




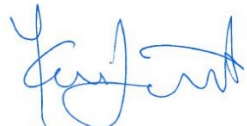
West Coast Combined District Plan Proposal

Planning Status Report
Prepared for the Local Government Commission

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1.0 Introduction

- 1.1 During 2016 and 2017 the Local Government Commission (the Commission) worked closely with the four councils in the West Coast Region to identify opportunities to improve local government service delivery in the region, including the provision of Resource Management (RM) services (including planning, consenting and compliance monitoring). That work was intended to facilitate future economic development and wellbeing of the West Coast. This work was progressed at the same time as investigations into potential transport efficiencies for the Region were being undertaken, and during the time the Commission was considering a request for amalgamation of the West Coast local authorities.
- 1.2 As part of that work, Boffa Miskell prepared a report identifying resource management-related opportunities and challenges facing the region and incorporating a range of options for more efficient and cost-effective resource management service delivery for the region. The report was presented to the Commission and the four councils, who considered a number of the options to have potential to be pursued further.
- 1.3 The Commission subsequently made a decision that amalgamation would not be pursued, but that a combined district plan was a desirable option. During April and May 2018, the Commission released and heard submissions on a draft local government reorganisation proposal for the West Coast. The proposal involves the transfer of the three West Coast district councils' statutory obligations to prepare district plans under the Resource Management Act 1991 (RMA) to the West Coast Regional Council. A joint committee of the four councils and local iwi would be established to prepare and adopt a new combined district plan covering the entire West Coast.
- 1.4 In deciding whether or not to proceed to a final proposal, the Commission has requested Boffa Miskell to provide additional advice relating to:
 - The current status of the Buller, Grey and Westland District Councils' District Plans under the RMA including reviews/plan changes underway;
 - The extent of differences in approach and detailed rules between the three plans;
 - The extent to which the current plans and reviews/plan changes are seen to reflect generally agreed best practice and also meet national requirements.
- 1.5 The requested information and advice goes to another level of detail from that provided earlier to the Commission by Boffa Miskell. This report contains a summary of:
 - the current status of each district plan in terms of reviews and plan changes;
 - a comparison of the existing situation for each plan with best practice approaches and giving effect to national policy;
 - the differences and commonalities between the three current district plans;
 - changes likely to be required to achieve best practice or to meet national requirements;
 - what the councils need to achieve in terms of reviews and plan changes to update their current plans; and
 - any barriers to integration.

2.0 Current Plans

District Plan Status

- 2.1 **Appendix 1** sets out the current status of each of the three district plans including a summary of their review progress. By way of overview, the district plans were all made operative between 2000 and 2005, and have all been subject to some amendments since that time.
- 2.2 The analysis undertaken shows that all three district plans are over 13 years old, with the most recent operative review processes undertaken in 2011 in Buller District¹. The age of the plans results in a number of issues:
- the RMA requires that all parts of a district plan be reviewed at least every 10 years². Given the time required to undertake a review, all of the three plans will need to be subject to reviews in the very near future to achieve the timing requirements of the RMA.
 - the plans do not reflect the scale of changes in resource management practice that have occurred in recent years. There have been considerable developments made in the last 5-7 years in terms of legislative change, case law, national policy direction, national standards, and technical best practice.
 - the plans do not appropriately respond to the present day and foreseen resource management issues and community aspirations in the respective Districts. For example, the plans do not appropriately address any changes in natural hazard risks, tourism pressures and opportunities, and urban revitalisation goals, or align with community outcomes in the councils Long Term Plans (LTPs).
- 2.3 While two of the district plans (Buller and Westland) have initiated rolling review / plan change processes in more recent years, these processes have not advanced far or quickly. For example, the Buller District Council's website indicates, the Buller rolling review has not progressed with plan changes 133 - 145 having been notified and subject to submissions and further submissions in 2016.³ We note that during the intervening period national policy drivers and local circumstances have changed which means that the notified plan changes are no longer fully current.

National and Regional Policy Direction

- 2.4 District plans are required to be prepared in accordance with the RMA. Furthermore, councils are required to consider national policy statements, national environmental standards, regional policy statements and plans in preparing their district plans and to implement the directions of those documents through a variety of measures. All district

¹ Other than the very narrow plan change in 2015 in Grey District in relation to electricity transmission.

² RMA section 79 Review of policy statements and plans

(1) A local authority must commence a review of a provision of any of the following documents it has, if the provision has not been a subject of a proposed policy statement or plan, a review, or a change by the local authority during the previous 10 years: ... (c) a district plan. ...

³ We understand the Commission has been advised that hearings have been held and decisions made by the Council in respect of the proposed plan changes.

plans are required to give effect to any national policy statement, the NZ Coastal Policy statement, the national planning standards, and the regional policy statement⁴. The term “give effect to” is a directive requirement, meaning “implement”. It creates a firm obligation on the part of those subject to it⁵. The requirement to “give effect to” national policy statements means that national and regional policy statements are more than a “list” of potentially relevant considerations, which will have varying weight in different factual situations”⁶.

- 2.5 In order to identify the level of integration of the national and regional policy guidance into the three district plans, **Appendix 2** sets out a summary table of the various policy documents and how these are reflected within the three district plans.
- 2.6 The analysis shows that there are some areas in which higher order documents are given effect to, such as the National Environmental Standard for assessing and managing contaminants in soil. The analysis also shows that there are a number of areas in which the three district plans do not give effect to national policy direction:
- All three plans are generally in accordance with the RMA, but would better align with the expectations of the RMA if there was clearer identification of and provision for matters of national importance under section 6 of the RMA.
 - None of the plans identify the extent of the Coastal Environment and while the Buller District Plan addresses coastal issues it could be greatly improved to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS). The Grey and Westland District Plans have not been reviewed to give effect to the NZCPS.
 - Improvements could be made to all three plans in managing renewable electricity generation and electricity transmission to give effect to the respective National Policy Statements.
 - All three plans require amendment to give effect to the National Environmental Standard for Plantation Forestry.
- 2.7 The lack of alignment with more recent national regulations (e.g. NES for Plantation Forestry or the draft National Planning Standards) is understandable given that they are so recent or have just been released in the case of the draft Standards. However, implementation of the older national policy documents should have occurred, given the expectation that councils respond rapidly when mandatory national direction is released. We expect that this could be related to inadequate internal District Plan policy resourcing, and limited development pressures experienced in the West Coast region.
- 2.8 The ability to give effect to national direction in district plans is challenging in a situation where the intermediate regional direction (both regional policy statement and regional plans) is in a state of flux. In a number of aspects, the regional application of the national direction has not yet been achieved, or is not current, for the West Coast Region. For example, the West Coast Regional Council publicly notified its proposed Regional Policy

