CANTERBURY
Mayoral Forum

A strong regional economy with resilient, connected communities and a better quality of life, for all.

28 February 2022

Ministry for the Environment
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Submission on *Our future resource management system: Materials for discussion*

1. The Canterbury Mayoral Forum thanks the Ministry for the Environment for the opportunity to provide written comment on the *Our future resource management system – Materials for Discussion* document, published in November 2021.

Background

2. The Canterbury Mayoral Forum comprises the mayors of the ten territorial authorities in Canterbury and the Chair of the Canterbury Regional Council (Environment Canterbury) supported by our Chief Executives. The purpose of the Forum is to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.

3. The ten territorial authorities are: Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate and Waitaki District Councils; the Christchurch City Council; and Environment Canterbury.

4. The following submission has been developed with input from across Canterbury councils and focuses on matters of general agreement. We note that Environment Canterbury, Christchurch City Council, Selwyn District Council, and Waitaki District Council are also planning to make individual submissions.

General comments

5. The Canterbury Mayoral Forum would like to draw the Ministry's attention to its submission on the exposure draft of the Natural and Built Environments Bill[1], which provides answers to many of the questions posed in the discussion document.

6. In this submission we expressed the Canterbury Mayoral Forum's broad support for the government's planned reform of environment and planning legislation. While this support continues, however, we remain concerned about the constrained timetable – particularly for engagement. The Forum acknowledges that since July last year, the Ministry has built in additional time for engagement; established the Local Government Steering Group; and has committed to a partnership-based engagement approach. We strongly suggest that more time spent engaging at this stage of the reform process will pay dividends into the future.

7. We would like to acknowledge the meetings the Ministry staff have convened with the Canterbury Mayoral Forum in recent months, and hope that this more meaningful engagement continues. We also note that engagement with local government needs to be planned over the 10-year transition and implementation period and must not stop once the legislation has been enacted.

8. The RM reform programme presents an opportunity for the Government and Māori to co-design resource management programmes and policy, and to make decisions together. Representation and composition of subsequent local governance entities should be a matter of consultation between mana whenua and local authority. In our submission on the exposure draft of the NBA, we expressed our concern that lack of resourcing for mana whenua is already a barrier to their effective engagement in the Resource Management Act 1991 (RMA). We consider this is exacerbated when considering similar engagement across Three Waters Reform and Local Government Reform. Our concern regarding lack of resourcing for mana whenua continues and we consider it integral that greater resourcing and funding is provided to ensure mana whenua can effectively engage in RM processes.

9. The specific discussion questions are laid out in the table attached, along with the Canterbury Mayoral Forum's responses

Our secretariat is available to provide any further information or answer any questions the Ministry may have about our submission. Contact details are Maree McNeilly, Canterbury Mayoral Forum Secretariat, secretariat@canterburymayors.org.nz, 027 381 8924.

Ngā mihi

Sam Broughton
Mayor, Selwyn District Council
Chair, Canterbury Mayoral Forum

[1] https://www.parliament.nz/resource/en-NZ/53SCEN_EVI_111944_EN5476/f31430521c2dc054bb3f400b77b4db4a5eb01bd7

