

Combined Plan Study

Section 80 of the Resource Management Act 1991

Prepared for Ministry for the Environment

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Boffa Miskell

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1.0 Background

1.1 Study Background and Scope

The Government is reforming New Zealand's resource management system which has involved a series of recent amendments to the Resource Management Act 1991 (RMA). The basis for this reform is to increase the ease of use, certainty and predictability of the resource management system, and reduce unnecessary duplication and cost, while improving environmental outcomes and safeguarding local government decision-making.

One of the elements of the reform relates to planning documents prepared under the RMA. Specific considerations to date include simplifying the plan-making process and reducing the number of planning documents.

This study fits within the context of this element of the reform, whereby the Ministry for the Environment (MfE) has commissioned this study to better understand the current application of section 80 of the RMA. Section 80 provides for local authorities to prepare, implement and administer combined regional and district plans. However, to date, there has been very limited uptake of combined plans and MfE is seeking to better understand the reasons for this. This study has a particular focus on a case study of the Wairarapa Combined District Plan (Combined Plan), being the one example of a combined district plan prepared under Section 80. The study outlines the governance, process, challenges, barriers, cost sharing and lessons learnt from the Wairarapa experience.

1.2 Methodology

The methodology for this study involved brief research of information available about combined plan-making, including a review of the information supplied by MfE and held on Boffa Miskell files. Four phone interviews were held with senior managers of local authorities which had either prepared or given consideration to preparing a combined plan. These interviews sought to understand the nature of the combined plan considered, benefits and barriers identified, and reasons why a combined plan was not advanced.

The case study on the Combined Plan draws on the knowledge and experience of Boffa Miskell planners as the principal planning advisers to the three Wairarapa District Councils in preparing the plan.

This study relates solely to the plan-making (preparation) process and does not consider or document administration of combined plans. However, where relevant, plan administration matters are noted, particularly for the Combined Plan.

The lessons learnt and conclusions reflected in this study are those of the authors.

2.0 Overview of Section 80

2.1 Legislative Background

The concept of combined plans articulated in section 80 is neither new nor peculiar to the RMA. The desire on the part of Government to economise on the number of plans prepared by local authorities is something that had its origins in the Town and Country Planning Act 1977 (T&CPA) and subsequent 1987 amendment as illustrated below:

Town and Country Act 1977

Section 40 – Councils may unite for combined scheme

- (1) Notwithstanding anything in this Act, 2 or more Councils which are of the opinion that their interests may be served by a combined scheme may resolve to unite for the purpose of preparing a combined scheme or of reviewing a combined scheme or of their operative district schemes for the whole or a defined portion of the total area under their several jurisdictions.*
- (4) On the appointment of a combined committee under this section the obligation of each of the several combining Councils to provide a scheme in respect of the area in respect of which they have resolved to combine consequentially suspended, and it shall instead be the duty of the combined committee to provide in respect of that area a combined scheme for the whole area.*
- (5) Every combined scheme prepared pursuant to this section will be subject to approval by the Council of each district in which it is intended to become operative.*

Town and Country Planning Amendment Act 1987

Section 40A – Council and Maritime Planning Authority may unite for combined scheme

- (1) Notwithstanding anything in this Act, a Council and a Maritime Planning Authority which are of the opinion that their interests may be served by a combined scheme may, by resolution, agree to unite for the purpose of preparing and administering a combined scheme and reviewing a combined scheme for the whole or a defined portion of the total areas under their jurisdictions.*
- (8) The combined scheme shall make provision for such matters as area required under this Act to be provided for in district schemes and maritime planning schemes.*

Although the original policy intent for incorporating these provisions in the T&CPA is unclear it is assumed that the rationale for their inclusion centres on such matters as anticipated cost and administrative efficiencies. Against this backdrop the Government introduced a comparable requirement in 1991 into the RMA as follows:

Resource Management Act 1991 (as at 1 October 1991)

Section 80 – Local authorities may combine to prepare, etc., plans

- (1) Two or more territorial authorities may agree to jointly prepare, implement, and administer a combined district plan for the whole or any part of their combined districts.*
- (2) Two or more regional councils may agree to jointly prepare, implement, and administer a combined regional plan for the whole or any part of their combined regions.*
- (3) One or more regional councils or territorial authorities may agree to jointly prepare, implement, and administer a combined regional and district plan for the whole or any part of their respective regions or districts.*
- (4) A local authority that is both a regional council and a territorial authority may prepare, implement, and administer a combined regional and district plan for the whole or any part of its region or district.*
- (5) The relevant local authorities shall consider the preparation of a combined regional or district plan 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.*
- (6) Such a combined plan may be prepared after consideration under subsection (5) or in any other case where the local authorities concerned consider it appropriate to do so.*
- (7) Section 114S (which relates to joint committees) of the Local Government Act 1974 applies to the appointment and conduct of any joint committee set up for the purposes of this section.*
- (8) Where a combined plan is prepared under this section –
 - a. It shall be prepared in accordance with the First Schedule; and*
 - b. When approved by a local authority (whether or not approved by any of the other local authorities), it shall be deemed to be a plan separately prepared and approved by that authority for its region or district for the purposes of this Act.**

The underlying reason for inclusion of provision for combined plans in the RMA appears to be a desire on the part of Government to see the opportunities available under sections 40 and 40A of the T&CPA extended into the new legislation.

2.2 Legislative Changes

Following the initial introduction of section 80 into the RMA, two subsequent amendments were introduced by Parliament which either directly or indirectly altered the original intent of this provision. The particular amendments are as follow:

Resource Management Amendment Act 2003

Insertion of the following section into the principal Act:

Section 78A – Combined regional and district documents

- (1) A local authority may prepare a document that meets the requirements of 2 or more of the following:
 - a. a regional policy statement:*
 - b. a regional plan:**

- c. *which local authority is responsible for observing, and enforcing the observance of, each provision of the document.*
- (9) *A combined document prepared under this section—*
 - a. *must be prepared in accordance with Schedule 1; and*
 - b. *when approved by a local authority is deemed, for the purposes of this Act, to be a plan or regional policy statement separately prepared and approved by that authority for its region or district, as the case may be.*
- (10) *Subsection (9)(b) applies whether or not the combined document is approved by any of the other local authorities concerned.*
- (11) *Clause 30 of Schedule 7 of the Local Government Act 2002 applies to the appointment and conduct of any joint committee set up for the purposes of preparing, implementing, or administering a combined document under this section.*

This amendment replaced sections 78A and 80 and clarifies the circumstances under which Councils are encouraged to combine to prepare plans, or produce combined plans that meet the purposes of multiple plans, as follows:¹

- Section 80(2) – provides that a combined document can fulfil the requirements of a regional policy statement, regional plan or district plan or any combination of these instruments (effectively reiterating the intent previously expressed in s.78A);
- Section 80(3) – provides that two or more territorial authorities can combine to prepare, implement and administer a plan;
- Section 80(4) – allows two or more regional councils to combine to produce a regional policy statement, regional plan or a combined policy statement and plan;
- Sections 80(5) and 80(6) – enables one or more territorial authorities and regional councils to work together to produce a document that meets the requirements of a combined regional plan and district plan, or a single document that meets the requirements of a regional policy statement, regional plan and district plan for all the local authorities in a given region;
- Section 80(7) – requires local authorities to consider the preparation of a combined document whenever significant cross-boundary issues relating to natural and physical resources are likely to arise;
- Section 80(8) – requires that provisions in a document that are to be treated as provisions of a regional policy statement, regional plan, regional coastal plan, or district plan are clearly identified, and the local authority responsible for enforcing the respective provisions clearly defined;²
- Section 80(9) – requires combined documents to be prepared in accordance with the process set out in Schedule 1 of the RMA and, once approved, are deemed to be separately prepared and approved by the respective local authorities; and
- Section 80(11) – provides that governance arrangements relating to the preparation, implementation or administration of a combined document are subject to clause 30 of Schedule 7 of the Local Government Act 2002 (effectively reiterating the intent previously expressed in section 80(7)).