⁴ RMA section 75 Contents of district plans

(3) A district plan must give effect to—

(a) any national policy statement; and

(b) any New Zealand coastal policy statement; and

(ba) a national planning standard; and

(c) any regional policy statement.

⁵ Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd [2014] NZKS 38 at [77].

⁶ Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd [2014] NZKS 38 at [83]

Statement in March 2015, with hearings on submissions held in May 2018. Until the decisions on this are reached (and potentially subject to appeal processes), the West Coast district councils do not have current regional policy direction to implement through their district plans.

- 2.9 The development of district plans in the absence of confirmed regional policy direction could be risky where there is likely to be substantial change to that direction. It is also inefficient given the need to then re-review to reflect changes in the higher order documents.
- 2.10 The biggest recent change in national direction is the recently released draft National Planning Standards (draft Standards)⁷. The purpose of the draft Standards is to set a framework for all regional policy statements, regional plans and district plans to make council plans and policy statements under the RMA faster to prepare and easier for plan users to understand, compare and comply with. The draft Standards will require that all district plans follow a set format and meet mandatory requirements for format, structure and some content. The final Standards will be operative from April 2019 and then there will be a subsequent transition period during which all plans will need to be changed. The West Coast District Plans will have to give effect to the mandatory provisions within 5 years from the National Planning Standards being made operative. An assessment of the alignment of the three district plans against the draft Standards is set out in the following section.

Comparison of District Plans

- 2.11 For the purpose of analysing the differences and commonalities between the three district plans, comparison has been made to the draft Standards. This has been used as a common basis of comparison as it covers all key issues relevant to district plans and is ultimately what is likely to be required to be implemented in any future district plans⁸.
- 2.12 **Appendix 3** contains a summary table of the content of the three district plans and their alignment at a high level with the current form of the draft Standards.
- 2.13 It is noted that the National Planning Standards will set the required structure and format of plans, but not their content (with the exception of prescribed content for definitions and noise and vibration metrics). While the draft Standards require a certain set of Parts, Chapters and Sections, the level of detail within these and the approach to the issues remains to be individually applied at a district level. For example, while all district plans will have the same structure the objectives, policies and rules for each topic will be different to reflect the local issues and responses. Regional policy statements will remain a key place for directions on content, especially on region wide issues e.g. they may direct the approach to be taken for identification and protection of outstanding landscapes or heritage items.
- 2.14 The analysis undertaken shows that all three of the plans would need to be substantially reformatted and amended to give effect to the draft Standards. All three councils will be faced with reformatting and reallocation of plan content into the new format. The issues that will need to be addressed by the councils in terms of format and structure are

⁷ Publicly released in June 2018 for public submissions.

⁸ Noting that the current draft National Planning Standards may change before they become operative in 2019, but that they form a useful basis at this time for comparison purposes given the level of work that has been involved in developing the draft Standards to cover consistent national issues.

generally consistent and there would be considerable efficiency in addressing these collectively rather than individually.

- 2.15 The current district plan formats comprise an effects-based format for the Grey District Plan, and activity-based format for the other two district plans. The concerns expressed previously⁹ around a perceived difficulty in integration of the three plans, based on the difference in format, are largely irrelevant under the National Planning Standards approach. In other words, to give effect to the Standards will require all plans to be amended to align with the format of the Standards, which is essentially zone and activity based. All issues will need to be aligned in this way irrespective of the current approach.
- 2.16 The issues for all three districts are largely common and especially so at the 'district-wide' level. The 'district-wide' matters that the Standards anticipate being covered include natural environmental values, environmental risks, community values, infrastructure and energy, subdivision and general district-wide matters¹⁰. These district-wide matters commonly cover issues identified as being of national importance under section 6 of the RMA, national significance under a National Policy Statement, or which are often dealt with in the same way across districts. Approaches to key issues such as landscape, biodiversity, the coastal environment, and natural hazards which extend across district boundaries should ideally be addressed in the same way. It appears likely that if a combined district plan approach was taken for the West Coast, there would not therefore need to be any particular variation in the approach taken to deal with district-wide issues.
- 2.17 It is also considered likely that different approaches would not be required at a zone level and that the same set of zones would be appropriate to all three districts given their similarity in scale and nature (largely rural with small to medium towns and settlements). Where any localised differences in land management approach need to be reflected, the National Planning Standards approach of applying a 'precinct' or 'overlay'¹¹ would appear to allow such differences to be reflected, without impacting on the common zoning approach. For example, all towns could have a 'residential' zone applied but an area in one town could be identified as a 'character overlay' to recognise a particular difference that merits different rules e.g. Franz Alpine Resort in the Westland District Plan, or the Scenically Sensitive Residential Zone in the Buller District Plan.
- 2.18 Another way that differences between the districts could be expressed is in relation to subdivision standards. The existing subdivision standards have led to different density outcomes in each of the districts and if a decision is made that this situation should continue to be reflected in a combined plan approach, this again could be achieved through a precinct approach or tailored rules for specific geographic areas.
- 2.19 The draft Standards also enable the creation of additional special purpose zones for land use activities that are significant to the district, and which cannot be enabled by any other zone or the addition of an overlay or precinct. An example of that is the existing Cement Production Zone in the Buller District Plan, albeit the need for such a zone in the future

⁹ As part of the RM Efficiency report developed in 2016/17.