National Planning Framework	
1. What role does the national planning framework (NPF) need to play to resolve conflicts that currently play out through consenting?	We support the proposal to introduce consolidated national direction in the form of an NPF. It is important that existing conflicts between pieces of existing national direction are resolved, as well as resolving conflicts between existing and new forms of national direction. We would be supportive of the NPF being contained within a single document but consider that it also needs to be integrated and easy to navigate. The role of national direction should be to identify national environmental priorities for protection; set out how the resource management outcomes will be achieved; and specify protection methods and standards if possible and desirable at a national level. However, the latter should be closely considered as some existing national direction has been found to be well meaning but impractical to implement. National direction should be well integrated and national direction documents should not result in conflict between themselves or with other national instruments. Directly addressing conflict resolution at the highest level would ensure the outcomes can be effectively promoted. This could significantly reduce litigation which can be both prolonged and expensive. If conflicts are not resolved within the NBA itself, they should be clearly resolved through the NPF, particularly where there is likely to be conflict in respect of matters of national interest, environmental outcomes or environmental limits. An example of how this can be done can be found in the policies for the proposed National Policy Statement for Highly Productive Land (2019). It dealt with the potential conflict with the then National Policy Statement on Urban Development Capacity (2016) by only allowing urban expansion onto highly productive land if certain criteria were met. In the Christchurch City Council's submission on the exposure draft of the NBA, it was suggested that the Act include a government-funded declaratory judgment service and/or an independent panel (similar to the Ministry for Business, Innovation and Employment's Determinations Process) to resolve interpretation issues quickly and conclusively. Such a panel could deal with interpretation issues arising from the NBA itself and from conflicting NPF directions. Any outcomes of such a service will need to be communicated widely so that any changes to or refinements of interpretations are able to be applied consistently nationwide. The Canterbury Mayoral Forum is in support of this suggestion. Conflicts should be resolved in the NPF and NBA plans, where possible, rather than at the consenting stage. Therefore, the Canterbury Mayoral Forum is supportive of standardising activity classes and notification rules with the requirements set out in the relevant NBA plans. We acknowledge that some conflicts will be best resolved through the NPF and some conflicts such as those relating to place-making will be best resolved at a regional level through NBA plans. We continue to request meaningful engagement with local government on the development of the NPF to ensure it is workable.
2. How would we promote efficiency in the Board of Inquiry process while still ensuring its transparency and robustness?	The Board of Inquiry process could promote efficiency by including the opportunity for submissions; a hearing; by commissioning independent advice; and restricting appeals to only those based on points of law. For less substantive changes, a smaller panel could consider the submissions without a hearing being required, but with the possibility of a hearing if the Board decided one was warranted. We suggest there would need to be clear, prescribed criteria in the NBA for determining whether a change was "less substantive".
3. How often should the NPF be reviewed, bearing in mind the relationships between the NPF, regional spatial strategies and Natural and Built Environments Act plans?	A nine- or ten-year review period, suggested in the discussion document, seems to be a reasonable period to determine how provisions in planning documents are affecting outcomes and to identify problems that need to be fixed. The timeframes for the first regional spatial strategies and NBA plans should be sequential following the release of the first NPF. We consider that the NPF should be implemented before NBA plans and regional spatial strategies (RSSs) are developed, to ensure they are consistent with the NPF. The suggested nine-year review period seems reasonable, provided there is the ability and flexibility to address any changing circumstances when they arise. Our experience suggests that it is likely to be difficult to specify a review period for the NPF to maintain that sequence for the subsequent reviews of all regional spatial strategies and NBA plans. Even with fixed ten-year review periods for regional and district planning documents stipulated in the RMA, and previous planning Acts, the variability in the time to complete reviews has inevitably resulted in reviews of regional and district planning documents getting out of sequence.
Regional spatial strategies	
4. To what degree should regional spatial strategies (RSSs) and implementation agreements drive resource management change and commit partners to deliver investment?	The RSS should drive resource management changes in NBA plans that are necessary to achieve strategic outcomes. As we understand, the primary purpose of an RSS is to determine how the region should develop over the next 30 years. This should include the identification of resource management/land use changes to NBA plans and the mechanisms and tools outside of NBA plans that will be necessary to enable such changes e.g. the provision of the new infrastructure required for new urban growth areas. In some cases, the feasibility of providing the necessary infrastructure may determine where new urban growth areas are identified in the RSS. However, there will be resource management issues that do not need to be addressed in the RSS and can be dealt with in NBA plans. This is particularly so if the resource management issue is not reliant on integration with mechanisms and tools outside of NBA plans. Where the resource management issue is reliant on integration with mechanisms and tools outside of NBA plans, there needs to be a clear public commitment to implement those mechanisms and tools. RSSs should therefore clearly identify what commitment partners will deliver. This may include commitments to mechanisms other than infrastructure provision. It may include, for example, commitments by various levels of government to facilitate mitigation, adaptation and risk reduction for natural hazards and climate change. The engagement material suggested the possibility of legal mechanisms to ensure the delivery of commitments by partners, which may be useful. However, it would also be useful if NBA plans can include provisions that limit proposed resource management/land use changes being given effect to, until the necessary mechanisms and tools outside of NBA plans are