¹ Ministry for the Environment (2009), Resource Management (Streamlining and Simplifying) Amendment Act 2009 – Departmental Report, pgs.172-173

² Resource Management (Streamlining and Simplifying) Amendment Act 2009 – Commentary, pg.20

3.0 Application of Section 80

3.1 Potential Areas for Combined Plans

Section 80 sets out five possible circumstances where local authorities can collaborate to prepare, implement and administer combined resource management documents for their region and/or district. In summary these are as follows:

- (1) A local authority prepares a single plan that incorporates 2 or more of the following:
 - a. a regional policy statement;
 - b. a regional plan, including a regional coastal plan;
 - c. a district plan.
- (2) Two or more territorial authorities prepare a combined district plan for the whole or any part of their combined districts.
- (3) Two or more regional councils prepare a single plan covering:
 - a. a regional plan, including a regional coastal plan, for the whole or any part of their combined regions;
 - b. a regional policy statement for the whole or any part of their combined regions;
 - c. a regional plan, including a regional coastal plan, and a regional policy statement, for the whole or any part of their combined regions.
- (4) One or more regional councils or territorial authorities prepare, a combined regional and district plan for the whole or any part of their respective regions or districts.
- (5) A regional council and all the territorial authorities within the region prepare a single document that contains:
 - a. a regional policy statement for the region; and
 - b. a regional plan, including a regional coastal plan, for the region; and
 - c. either—
 - i. a district plan for each of the territorial authorities; or
 - ii. a combined district plan for their combined districts.

Although opportunities to prepare combined resource management documents have been available under section 80 since the inception of the RMA (and previously under sections 40 and 40A of the Town and Country Planning Act), to date combined documents have only been formulated by the following local authorities:³

- Horizons Regional Council – the Proposed One Plan, a combined regional policy statement and regional (including regional coastal) plan for the Manawatu-Wanganui region (section 80(2));
- Hawkes Bay Regional Council – the Hawkes Bay Regional Resource Plan, a combined regional policy statement and regional plan (excluding the regional coastal environmental plan) for the Hawkes Bay region (section 80(2));

³ The 1995/1996 and 1996/1997 Annual Survey of Local Authorities conducted by MfE included specific questions relating to the application of section 80. Interestingly, although the 1995/1996 findings report indicates that 'Ministry officials did not expect to find that section 80 had been applied to any great extent', the report goes on to observe that 'it would become a matter of concern if, over time, local authorities were not making use of this opportunity' (pg.22).

- Marlborough District Council (unitary authority) – the Marlborough Sounds and Wairau/Awatere Resource Management Plans, a combined regional (including regional coastal) and district plan relating to two distinct areas that comprise the district (section 80(2));⁴
- Tasman District Council (unitary authority) – the Tasman Resource Management Plan, a combined regional (including regional coastal) and district plan covering Tasman district (section 80(2));
- Nelson City Council (unitary authority) – the Nelson Resource Management Plan, a combined regional (including regional coastal) and district plan covering the Nelson City area (section 80(2));⁵
- Gisborne District Council (unitary authority) – the Gisborne Combined Regional and District Land Plan, a combined regional and district plan incorporating regional (e.g. vegetation clearance, land disturbance, natural hazards, beds of lakes and rivers) and district (e.g. bulk and location, noise, utilities, subdivision) land management elements in the Gisborne district (section 80(2));⁶ and
- Masterton/Carterton/South Wairarapa District Councils – the Wairarapa Combined District Plan, a combined district plan covering the three respective districts (section 80(3)).

3.2 Opportunities/Benefits and Barriers/Challenges of Combined Plans

In order to better understand the perceived opportunities/benefits of, and barriers/challenges to, combined plan making under section 80, a small sample survey of four local authorities who had either prepared or given serious consideration to preparing a combined plan was undertaken. The sample included a rural territorial authority (Hastings District Council), a unitary authority (Marlborough District Council) and two regional councils (Horizons Regional Council/Southland Regional Council).

The survey comprised pre-circulated questions which were followed up by a phone interview with relevant Council officers. The questions posed to Councils were:

1. Has your Council given any consideration to preparing a combined plan under section 80 RMA for your district/region?
2. If it has, what were the principal reasons for determining whether to proceed or not? In particular, what were the benefits/advantages or barriers/constraints relating to application of section 80 that informed Council's decision?
3. If a combined plan is being progressed/has been prepared what factors underpinned decisions made regarding such matters as the plan making process, governance arrangements and plan structure/content
4. What, if any, additional observations would you make concerning the effectiveness or otherwise of implementing section 80?

⁴ However, in 2006 the Council initiated a review of its resource management documents to rationalise existing arrangements by combining the Marlborough RPS and the Marlborough Sounds and Wairau/Awatere resource management plans.

⁵ A review of the plan has recently been commenced by the Council with the intent being to integrate it with the Nelson RPS.

⁶ Aside from this plan there are also 3 further regional plans applying to the district: the Regional Air Quality Management Plan, the Regional Discharges Plan and the Proposed Regional Coastal Environment Plan.

Key responses to questions 2 and 4 that emerged from the interviews with council representatives are as follows:

Opportunities/Benefits

- Potential reduction in the cost to individual local authorities of policy/plan preparation through cost sharing (e.g. pro rata contributions), exploring shared services opportunities or joint commissioning of external professional services (e.g. hazards/heritage/landscape/ecology assessments) and spreading the cost over a number of years (e.g. funding through loan);
- Enables a fully integrated policy/plan to be developed, one that considers how regional and district provisions inter-relate and functional obligations are allocated;
- Enables local authorities to address common issues that apply to a region or district/s in an integrated and holistic manner – policies/plans become a more effective instrument to achieve ‘integrated management’;
- Reduces potential overlaps and inefficiencies between regional and district plans (e.g. earthworks, hazards management) and inconsistencies between district plans (e.g. height requirements, separation distances, noise provisions);
- Promotes a collaborative and consistent approach to addressing areas of jurisdictional cross-over (e.g. landscape, natural hazards, earthworks) thereby reducing unnecessary duplication;
- Potential for cost savings and efficiencies through a joint, collaborative process of community engagement, pre-hearing mediation, section 42A reporting and hearings (e.g. submissions and hearings limited to a single/reduced number of plans);
- Presents an opportunity for improved administrative efficiency (for both plan administrators and users) through the creation of a ‘one stop shop’ that comprises all the policies/rules that apply within the jurisdictions of the participating local authorities; and
- Can result in greater emphasis being placed on the simplification of rules (particularly where the combined plan is supported by a directive policy framework), thereby reducing interpretive confusion and providing increased certainty for users.