¹⁰ Natural environmental values (coastal environment, landscape, landforms and natural character, ecosystem and indigenous biodiversity), environmental risks (natural hazards, hazardous substances and contaminated sites), community values (heritage sites and areas, sites of significance to Maori, protected trees), infrastructure and energy, subdivision and general district-wide matters (temporary activities, noise and light, earthworks, signs, activities on the surface of water, mining).

¹¹ A **precinct** spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes.

An **overlay** spatially identifies an area, feature or item that following a district wide assessment has been determined to have distinctive values, environmental risks or factors that require management in a different manner from the underlying zone provisions.

would need to be reviewed considering Holcim's cement manufacturing activities having ceased.

- 2.20 While standardisation of zonings is readily achievable across the three Districts, standardisation of policy or rule approaches to address similar issues across all three Councils could potentially be difficult if one council wishes to take a different approach from the others. It is important to note that the applicable rules do not have to be the same across the whole area, however it is best practice to avoid differences wherever possible, and ensure that if any differences in approach remain they are for clear resource management or effects reasons. For example, an obvious difference in the way in which the existing plans deal with key activities is the different approaches to mining – it is a permitted activity in rural areas subject to complying with performance standards under the effects-based Grey District Plan, and is a restricted discretionary activity in the Buller and Westland District Plans.
- 2.21 Adopting a combined district plan approach will mean that the existing differences in how the same activity is managed between the districts will need to be reconciled into a consistent approach as far as possible. However, localised differences are able to be maintained within a combined plan where this is necessary. The joint committee approach proposed by the Commission will enable consideration and resolution of such differences and adoption of consistent policy and rule approaches.
- 2.22 The draft Standards provide a number of opportunities to recognise differences, including the use of precincts to recognise a location within a zone that requires different management, overlays to recognise an issue that requires management differently across zones and the use of specific rules to provide for circumstantial differences. This would allow for example different mining precincts within the rural zone that have an effects based reason to be managed differently or specific rules that introduce a different regime for managing effects for different types of mining (e.g. coal vs gold).
- 2.23 We have briefly reviewed some of the key activities within the three plans to consider the varying approaches to managing these activities. Table 1 below provides an overview of some common activities:

Table 1: Activity Status Applied to Some Common Activities

Activity	Buller District Plan	Grey District Plan	Westland District Plan
Residential - in residential areas	Permitted	Permitted	Permitted
Residential, recreational, agricultural – in rural areas	Permitted	Permitted	Permitted
Network utilities	Permitted	Permitted	Permitted
Indigenous vegetation clearance	Permitted subject to standards ¹² , then Controlled or Restricted Discretionary	Permitted subject to standards ¹² , then Discretionary	Permitted subject to standards ¹² , then Discretionary

¹² The standards applying to indigenous vegetation clearance across the three plans differ in the area permitted to be cleared, species and time periods, with the Grey and Westland approach being very similar and the Buller approach being generally more permissive of clearance.

Activity	Buller District Plan	Grey District Plan	Westland District Plan
Prospecting activities	Permitted subject to standards	Permitted subject to standards	Permitted subject to standards
Advanced mineral exploration activities	Controlled	Permitted subject to standards	Controlled
Mining and incidental earthworks	Restricted Discretionary	Permitted subject to standards	Restricted Discretionary
Forestry	Permitted subject to standards	Permitted subject to standards	Permitted below 1000m, Discretionary above 1000m

- 2.24 This shows a relatively high level of consistency between the way certain activities are managed at a base level. In the absence of a very thorough review of the provisions, it is difficult to ascertain the level of consistency or divergence at a detailed level e.g. what exceptions apply, what definitions are used, or what commonality there is in applicable standards. However, given our wider experiences we expect that the approaches would retain a level of comparability.
- 2.25 While a range of differences in approach between the three plans have been identified, this is not considered to be insurmountable in creating a combined plan. A key factor in decision making in the creation of a combined plan would be to take all activities back to the underlying issue or effects and then treat them equally across the region to achieve anticipated outcomes and manage the effects. Any variances in approach would need to be clearly justified on an issue or effects basis, and not just because of an historical approach.
- 2.26 A final key issue in the integration of district plans which the three councils will particularly face is the requirement of functionality of the document and maps. It will likely be a requirement to move to an E-Plan approach and to provide interactive GIS planning maps. Given the cost of implementing an E-Plan approach and the time necessary to manage the development of this, it will be considerably more efficient and cost effective for this to be done collaboratively as part of a combined District Plan process. At present, only Grey District Council has an online, interactive map facility with the other two councils appearing to rely on simple pdf mapping with no functionality or layering. All three district plans are available as a pdf (by section for the Buller and Grey District Plans or the complete district plan for Westland). In addition, Westland District Council has its district plan available online in a simple format.

Technical Guidance

- 2.27 Another key issue is the degree to which the plans incorporate, or are based upon, technical or specialist input to key issues. **Appendix 4** provides a summary of the way in which each of the plans uses technical guidance.
- 2.28 Best practice approaches to the application of technical issues into district plans are continually evolving, however there is clear guidance in case law around the level of specialist input that is required to inform some key issues such as the identification of the coastal environment, identification of outstanding natural features and landscapes,

transport rules and noise standards. For some issues such as transport and noise, there are industry standards such as the NZ Standards for Construction Noise or Austroads guidance for intersections which are commonly applied and are used consistently by experts. In addition, the Environment Court and the NZ Institute of Landscape Architects have collaborated to develop a set of standard criteria and methodology for the assessment and identification of outstanding natural features and landscapes. This is now being used across the country to minimise debate and divergence in landscape assessment. The use of such standard technical approaches is of benefit to all councils in ensuring consistent approaches to issues that are common to individual districts.