	delivered. This would avoid, for example, development occurring where the necessary infrastructure provision had not yet been implemented. Any new growth-related infrastructure required to implement the spatial plan should be funded through councils' Long-Term Plan and Annual Plan processes. Capital government projects should align with spatial plans (e.g. NZTA, Ministry of Education, Urban Development Authorities) to ensure alignment between government funding of infrastructure and services and regional and local plans.
5. How can appropriate local issues be included in RSSs?	Provision should be included for parts of RSSs that are of relevance to only parts of regions to be prepared by the relevant local authorities alongside their communities. This could be through sub-committees of the regional joint committee. For example, the urban growth strategy for Greater Christchurch is likely to be of relevance to only the three district councils and the regional council that make up the Greater Christchurch Partnership, rather than all the councils in the Canterbury region. Another example is the Canterbury Water Management Strategy which relates to water zones and sets different outcomes for different catchments in Canterbury. In some cases, matters may only be of relevance to a single district, zone or part(s) of a region. For example, developing adaptation or mitigation responses for communities subject to coastal hazard risks. While a broad framework for managing such risks may be set by the joint committee, its application to specific areas and communities would be more appropriately developed through the relevant local authority. This would be particularly so where the relevant district is likely to be contributing to the adaptation or mitigation response, or has infrastructure, facilities and other assets likely to be impacted by such decisions. There should also be a requirement that local authorities be engaged in the relevant values and issues of significance in their districts before drafting of the RSS begins. For example, identifying areas of significant ecological, cultural or other values that should be protected from development. Local authorities should also be able to submit on the RSS to ensure the interests of their communities are fully considered.
6. With regional and unitary council boundaries proposed for RSSs, how should cross-boundary issues be addressed?	Cross-regional issues should be addressed through regular collaboration and engagement between neighbouring district councils/territorial authorities. The Greater Christchurch Partnership is a strong example of collaboration across local authority boundaries. There should be a requirement, similar to that applying to planning documents under the RMA, that regard be had to the extent to which the RSSs need to be consistent with those of adjacent regions. We suggest that work be undertaken to resolve integration issues for those territorial authorities whose boundaries extend into more than one region; for example, the Waitaki District Council, whose boundaries lie within both the Canterbury Regional Council and Otago Regional Council jurisdictions.
NBA Plans	
7. Do you agree with the Randerson Panel's recommendation to have one combined Natural and Built Environments Act (NBA) plan per region?	Canterbury Councils have varying views on how many NBA plans should be developed for the Canterbury region. However, there is strong agreement that many topics could be addressed regionally to a certain extent (e.g., natural hazards, district wide matters, amenity values (setbacks, recession plane, height etc.), and rural land use) which would resolve a lot of duplication, leading to greater efficiency and ease of use for Plan users. While we see the efficiency benefits in providing a consistent regional regulatory framework, we consider it imperative that local variation continues to be adequately addressed. The Canterbury region is the largest, geographically, in the country with 11 local authorities. Local variation is often set by geological features as opposed to political boundaries. For example, Kaikōura is separated geographically from the Canterbury plains and has different soils, a different climate, and different sea level rise issues because of earthquake uplift, compared with other areas in the Canterbury region. In our opinion, it is critical that the planning system must appropriately consider such local variations within regions. We also consider it is important that existing identified character areas within different districts continue to have bespoke provisions. For example, there are two areas within the Hurunui district (Mt Lyford and Hanmer Springs) which are subject to design standards. Both design standards have been reviewed via recent plan changes, so it is considered important that these standards continue to be applied to these areas to ensure their characters are maintained. While we agree in principle that a single, regional plan is likely to be easier for regular users of plans, especially professionals who work with several district and regional plans, it is uncertain whether using a single regional plan will be less complex, especially for lay people. The need for NBA plans to address regional and local matters will likely result in a lengthy plan which may be challenging to navigate. Consideration should be given to sub-regional NBA plans – either as separate documents, or as discrete chapters in a single NBA Plan. This would enable more successful place-based planning for specific areas with no regional comparators, such as the Greater Christchurch area, the specific character areas of each district and other unique planning provisions which have created the character of our small towns.
8. Would there be merit in enabling sub-regional NBA plans that would be incorporated into an NBA plan?	Yes – if it ensures that local concerns and needs considering the local variation that exists within regions is adequately addressed. Please refer to our points in question 7, above. For the Greater Christchurch area, there would be value in setting up sub-committees to prepare area-specific draft plan sections. This would address Greater Christchurch-specific challenges/opportunities stemming from our significant urban growth and our area's particular resource management issues. For some issues a single district could prepare part of the NBA plan relating to their district. For example, developing the detailed adaptation or mitigation responses for communities subject to coastal hazard risks. The role of district councils in the preparation of sub-regional NBA plans would need to be worked through in more detail.