Barriers/Challenges

- Political will and motivation by elected local authority representatives to explore and support the preparation of combined policies/plans (either within or between agencies), particularly in the absence of strong, consistent leadership and uncertainty relating to the triennial local government election cycle;
- Cost of preparing combined documents, particularly if this potentially results in inequitable distribution of cost across participating local authorities (i.e. subsidisation) or ‘renegotiation’ of documents that have only recently become operative;

- Co-ordination of policy/plan development across jurisdictions given the variable status of operative planning documents in terms of their respective review cycle (particularly where differences in review timeframes are exaggerated) and pressure on local authorities to meet statutory review timeframes;
- Consistency and alignment of policies/plans could prove problematic given their differing focus in terms of sections 62, 67 and 75 of the RMA, and variations in place specific aspirations across a region;
- Functional obligations set out in sections 30 and 31 of the RMA encourage a fragmented approach to integrated policy/plan development (i.e. need for clear delineation of responsibilities between regional and territorial authorities);
- Ability to clearly identify the provisions relevant to the RPS, the regional plan/s, the regional coastal plan and/or the district plan (i.e. how provisions are 'coded' in the plan);
- Ability to achieve consensus between regions/districts on common issues and management responses given the differences in the potential communities of interest (e.g. urban/rural) and the nature and scale of the issues relevant to each area (e.g. biodiversity protection, natural hazard management, intensification, landscape protection, heritage protection);
- Potential loss of autonomy regarding decision making on local resource management policy and dilution of local 'flavour' in policies/plans (e.g. tailored provisions that reflect the characteristics or environmental values associated with a specific geographic location); and
- Effective delivery of a combined policy/plan that has common and consistent provisions is highly dependent on participating local authorities entering into joint governance and hearing arrangements in order to avoid discrepancies arising through the application of separate but parallel hearing processes (e.g. decisions informed by differing political imperatives/priorities).

In addition to these responses the following observations were also made concerning governance arrangements and plan structure/content:

- Having governance accountabilities reside with a single local authority significantly simplifies arrangements relating to the preparation and determination of a combined plan (i.e. only one set of political interests need to be accommodated), and establishing a specific committee to oversee the review process helps to maintain impetus and encourage political ownership; and
- Obtaining community feedback on current documents provides a useful basis to inform combined policy/plan structure and content, while the development and adoption at governance level of a set of principles to guide the structure and content of the document/s provides clarity of purpose and direction.

Of the responses recorded above the critical factors identified by respondents to the take up of the opportunities provided by section 80 included realisation of more effective 'integrated management', potential cost savings and improved consistency between documents. Conversely, critical factors that were seen as impediments to take up included timing relative to the plan review cycle, political support/leadership and cost (particularly if a review had only recently been completed).

As a general observation the opportunities/benefits and barriers/challenges identified by respondents appear to predominantly relate to situations where preparation of a combined regional/regional, regional/district or district/district planning document is proposed. However, it is further observed that the challenges identified could be less pronounced where a combined document is prepared by a single entity (i.e. regional council/unitary authority), particularly as co-ordination of policy/plan inputs and governance and hearing arrangements are not dependent on multi-agency consensus.

3.3 Alternative Mechanisms to Combined Plan

In addition to the opportunities available under section 80 to prepare combined documents, alternative mechanisms to facilitate more collaborative and integrated management of resources within a region were also explored. This exercise highlighted that the primary alternative that local authorities are currently exercising to achieve better policy/plan integration is via 'shared service' arrangements.

These arrangements largely appear to have been derived from either existing legislative requirements or voluntary agreements between local authorities, examples of which are as follow:

- Triennial Agreements – under section 15(1) of the Local Government Act 2002 all local authorities within a region are required to enter into an agreement containing communication and co-ordination protocols covering the period between triennial local authority elections. Such agreements are viewed by some local authorities as a useful vehicle to progress efficient and effective management of regional resources across jurisdictional boundaries. The Triennial Agreement for the Southland region, for example, includes measures to facilitate open and robust policy discussions between the contributing local authorities as follows:
 - Early notification of affected councils on draft policy discussions;
 - Opportunities for councils in the region to be involved early in consultation on the development of policy and planning discussions;
 - No surprises policies, disagreements/differences between councils will be discussed before public announcements;
 - Avoidance of unnecessary duplication through working jointly or in a collaborative manner with communities and agencies to identify and prioritise outcomes.
- Shared Services Fora/Committees – such entities are essentially the result of voluntary arrangements entered into by two or more local authorities, the purpose of which is to identify and explore opportunities for improved efficiencies regarding the delivery of services (e.g. planning policy/consents, building inspection, infrastructure engineering) or processes/policies/ strategies (e.g. community engagement, urban growth strategies, district plan changes) in which they have an interest in common. Examples of how this mechanism has been used in a resource management policy/plan context are as follow:

- Hastings District Council/Napier City Council – following discussions at a mayoral level regarding initiation of a comprehensive review of respective district plans, planning staff at both councils were asked to collaboratively identify common district plan rules and to explore avenues to ‘harmonise’ these provisions. The outcome of this exercise was the parallel notification of the Proposed Hastings District Plan and a corresponding change to the Operative Napier City District Plan that include common and consistent rules relating to such matters as natural hazards, network utilities, earthworks, noise, carparking standards and signs.
- Environment Southland/Southland District Council – in advance of initiating a ‘second generation’ review of the Southland RPS and Southland District Plan the respective councils investigated opportunities to develop a collaborative review process. Based on the outcome of this investigation Environment Southland and the Southland District Council established a joint approach to the process of reviewing their planning documents (up to notification) that included communications, issue identification and community engagement/workshops. In addition the councils also closely co-operated to ensure consistency between the policy intent expressed in the proposed RPS and how this was given effect to in the district plan.

Further to the alternative mechanisms outlined above, an additional variation to the current opportunities available under section 80 has been identified as follows:

- Focus on ‘process’ vs ‘product’ – currently the emphasis in section 80 appears to be centred on the end product (a combined document), with no or limited emphasis placed on the process leading to the realisation of a policy/plan. Although there are definite ongoing administrative and interpretive efficiencies that can result from a combined document, a similar case could be made for the economies of scale and efficiency gains that could be accrued through local authorities collaborating on a joint review or plan change process (e.g. community engagement, issue identification, common plan provisions, hearings) regardless of the final output (e.g. two separate documents vs a combined document) – this is something that was evidenced in the Environment Southland/Southland District Council example noted above.

4.0 Case Study: Wairarapa Combined District Plan

4.1 Background

The concept of a combined district plan for the whole Wairarapa (Masterton, Carterton and South Wairarapa Districts) was first raised in 1999. Key drivers behind the concept from the outset were consistent planning requirements and outcomes, as well as recognition that many similar resource management and cross-boundary issues



Figure 1: Map of Wellington Region (Source: Greater Wellington Regional Council)

were held in common.

At the time this concept was first raised, the three District Councils had prepared and made operative their individual first generation district plans. The Masterton District Plan was made operative in 1997, followed by the South Wairarapa District Plan in 1998, and Carterton District Plan in 2000. It is understood Carterton District Council had some initial reservations in considering the preparation of the Combined Plan given it had recently made its district plan operative. These reservations related to financial costs, uncertainty created by the plan-making process (i.e. what provisions apply), and the further imposition placed on parties involved in the previous plan-making process (e.g. submitters).

