to be responsible for funding the development of the combined district plan by way of a regional rate across the West Coast.

The final proposal also includes provision for the joint committee to agree to a district council being responsible for a future change to the combined district plan involving a local variation, including the funding of that plan change.

The Commission would like to thank all those who took the time to submit their views on the draft proposal and it can assure submitters that these views were all carefully considered. In particular, the Commission expresses its appreciation to all four councils for their considered views and their patience over the period this process has taken.

The draft proposal received very positive support over most, though not all, of the West Coast. As a result, the Commission is satisfied the issuing of a final West Coast proposal meets all the necessary legal requirements. Most importantly it believes the proposal will promote good local government for the West Coast by promoting the purpose of local government and facilitating improved economic performance.

Janie Annear
Lead Commissioner for West Coast reorganisation

Final West Coast reorganisation proposal

Transfer of statutory 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.

Provisions for inclusion in reorganisation scheme

4. The reorganisation scheme to complete the final West Coast reorganisation proposal, prepared under Part 4 of Schedule 3 of the Local Government Act 2002, will provide for:
 - a) a permanent joint committee between all four West Coast councils and local iwi (the West Coast District Plan Committee)
 - b) the West Coast Regional Council to delegate to the West Coast District Plan Committee its district plan obligations under clauses 1 and 2
 - c) the purpose and terms of reference for the West Coast District Plan Committee to be 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 combined district plan and the need for amendments
 - v. undertake amendments and reviews of the 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, to comprise:
 - i. an independent chairperson
 - ii. the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council

- iii. the mayor of Buller District and one other elected member from and appointed by Buller District Council
 - iv. the mayor of Grey District and one other elected member from and appointed by Grey District Council
 - v. the mayor of Westland District and one other elected member from and appointed by Westland District Council
 - vi. one representative appointed by Te Rūnanga o Ngati Waewae
 - vii. one representative appointed by Te Rūnanga o Makaawhio
- e) a West Coast District Plan Technical Advisory Team (the Technical Advisory Team) to provide technical advice to the West Coast District Plan Committee.

Independent chairperson of West Coast District Plan Committee

5. The first appointment of the independent chairperson of West Coast District 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.

Membership of West Coast District Plan Technical Advisory Team

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

Funding

7. Subject to clause 8, 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.
8. 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 body

9. A transition body will be constituted to make arrangements for the operation of the West Coast District Plan Committee and preparation of a combined district plan.
10. The transition body will comprise:
- a) a transition board
 - b) an implementation team.

Transition board

11. The transition board will comprise:
- a) an independent chairperson appointed by the Local Government Commission
 - 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.

12. The role of the transition board will be to:

- a) recommend an appointment for 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, 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
- 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.

Implementation team

13. The implementation team, including implementation team manager, will be appointed by the Local Government Commission from nominations from West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council.

14. The role of the implementation team will be to:

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

Affected local authorities continue in existence

15. West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council, as presently constituted and with their current boundaries, will continue in existence and, with the exception of the district plan statutory obligations, continue to have all their current roles, powers and responsibilities by or under law.

Areas of interest of iwi and hapū in West Coast

16. There will be 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.

Clauses 45 and 46 of Part 4 of Schedule 3 of the Local Government Act 2002 not to apply

17. Clauses 45 and 46 of Part 4 of Schedule 3 of the Local Government Act 2002 will not apply to the reorganisation scheme.

Achieving good local government for the West Coast

In issuing this final proposal the Local Government Commission needed to be satisfied it would promote the purpose of local government and facilitate improved economic performance on the West Coast.¹

Promotion of the purpose of local government

The purpose of local government includes meeting the current and future needs of communities for good-quality performance of regulatory functions, such as having a good-quality district plan under the Resource Management Act 1991. 'Good-quality' performance means it is efficient, effective and appropriate to present and anticipated future needs.

The proposal for a combined West Coast district plan meets this requirement. This is based on:

- *efficiencies* achieved through the pooling of resources across the West Coast, covering both thinly spread resource management staff and necessary financial resources, in order to prepare increasingly complex and expensive resource management plans
- *effectiveness* in the use of both people and financial resources to meet:
 - increasing community demands for good quality resource management
 - increasing requirements resulting from national policy direction in resource management
 - a need for alignment and consistency between regional and district resource management plans
- *present and anticipated future circumstances* relating to resource management issues needing to be addressed, including growing awareness and understanding of:
 - appropriate responses to matters such as climate change and natural hazards
 - matters relating to issues of significance to iwi/Māori
 - public expectations relating to resource management and environmental protection generally.

The purpose of local government also relates to the enabling of democratic local decision-making by and on behalf of communities. Any concerns about joint West Coast decision-making in relation to district plans, as a result of the proposal, can be allayed. This relates to:

- *district-wide resource management issues*, such as coastal planning and natural hazards extending across district boundaries, as these are commonly identified as matters of national importance or are now, or should be, addressed by the districts in the same way
- *localised resource management issues* which will in future either be addressed in the same way (under new standardised zones) given the similar scale and nature of the three districts; or be able to be agreed as local differences (through new planning 'precincts' or 'overlays').