9. What should the role of local authorities and their communities be to support local place-making and understanding of local issues in NBA plans?	NBA plans will need to be developed in partnership with local authorities and with communities to ensure that local place making is prioritised. The broader approach indicated for drafting the NBA should provide opportunities for less formal feedback to be sought and taken into account, rather than only relying on formal submissions which limit participation in the process to those with the knowledge and resources to work the system. District councils should be required to be consulted on the values and issues of significance in their districts before drafting of the NBA plans begins. District councils should also be able to submit on the NBA plan to ensure the interests of their communities are fully considered and have a representative on the panel for relevant hearings.
10. Will the proposed plan-making process be more efficient and effectively deliver planning outcomes?	It has the potential to be more efficient, but the devil is in the detail. At the regional level proposed and given the size of the Canterbury region for example, there is the risk that local level issues will be overlooked, meaning appropriate planning outcomes will not be delivered. Effectiveness is likely to be increased by the proposals to facilitate early, better and targeted public participation and a sustained role for hapū/iwi/Māori entities in the development of plans. Allowing local government and hapū/iwi/Māori entities to make submissions and have representatives on relevant hearings panels is also likely to assist. Experience suggests that this may have some efficiency implications. But this may be overcome to a degree by central government resourcing of hapū/iwi/Māori entities. The quality of decision making on plans has been variable and therefore there need to be processes and requirements to ensure that evidence is tested and that decision makers are sufficiently qualified and experienced. The current plan making process takes too long and does not respond to environmental issues quick enough. Therefore, plan responsiveness could be improved by removing appeals, except on points of law. However, there is not consensus from Canterbury councils on the latter point. If appeals are kept, one idea to make them more efficient is a requirement to seek leave for appeal that could potentially act as a screen for cases that do not have significant merit. Cases could also be dealt with on the papers (without a hearing) to improve the efficiency. If appeals were removed, changes would be required to make hearings and decision making more robust. Public participation could be improved by requiring more engagement at the start of plan making processes and by providing easier opportunities for non-professionals to be involved. More democratic representation could be provided by requiring some level of Council representation on hearings panels. The NBA Bill establishes that submissions must be considered by an independent hearings panel. An independent hearing panel should not be an adversarial or overly legalistic platform, but rather an inquisitorial one. For lay submitters without representation or counsel, an adversarial panel is likely to be a further barrier to engagement. Ideally it should avoid the 'trappings' or perception of being a judicial process, whilst retaining appropriate formality. If the intention is to reduce the scope of appeals to the Environment Court by expanding the importance of a hearing panel, then the hearing panel should not become a de facto court process. We stress that Schedules 1 and 2 of the NBA should in principle require: • local opportunity for people to participate in the process • duty to engage with each local authority in the region prior to any formal notification • full consultation with the affected community/communities • more engagement at the start of plan making processes • easier opportunities for non-professionals to be involved in hearings • provision for the opportunity for local authorities to consult on draft provisions, regulations and Regional Spatial Plans prior to any formal public notification process. We recommend making it easier for people to submit by accepting submissions in any form, similar to engagement processes under the Local Government Act, rather than the prescribed and restrictive nature of the RMA (i.e., submissions must be written in accordance with Form 5). We also recognise the need for planning processes to be responsive to enable changes to occur at local community level which reflect the desire of the local community.
RSS and NBA joint committees	
11. How could a joint committee model balance effective representation with efficiency of processes and decision-making?	To ensure appropriate representation the joint committees would need to include local authority representation of all local authorities and that should be proportional to the population of the district being represented. However, in the case of Canterbury the size of such a committee is likely to be unwieldly. As noted earlier (refer question 7 above), we consider that sub-regional NBA plans should be considered. Such a sub-regional plan would enable the efficient development of an NBA plan and spatial strategy and decision making, while enabling effective representation of the relevant local authorities. This is effectively how the Greater Christchurch Partnership operates in terms of urban development within Greater Christchurch, with provisions being included in the Canterbury Regional Policy Statement which apply specifically to the Greater Christchurch area. An alternative mechanism would be to provide for a single representative for each local authority for the joint committee, with that joint committee dealing with issues of relevance to the region as a whole. In addition, to increase efficiency and effective representation, it would include provision for sub-committees of only the relevant local authorities to prepare and decide on area-specific NBA plan and spatial strategy sections. One main challenge would be retaining local democratic input where a joint committee makes final plan making decisions. We support the proposal being considered that the structure and composition of committees are to be determined on a region-by-region basis, however, it is important that there is local authority representation of all local authorities.