Regardless, in 2000 the Councils commenced an investigation of the cost and benefits of closer “co-operation” in preparing and administering their district plans. At this point it is noted the initial investigation was split into two distinct parts, plan ‘preparation’ and plan ‘administration’. This study solely considers the plan ‘preparation’ part of the investigation; however, plan administration details are included in places to provide context.

As part of these investigations, the three Councils commissioned a study by an experienced planning practitioner (Stuart Kinnear) to determine the potential for a combined district plan or to identify other options to promote collaborative plan-making – it is noted Mr Kinnear was also the principal planning advisor to the South Wairarapa District Council in preparing its district plan. The study analysed the three district plans to identify and quantify where appropriate:

- The similarities and differences in approaches and techniques (particularly relating to subdivision and land use and activity status categories);
- Where changes could occur, or processes could be used, to deal with differences;
- Where particular circumstances require a district rather than a sub-regional approach to resource management issues (e.g. financial contributions); and
- Where changes could occur that would assist the local authorities to carry out their functions under the RMA to greater effect and to the benefit of the people of the Districts.

The resulting report concluded that:

- There were many common policy issues across the three plans;
- Any policy differences were principally area specific or the result of a change in policy emphasis;
- The only significant difference concerned the policy approach to versatile soils and the urban/rural interface;
- The main areas of difference occurred in the rules; and
- Overall, all three District Councils have similar resource management issues and have adopted similar approaches to addressing these issues.

Based on these conclusions, the report identified three options:

1. Work towards a combined district plan prepared in accordance with section 80 of the RMA 1991;
2. Each Council amend its own district plan in accordance with an agreed policy direction and regulatory regime; or
3. Standardisation of plan provisions for common activities.

The preferred option was Option 1 - a Combined District Plan for the whole Wairarapa. This option was seen to offer major benefits to the Wairarapa including:

- A consistent, integrated approach to resource management;
- More efficient and less costly administration and economies of scale; and
- A better public perception, particularly in terms of improved Council collaboration, consistent planning provisions and reduced costs.

Consequently, the Kinnear Report recommended that:

- A goal be set for a combined district plan to be prepared within 5 years;
- The local authorities collaborate on the following major policy areas:
 - Coastal management;
 - Maori/Treaty and heritage issues;
 - Financial contributions; and
 - Management of the adverse effects of noise.

- The local authorities investigate and implement changes to standardise the existing plans.

Following consideration of the Kinnear Report and its recommendations, it is understood that the Councils resolved in early 2001 to pursue the preparation of a combined district plan.

4.2 Governance, Process and Administration

4.2.1 Governance

Plan Preparation

The key feature of the governance arrangements, and primary contributor to the successful preparation of the Combined Plan, was the formation of a Combined Planning Committee. The committee was given delegated authority by each Council to make 'decisions' under the RMA on all district plan matters and, through doing this, avoided the need to refer matters back to each Council for confirmation. The delegation of decision-making authority meant the Combined Planning Committee took ownership of its decisions and was accountable to the respective Councils.

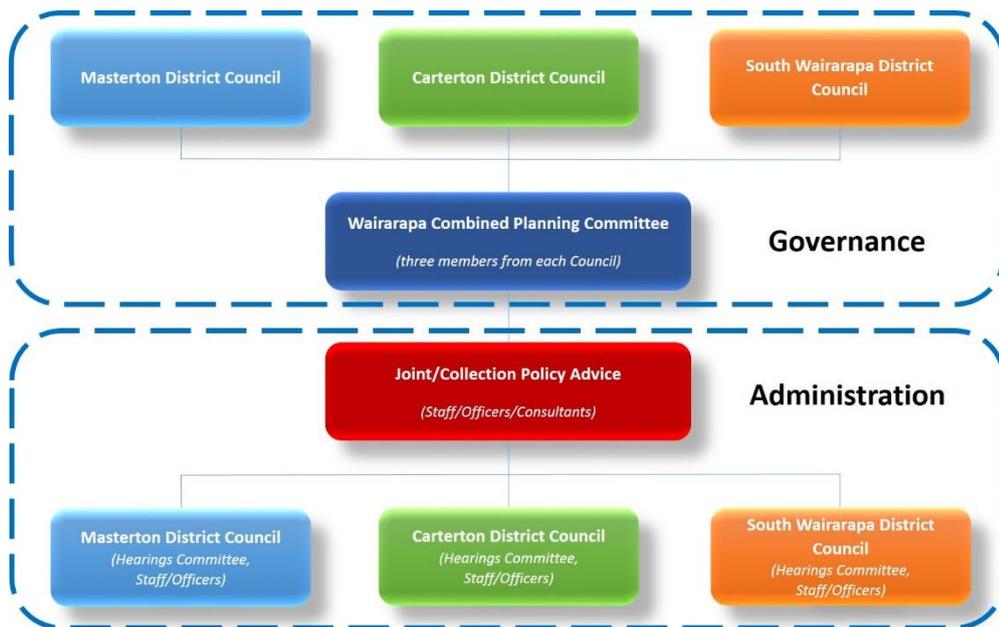


Figure 2: Governance and Administration Structure for Wairarapa Combined District Plan

This committee consisted of nine members with equal representation (3) from each Council. Originally, the 3 representatives were the Mayor, Chair of the Hearing/Planning Committee and one other councillor. However, due to the heavy workload this structure imposed on Mayors and Council Committee Chairs, the composition of committee members was altered in 2004 to provide greater flexibility, with members appointed by each Council as part of their overall committee appointment process. It is noted that the Mayors of Masterton and South Wairarapa have sat on the Combined Planning Committee since its inception.

Initially (2001 – 2004), the Chair of the committee operated on a rotational basis with the Mayor of each Council rotating in the role of chair at each committee meeting. The rationale for this approach was to share responsibilities, ensure equal say and avoid one district dominating discussions. However, due to the different style and personality of each Mayor, and the challenges of managing discussions with a changing Chair, this arrangement proved ineffective. Subsequently, the committee determined to appoint a single Chair to provide for a consistent style and continuity in committee meetings.

The effectiveness of the Chair at the committee meetings was a key contributor to the success of preparing the Combined Plan. There were often different views on the policy direction or plan provisions and the Chair played a critical role in working through these differences to reach consensus. This included the use of different techniques and strategies to obtain consensus, such as pushing/challenging individual committee members at certain times, as well as pausing and deferring decisions until a later date to obtain additional information or allow time for committee members to reflect on issues. Consequently, appointing an experienced and highly capable Chair was essential.

Another factor at the governance level which influenced the successful preparation of the combined plan was the high degree of stability and continuity of committee membership throughout the plan-making process - from inception through to operative status. Of note, six of the nine members sat on the committee from 2004 (draft Plan) to 2007 (Proposed Plan > Submissions > Decisions). However, as the 2007 local government elections resulted in many changes in Council representation a change in decision-making jurisdiction was required. As the majority of the hearings on submissions were heard by the Combined Planning Committee prior to the election, a decision was made that each committee member be appointed as a Commissioner post-election to provide for continuity in the hearing and decision making process. These Commissioners were also retained to resolve the appeals on the Combined Plan.

Consistency of committee membership meant knowledge and understanding of issues and Plan provisions acquired through the process could be carried forward to inform decision-making. In addition, relationships between councillors and parties with an interest or affected by the Proposed Plan developed which enabled consensus and collaboration to occur.

