

## Local Government Reorganisation Scheme (West Coast Region) Order 2019

Order in Council

At Wellington this 17th day of June 2019

Present:

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

Presiding in Council

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

### Order

#### 1. Title and Purpose

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

(2) This order:

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

#### 2. Commencement

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

#### 3. Interpretation

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

**Act** means the Local Government Act 2002

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

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

**RMA** means the Resource Management Act 1991

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

### CONTENTS OF REORGANISATION SCHEME FOR THE WEST COAST

#### 4. Affected local authorities continue in existence

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

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

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

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

#### 6. Transfer of Statutory Obligations

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

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

## NEW ZEALAND GAZETTE

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

### **7. Further provisions of Reorganisation Scheme**

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

### **8. Establishment of Tai Poutini Plan Committee**

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

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

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

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

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

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

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

### **9. Independent chairperson of Tai Poutini Plan Committee**

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

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

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

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

## NEW ZEALAND GAZETTE

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

### **10. Sub-committees of Tai Poutini Plan Committee**

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

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

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

### **11. Procedure for Tai Poutini Plan Committee**

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

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

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

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

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

### **12. Technical Advisory Team**

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

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

### **13. Funding**

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

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

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

## NEW ZEALAND GAZETTE

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

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

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

Dated this 17th day of June 2019.

MICHAEL WEBSTER, Clerk of the Executive Council.

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