2.29 Analysis of the extent to which the existing district plans use technical guidance has revealed:

- Heritage items, archaeological sites, statutory acknowledgements and Nohoanga entitlements are listed in all of the district plans.
- There has been no definition of the extent of the coastal environment by any of the district councils to give effect to the NZCPS 2010.
- There has been limited district-wide identification of outstanding natural features and landscapes, and no identification of areas of outstanding or high natural character which accords with current best practice.
- There have been no district wide studies of significant natural areas on private land completed.
- There is incomplete knowledge of the risks associated with natural hazards (flooding, liquefaction), or existing assessments are not sufficient as a basis for land use management (e.g. the landward extent of areas at risk of coastal hazard have not been mapped).
- There is incomplete identification of areas of cultural significance to Ngai Tahu.

2.30 While the West Coast Regional Council has recently completed identification of the coastal environment, including landscapes, and natural character, this is limited to coastal areas only. Furthermore, the extent to which these regional studies can be relied upon for the purposes of identifying these areas at a district level requires further consideration. It is a common approach around the country that a regional study is used by a district council to apply a more detailed assessment at a more refined level to develop a district plan approach.

2.31 There would be efficiencies in completing any required technical assessments across all three districts jointly through a combined district plan, rather than independently. This would ensure consistency of approach, and significant cost reduction. It would also recognise that many such issues extend over large areas irrespective of territorial boundaries e.g. landscapes and hazards.

2.32 This in turn is relevant to the consideration of 'cross boundary' issues as required under the RMA. Section 80(7) states that "*local authorities must consider the preparation of the appropriate combined document under this section whenever significant cross-boundary issues relating to the use, development, or protection of natural and physical resources arise or are likely to arise*". We consider that issues relating to section 6 matters are predominantly relevant to this, with particular emphasis on landscapes, coastal issues and hazards.

- 2.33 Noting councils' obligations under section 6 of the RMA, the extent to which any technical assessments are required to support development of a combined district plan should be considered in light of development pressures, the need for management intervention, and local resources. For example, it may be more efficient and effective to focus any assessments on areas of the districts where pressures exist such as landscape values in areas likely to face development. Furthermore, where completion of technical assessments is likely to be cost prohibitive, it may be more appropriate to put in place more generic management mechanisms in the policies and rules of the plan (e.g. general indigenous vegetation clearance rules). Comprehensive consideration of the technical assessments required to support a combined district plan should be completed at an early stage of the plan development process to ensure an efficient and effective approach to obtaining appropriate specialist guidance.

Best Practice Approaches

- 2.34 District plan approaches have evolved considerably since the RMA was enacted in 1991. Many of the recent second generation district plans either completed or being prepared nationally bear little resemblance to earlier plans. The development of these second generation plans in particular has adopted the vast knowledge gained through implementation of first generation plans, case law, and the plan development experiences of other councils.
- 2.35 Some aspects of minimum best practice have been discussed above, including ensuring plans remain current, keep pace with legislative change, align with national and regional policy direction, and adopt best practice technical guidance. In addition, it is considered that there are a number of other best practices which should be adopted for any contemporary second generation district plan.
- 2.36 District plans should include a Strategic Direction chapter which sets out the overall high-level vision or objectives to be achieved through implementation of the plan. The objectives of that section should recognise the key issues of importance to the district/s, give effect to the national and regional policy direction, and align with relevant community outcomes adopted in the councils' Long Term Plans. The Strategic Direction chapter should form the basis for the more specific objectives, policies, and rules for each of the zones and district wide matters addressed in other chapters in the plan.
- 2.37 The strategic direction along with the other supporting objectives, policies and rules of the plan should provide clarity of direction. They should clearly state the outcomes intended and avoid wording which can be interpreted in different ways. Similarly, the plan should use clear and concise language to the plan is easy to understand and use.
- 2.38 District plans ultimately place regulatory requirements and associated costs on landowners, developers, and businesses (noting the other side of the 'balance' that District Plans seek to address, namely environmental management, and social and cultural well-being). Accordingly, the provisions of the plan, and particularly the rules should minimise any regulatory burden to the extent necessary to achieve the RMA and national and regional policy direction, including by minimising reliance on resource consent processes. The plan should also, wherever possible, minimise the number, extent, and prescriptiveness of development controls and design standards to encourage innovation and choice. At present none of the three plans appear to be particularly onerous or prescriptive but a comprehensive review is likely to lead to refinement of approaches and streamlining of provisions.

- 2.39 In preparing district plans, it is considered best practice to formalise arrangements with iwi as to how they can participate in the plan development process, including consultative processes¹³. Councils should ensure that iwi are appropriately resourced and engaged to assist collaboratively in the development of a district plan, and in particular the recognition of iwi values, sites of cultural significance, and specific iwi management objectives, policies, methods. This recognises that iwi alone are best placed to identify and articulate Māori resource management perspectives. We have not been able to ascertain whether any of the three councils have any specific arrangements with Ngāi Tahu or local rūnanga for consultation processes or general resource management processes.

3.0 Conclusions

Changes Required to the Current District Plans

- 3.1 All of the district plans will require substantial work to give effect to national policy and the national planning standards. The Buller District Plan has made some progress towards reviewing the strategic objectives for the district, albeit in a manner integrated into the plan chapters rather than in a Strategic Directions chapter. However, in the absence of regional direction, and in the absence of clear technical guidance on district wide issues, this will require review in a relatively short time. The Grey and Westland District Plans require considerable work to restructure their provisions to provide a strategic direction for the districts.

Barriers to Integration

- 3.2 We consider that there are some potential barriers to integration of the plans including:
- Reconciling differences in plan approach where one council wants to take a distinctly different policy or rule approach to an activity or issue. This could potentially form a barrier to consensus or timely resolution. However, this type of issue could be resolved through the joint committee approach proposed in the draft proposal by the Commission.
 - Similarly, some parts of the community¹⁴ may not want to be subject to a combined district plan approach. This could be managed through appropriate stakeholder and community engagement processes.