Due to the timeframe involved in preparing the Combined Plan (i.e. 12 years), key stages of the plan-making process were aligned with the 3-yearly local government election cycle. For example, the preparation of the Proposed Plan was undertaken in one term (i.e. public notification of the Proposed Plan occurred at the end of the first local government term), with the majority of hearings on submissions taking place within the following local government term and final decisions being issued after the 2007 election. While this timing and process is not unique or specific to the Combined Plan, it did influence overall success and prove effective at a governance level.

Ongoing Governance

In terms of ongoing governance of the Combined Plan, the Combined Planning Committee continues to operate, with its primary function being to oversee and determine proposed plan changes that are promulgated from time-to-time. This role also includes evaluating any private plan change requests received, and it is

anticipated that this committee would play a key role in any future review of the Combined Plan.

In hearing any resource consent applications or notices of requirement, each Councils respective hearing committee sits and determines these matters. However, if a resource consent application is made for a non-complying activity the Councils generally appoint a representative from the Combined Planning Committee to sit on the hearing panel. For example, if Carterton District Council (CDC) receives an application for a non-complying activity, a member of the CDC Hearing Committee for that application would be from either Masterton District Council (MDC) or South Wairarapa District Council (SWDC). The basis for this appointment and representation is due to the potential for a non-complying activity to test the interpretation of the objectives and policies of the Combined Plan in terms of consistency.

4.2.2 Process

The process for preparing the Combined Plan involved a series of key steps typical of most plan-making processes (refer Figure 1 below). However, a key difference between the Combined Plan and other 2nd generation plans is that the Combined Plan is virtually a complete new document versus an updated version of its predecessor. Notwithstanding this some specific content relating to the policy framework in the three individual Wairarapa district plans was incorporated into the Combined Plan.

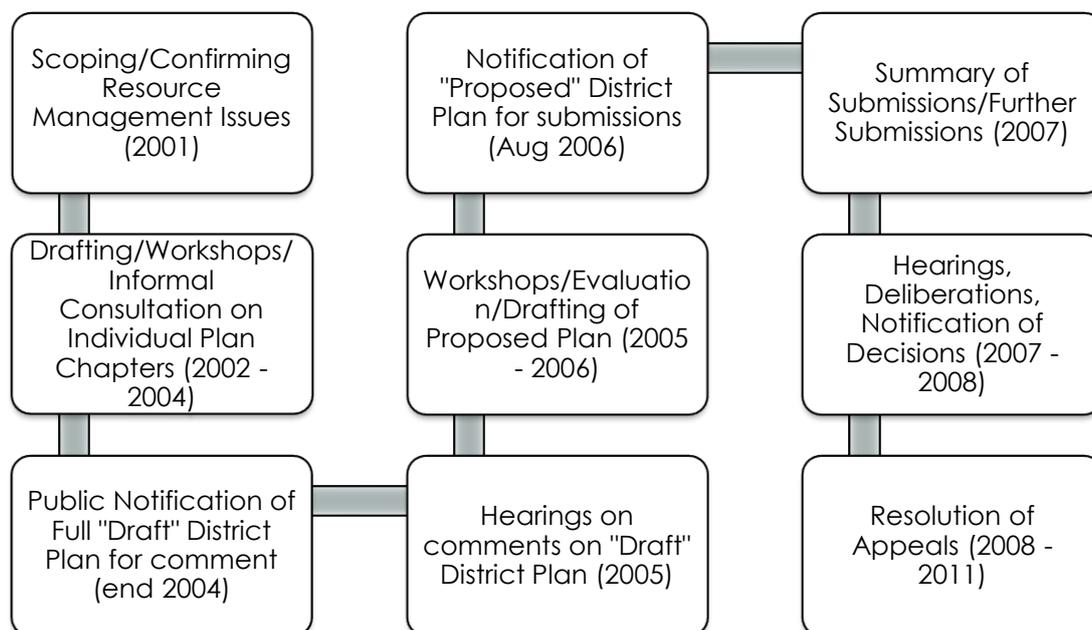


Figure 3: Process for Preparation of Wairarapa Combined District Plan

The timeframe for preparing the combined plan from initial concept to an operative plan was approximately 12 years. The first three years in the process were the most challenging in terms of progress and variability. However, by the time that the Combined Plan commenced the First Schedule process under the RMA many of these initial teething issues had been resolved and the process was effective.

An early principle established in the process by Councils was that consensus was required on Wairarapa wide issues (e.g. natural hazard provisions). However, for

district specific issues (e.g. Greytown commercial area provisions) it was agreed that the relevant Council (i.e. South Wairarapa for Greytown) would determine the appropriate provisions with input and comment provided by the other districts to ensure consistency of approach.

During the initial phases of the plan-making process (2001 – 2004) this principle became more challenging to adhere to as it became apparent there was an element of ‘patch-protection’ at play which could undermine the overall philosophy of a Wairarapa wide solution. For example, each Council was looking to create a significant industrial land bank which, if realised, could result in inefficient use and development of land and other physical resources (e.g. infrastructure).

Subsequently, it was decided that a consensus view by the Combined Plan Committee was required on all matters, including those applying to an individual District. In the industrial land supply example referred to above the collective view was that the Waingawa area of Carterton District was the most appropriate location for a large area of industrial land supply to service the Wairarapa, apart from small areas in existing towns to support and service the local community.

The principle of consensus on all matters irrespective of whether it was a Wairarapa wide or local issue continued through the whole process, including the resolution of appeals.

Furthermore, the Combined Planning Committee initially struggled to reach consensus on particular issues and policy direction. In part, this reflects the nature of many resource management and planning issues where a number of competing matters are considered. Another matter that may have potentially contributed to this challenge were changes in the composition of the committee.

Another key feature considered beneficial to the success of the Combined Plan was the public release of a ‘draft’ for public comment, this being the first major public output of the combined plan process. Up to this point targeted consultation and discussions had been held, but no highly visible information was available about the direction or format of the plan.

The ‘draft’ plan contained consistent provisions relating to the majority of issues identified with the exception of a few district specific provisions. Comments received on the ‘draft’ queried these exceptions and consistent provisions were sought. Subsequent deliberations enabled consistent subdivision provisions to be achieved in the majority of cases, but it also confirmed there were locally significant issues (e.g. the character and amenity of particular locations) of local relevance where targeted provisions were appropriate. In addition, release of a ‘draft’ plan provided the Councils with an opportunity to discuss and resolve at an early stage a number of other issues raised by respondents across a wide range of topics.

4.2.3 Administration and Advice

Plan Preparation

As with governance, initial administration in preparing the Combined Plan was shared between each Council (e.g. secretarial support, committee reporting). In addition, initial policy advice on preparing the Combined Plan was provided by Council officers supplemented by contracted consultant input on an as required basis.

However, shortly after the decision by the Councils to embark on preparing a Combined Plan, the Councils engaged Stuart Kinnear to undertake a review of their respective resource management practices and processes in order to identify the costs and benefits of closer co-operation in preparing and administering their district plans. This review concluded that current staffing levels/structures made it difficult, if not impossible, to significantly improve district plan administration and deliver better environmental performance. The report observed that by acting collectively the Councils could achieve the "critical mass" necessary to support additional resource management and monitoring staff (or purchase the equivalent services). At the time of this review in 2001 each Council effectively had one person responsible for all resource management tasks, with additional assistance obtained on an as required basis through engaging part-time staff and/or consultants. Consequently, little or no time was available for policy development or monitoring.

