

15 March 2022

Email: LocalGovtSteeringGroup@mfe.govt.nz

Tēnā koutou katoa

Re: Kāpiti Coast District Council feedback on the on the *Enabling local voice and accountability in the future resource management system* proposal

Thank you for the opportunity to provide comment on the *Enabling local voice and accountability in the future resource management system* proposal.

In our recent submission on the Government's *Our Future Resource Management System* Discussion Document, Kāpiti Coast District Council (KCDC) outlined specific concerns regarding the loss of local decision-making and input. We are concerned that the proposed system, which shifts key resource management decisions away from Territorial Authorities (TAs) to regional joint committees, risks being unresponsive to local needs and separated from local democratic processes and accountability. The barriers to meaningful participation in decision-making are likely to be higher when plans are developed at a regional level and decision-making is undertaken by a regional committee where few appointees are likely to be familiar with our local community context and issues. It is likely to be much harder for our communities to engage in the proposed system. As such, finding ways to provide for local-level issues will be vital. On this we support the suggestions for expanded bylaw powers.

We are also concerned that the separation between local input/voices via statements of community outcomes, regional decision-making on plans and subsequent local implementation will result in a system which doesn't have clear lines of accountability. Clarity about this (including for the public) will be important for the system to function efficiently and in our view, this requires further careful consideration.

We consider that maintaining sufficient flexibility in the system for issues to be resolved – at the scale that makes sense for that specific issue – is core to an efficient and effective resource management system. We still need opportunities to reflect the local context and issues where this is important. Providing a clear way for communities to feed local issues and concerns into the system will be essential.

We are pleased to see that your proposal seeks to address such concerns. Our specific comments on your proposal are outlined below.

Plan Development

Statements of Community Outcomes

KCDC is supportive of having a clear process for including local voice in plan-making processes, and we agree that Statements of Community Outcomes (SCO) as a primary mechanism for expressing local priorities and aspirations should provide an avenue for this, within a largely regional process. Some specific thoughts about this proposed document/process are below.

- **Clear purpose:** More specificity is needed on the scope and purpose of SCOs, which should inform the process for SCO development and expectations around engaging our communities in the development of these. This is particularly important if they are going to be a fundamental input for local voice into the Regional Spatial Strategies (RSS) or Natural and Built Environment Plans (NBA) with reduced consultation/engagement.
- **Clear process:** While the suggested approach of letting each community decide the process of developing SCOs could enable some great innovative approaches, care should be taken to ensure there is equity of opportunity for the community in different districts within a region to be involved in their SCO development. This means there is a need for some consistency or clear expectations for community participation in the development of these documents.
- Clarification is needed on what is meant by “community plans” which are identified as an input into SCOs, and on how SCOs will differ from Long Term Plans (LTP) in terms of setting priorities and desired outcomes for our communities. It is noted that existing documents such as growth strategies and LTPs are not listed but would be valuable inputs into SCOs.
- The SCO shouldn't just be about providing local flavour to the implementation of national direction. It should be about identifying, retaining, and enhancing what is special and unique about different communities and places, as well as creating spatial inputs into regional planning documents. Any inclusion of spatial content should be considered alongside the existing requirement for future development strategies under the NPS-UD, to avoid duplication.
- It could be helpful to have some level of prescription about what SCOs should look like to ensure they are effective inputs into an RSS and/or NBA Plan.
- We would still encourage the inclusion of local chapters in plans to provide a clear link between the SCOs that are fed into the NBA plan process and the plans themselves.
- **Engagement:** We would be concerned if the development of SCOs was seen to replace the need for community engagement as part of plan-making process (as inferred on page 10). Taking the SCOs (visionary and strategic documents) for several districts into a rules-based regional plan could have some quite different outcomes for communities and they need to be able to comment on that, to ensure there are adequate checks and balance in place.
- **Accountability:** More clarity is needed about where accountability lies, for example if the NBA Plan doesn't reflect the SCOs developed. This is amplified if TA's are undertaking community engagement, and are responsible for implementation but have little decision-making influence on the NBA plan.

- **Sequencing and avoiding duplication:** Sequencing of when SCOs are required for RSS and/or NBA processes should be aligned with the LTP process. This will help reduce duplication and ensure that inputs (such as infrastructure strategies which are currently developed alongside LTPs) are reflective of the current position.
- Careful thought will need to go into ensuring that there is appropriate sequencing to allow TAs to produce meaningful SCOs that align with existing LTP/LGA document preparation, to undertake appropriate engagement, and to then have a finalised document ready to input into RSS and NBA plan development.

Statements of Regional Environmental Outcomes

- We have concerns that the SREO largely duplicates the content that we understood was to be intended to be directly developed into NBA Plans.
- The proposition of the SREO in the proposal is much less clear when compared to the SCO.
 - The purpose of the SCO appears to be primarily about creating an avenue for local community voices in an increasingly regionalised process (not about providing urban planning input).
 - The purpose of the SREO appears to be ensuring that the technical input of regional councils is given particular weight and consideration in a process where decisions are made by a joint (regional) committee.
- We would question why there is no equivalent process for ensuring that the technical urban planning expertise of TAs is given particular weight and consideration in these regional processes? Indeed, there is no guarantee that individual TAs will be represented on the regional joint committee, or certainty about opportunities to provide our local planning expertise into the urban planning component of the NBA plan and RSS. While we are supportive of TA input into the SREO to help ensure workability, we are concerned at the lack of any clear public consultation process. It would be somewhat of concern to expect TAs to speak for their communities on these nominally regional matters without an engagement process.