Achievement of a Combined District Plan

- 3.3 Having undertaken this moderate level of assessment of the three district plans, we remain of the view that it would be more efficient to have one combined district plan

¹³ The RMA provides a mechanism in the form of Mana Whakahone a Rohe – Iwi Participation Agreements which allow iwi authorities and Council's to agree and record how tāngata whenua may participate in plan development process, including consultation requirements

¹⁴ As consistently expressed during consultation in the development of the RM Efficiency Report in 2016/17.

approach for the region, rather than three district plans covering the same issues in the same or similar ways. We remain of the opinion that there can be considerable time and cost savings in one combined review rather than three individual reviews running in parallel. There is sufficient flexibility in the draft National Planning Standards framework (through the provision for precincts, overlays and rules) to enable localised or situational differences to be expressed where this is necessary to achieve appropriate resource management outcomes.

3.4 We consider that it would be technically possible to achieve a contemporary and high quality combined district plan for the West Coast, subject to:

- Establishment of systems and processes to ensure appropriate consultation and engagement with all stakeholders and the community.
- Establishment of systems and processes to ensure combined decision making that is robust but timely.
- Sufficient resources to ensure that the process is undertaken in a timely manner and includes all necessary technical and expert inputs.

Appendix 1: Current District Plan Status

	Buller District Plan	Grey District Plan	Westland District Plan
Status	Operative. Rolling review in progress. Draft LTP 2018-2028 notes review of Plan is pending the LGC decision on the combined District Plan.	Operative. Draft LTP 2018-2028 notes review of Plan is pending the LGC decision on the combined District Plan.	Operative. Draft LTP 2018-2028 notes review of Plan is pending the LGC decision on the combined District Plan.
Date the Plan became operative	2000 Amended in 2004, 2009, 2011	2005 Amended 2007 PC9: give effect to NPS on Electricity Transmission was made operative in 2015	2002 Amended in 2004, 2005, 2007, and 2008
Plan Review	Rolling review – currently working on proposed District Plan Changes 133 – 145. Further submissions on these plan changes closed in May 2016 and it is unclear from review of the Council website what progress has been made on the plan changes since that time	Not proposed at current time. A Monitoring Review has been carried out, the report on findings were released on March 2010.	A rolling review was commenced in 2009 via an Issues and Options paper which elicited community feedback. One plan change has been notified as part of the review - Plan Change 7 (Fault Rupture Avoidance Zone), which was subsequently withdrawn by the Council in February 2017.

	Buller District Plan	Grey District Plan	Westland District Plan
	<p>e.g. no hearings appear to have been held¹⁵.</p> <p>PC133 incorporates a new introduction to the plan.</p> <p>PC134 incorporates a new introduction to the significant resource management issues, objectives, and policies for the District.</p> <p>PC135 – 144 incorporate new issues, objectives and policies for the management of:</p> <ul style="list-style-type: none"> - Culture and heritage. - Hazardous substances and contaminated land. - Mineral extraction. - Natural hazards. - Built environment. - Coastal environment. - Natural environment. - Rural environment. - Transport. - Utilities. 		

¹⁵ We understand the Commission has been advised that hearings have been held and decisions made by the Council in respect of the proposed plan changes

	Buller District Plan	Grey District Plan	Westland District Plan
	<p>PC145 – New rules for electricity utilities</p> <p>Notices of requirement for new designations for education purposes on the site of Canice’s School, Westport, and site of Sacred Heart School, Reefton.</p>		

Appendix 2: Alignment with National and Regional Policy Direction

	Generally meets direction		Needs some work to fully meet direction		Absent or substantial work required to fully meet direction
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National and Regional Policy Direction Document	Statutory Requirement / direction for District Plans	Buller District (incl PC135 – 145)	Grey District	Westland District
Resource Management Act (s31 functions, s5-8 purpose and principles)	Be in accordance with	<p>Plan generally covers relevant matters. Plan requires amendment to delete financial contribution requirements by April 2022 to align with 2016 RMA amendments.</p> <p>Matters of national importance under s6 would be better supported by identification of areas</p>	<p>Plan generally covers relevant matters. Plan requires amendment to delete financial contribution requirements by April 2022 to align with 2016 RMA amendments.</p> <p>Matters of national importance under s6 would be better supported by identification of areas of significant indigenous flora/fauna.</p>	

National and Regional Policy Direction Document	Statutory Requirement / direction for District Plans	Buller District (incl PC135 – 145)	Grey District	Westland District
		of outstanding natural features and landscapes, and areas of significant indigenous flora/fauna.		
National Planning Standards (Draft only)	Give effect to operative standards	Does not give effect to draft standards. See detailed comparison in Appendix 3 below.		
NZ Coastal Policy Statement 2010	Give effect to	Plan generally gives effect to relevant matters. Management of coastal environment would benefit from identification of the extent of coastal environment, areas of outstanding/high natural character, outstanding natural features and landscapes, and areas	Plan based on earlier NZCPS 1994, and has not been reviewed to give effect to the NZCPS 2010.	

National and Regional Policy Direction Document	Statutory Requirement / direction for District Plans	Buller District (incl PC135 – 145)	Grey District	Westland District
		of coastal hazard risk in Plan.		
National Policy Statement for Renewable Electricity Generation	Give effect to	Plan generally gives effect to relevant matters.	Plan requires amendment to better recognise and provide for renewable electricity generation activities.	
National Policy Statement for Electricity Transmission	Give effect to	Plan generally gives effect to relevant matters. Does not show national grid on planning maps.	Plan generally gives effect to relevant matters.	Plan requires amendment to better recognise and provide for electricity transmission activities. Does not show national grid on planning maps.
National Environmental Standard for Plantation Forestry	Rules in Plan to not duplicate NES, or be more stringent/lenient than NES unless the NES allows rules to be more stringent/lenient	Plan rules for commercial forestry require amendment to align with NES. Management of commercial forestry would benefit from identification of outstanding natural	Plan rules for commercial forestry require amendment to align with NES. Management of commercial forestry would benefit from identification of outstanding/high natural character in coastal environment, and significant natural areas in Plan so as to ensure sufficient protections from forestry are imposed in these areas.	