12. How could a joint committee provide for local democratic input?	Refer to the response to the previous question. Committees should be resourced to establish local sub-committees with local area knowledge, representation and relationships. We suggest that these committees should be made up of elected members with appropriate training, or a representative appointed by council. Elected members are accountable to the communities that elect them so should be responsible for decision making. However, this needs to be based on professional advice and technical expertise which happens under the RMA, anyway. We acknowledge that three-yearly electoral cycle could create ongoing changes to the membership of planning committees and consideration must also be given to the capability of elected members including the availability of training such as the current 'Making Good Decisions' course. It is imperative that local authorities can provide policy and technical input into the drafting of their region's NBA plan and RSS, prior to public notification. In addition, committees should be required to engage with local councils on draft NBA plans and RSS, prior to public notification. Planning committees' functions include promulgating and making decisions on plans. This is currently a council function under the RMA. This shift will result in a loss of local democracy as key policy and planning decisions for districts will no longer be made by elected councillors from that local authority. We are concerned that the Bill limits the involvement of local elected members in decision-making and that the structure of proposed planning committees will reduce the relevance of local and territorial authorities in place making decisions for their respective communities. It is also unclear what role public participation will have in the new system particularly in terms of the opportunities available for local input into plan-making processes. Communities are highly localised, and the regionalisation of planning issues and processes has the potential to undermine the abilities of communities to influence and make decisions about the places that they live. The Bill establishes that submissions must be considered by an independent hearings panel. Currently councils have discretion to retain or delegate this function. The Bill is not clear whose role it is to select and appoint the independent panel. Given independent panels are more expensive for the local authority than appointing elected councillors, the Bill should be clear which organisation is intended to fund/resource the panel. Democratic representation could be retained by requiring some level of council representation on independent panels.
13. How could a joint committee ensure adequate representation of all local authority views and interests if not all local authorities are directly represented?	As above, committees should be required to engage with local councils on draft NBA plans and RSS, prior to public notification. This should be required even if all local authorities are represented on the committee, as it gives constituent local authorities time to consider drafts in greater depth.
14. Are sufficient accountabilities included in the proposed new integrated regional approach to ensure the strategies and plans can be owned and implemented by local authorities?	It is difficult to comment on this when there is currently not sufficient detail.
15. How should joint committees be established?	Refer to responses to the previous questions in this section. In addition to representation from local government, nominated representation from hapū/iwi/Māori and from central government for RSSs. Committee secretariats' locations should be prescribed – we would expect they would be based in the largest metropolitan council area in a region. The logistical requirements of provincial councillors' participation will need to be considered through the establishment phase (similar to comments above). Additional high-level direction is required on how these committees should be funded.
Consenting	
16. Will the proposed future system be more certain and efficient for plan users and those requiring consents?	Certainty and efficiency are dependant more on the quality of the plan/strategy contents than the system under which they are prepared. Both can be considerably enhanced if the direction from central government on nationally significant, or challenging, or consistency issues in the NPF is more certain than has occurred in the past. A Combined Plan would address the collaboration and cross boundary issues of the past more effectively. The costly / process / legalistic nature of current RMA consent processes won't change unless the cumbersome process (reflected in the enormous information required just to confirm if a consent was processed in time) is simplified AND the current recourse to lawyers and courts is transformed into something different. Some suggestions to increase certainty and efficiency: • discretionary activities should also include activities that may be less appropriate in some circumstances, but not in all circumstances • the scope to review consents should be broader. This would help to ensure there is a mechanism to address matters not considered through the initial consent process. Currently, section 128 RMA enables reviews only at the time specified in the consent for specified reasons. This is not considered enough or practical. For instance, it is difficult to specify a reason to review the consent if it was not obvious at the time of processing the consent. Greater flexibility in reviewing consents also provides the opportunity to redress the poor outcomes of some consented activities. There would need to be further consideration in terms of how this would work in the case of a review that effectively nullifies the grant of