Subsequently, in 2002 the Councils jointly employed an in-house policy planner to lead the preparation of the Combined Plan, a role which included responsibility for a wide range of tasks such as project management, research, evaluation, plan drafting and consultation. Support in relation to input and comment on specific topics was provided by the planners from each Council, with additional technical input and assistance (e.g. engineering advice, GIS mapping) provided by other Council departments. Regardless of this support, the role proved challenging given the breadth of responsibility and associated tasks.

To support the in-house policy planner with drafting and reviewing plan provisions for specific issues/topics, planning consultants were engaged on an as required basis from 2004. With the departure of the in-house policy planner in mid-2004, and subsequent difficulties in finding a suitable replacement, the Councils appointed Boffa Miskell to provide planning advice and support. Boffa Miskell planners worked with planning staff from each Council in undertaking the various tasks involved in the plan-making process.

Leading up to the preparation of the 'Draft' Combined Plan at the end of 2004 and the 'Proposed' Combined Plan for notification in mid-2006, the process involved a series of workshops with the Combined Planning Committee. Direction was provided by the committee and plan provisions were iteratively prepared through a series of workshops. Targeted consultation with affected and interested parties was undertaken, noting a number of these parties had Wairarapa wide interests.

Boffa Miskell coordinated all advice to the committee, seeking input from each of the respective Councils. For Wairarapa wide matters planning input was sought from all Council officers, while for district specific issues (e.g. listing of relevant items on the heritage schedule) input was only sought from the relevant Council. At times, discussion was required between all Council officers and consultants in order to obtain consensus regarding the advice offered to the committee.

When the Proposed Combined Plan was publicly notified in mid-2006, all plan provisions (including rules) had immediate legal effect under the RMA. As each Council continued to administer and enforce the Proposed Plan for their respective districts, consistency in interpretation and application was a critical factor in its effective implementation. As with any Proposed Plan, questions arose about interpreting and applying specific rules as well as the weight to be given to the Proposed Plan versus Operative Plan. To ensure consistency, measures were put in place such as an Interpretation Record (i.e. a document containing all interpretation queries and determinations) and fortnightly planners meetings.

For the Section 42A Reports the task of submissions analysis and preparation of the associated recommendations regarding retaining/amending/introducing plan provisions was assumed by Boffa Miskell with input from the respective Council planning officers (all Councils for Wairarapa wide issues and individual Councils for location specific matters). Again, this approach to providing advice to the committee proved effective, with a coordinated and consistent opinion being offered by advisers/officers.

The majority of hearings on the Proposed Plan were held in Masterton (in the Council Chambers) due to the accessibility, size and availability of a suitable meeting room. Given this, Masterton District Council provided administrative support for the hearings.

Ongoing Administration and Advice

Responsibility for the day to day administration and enforcement of the Combined Plan rests with each individual Council (and has done so since the proposed plan was publicly notified in mid-2006). However, regular communication between the three Councils on matters such as plan interpretation has ensured consistent implementation and enforcement. In addition, a template to encourage consistent reporting on resource consent applications has been developed.

An administrative consistency issue that initially arose related to differences in decision making delegations to planning officers in the respective Councils, as well as some 'informal' policy positions or thresholds in making decisions on applications (e.g. circumstances for public notification of a resource consent application). To address this situation changes were made to officer delegations to ensure that the level of decision-making is consistent across all three Councils. In addition, through regular communication between Council officers a collective determination has been made regarding circumstances when public notification of resource consent applications typically apply.

Since becoming operative eight plan changes have been introduced and incorporated into the Combined Plan. These changes include a mix of issues/amendments which apply across all districts (e.g. building setbacks) or are district/location specific (e.g. rezoning a specific area within one district). In each circumstance an individual Council took the lead in preparing the change as the issues to be addressed were typically particular to the Council concerned. As discussed above, these plan changes were then processed through the Combined Planning Committee to ensure a whole of Wairarapa approach was applied.

The associated section 42A reports have also typically been prepared by the Council that is the proponent of the plan change. However, liaison with officers in the other Councils officers is a key part in preparing these reports in order to ensure coordinated and consistent advice that reflects issues from a Wairarapa wide perspective.

4.3 Benefits and Barriers/Challenges

Benefits – Plan-Making

The Combined Plan-making process delivered a number of benefits to different parties. For the Councils, the benefits relate to a single plan-making process (compared to three separate and individual processes) where resources could be shared and pooled. This single process benefited the Councils by avoiding duplication

at every stage of the Plan-making process and making efficient use of councillor and officer time. For example, only three councillors from each Council sat on the Combined Planning Committee (nine in total) compared with the typical 4 – 7 councillors who sit on a District Plan Committee (i.e. up to 21 councillors in total for the three Councils). Similarly, during the hearing process administrative support was provided by one Council which meant savings equivalent to holding two additional hearings if individual plan-making processes were held. Consequently, the single process provided significant savings in terms of councillor time and administrative support.

Another benefit identified in the Kinnear Report which eventuated in the single plan-making process was the 'critical mass' achieved through three Councils combining resources. This combined resource meant more issues were researched, evaluated and consulted on more thoroughly than is typically possible by a single Council with similar resource levels. For example, more in-depth information on natural hazards (e.g. investigation into active faultlines) and more comprehensive consultation (e.g. number of farm visits for indigenous biodiversity) was undertaken for the Combined Plan than would typically occur on an individual Council basis.

A further benefit of this 'critical mass' was the collective knowledge and experience of councillors and officers informed the process which meant there was increased understanding and appreciation of the issues and options. In turn, this collective knowledge contributed to the overall quality of decision-making.

The Councils also benefitted through sharing expertise and technical support. For example, where one Council had an officer with expertise in a specialist area the others also benefitted from the sharing of advice on similar issues/matters applicable to their district. Equally, if an external specialist was required (e.g. noise or hazardous substances), the nature and extent of their engagement on the Combined Plan would have been similar to each Council engaging the expert separately. Consequently, each Council benefitted from the specialist advice provided but at a lower comparative cost.

A further benefit with shared resourcing was through the use of MDC's in-house GIS resources (CDC and SWDC use an external contractor) which were utilised to prepare the planning maps for the Combined Plan. This GIS resource meant a consistent and integrated approach to mapping could be used, with CDC and SWDC saving on GIS costs.

Benefits were also experienced by landowners and the community generally, particularly if they owned land or had interests wider than their immediate location/district. In these circumstances parties only had one plan to review and submit on, compared to three plans if each Council had prepared a separate document.

Submitters on the Proposed Combined Plan also benefitted during the plan-making process. In particular, submitters with interests in all three districts (e.g. network utility operators) had only to review and submit on one planning document compared to three separate documents. This single plan/process benefitted submitters by saving time and costs in reviewing the plan, preparing a submission and appearing at a hearing. In addition, submitters benefitted by having the ability to influence the plan provisions which would apply to a larger area.

Benefits – Plan Administration/Implementation

As outlined above, a principal driver in preparing the Combined Plan was application of consistent provisions across the Wairarapa. Such consistency offers a number of benefits to a range of parties in terms of district plan compliance. For example, parties involved in property development (e.g. developers, surveyors, engineers, real estate agents) know and understand that the same rules and requirements apply regardless of whether they are developing in Masterton, Carterton or Martinborough (South Wairarapa).