National and Regional Policy Direction Document	Statutory Requirement / direction for District Plans	Buller District (incl PC135 – 145)	Grey District	Westland District
		features and landscapes, areas of outstanding/high natural character in coastal environment, and significant natural areas in Plan so as to ensure sufficient protections from forestry are imposed in these areas.		
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	Rules in Plan to not duplicate NES, or be more stringent/lenient than NES unless the NES allows rules to be more stringent/lenient	Plan generally aligns with NES.		
National Environmental Standard for Telecommunication Facilities	Rules in Plan to not duplicate NES, or be more stringent/lenient than NES unless the NES allows rules to be more stringent/lenient	Plan generally aligns with NES.		

National and Regional Policy Direction Document	Statutory Requirement / direction for District Plans	Buller District (incl PC135 – 145)	Grey District	Westland District
NES for Electricity Transmission Activities	Rules in Plan to not duplicate NES, or be more stringent/lenient than NES unless the NES allows rules to be more stringent/lenient	Plan generally aligns with NES.		
Proposed West Coast Regional Policy Statement 2015	Have regard to a proposed policy statement. Give effect to an operative policy statement.	Plan as proposed to be amended under PC135 – 145 generally gives effect to relevant matters at an objective / policy level. Further amendment will be required to remainder of Plan.	Plan based on operative RPS, and has not been reviewed to give effect to the proposed RPS.	
Regional plans – Proposed Coastal Plan, Air, Land and Water (incl PC1)	Have regard to a proposed regional plan. Not be inconsistent with an operative regional plan.	Plan generally consistent with regional plans.		

National and Regional Policy Direction Document	Statutory Requirement / direction for District Plans	Buller District (incl PC135 – 145)	Grey District	Westland District
DOC Conservation Management Strategy 2010 - 2020	Have regard to	Plan has generally had regard to relevant matters.	Plan has not been reviewed to give effect to the CMW 2010 – 2020.	
West Coast Growth Study and Action Plan	N/a	Plan will require amendment to assist in implementing actions for developing Punakaiki tourist infrastructure, and streamlining mining consent processes.	Plan will require amendment to assist in implementing actions for streamlining mining consent processes.	

Appendix 3: Comparison to Draft National Planning Standards

	Generally meets draft Standard		Needs some work to fully meet draft Standard		Absent or substantial work required to fully meet draft Standard
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Standard	Instruction	Buller District	Grey District	Westland District
S-DP: Draft District Plan Structure Standard	All district plans must contain mandatory headings (i.e. part, chapter or section headings) in the order provided unless otherwise stated.	Does not accord with structure.		
S-IGP: Draft Introduction and General Provisions Standard	If addressed in the plan, the following listed matters must be contained in the 'introduction' chapter - operative date, plan updates, strategic scene setting, contents, role of plan, information about district of relevance.	To the extent that they are addressed in the plan, the relevant matters are contained in the 'introduction'.	To the extent that they are addressed in the plan, the relevant matters are contained in the 'scope and legislative framework' chapter.	To the extent that they are addressed in the plan, the relevant matters are contained in the 'introduction'.
	If addressed in the plan, the following listed matters must be contained in the 'how the plan works' chapter - Statutory requirements, relevant planning	To the extent that the they are addressed in the plan, the relevant matters are not contained in a 'how the plan works chapter'.		

Standard	Instruction	Buller District	Grey District	Westland District
	documents/plans, general approach, cross boundary issues, legal effect of rules).			
	The 'Interpretation' chapter must contain definitions required by national planning standards. If other definitions, abbreviations, and glossary of Te Reo terms are included in the plan, they must be contained in the interpretation chapter.	Aspects of definitions are inconsistent with standards definitions. Te Reo terms are included in the 'interpretation' chapter.	Aspects of definitions are inconsistent with standards definitions.	Aspects of definitions are inconsistent with standards definitions. Te Reo terms are included in the 'interpretation' chapter.
	All plans must include a 'national direction instruments' chapter in the form provided.	No 'national direction instruments' chapter provided.		
S-TW: Draft Tangata Whenua Structure Standard	If addressed in the plan, the following listed matters must be included in the 'recognition of iwi/hapu' chapter - history of iwi/hapu, resources of significance to tangata whenua, list of iwi authorities, how iwi and hapu values are reflected in the plan, statutory acknowledgements.	To the extent that they are addressed in the plan, the relevant matters are not contained in a 'iwi/hapu' chapter.		To the extent that they are addressed in the plan, the relevant matters are contained in a 'Maori perspective' chapter.
	If addressed in the plan, a list of any formal relationship agreements	Not addressed in plan.		

Standard	Instruction	Buller District	Grey District	Westland District
	between tangata whenua and the local authority must be included in the 'tangata whenua local authority relationships' chapter.			
	If addressed in the plan, a list of iwi and hapu planning documents, and how these have been taken into account in the plan must be included in the 'iwi and hapu planning documents' chapter.	Not addressed in plan.		
	If addressed in the plan, the consultation processes with tangata whenua, and how they are given effect to must be included in the 'consultation' chapter.	Not addressed in plan.		
S-SD: Draft Strategic Direction Standard	If addressed in the plan, the following listed matters must be included in the 'strategic direction' chapter – significant resource management matters, objectives and policies that address the matters, and how Maori resource management will be implemented through the plan.	No separate strategic direction specified in plan (incorporated in general objectives and policies).		Strategic direction provided in Part 3 of the plan, including Maori resource management perspective.
S-DWM: District	If addressed in the plan, the	'Coastal Environment' chapter provided, but does not		'Coastal Environment'

