

15 March 2022

Local Government Resource Management Reform Steering Group
Ministry for the Environment

Email: LocalGovtSteeringGroup@mfe.govt.nz

Tēnā koutou

CMF Submission: *Enabling local voice and accountability in the future resource management system – proposal for consideration*

Introduction

1. The Canterbury Mayoral Forum thanks the Local Government Resource Management Reform Steering Group (the Steering Group) for the opportunity to provide written comment on the document titled '*Enabling local voice and accountability in the future resource management system – Proposal for consideration*', published in February 2022.

Background

2. The Canterbury Mayoral Forum (the 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 the regional council, Environment Canterbury.
4. The following submission has been developed with input from across Canterbury councils and focuses on matters of general agreement.

Mayors standing together for Canterbury.

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General comments

5. The Forum supports the intention of the resource management reform to retain local democratic input. Resource management planning and decision making can have profound impacts on the social, cultural, economic and environmental wellbeing of local communities. As such, it is appropriate for the local communities to be able to participate in resource management planning and their aspirations, priorities and concerns to be closely considered through the planning system. Representing local voice is a key function of local government and local elected members with their strong links to their local communities. Accordingly, we agree with the proposals in general to facilitate a strong local voice in the planning system, which is led by local government.
6. We welcome the proactive approach the Steering Group has taken in suggesting a proposal to enable local democratic input. While we have many points of agreement with the proposals outlined in the Steering Groups consultation document, we have made several suggestions to help your deliberations in refining the proposal.

Statement of Community Outcomes (SCOs)

7. Overall, we support the concept of the plan making process requiring consultation with the community, building a 'layer of local voice' into regional plan making and being responsive to community needs.
8. However, to ensure the SCOs do not duplicate the work councils undertake to define community outcomes under the Local Government Act 2002 (LGA), we suggest the consultation is closely linked to the core purpose of regional spatial strategies (RSSs) or the Natural and Built Environments Act (NBA) plans, and framed by the policy direction set out in the National Policy Framework (NPF). This will help ensure the consultation with the community is focused on the matters that they can influence. There is a risk that aspirational visions/outcomes will be out of scope of what a RSS or NBA plan change can achieve, or conflict with the direction of the NPF. This could be confusing for the public, raise expectations and potentially lead to disenchantment with the process.
9. To avoid confusion with LGA community outcomes we suggest the name of SCOs is changed. If the scope of consultation is restricted to a RSS or NBA plan, then the consultation name should be linked to those documents.
10. We agree the consultation process should be determined and driven by councils as understanding community views is a core role of elected members. We suggest the timeframes for consultation are linked to the purpose and scope of the consultation. We also think there is a risk that the SCO consultation will duplicate the work of regional secretariats if they are to lead plan making so suggest that the Steering Group explores options to ensure no duplication occurs.
11. We also suggest the SCOs do not replace the need for sub-regional plans that are led by sub-regional committees. We have raised this point in previous submissions to MfE. An example of the need for a sub-regional plan led by a sub-regional committee is the planning of the greater Christchurch area. This is the largest metropolitan area in Canterbury which requires specific and detailed planning, thus the need for a sub-regional plan. While the planning of this area is highly relevant to the four local authorities that have jurisdiction over this area, it will not likely

be relevant to most of the other Canterbury councils, thus the need for a sub-regional committee that can focus on this sub-region.

Statement of Regional Environmental Outcomes (SREOs)

12. We note the proposal for the SREOs is to replace the existing regional resource management and coastal environment plans, with responsibility for drafting the SREOs to fall to regional councils.
13. While we endorse the idea of articulating environmental outcomes at a regional level, we suggest that these outcomes could be incorporated in the relevant RSS or NBA Plan instead of in a separate document. This would avoid duplication.
14. As stated above, we have submitted previously that the new resource management system needs to consider sub-regional planning. The proposal to prepare SREOs does not suggest there will be scope for considering environmental outcomes that might be specific to some regions and therefore we suggest scope is provided in the SREOs to provide for environmental outcomes at a sub-regional level.

Mana whenua involvement

15. We agree that councils should not determine mana whenua involvement in the development of SCOs and SREOs. If they wish, mana whenua should be given the opportunity to collaborate with councils in the development of these documents through registered iwi authorities or hapū, or be allowed to provide their own separate input.
16. We suggest that thought should be given to how central government and local authorities can best support mana whenua to engage with the new system. This might include providing expertise and/or funding for mana whenua to participate and ensuring commensurate representation of mana whenua on joint committees.

Legislative mandate

17. We agree with the Steering Group's recommendation that provision is made in the NBA and in the Strategic Planning Act (SPA) for local voice to be formally considered. We have different views as to whether the legislation should state 'give effect to ...' or 'have regard to ...'. However, there is consensus that decision makers should closely consider the SCOs or SREOs but acknowledge it would not be appropriate to give effect to those documents if it contradicted the NPF or environmental bottom lines stipulated in either legislation.

National Spatial Strategy / Regional Statements of Central Government Priorities

18. We support the introduction of spatial planning into the new resource management system and note the Steering Group proposal to require the Government to produce a National Spatial Strategy (NSS) or alternatively a Regional Statement of National/Central Government Priorities. We agree that central government agency priorities are often misaligned and there is a need for a single coherent central government view in the outcomes it seeks to achieve in RSSs. We also agree there is a need for a planning tool to ensure inter-regional co-ordination of RSSs, otherwise there is potential for these plans to be out of alignment.

