

Agenda 2022

Council Meeting

Date: Thursday, 24 February 2022
Time: 10:30 AM
Venue: via online access



Membership

Chair	Councillor Jenny Hughey
Deputy Chair	Councillor Peter Scott
Membership	Councillor Tane Apanui Councillor Phil Clearwater Councillor Grant Edge Councillor Megan Hands Councillor Ian Mackenzie Councillor Nicole Marshall Councillor Claire McKay Councillor Elizabeth McKenzie Councillor Craig Pauling Councillor Lan Pham Councillor Vicky Southworth Councillor John Sunckell
Tumu Taiao	Yvette Couch-Lewis Iaeon Cranwell

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- 2. Apologies**
- 3. Conflicts of Interest**
- 4. Public Forum, Deputations and Petitions**
- 5. Extraordinary and Urgent Business**
- 6. Notices of Motion**

7. Report Items

7.1. Draft Annual Plan 2022/23 Consultation

Council Meeting report

Date of meeting	Thursday, 24 February 2022
Author	Cecilia Ellis, Senior Strategy Advisor
Responsible Director	Katherine Trought, Director Strategy and Planning

Purpose

1. The purpose of this report is to seek Council's approval of the draft Annual Plan 2022/23 for consultation with the community.
2. Consultation provides the opportunity for the Council to seek community views on the Annual Plan 2022/23 before the Council deliberates and adopts the final plan.

Recommendations

That the Council:

1. **adopts the Submissions Policy (Attachment 1) as recommended by the Regional and Strategic Leadership Committee**
2. **approves that public consultation on the draft Annual Plan 2022/23 be undertaken in accordance with section 82 of the Local Government Act 2002**
3. **adopts for public consultation**
 - 3.1. **the 2022/2023 Annual Plan Consultation Document Mahere ā Tau tuinga hei ma tapaki (Attachment 2) for public consultation prepared in accordance with section 95A of the Local Government Act 2002**
 - 3.2. **the draft Annual Plan 2022/23 (Attachment 3) prepared in accordance with section 95 of the Local Government Act 2002, on which the consultation document relies**
4. **delegates to the Council's Chief Executive the authority and responsibility for agreeing minor editorial changes to the 2022/2023 Annual Plan Consultation Document and draft Annual Plan 2022/23.**

Background

3. An Annual Plan is required under the Local Government Act 2002 and provides the Council opportunity to make any required annual adjustments between three-yearly Long-Term Plans. On 17 June 2021, the Long-Term Plan (LTP) 2021-31 was adopted

by Council following community engagement and formal consultation. The draft Annual Plan 2022/23 refreshes year two of the LTP.

4. In year 1 of the LTP, total revenue of \$243m was forecast to be required to fund activities and services, with \$129m of this to be funded from rates, an average total rate increase of 12.6%. Rates in year 1 of the LTP were decreased from 24.6% consulted on in the draft LTP 2021-31 to 12.6%
5. Year 2 of the LTP 2021-31 projected total revenue of \$258m was required to fund expenditure, with \$154m of this to be funded from rates, an average total rate increase of 18.8%. Table 1 below summarises projected total revenue, revenue by rates and average total rates increase over the first five years of the LTP.

Table 1:

LTP year	Total revenue	Total revenue to be funded by rates	Average total rates increase
Y1	\$243m	\$129m	12.6%
Y2	\$258m	\$154m	18.8%
Y3	\$257m	\$161m	4.6%
Y4	\$267m	\$166m	3.2%
Y5	\$269m	\$169m	2.3%

6. The increases in total rates revenue in year 1 and year 2 of the LTP 2021-31 reflect the need to meet new statutory requirements and respond to priorities identified by stakeholders and community in the LTP. Priorities over the next ten years are freshwater management, climate change resilience, emissions reduction, pest control, and the regeneration of biodiversity.
7. A review of year 2 of the LTP 2021-31 (Annual Plan 2022/23) has been undertaken including an assessment of what has changed that might impact on delivery and funding since the LTP was adopted in June 2021. This includes the implications of the Canterbury flooding event in May 2021, identified as an uncertainty when the LTP was adopted. Challenges and opportunities identified in the LTP, including COVID-19, climate change and changes in Government legislation also continue to impact on year 2 of the LTP.
8. Adjustments to year 2 of the LTP identified during this review are outlined below and in the attached Consultation Document (Attachment 2) and draft Annual Plan 2022/23 (Attachment 3).

Draft Annual Plan 2022/23

9. The activities in the draft Annual Plan 2022/23 align with those that were adopted in year 2 of the LTP. No significant or material changes to activities and levels of services are proposed in this draft Annual Plan 2022/23 from the content of year two of the current LTP (2021-31) and the levels of service remain unchanged.