A clear benefit to these parties is the ease of doing business, with greater certainty provided concerning the particular type and scale of development deemed appropriate across the Wairarapa. This benefit also applies to network utility operators that operate across all districts or have linear infrastructure crossing district boundaries (e.g. electricity transmission networks).

For the Councils, a benefit in administering and implementing the Combined Plan is the support from the participating Councils. For example, as each Council is relatively small with one or two officers responsible for administering the district plan, having the collegial support from the other Councils means issues and problems can be shared and resolved collectively. This support can be extremely valuable when matters are being tested or questioned.

A potential benefit is the opportunity for shared services, such as where one Council experiences short term pressure on processing of resource consent applications and support from one of the other Councils is sought. As the officers at the other Councils already administer and process applications under the Combined Plan, their existing knowledge and experience should mean that applications are processed in a timely and consistent manner. It is our understanding that discussions have occurred between the Councils concerning this opportunity, but at this time no shared servicing has been undertaken.

A further service which could benefit from a shared approach is enforcement of the Combined Plan. Given the limited resourcing of each Council a dedicated enforcement officer position has not been established, with this task currently being performed by a planning officer. Enforcement typically entails a reactive response to complaints. If complaints and enforcement rose to a certain level there is a possibility that the three Councils could look to collectively employ someone in an enforcement role across the Wairarapa.

Another extension of this relates to enforcing the noise provisions in the Combined Plan. Many noise complaints are associated with playing music and parties in the evening and weekend. Typically noise enforcement services are contracted to an external party (e.g. security company), and having a set of noise rules that apply across the Wairarapa means it would be much simpler for a single company to enforce these provisions regardless of the location to which the complaint relates. This, in turn, would provide potential enforcement cost-savings to the Councils.

Barriers/Challenges – Plan-Making

As commented earlier, one of the initial challenges concerned Council 'buy-in', particularly as CDC only completed the plan-making process for its first generation district plan under the RMA in 2000.

Another early challenge was making progress on a number of issues, particularly obtaining direction or consensus at a political level. These difficulties were further complicated by the initial governance arrangements (i.e. rotating committee chair), but good progress was made once these were modified (i.e. single committee chair).

A challenge for Council officers throughout the plan-making process was finding the time to contribute and provide input into the process. Drawing on the knowledge and experience of the planning officers was critical to ensure the Combined Plan was fit for purpose in the Wairarapa context. However, the small size of the Councils and the multiple responsibilities of the planning officers made it difficult at times for them to participate. Regardless, all three Councils were represented by an officer at all committee workshops and hearings to respond to questions. This local knowledge and experience was invaluable during the plan-making process, particularly as the three Council officers had complementary expertise and understanding of issues and solutions.

In preparing the Combined Plan, the provisions in the three Operative District Plan were used as a starting point for many matters (e.g. location and extent of zoning, heritage schedules, etc). However, during the plan-making process it became apparent that each Council held variable information to support the existing operative plan provisions, and that differing methodologies or approaches had been applied to specific issues (e.g. identifying Outstanding Natural Features and Landscapes, thresholds for Flood Hazard Areas). This variability meant that for some matters further work was required to determine the appropriateness of existing provisions to ensure consistent approaches and/or thresholds were used. This caused some frustration and concern amongst individual Councils regarding certain issues, and also generated some unanticipated costs.

A further challenge (also noted as a benefit above) was the integration of the planning maps/GIS. At the time the Combined Plan was prepared each Council operated different GIS software. This variability in software caused difficulties in combining data into a single format to display on the Planning Maps. In addition, each Council had identified different features (e.g. zones, heritage sites, designations) using different GIS features (e.g. points, lines or polygons) which meant the existing data could not be consistently displayed. Consequently, significant time and costs were incurred in initially converting the GIS data, then re-formatting it into consistent structure/feature classes prior to checking/confirming the outputs. However, the result of this work was high quality and accurate planning maps and supporting GIS data for ongoing use by each Council.

Some landowners and residents expressed concern during the plan-making process that decisions were not being made at a local level. For example, councillors from Masterton District making decisions about plan provisions relating to Martinborough (in South Wairarapa District). With the majority of hearings held in Masterton, this concern was expressed by a few submitters from the South Wairarapa District.

Furthermore, some residents were concerned about applying consistent provisions across the whole Wairarapa, as they considered some of the characteristics and values of each district would be lost or degraded. This matter (consistency versus

local variability) was thoroughly evaluated in relation to a range of issues through the plan-making process. In most cases it was determined that having consistent plan provisions would not compromise or degrade local characteristics or values, but in a few cases a conclusion was reached that different and locally specific provisions were appropriate (e.g. minimum lot size in residential areas).

Barriers/Challenges – Plan Administration/Implementation

There have been limited barriers or challenges associated with the administration and implementation of the Combined Plan. Ongoing communication between the planning officers at the three District Councils has meant that if interpretation or consistency queries arise that these can be discussed and resolved at an early stage. Similarly, having each Council individually process resource consent applications and enforce the plan provisions is proving an effective and efficient approach.

With no dedicated policy planning resource in any of the three District Councils, there is still some degree of reliance on external planning consultants to prepare and process plan changes, particularly where these relate to more significant matters. However, reduction in the number of resource consent applications over the last 3 years has provided Council officers with an opportunity to prepare and process some plan changes. This opportunity has benefitted the Councils in that their own officers are developing plan-making experience and expertise.

4.4 Cost Sharing

The cost sharing arrangements relating to preparation of the Combined Plan were agreed at the outset. Under this agreement each Council provided the necessary officer resource and administrative support on an 'as required' basis. This recognised that each Council needed to make available relevant staff and support to prepare the plan. However, due to the respective size of each Council, CDC and SWDC had less resource available to commit to the Combined Plan compared to MDC.

The Councils agreed at the start of the process to share the costs of resourcing (i.e. employing a dedicated policy planner, external planning consultants and other specialist experts) and producing the plan (e.g. printing, advertising) based on a proportional basis using the local resident population. Given this, cost sharing was split across the three Councils as follows: MDC 60%, CDC 18% and SWDC 22% (approximate).

At times the cost sharing split (based on population) was queried, particularly where varying levels of information existed or available information proved difficult to use. For example, in preparing the planning maps each Council operated a different GIS system with zoning and other features identified and recorded with varying degrees of detail and accuracy. This, in turn, resulted in considerable time being spent on updating and improving the accuracy and detail of the GIS data for one of the Councils relative to that expended by the other two Councils. Furthermore, some issues were more significant in one district than in the other two but the cost sharing arrangements did not reflect these differences.

In addition, in some situations where specific local issues arose during the plan-making process and an individual Council decided additional information or advice was required, these additional costs were incurred by the individual Council concerned. Furthermore, where plan changes relating to a single district are proposed

the cost of preparing these changes is typically incurred by the individual Council concerned. However, the processing costs of both single district and Wairarapa wide changes are shared between the three districts on the proportional basis outlined above.

4.5 Outcomes

The key outcome of the Combined Plan process is a consistent planning framework that applies Wairarapa wide, one which provides a high level of certainty. The main benefactors of this outcome are organisations that operate across two or three of the Wairarapa districts (e.g. network utility operators, property developers, builders). However, at an individual community level (e.g. Masterton urban area or Featherston) consistency of provisions is probably less relevant and has limited direct benefit.