19. The Forum has a range of views in terms of its support for the NSS or Regional Statement of National/Central Government Priorities. Subsequently we have focused on providing the Steering Group with the key aspects that we wish to see in any new system of national spatial planning. These are a system that:
- i. requires one coherent central government view
 - ii. is developed early enough to be considered in the development of RSSs
 - iii. provides a means by which inter-regional co-ordination of spatial planning is facilitated
 - iv. links central government funding to any major projects identified in the NSS or statement of priorities
 - v. focuses on national infrastructure and national spatial matters rather than duplicate RSSs
 - vi. provides a means by which local authorities can participate in the development of national spatial planning in so far as it affects their areas
 - vii. is responsive and adaptive to change, including changes made to RSSs
 - viii. is evidence-led rather than becoming a document that is changed by successive governments to suit party agendas.

Make-up of joint committees

20. We agree with the Steering Group's proposal for each joint committee to consider both NBA Plans and the RSS. This would make sense logistically and would ensure alignment at the governance level for the RSS and NBA Plans.
21. We support the Steering Group's view that elected members should make up the joint committees, or a representative (not necessarily a councillor) be appointed by elected members to the joint committee. Elected members' primary role is to represent their communities, and their involvement, either through their participation, or through the participation of a representative will ensure local voices are heard at that level. The appointment of a representative is suggested as given the complexity and length of plan making processes, it may be challenging for councils to nominate an elected member with the capacity to participate through more than one local government election cycle. Any elected members or their representatives participating in the joint committee should have demonstrated expertise in this area, either through training, accreditation/qualifications or experience. We also agree that mana whenua should be represented on the joint committee.
22. We have previously submitted that each local authority should be represented on a joint committee. We acknowledge this creates some challenges to the size of committees but suggest this can be overcome through clear terms of reference and the appointment by members of the joint committee of an appropriate independent chair.
23. We agree that specialists/technical experts should support the joint committees through a secretariat, rather than as members of the joint committee. This would mean that specific areas of expertise could be brought in, as necessary, rather than appointing generalists to the committee.
24. We suggest that there is flexibility to establish regional sub-committees to ensure that sub-regional-specific issues can be considered in greater depth.

Feedback loop

25. We agree that the RSS and the NBA plan should be referred back to local authorities for comment before being publicly notified. Given the size, scope and complexity of the NBA plan a six-month time period is considered a more sufficient timeframe to review that document.

Independent Hearings Panel

26. We support the Steering Group's proposal to retain an Independent Hearings Panel to make recommendations to the joint committee on decisions. This fosters greater participation of local authorities, helps provide confidence in the process and continuity through electoral cycles.
27. Christchurch City Council has had significant experience with Independent Hearing Panels through their District Plan Review. There are lessons to be learnt from this experience and accordingly we encourage the Steering Group and/or the Ministry for the Environment to liaise directly with Christchurch City Council so that those lessons are not lost and can be used to inform the new system.

Secretariat

28. We agree that a secretariat will be required to support the joint committees and the development of the RSS and NBA plan. This will help retain institutional knowledge and ensure plans are integrated. We request the Steering Group consider whether the Independent Hearings Panel needs a separate secretariat or separate advisors to ensure independence and impartiality as the Independent Hearing Panel's views will at times differ to that of the joint committee, thereby potentially conflicting advisors of a joint secretariat.
29. We suggest the costs of the Independent Hearings Panel and secretariat are met by the Ministry for the Environment as the Independent Hearings Panel has a quasi-judicial role that has a wider public good than the region concerned.

Staffing and resourcing challenges

30. We agree the development of a workforce plan to identify long-term staff resourcing and skill needs would help support the implementation of the new resource management system. This workforce plan should address resourcing across all local authorities in the region and ensure sufficient resourcing is provided to support the secretariat and adequately address any new statutory requirements. The resourcing plan will need to take a long-term view given the long duration of plan preparation processes, plan changes and the periodic review of plans.

Regionalisation of some council functions

31. The regionalisation of consenting, monitoring and enforcement functions is not supported. This has the potential to create a large bureaucratic organisation with little connection to the communities it serves. There are significant benefits of local resourcing and decision-making, including knowledge of local environments, community understanding, institutional knowledge as well as retaining local employment. These benefits would largely be lost with the regionalisation of consenting, monitoring and enforcement functions.

32. As Canterbury councils have a strong history of collaborating, we suggest the staff resourcing plan requires collaboration between local authorities to ensure sufficient resourcing is provided across all local authorities instead of the regionalisation of all planning functions.
33. We also suggest that council resource management functions should not significantly change through the resource management reforms without first knowing the outcomes of the local government reforms. Changing the functions without first knowing these reform outcomes could mean any changes conflict with the reform outcomes.

Use of local by-laws

34. We support more effective and efficient resource management compliance and enforcement regulatory tools and suggest this goes beyond the consideration of bylaws. We note the examples cited (fencing and signs) may not be representative of the broad range of resource management matters. Accordingly, we support further investigation into all compliance and enforcement tools including bylaws before we can specifically support the use of bylaws or comment further. Ideally, all resource management compliance and enforcement tools would be provided under the NBEA.

Further information

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

Ngā mihi



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