Recognising Mana Whenua

- Iwi organisations need to be appropriately resourced if the intention is for SCOs and SREOs to be developed in partnership with iwi.
- Special consideration needs to be given to supporting iwi that have not yet completed treaty settlements – specifically interim funding arrangements will be required from central government to ensure they have equal voice in the system as iwi who have completed settlement processes.

Legislative Mandate

- We consider 'give effect to' to be the most appropriate legislative hook for SCOs, otherwise there is a significant accountability gap.

National Spatial strategy

- We agree that having a clear and coherent view of central government priorities is important and consider that this should include broader infrastructure requirements (for example, schools and other education and health facilities).
- It is important that these priorities are clear over a reasonable length of time – for example, 20 years.

Consider, Hear, Decide

- We acknowledge the importance and difficulty inherent in the role of the Joint Committee, reconciling a range of resource management tensions to achieve positive outcomes.
- While we are generally supportive of having a single joint committee that deals with both the development of RSS and NBA Plans for consistency reasons, we are concerned at the potential workload that this may create for the representatives on the committee. Elected members representing the various councils in a region all have accountabilities to their constituents and business to attend as part of regular council business. Involvement in these processes is likely to require a significant amount of time and effort that will take them away from their 'core' responsibilities, and indeed, for many, their other paid employment. Iwi representatives are likely to feel similar pressures and be juggling multiple roles. Individuals may, therefore, be uneasy about taking on this work if it could jeopardise their ability to directly deliver outcomes for their community.
- If the decision is made that each constituent local authority doesn't need to be represented on the Joint Committee, then there is a strong need for SCOs to be 'given effect to' rather than 'have regard to', otherwise the accountability gap gets wider still. A smaller committee with less representation risks having reduced legitimacy resulting in reduced ownership at a local level of decisions made. This is a difficult but critical trade-off to get right. It would seem unusual to have full participation of all mana whenua within a region without the same opportunity for local authorities to be represented.
- Alternatively, it may be most sensible for a decision about Joint Committee representation to be made after the recommendations of the Future for Local Government reform programme have been made.

Refer-back loop

- Council agrees that creating a refer-back loop for local authorities is important, however given the likely size and complexity of the plans, it will be essential that sufficient time is allowed for meaningful consideration and input. This will be important for accountability and ownership of the plan.

Independent Hearings Panel

- We agree that selection of Joint Committee membership needs careful consideration. A combination of specialist skillsets would be required on the Joint Committee if it was to undertake the hearings for such a complex process as the combined NBA plans. In current practice, most complex plan changes are undertaken by an independent panel or a mixed panel with elected member representation to ensure that the right skills and experience are available to make quasi-judicial resource management decisions spanning multiple complex issues. The time commitment required for the joint committee to undertake the hearing process is also likely to be prohibitive for some who would otherwise be well equipped. It would likely reduce the time the elected representatives will have available to work in their communities and undertake regular council business. For these reasons we support the proposed role for the independent hearings panel (IHP) to make recommendations back to the Joint Committee.
- We agree that the JC should have the discretion to seek advice for affected TAs on decision to accept/reject any IHP recommendation.
- Further clarity is required around the ability of TAs to appeal Joint Committee decisions. Would a council be able to appeal provisions even if the Joint Committee

had accepted the recommendations of the IHP? I.e., do the limited appeal rights only apply to non-council parties?

- The effectiveness of SCOs in reducing appeals is contingent on communities being able to see those SCOs clearly reflected in the RSS and NBA plan. We consider that having local content chapters which clearly reflect the SCOs submitted to the committee will be one way to achieve this.

Staffing and Resourcing Challenges

- Contribute staff to the secretariat to ensure urban planning expertise is held in the secretariat adds to the current resourcing challenges for skilled specialist staff. However, creating regional 'centres of excellence' that can provide high-quality planning advice with expertise across a range of specialist subjects could be a positive outcome for the quality of plans across the country. We need to make sure that doesn't come at the expense of TAs having skilled, experienced planning staff with in-depth knowledge of local planning issues.
- The proposed workforce plan is supported and it is recommended this includes specific actions to train, attract, support, and retain people into planning careers and to rebuild the planning sector - providing a quality professional development programme, properly funded and supported by central government. This needs to be a priority. There is a significant shortage of young people entering planning as a profession (for example, there are only a dozen students in Massey University's final year planning class in 2022).
- As the system reforms are rolled out, significant effort needs to go into professional development of existing staff within the wider sector (not just councils) to get the desired outcomes – if the government wants to achieve the shift it says is needed, it can't simply shift its focus to the next area of legislative reform once the new law is in place, it needs to deliver a significant and concerted implementation programme.

Implementation

- We have commented on accountability earlier in this feedback.
- Clarity of responsibility and accountability is important for all councils as well as the community to know who does what.
- We agree that the question of regionalisation of functions is one more appropriate for the FFLG review.
- Another implementation issue which doesn't appear to have been addressed relates to the process for updating NBA plans, in particular for locally-driven issues, which might not otherwise get the attention at a regional level.

Thank you again for the opportunity to provide feedback. I am happy to be contacted if you would like to discuss any aspects of our comments further.

Yours sincerely



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