	consent or had a significant financial effect on the consent holder • provision for joint consent processing for regional and district functions (e.g. effluent disposal) would be beneficial e.g., regional and district council jointly processes one application. For example, Kaikōura District presently uses duplication rules for activities such as extraction of river gravel – where consent has been obtained from the Regional Council for an activity, no duplicate consent is required from Kaikōura District Council • the resource consent system should be able to be understood by a lay person. A number of amendments to the RMA has made some of the consenting provisions overly complicated. Clarity would be appreciated • in terms of making the system more affordable for the end-user, we seek that changes to the system will not add more costs to the consenting "process" for the end-user • national direction is needed with regards to specifying resource consent types that will be subject to notification/non-notification clauses in the NBA, NPF and NBE plans. Our understanding is that the intention of the NPF and NBA plans is to provide direction on what level of notification will be required. If this is the case, Canterbury Mayoral Forum would be supportive of this.
Compliance, monitoring and enforcement	
17. Do you agree with the proposed changes to compliance, monitoring and enforcement provisions and tools?	The proposed changes to compliance, monitoring and enforcement provisions that seek to improve these functions within the future RMA system, are a positive and necessary step. The comment in the discussion document that councils will continue to be responsible for CME processes, and that the establishment of regional hubs will be deferred, is noted. There is a strong relationship between consenting functions and compliance/monitoring functions, which risk being lost if the two functions are delivered by separate entities. Whilst there are benefits to local councils retaining control over CME activities, this has the potential to frustrate a regional or combined approach to plan making and consenting – particularly for smaller councils that have difficulty resourcing and administering CME programmes and where priorities at a local level are inconsistent with those at a regional level. We suggest that the following are necessary to improve the efficiency and effectiveness of the compliance, monitoring and enforcement functions: • include the ability to consider past performance when considering applications for natural resource use. Therefore, the Canterbury Mayoral Forum is supportive of the proposal in the discussion document to allow consent authorities to consider an applicant's compliance history in the consent process • auditor to conduct annual review of councils' compliance, monitoring and enforcement functions and make mandatory directions regarding processes and resourcing. This could work similar to Building Control Authority audit and accreditation system • introduce fees for permitted activity monitoring. This would enable more activities to be permitted and allow Councils to recover the costs of monitoring. Therefore, the Canterbury Mayoral Forum is supportive of the proposal in the discussion document to broaden the cost recovery provisions for CME in the NBA, allowing for costs to be recovered for compliance monitoring of permitted activities and investigation of non-compliant activities. However, it is important that such fees are set at a level which would not discourage the activity from occurring. If an activity is permitted, it must be assumed that this type of activity is to be encouraged and financial barriers may discourage such activities. Consideration should be given to how the full cost of monitoring could be funded. Supportive of retaining devolved system but request stronger support, guidance, resourcing/funding, and performance monitoring from central government. All councils are challenged to adequately resource compliance, monitoring and enforcement functions. Given the size of Canterbury, it is not possible to have all of Canterbury monitored all the time and we are highly reliant on our good relationships to identify non-compliances which may occur outside of routine monitoring. We also suggest that some compliance / enforcement work where nationally important values are involved needs to be handled centrally as that is the experience of 30 years of the RMA, reflected in MfE reports. There has been increased co-operation in the CME space between councils in the Canterbury region which has resulted in the adoption of the Canterbury Strategic Compliance Framework. By adopting the framework, councils have agreed to work towards best practice, have consistency in approach to compliance, and target our resources where the highest risk exists. The Ministry for the Environment's Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act have been useful for informing our practice, and we'd like to see guidance and support of this sort furthered.
18. How practical will the proposals be to implement?	The functions will need to be clearly set out in the legislation. If it is not seen as punitive enough/deterrent enough then it suggests the quantum of the fine needs to be adjusted upward OR there needs to be some other meaningful consequence (like consent revocation etc.) for offences.