¹ For a more detailed assessment of the combined West Coast district plan proposal against achievement of the purpose of local government and the facilitating of improved economic performance, see the Local Government Commission's decision paper which can be viewed at www.lgc.govt.nz

Buller, Grey and Westland districts will, collectively, have a majority of votes on the West Coast District Plan Committee. To the extent that localised differences in the new combined district plan can be justified on resource management grounds, the committee will be able to establish a process to recognise these differences in particular districts.

Apart from the West Coast District Plan Committee, all other existing democratic decision-making structures and processes will remain unchanged as a result of the final proposal.

Facilitating improved economic performance

Improved economic performance on the West Coast will be facilitated as a result of the combined district plan proposal, by way of efficiencies and cost savings, productivity improvements and simplified planning processes.

Efficiencies and cost savings

As noted above, there will be efficiencies resulting from the pooling of both people and financial resources.

One area where efficiencies and cost savings are expected is in the implementation of new mandatory national planning standards as from 2019. Significant cost savings across the three district councils will arise from sharing costs in relation to:

- *new technology standards* which will require fully interactive district plans (i.e. being accessible online, continually updated, hyperlinked to regional plans, with a keyword search function, digital plan data and embedded GIS system)
- *staff time* in the implementation and ongoing administration of the planning standards (includes re-ordering existing plans, re-writing definitions, rules and policies)
- *collaboration:*
 - on the plan-change consultation process arising from new definitions and redrafted rules, and in costs arising from the ensuing appeals process
 - in giving effect to national policy direction
 - in the use of available technical guidance and adoption of best practice approaches.

Productivity improvements

Productivity improvements within the councils will arise from the best use of council staff within their specialist areas and enhanced ability to jointly contract in further specialist advice. Where council staff currently have mixed job responsibilities, the proposal will allow staff to devote more time to their other responsibilities.

Productivity improvements, in the form of time and money, will also arise for West Coast businesses and households. These will occur when making resource consent applications arising from a standard better quality district plan, and as a result of having to make only one submission on new plans or plan changes.

Simplified planning processes

The combined district plan will result in simplified planning processes on the West Coast arising from one set of overarching planning policies and rules in relation to features, interests and activities that are common across the three districts. This will also assist public understanding of these policies and rules.

The involvement of West Coast Regional Council in the preparation and approval of the combined district plan will make it easier to achieve consistency and alignment with regional plans and the regional policy statement. This will further assist public understanding of West Coast planning policies and rules.

Advantages and disadvantages of the final proposal

The Local Government Commission considers that the combined West Coast district plan final proposal has distinct advantages over status quo arrangements in relation to councils' district plan responsibilities. These advantages are the proposal will:

- result in a better quality district plan by making better use of existing people and financial resources and enhancing the ability to contract in further specialised advice
- better meet the needs of West Coast communities for effective resource management and environmental protection
- better enable the West Coast councils to respond to increasing national policy direction in relation to resource management
- better enable the West Coast councils to meet their obligations and respond to the needs of West Coast iwi/Māori including participation in district plan preparation and approval
- save time and money for businesses and households when interacting with councils in relation to resource consents, submissions, appeals and general resource management enquiries
- make it more likely that district and regional resource management plans will align and be consistent
- free up council staff to meet their responsibilities in other areas, involving both resource management (e.g. plan administration and monitoring) and non-resource management activities
- assist the councils to attract and retain skilled and experienced resource management staff
- provide a platform, through the joint committee, for the West Coast councils to consider further possible collaboration and shared services
- leave the existing councils and other West Coast decision-making processes in place.

The proposal does have some disadvantages as follows:

- a process is required to assess and, where appropriate, align the existing West Coast district plans which will result in additional short-term costs
- there may be some further short-term delays for Buller District Council in particular (given it is more advanced in its own district plan review process compared to the other two district councils) arising from the West Coast-wide district plan assessment process

- a transition process and then an ongoing joint committee process are required involving additional costs including remuneration for an independent chairperson and iwi involvement (it is expected the participation of council representatives will not be an additional cost over what they are presently paid or can expect to be paid for district plan reviews)
- there will be additional costs for West Coast Regional Council to be involved with district plan preparation and approval including servicing of the joint committee
- West Coast Regional Council is required to amend its revenue and financing policy to provide for a new rate across the West Coast to fund the combined district plan.

Next steps

In accordance with section 25 of the Local Government Act 2002, an Order in Council is now being prepared to give effect to this final proposal.

Once this Order in Council has been signed and the parties have appointed their representatives, a short transition process will commence. This involves establishment of a transition body comprising a transition board and an implementation team, with membership and roles as described under 'Final West Coast reorganisation proposal'.

It is hoped that the transition board will be able to meet before the end of October 2018 and complete its transition tasks before the end of 2018.