10. However, some changes are proposed to address ongoing challenges and opportunities. These are:
- changes to the bus fare structure in Greater Christchurch, with Council proposing a preferred option to implement a two-year trial to increase bus patronage and reduce emissions
 - changes to the Ashburton river rating district classes to better reflect the benefits received from flood protection
 - changes to enable flood recovery work and leverage additional Government funding
 - minor changes and rephrasing of work programmes, and increasing efficiencies to absorb inflation
 - maintaining cash reserves for unexpected events and flood recovery
 - changes to accounting treatments, for example data gathering programmes such as water data.
11. These proposed changes in the draft Annual Plan 2022/23 require a proposed revenue of \$264m to fund activities, with \$160m proposed to be funded by rates. This is an additional \$6m in year 2 of the LTP 2021-31 on top of the proposed revenue of \$258m. Figure 1 summarises the draft Annual Plan changes impact on rates.

Figure 1:

Activity	Type of rate	Amount	Average total rates impact (%)
1 Starting point			
2022/23 (Year 2 Long-Term Plan)	General and targeted rates	\$153.5M	18.8% ↑
2 Increase in total rates revenue			
Accounting changes in 2022/23	General rate	\$2.9M ↑	2.2% ↑
Replenish general reserves	General rate	\$2.4M ↑	1.9% ↑
Borrow for flood recovery	General rate*	\$0.8M ↑	0.6% ↑
Total		\$159.6	23.5%
3 Decrease in total rates revenue			
Minor amendments to activities	General and targeted rates	-\$1.4M ↓	-1.2% ↓
Digital efficiencies	General rate	-\$2.0M ↓	-1.5% ↓
Total		\$156.2M	20.8%
4 Proposed change to total rates revenue			
Bus fare structure/Option 1	Targeted rate for Greater Christchurch	\$4.2M ↑	3.3% ↑
Total		\$160.4	24.1%

12. This results in an average total rates revenue increase of 24.1%. However, individual property rates will vary depending on the property's valuation, use, location and services. The proposed changes to bus fare structure for example, will only impact urban ratepayers in Greater Christchurch.

13. In addition, to the changes from year 2 of the LTP, Council also wants to seek community input into a targeted levy for more action on climate change for consideration in the next LTP (2024-34). This proposal will have no impact on the Annual Plan 2022/23.
14. The attached consultation document conveys the key elements of the draft Annual Plan 2022/23 and input that Council is seeking from the community. The attached draft Annual Plan outlines Council's priorities, services and costs for the 2022/23 financial year.
15. The Annual Plan is a technical document required under the Local Government Act 2002. The contents of both documents have been prepared in accordance with section 95 and 95A of the Local Government Act 2002. It will be available to the public during the consultation period. Subject to deliberations, it will form the basis of the Annual Plan 2022/23.

Cost, compliance and communication

Engagement, Significance and Māori Participation

16. Under the LGA section 95, a local authority must consult in a manner that gives effect to the requirements of section 82 before adopting an annual plan under this section. The Council's Engagement, Significance and Māori Participation policy, a requirement under the Local Government Act, guides when the Council needs to consult versus when Council can undertake engagement.
17. An assessment of the proposed changes to year 2 of the LTP 2021-31, deemed the following changes as significant as per Council's Engagement, Significance and Māori Participation policy and therefore trigger consultation:
 - **proposed changes to the bus fare structure.** The proposed changes impact on Greater Christchurch (Christchurch, urban Waimakariri and urban Selwyn) ratepayers, with implications for targeted rates and current or prospective bus patrons. Benefits from increased bus patronage will impact on community outcomes. Community views on the proposals are not widely known, and there is likely to be significant interest in this proposal.
 - **proposed changes to the Ashburton river rating district classes** to better reflect the benefits received from flood protection. The proposed changes impact on households/ratepayers in the Ashburton river rating district therefore consultation is proposed given the impact on this targeted group of ratepayers.
18. In addition to the consultation items, the Consultation Document and draft Annual Plan 2022/23 outline other adjustments made to year 2 of the LTP and the rationale. These changes do not trigger significance and are outlined in the Consultation Document.
19. Council also proposes to canvas community feedback on a targeted climate change levy for consideration. As this has no rates or service impact in the Annual Plan 2022/23, this is proposed as a topic for engagement rather than consultation.

Consultation on any future levy would occur through the next LTP or other suitable consultation process.

Submissions Policy

20. On 17 February, the Regional and Strategic Leadership Committee resolved to recommend Council adopt the attached Submissions Policy (Attachment 1). The adoption of a Submissions Policy will enable staff and Council to implement a consistent approach for managing offensive, frivolous, and late submissions so staff and Council can be clear to the public about circumstances in which submissions may not be considered.
21. If adopted, a link to the Submissions Policy will be communicated as part of the guidance on how to make a submission on the draft Annual Plan 2022/23 and subsequent relevant consultations.
22. The Submissions Policy will be reviewed following the 2022/23 Annual Plan consultation process, and thereafter will be reviewed as part of the development of consultation materials for the LTP (three-year cycle).