Monitoring and system oversight	
19. Will these proposals lead to more effective monitoring and oversight of the system?	The importance of effective monitoring and oversight needs to be embedded in the system, otherwise in our experience, monitoring gets left until last. Monitoring and oversight needs to be appropriately valued so it is resourced properly by councils. There need to be consequences for not meeting monitoring timeframes, but this needs flexibility to take into account the capabilities of the particular council – with the possibility of contestable government funding available for monitoring functions for smaller local authorities. As above, small councils grapple with adequately resourcing compliance, monitoring and enforcement functions, so would be supportive of government funding. The matters selected for monitoring should be meaningful and useful to reflect the state of the environment and the system performance, for example measuring compliance with 'working days' is a blunt tool that doesn't reflect the individual nuances of applications or issues around resourcing, workloads etc., and is not meaningful when it comes to the quality of the outcome. As per the Canterbury Mayoral Forum's submission on the NBA, we consider the following changes are needed to improve the monitoring of the resource management system: • internationally recognised environmental indicators. This does not appear to be addressed in the engagement material • requirements to adequately fund state of the environment monitoring of key indicators. This does not appear to be addressed in the engagement material • standard data base for all environmental indicators that is publicly available. This does not appear to be addressed in the engagement material • independent oversight of environmental monitoring. The engagement material proposes to have independent oversight of system and agency performance, to provide accountability and impartial analysis and advice, which the Canterbury Mayoral Forum would be supportive of • require local authorities to change plans and consents if environmental standards are not being achieved. The engagement material proposes to include stronger requirements for responsible bodies to investigate, evaluate and respond when monitoring identifies problems that need to be addressed. The Canterbury Mayoral Forum would be supportive of this. These suggested changes would ensure that environmental reporting is independent, transparent, appropriately funded and aligns with best practice. It would also ensure that environmental bottom lines are meet and that plans are responsive to monitoring results. The Parliamentary Commissioner for the Environment should oversee monitoring of the environment to ensure transparency and independence. The Government should pay as it is a national responsibility. The discussion document states, "*Central government is expected to play a stronger role in providing oversight of the system alongside independent bodies such as the Parliamentary Commissioner for the Environment and the proposed national entity for enabling Māori involvement at the national level.*" Therefore, the Canterbury Mayoral Forum would be supportive of stronger regulatory stewardship and operational oversight of the system by central government and other independent oversight bodies. We agree the Parliamentary Commissioner for the Environment could play a role in overseeing monitoring. This would increase transparency and ensure independence. We consider that greater oversight and monitoring by central government is the most readily achievable option. We also recommend that a centralised records system for resource consents, where monitoring undertaken, non-compliances, and any enforcement action taken can be recorded should be considered. It could be similar to the Ministry for Primary Industries' MAPS and Titiro systems for Food Act registrations, verifications and enforcement.
20. Will the system be able to adequately respond and adapt to changing circumstances?	Yes - if resourced appropriately and with the right legislative wording.
Role of local government in the future system	
21. What does an effective relationship between local authorities and joint committees look like?	We would expect that joint committees' membership be made up of local government elected members and local mana whenua representatives. Refer to the comments above in the section on RSS and NBA joint committees. We would expect that local government would be engaged by committees on the development of the NPF, and of RSSs, including a statutory consultation period on the proposed drafts prior to public notification. Although council staff may be involved in the development of RSSs and NBA plans through the secretariat, it would not be appropriate to expect them to represent the policy positions of councils. We have also addressed this in other questions (5, 7, 8, 9, 10, 11, 13, 22, and 23). We request that consideration also be given to our answers in these questions, in response to this question.