Each Council administers the plan locally; for example, resource consent applications are lodged in the district to which they relate and, with the exception of non-complying activities, are processed and determined by that local authority. This, in turn, enables the local knowledge and expertise of each Council to be applied in administering the Combined Plan. There is also regular communication between the Council planners relating to such matters as plan interpretation and assessment of activities requiring resource consent to ensure consistency.

The online version of the Combined Plan is maintained by MDC, including plan changes. The CDC and SWDC websites contain links to the MDC District Plan webpage.

As discussed above, the preparation and processing of plan changes is typically led by one of the Councils. For example, if the plan change solely relates to one district (e.g. rezoning an area in Carterton), the change is prepared by the CDC before it is referred to the Combined Planning Committee for consideration and adoption for public notification. Similarly, plan changes for Wairarapa wide issues are typically prepared by the Council for whom the specific issue is most pressing or significant before being referred to the Combined Planning Committee. The notified proposed plan changes are then heard and determined by the Combined Planning Committee.

It is anticipated that existing governance and administrative arrangements will be employed in reviewing the Combined Plan, and that the review timeframe will align with the 10 year horizon set out in the RMA. However, it is noted that the outcome of current proposals for local government re-organisation under consideration in the Wairarapa may impact on the life of the Combined Plan and the nature of future governance and administrative arrangements relating to the review process.

4.6 Reflections and Lessons Learnt

The Combined Plan is an example of a collaborative approach to preparing and administering planning documents. Although this approach primarily involved the three Wairarapa councils concerned, many organisations and communities also participated in the plan-making and administration processes. In reflecting on the reasons behind the success of the combined plan making process in the Wairarapa, a number of lessons have been identified as follows:

- **Full Buy-in of All Parties is Crucial:** It is essential to have full ‘buy-in’ at all levels of Council from the start of the process (i.e. councillors and officers, at all levels) – an unwilling partner is not the basis for a good working relationship.
- **Plan the Preparation Process:** Allow sufficient time at the outset to establish a clear decision-making structure and plan preparation process, with regular milestones set to monitor progress – the programming and milestones will need to be continuously reviewed, as the need to resolve issues should override strict adherence to a fixed programme. Releasing a ‘draft’ plan for public comment also provides an opportunity to discuss and resolve many issues prior to entering into the formal statutory process.
- **Form a Representative Decision-making Body:** A distinct decision-making body should be established, with equal representation from each constituent area. Alternative arrangements (e.g. pro rata) may create perceived issues of bias or one constituent area having a greater say than another area.
- **Defined Leadership Role in Decision-making Body:** Appointment of an experienced Chair is critical to providing direction, monitoring progress and, in particular, driving the process. Importantly, the Chair will need to act as mediator on occasion, to decide how far an issue can be explored and discussed to find an agreed resolution, and when to step back and agree to disagree. The Chair should also have both a good grasp of ‘big picture’ planning, and have established relationships in all constituent areas.
- **Plan for Conflict Resolution/Consensus Building:** A process or protocol for areas of policy divergence may be helpful – it may not be possible to agree on common approaches to all issues, and therefore it has to be accepted that the Combined Plan may include variable policies (see next lesson). However, the imperative for addressing common or cross-boundary issues should be to find common policy solutions, even if such a resolution is not immediately reached.
- **Respecting Sense of Place:** While common policies and approaches are a key part of a Combined Plan, it is also necessary to recognise and provide for individual issues and circumstances. For example, in the Wairarapa the town centres in each of the three districts have their own policies and rules which recognise the different characteristics, pressures and functions of each commercial centre - from promoting historic heritage values to managing large format retailing.
- **Establish Knowledge Bases and Identify How Gaps are to be Filled:** There is a need to review existing information bases early, identifying areas of consistency and difference – where areas of differences are identified, determine whether all information for the particular issue needs to be reviewed or only that applicable to one or more districts.
- **Define Cost Sharing:** There should be an agreed structure for cost sharing. There is no perfect model of cost sharing; however, in finding a solution it should be recognised that some allowance may need to be made to share costs in circumstances where an issue relates solely to one area/district.
- **Build Relationships at all Levels:** Effective, ongoing relationships between relevant Council officers (e.g. planners and engineers) is critical and needs to be sustained throughout the plan preparation process.

- **Agree on Implementation Protocols:** Get early agreement on how the plan is to be administered. Separate administration has worked in the Wairarapa because of the regular communication between officers.
- **Size Matters:** The overall size of the area (i.e. population, land area) and the number of communities is comparable with many larger, single local authorities (e.g. Marlborough). This, in turn, means that a single plan is a realistic, practical response. Additionally, given that the three districts are of similar size there is no single dominant authority.

5.0 Conclusion

Section 80 of the RMA provides for combined plans to be prepared, implemented and administered by a single regional or unitary authority, or two or more regional, unitary or district/city authorities working together. Despite this there has been very limited uptake of combined plans to date.

Combined plans offer potential opportunities and benefits to a range of parties. Opportunities and benefits derive, for instance, from an integrated and consistent planning framework applying to a larger area, with parties operating across this extended area being the primary beneficiaries. Benefits to local authorities accrue from the efficiencies and cost savings derived from sharing research, evaluation, consultation and holding joint hearings, while participants in the plan-making process (e.g. landowners, residents, businesses) benefit from engaging in a single process and plan.

Conversely, there are potential barriers and challenges to preparing and implementing a combined plan. Significant challenges include political support for a combined plan, with concern about loss of decision-making autonomy and local representation. In addition, the fair and equitable sharing of costs is a potential barrier, particularly where there are differing views on how this should apply.

The Combined Plan is one of the few examples of a combined plan under the RMA, and is the only combined district plan. The plan resulted from a desire amongst the councillors of the three Wairarapa councils for a consistent planning approach, recognising the relatively 'homogenous' nature of the wider area and their historical inter-relationships. The desire for consistency was in response to a recognition that the resource management related issues in their respective jurisdictional areas were similar and that a number of parties (particularly businesses) operated across all three districts.

A key factor in the success of the combined plan making process was the strong degree of political buy-in, as well as able political leadership. A representative governance structure was established and agreed early, as well as a fair and equitable cost sharing arrangement.

Efficiencies were achieved by the Councils and other parties who engaged in the plan-making process. These efficiencies primarily related to the research, evaluation, consultation, submission and hearing processes. In addition, while the Combined Plan established a consistent planning framework, it also recognised and provided for local issues and responses. Although some challenges were experienced during its preparation and administration (e.g. reaching consensus on some issues, applying consistent interpretation), such challenges are not unique and are typically experienced in most if not all plan-making processes.

6.0 References

Kinnear, S (2001). *Review of District Plan Administration – Report on Findings*. Prepared for Masterton, Carterton and South Wairarapa District Councils. Stuart Kinnear Consultancy Limited.

Kinnear, S (2000). *District Plan Preparation and Administration – Report on District Plan Analysis*. Prepared for Masterton, Carterton and South Wairarapa District Councils. Stuart Kinnear Consultancy Limited.

Ministry for the Environment (2009). *Resource Management (Streamlining and Simplifying) Amendment Act 2009 – Departmental Report*. Ministry for the Environment.

Resource Management Act 1991, s 80

Resource Management Amendment Act 2003, s 78A

Resource Management (Simplifying and Streamlining) Amendment Act 2009, s 80

Town and Country Planning Act 1977, s 40

Town and Country Planning Amendment Act 1987, s 40A