Standard	Instruction	Buller District	Grey District	Westland District
Wide Matters Standard	following matters must be included in the ‘coastal environment’ section – identification of the coastal environment, and objectives, policies and methods to give effect to the NZCPS.	include methods in chapter. Also, does not explicitly identify extent of coastal environment.		chapter provided, but does not include methods in chapter. Narrative identifying extent of the coastal environment does not reflect current practice.
	If addressed in the plan, the following matters must be included in the ‘landscape, landforms, and natural character’ section – identification outstanding and significant landscapes, landforms, and natural character, and objectives, policies, and methods for their management.	Matters are addressed in the plan but not in a specific ‘landscape, landforms, and natural character’ section	Landscape matters are addressed in a specific ‘landscape chapter’ but does not contain methods.	
	If ecosystems and indigenous biodiversity are addressed in the plan, they must be located in the ‘ecosystems and indigenous biodiversity’ section.	Matters are addressed in the plan but not in a ‘ecosystems and indigenous biodiversity’ section.	Matters are addressed in a specific ‘indigenous vegetation/fauna’ chapter, but does not contain methods.	
	If natural hazards are addressed in the plan, they must be addressed in the ‘natural hazard’ section.	Matters are addressed in a ‘natural hazards’ chapter, but does not contain methods.		
	If addressed in the plan, the	Matters are addressed in	Matters are addressed in	Matters are contained in a

Standard	Instruction	Buller District	Grey District	Westland District
	following must be addressed in the 'hazardous substances and contaminated sites' section – management of hazardous substances where it is not otherwise covered by other legislation, management of hazardous substances that presents a specific risk to human or ecological health and property, and provisions to management of contaminated sites where it is not covered by existing regulations (i.e. the NESCS).	a 'hazardous substances and contaminated land' chapter, but does not contain methods.	a 'hazardous substances' chapter, but does not contain methods. Contaminated land not addressed in plan.	'hazardous substances' chapter, but does not contain objectives and policies.
	If addressed in the plan, the following must be addressed in the 'historic heritage' section – objectives, policies and methods to manage heritage resources, identification of heritage resources (including subject to a heritage protection order)	Matters are addressed in a 'culture and heritage' chapter, but does not contain methods.	Matters are addressed in a 'heritage' chapter, but does not contain methods.	
	If addressed in the plan, the following must be addressed in the 'sites of significance to Maori' section – objectives, policies, and methods to manage sites of significance to Maori, identified sites	Some of these matters are in the plan, but not in a 'sites of significance to Maori' section.	Some of these matters are in a 'tangata whenua' chapter, but does not contain methods, descriptions of sites, and how iwi are to be	Some of these matters are in the plan, but not in a 'sites of significance to Maori' section.

Standard	Instruction	Buller District	Grey District	Westland District
	of significance, descriptions of sites, and how iwi are to be engaged.		engaged.	
	If addressed in the plan, the following matters must be located in the 'protected trees' section – objectives, policies, and methods that manage trees, and identification of trees.	Matters are addressed in the plan, but not in a 'protected trees' section.		
	The 'infrastructure and energy' chapter must contain provisions that give effect to the NPS's for renewable electricity generation, and transmission, and be consistent with the NES's on electricity transmission and telecommunications.	'Utilities' chapter contains provisions that give effect to/are consistent with NPSs and NESs.	'Utilities' chapter contains provisions which give effect to NPS for Electricity Transmission, but no provisions which give effect to other NPSs.	'Infrastructure and servicing chapter' does not contain provisions that give effect to other NPSs.
	Unless provided in a special purpose zone or designation, the 'infrastructure and energy' chapter must address roads, railways, airports, ports, electricity, 3 waters, other network utilities, bulk fuel, street furniture, and buffer corridor protection for national grid. It must also address the zoning status of roads, and provisions to manage	The matters are addressed in the plan to the extent that they are relevant, but are not addressed in a 'infrastructure and energy' chapter.		

Standard	Instruction	Buller District	Grey District	Westland District
	reverse sensitivity between infrastructure and other activities.			
	Objectives, policies, and methods to manage subdivision, and reference to associated subdivision codes of practice must be contained in the 'subdivision' chapter.	The matters are addressed within the plan, but are not addressed within a 'subdivision' chapter.		
	Objectives, policies, and methods to manage temporary activities, must be contained in 'temporary events' section.	The relevant matters are not contained in a 'temporary' events section.		
	If addressed in the plan, the following matters must be located in the 'noise and light' section – objectives, policies, and methods (including thresholds) for noise, light spill, and glare for different areas, sound insulation requirements or limits for sensitive activities, specific requirements for significant noise and light generating activities.	The relevant matters are not contained in a 'noise and light' section.		
	Objectives, policies, and methods for earthworks must be located in the 'earthworks' section.	The relevant matters are not contained in a 'earthworks' section.		

Standard	Instruction	Buller District	Grey District	Westland District
	Objectives, policies, and methods for signs must be located in the 'signs' section.	The relevant matters are not contained in a 'signs' section.		
	Objectives, policies, and methods for activities on the surface of waterbodies must be contained in the 'activities on the surface of waterways' section.	The relevant matters are not contained in an 'activities on the surface of waterways' section.		
S-ASM: Draft Area Specific Matters Standard	Where a zone is to be used, the specific zone structure and order is to be used.	Zone structure and order does not fully accord with standard.		
	Each zone must include, objectives, policies, and methods.	Specific objectives and policies are not listed under each zone.	Accords with format.	Specific objectives and policies are not listed under each zone.
	Other than additional special purpose zones, no other zones may be included in the plan.	Some consolidation/repackaging of existing zones required.		
	An additional special purpose zone must only be created where the proposed activities within the defined are significant to the district, could not be enabled by any other zone, and could not be	Consideration needed as to whether some existing zones required – e.g. Cement production zone.	No special purpose zones provided in plan.	