22. What other roles might be required to make the future resource management system effective and efficient?	Councils should be able to continue to seek to influence, outside of planning committees, the policy determinations of regional and sub-regional committees on matters that affect (or could affect) the council's communities or environment. This should include the statutory provision for councils to formally seek changes to NBA plans and RSSs, as is currently the case in respect of Regional Policy Statements under the RMA. Councils should still also be able to continue to pursue outcomes through submissions, hearings and appeals on behalf of their communities.
23. What might be required to ensure the roles and responsibilities of local authorities can be effectively and efficiently delivered?	Councils should retain existing resource consenting and monitoring and compliance functions, particularly through the transition. The ability of councils to remain consent authorities will enable the continuance of outcomes to be pursued through submissions, hearing and appeals that are in the interests of the respective council's communities. Furthermore, it is logical for the status quo to continue as building consents are also dealt with at the local level and cross-checking occurs between building and resource consenting processes. Therefore, Canterbury Mayoral Forum supports the proposal for councils to continue to be responsible for the delivery of consenting and monitoring and compliance services and for consenting to remain a local authority function. We acknowledge that further discussion will be required as to what funding best addresses CME functions.
National Māori entity	
24. What functions should a national Māori entity have?	It is noted that the summary of feedback from hapū/iwi/Māori submissions on the NBA exposure draft was support for national Māori entity for monitoring Te Tiriti performance, NPF and Te Tiriti policies. We support this feedback and suggest that MfE should continue to engage with mana whenua to determine the purpose and design of the national Māori entity.
25. What should the membership and appointments process be for the entity?	Membership and appointment processes for the national Māori entity should be determined by Māori to ensure the group has sufficient mana.
Joint committee composition	
26. Should parties in a region be able to determine their committee composition?	Yes. Different areas will require different representation arrangements –particularly for mana whenua representatives, representing different iwi/hapū. The committee composition will hinge on whether there is a single NBA per region, or not.
27. What should be the selection and appointments processes for joint committee members?	The selection and appointment processes for joint committees for Māori representation should be determined by Māori.
28. Are sub-committees needed to meet regional needs including Treaty settlements?	This should be determined on a regional basis, and in consultation with local iwi/hapū.
29. How do we best provide for existing arrangements (e.g., Treaty settlement or other resource management arrangements)?	Current Te Tiriti settlement and other existing resource management arrangements should be carried through into the new system.

Enhanced Mana Whakahono ā Rohe arrangements, integrated with transfers of powers and joint management agreements	
30. How could an enhanced Mana Whakahono ā Rohe process be enabled that is integrated with transfers of powers and joint management agreements?	We support capacity building for mana whenua, appropriate resourcing of this function, clear legislative direction for transfers of powers and joint management agreements. We consider that this question would be best addressed according to each iwi or rūnanga and their respective councils rather than in some super-regional style agreement which may not reflect hapū or iwi boundaries. In some ways, we suggest that this question cannot be answered until roles and responsibilities around consenting / compliance are determined. There is a risk that Regional / Combined Plan format could work against diverse local tangata whenua wishes.
31. What should be covered in the scope of an enhanced Mana Whakahono ā Rohe and what should be mandatory matters?	Mandatory consultation with appropriate local iwi where sites/issues of significance are involved, both at plan making and consenting. Requirement to give specific regard to the outcomes of consultation in decision making. Mandatory consideration of Iwi Management Plans in preparation of strategic and regional plans. Is 'consideration of' going far enough? Randerson report recommended incorporating iwi management plans into other plans.
32. What are the barriers that need to be removed, or incentives added, to better enable transfers of powers and joint management agreements?	Capacity within iwi – resourcing commensurate with the level of input required.
Funding in the future system	
33. How should funding be distributed across taxpayers, ratepayers and individuals?	The Crown should clearly articulate in the NPF where funding responsibilities begin and cease from a Crown perspective and as to what becomes a local authority funding initiative. The Crown should fund: • hapū/iwi/Māori involvement at various stages of the NPF, RSS and NBA plan development and decision-making processes, and in compliance, monitoring, enforcement and oversight, as Treaty partners; • Community Advice Centres to assist people with planning disputes; and • the additional costs councils will face implementing the NBA and SPA. The changes to the resource management system included in the Bill are estimated to increase costs for local government by 11% per annum (*Interim regulatory impact statement: Reforming the resource management system (15 June 2011)*). Central government should provide funding or alternative assistance to help Councils meet these increased costs. We suggest that ratepayers will not be supportive of higher debt or rates for new infrastructure etc., especially if the benefits aren't realised until 30 years or more, in regard to RSS.
34. How should Māori participation be supported at different levels of the system?	In addition to funding as covered in the response to the previous question, the system's design, and ways of operating should support Māori participation by default. For example, sufficient time needs to be allowed in engagement/consultation processes for meaningful engagement with iwi and hapu, recognising different ownership structures for whenua Māori. We are concerned that lack of resourcing for mana whenua is already a barrier to their effective engagement in the RMA. Consideration should be given to how government can support mana whenua and provide greater resourcing under the new system so they can effectively engage and participate in RM processes. As stated in question 33, above, central government funding needs to be provided to iwi/hapū to ensure participation. Consideration should also be given to other support e.g. access to technical experts, to ensure engagement.
Other comments	
35. Databases and systems	We strongly encourage the Ministry to consider a standardised consenting and monitoring database to be used across the country to avoid councils investing in separate IT systems individually. A standardised database would also bring efficiency gains for reporting.