Standard	Instruction	Buller District	Grey District	Westland District
	enabled by an overlay, precinct, designation, development area, or specific control.			
	Precincts spatially identify and manage an area where two or more additional provisions apply which modify the policy approach of the underlying zone. Each precinct must have a unique name, and include objectives, policies, and methods.	No precincts provided in plan		
	Development areas spatially identify and manage areas where conceptual plans such as structure plans apply to determine future land use and development. Each development area must have a unique name, and include at least one objective and policy.	No development areas provided in plan	Consideration how to incorporate Kaitata Park ODP is required.	Consideration how to incorporate existing ODP's is required.
	A separate designation table must be used for each requiring authority and use the specified form. Designations conditions must be included as a schedule to the plan.	Separate designation schedule provided but not in the required form.		
S-SAM: Draft Schedules,	Where schedules are required, each schedule must be in the specified	Schedules not the required form.		

Standard	Instruction	Buller District	Grey District	Westland District
Appendices, and Maps Standard	table form. All the sites/areas and their values identified in a district wide overlay must be listed within a schedule.			
	Appendices may only include technical or descriptive specifications required to meet a rule or requirement.	No Appendices provided in plan.	Appendices contain information other than technical or descriptive material.	
F2: Draft Mapping Standard	The specified zone colour palette and symbols must be applied in all plan maps	Planning maps do not accord with standard.		
F5: Draft Chapter Form Standard	Objectives must be grouped together. Policies must be grouped together. Rule overview tables, rule tables, and rule requirements tables must be presented in the specified form.	Objectives, policies, and rules not in the required form.		
CM-1: Draft Definitions Standard	Definitions must be presented in the specified table format. The specified definitions must be included in the plan where the term is defined.	Definitions not in the required format. Aspects of definitions are inconsistent with standard definitions.		
CM-2: Draft Noise and Vibration	Any rule to manage emission of noise/vibration must be consistent	Noise standards in plan are inconsistent with current standards.		

Standard	Instruction	Buller District	Grey District	Westland District
Metrics Standard	with the measurement and assessment methods in the specified NZ Standards.			

Appendix 4: Use of Technical Guidance

	Generally applies technical advice		Needs some work to apply technical advice		Absent or substantial work required to apply technical advice
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Technical Subject	Type of technical input as best practice	Buller District	Grey District	Westland District
Coastal environment	District wide definition of the extent of the Coastal Environment.	<p>West Coast Regional Council has completed a 2013 study of coastal landscapes and natural character, which has identified the extent of the Coastal Environment.</p> <p>No assessment at District level has been completed.</p>		
Landscape	District wide landscape study identifying outstanding natural features and landscapes.	<p>No district wide landscape study completed.</p> <p>West Coast Regional Council has completed a 2013 study of coastal landscapes at a regional level as input into the regional coastal plan review.</p>	<p>Identification of landscapes was completed as part of operative District Plan, but not clearly identified on planning maps.</p> <p>Unclear whether identification accords with current best practice – no study</p>	<p>Identification of landscapes was completed as part of operative District Plan.</p> <p>Unclear whether identification accords with current best practice – no study found online.</p>

Technical Subject	Type of technical input as best practice	Buller District	Grey District	Westland District
			found online. West Coast Regional Council has completed a 2013 study of coastal landscapes at a regional level as input into the regional coastal plan review.	West Coast Regional Council has completed a 2013 study of coastal landscapes at a regional level as input into the regional coastal plan review.
Natural Character	District wide natural character study identifying outstanding and high natural character within the coastal environment.	West Coast Regional Council has completed a 2013 study of coastal natural character at a regional level as input into the regional coastal plan review. No assessment at District level has been completed for coastal or wider areas.		
Biodiversity	District wide analysis of significant natural areas and/or guidance into the significant indigenous vegetation and habitats of indigenous fauna.	No district wide study of significant natural areas has been completed. West Coast Regional Council has investigated wetlands but not terrestrial / habitat areas.		
Coastal hazards – erosion, inundation	Regional or District wide identification of hazard	West Coast Regional Council has completed a 2015 review of the linear extent of areas along the coast subject to coastal hazards, but not the landward		

Technical Subject	Type of technical input as best practice	Buller District	Grey District	Westland District
	zones showing the landward extent of areas subject to hazard over at least the next 100 years, taking into account the latest MfE sea level rise guidance.	extent.		
Natural hazards – flood, earthquake	<p>Regional or District wide identification of areas prone to flooding/coastal inundation (e.g. a 1 in 100-year event), taking into account predicted climate change.</p> <p>Regional or District wide identification of known fault rupture zones, and areas at high risk of liquefaction.</p>	<p>Investigations completed of flooding at Karamea, and Westport in an up to a 1 in 100-year event. No assessment of flood hazard in other areas has been completed</p> <p>No comprehensive liquefaction assessment has been completed.</p> <p>West Coast Regional Council has completed study of fault avoidance zone for Alpine fault.</p>	<p>No comprehensive assessment of flood hazard has been completed.</p> <p>No comprehensive liquefaction assessment has been completed.</p> <p>West Coast Regional Council has completed study of fault avoidance zone for Alpine fault.</p>	<p>Investigations completed of Waiho River flooding at Franz Joseph. No assessment of flood hazard in other areas has been completed</p> <p>No comprehensive liquefaction assessment has been completed.</p> <p>West Coast Regional Council has completed study of fault avoidance zone for Alpine fault. Started plan change to address this but</p>

Technical Subject	Type of technical input as best practice	Buller District	Grey District	Westland District
				subsequently withdrawn.
Heritage	District wide identification of buildings, objects, and items with significant heritage values, and archaeological sites.	Heritage items are listed in the current District Plan. Archaeological sites are listed in the current District Plan.	Heritage items are listed in the current District Plan (limited to items listed by Heritage NZ). Archaeological sites are listed in the current District Plan.	
Cultural	District wide identification of areas of cultural significance to Ngai Tahu, and identification of known Maori archaeological sites.	Archaeological sites, statutory acknowledgements and Nohoanga entitlements are listed in current District Plan. No identification of other areas of cultural significance has been undertaken.		