Financial implications

23. The proposed financial implications of the Annual Plan 2022/23 are outlined in the Consultation Document and draft Annual Plan 2022/23 document. This includes rating tables and prospective financial statements including the balance sheet and cash flow in the draft Annual Plan 2022/23.
24. Budget for the Annual Plan 2022/23 project was included under the Regional and Strategic Leadership portfolio in the LTP 2021-31.

Risk assessment and legal compliance

25. The attached documentation and consultation process has been prepared in accordance with Local Government Act 2002 requirements. If approval for consultation on the draft Annual Plan 2022/23 this will impact significantly on the project timeframes and Council's ability to carry out consultation and hearings with the community ahead of deliberations on 24 May 2022.
26. New Zealand is currently in red setting in response to COVID-19 Omicron variant in the community. Staff will continue to review Government requirements and guidance and provide advice to Council about implications to the Annual Plan 2022/23 project. This includes any changes required to how Council conducts engagement activities with the community and hearings.

Climate Change Impacts

27. Climate Change impacts have been considered and integrated throughout the LTP 2021/31 and in the review and drafting of this Annual Plan. The draft Annual Plan

2022/23 consultation includes proposed changes to how we fund significant flooding events and other events impacted by climate change.

Communication

28. Consultation on the draft Annual Plan 2022/23 will commence on Wednesday 2 March and close on Sunday 3 April 2022. The Consultation Document, draft Annual Plan 2022/23, supporting information and opportunity to make a submission will be provided on the 'Have your Say' online portal from Wednesday 2 March 2022. Hard copies will also be available.
29. During the consultation period the communications strategy is centred on the 'Have your Say' portal with a postcard to all households, print ads, social media posts and targeted Facebook ads, digital billboards and bus backs, radio and signage, direct emails to encourage people to contact Councillors and virtual Q&A sessions.
30. Engagement with Ngāi Tahu, the Youth Rōpū, partner organisations, stakeholders and community groups has been organised, with communications planned as part of the lead up to and during the consultation period.

Next steps

- 2 March 2022 – consultation on the draft Annual Plan 2022/23 commences
- 3 April 2022 – consultation on the draft Annual Plan 2022/23 closes
- 26-29 April 2022 – tentative dates for draft Annual Plan 2022/23 hearings
- 24-25 May 2022 – Council deliberations on the draft Annual Plan 2022/23
- 16 June 2022 – Council meeting to seek adoption of Annual Plan 2022/23 and set rates for 2022/23

Attachments

1. Attachment 1: Submissions Policy - 4 Feb 2022 [7.1.1 - 5 pages]
2. Attachment 2 - Annual Plan Consult Document - Jan 2022 [7.1.2 - 36 pages]
3. Attachment 3: Draft Annual Plan 2022 - 21 Feb 2022 [7.1.3 - 156 pages]

File reference	[SharePoint link for this paper]
Legal review	
Peer reviewers	Adrienne Lomax, Diane Dinnis

7.2. Council Submission on 'Our future resource management system' consultation proposal

Council Meeting report

Date of meeting	Thursday, 24 February 2022
Author	Olivia Cook, Principal Strategy Advisor
Responsible Director	Katherine Trought, Director Strategy and Planning

Purpose

1. Council is requested to approve a draft submission to the Ministry for the Environment on the consultation document [Our future resource management system / Te pūnaha whakahaere rauemi o anamata](#).

Recommendations

That the Council:

1. **approves Attachment 1 as the Council's submission on *Our Future Resource Management System / Te pūnaha whakahaere rauemi o anamata*.**
2. **delegates to the Council's Chief Executive the authority and responsibility to make changes to the submission that are minor or have minor effect.**

Key points

- Resource management reform is one of three significant reform proposals the Government is consulting on within this parliamentary term (the other two being Three Waters Reform and Future for Local Government Reform).
- The consultation document [Our future resource management system / Te pūnaha whakahaere rauemi o anamata](#) seeks feedback on the design of the future planning, consents and compliance system, Māori participation and the role of local government, monitoring and system oversight and funding arrangements.
- Staff have developed a draft submission (Attachment 1) that incorporates advice and feedback from the Regional and Strategic Leadership Committee (RSLC).
- Council is requested to approve the draft submission as Environment Canterbury's submission on the consultation document.
- The closing date for submissions is 28 February 2022.
- Feedback will be used by Ministry officials to shape advice to Ministers on the design of the Strategic Planning Act and Natural and Built Environment Act. A

further opportunity to comment on the design of the system will be provided after the introduction of the two Bills into Parliament, in the third quarter of 2022.

- Consultation on the third limb of the future reformed resource management system (the Climate Adaptation Act (CAA)) is expected to occur through a separate process in early 2022. It is expected that this consultation will occur alongside consultation processes relating to the National Adaptation Plan and Climate Change Response Act.

Background

2. The Government is reforming New Zealand's resource management system. The Resource Management Act (RMA) will be replaced by three new Acts – the Natural and Built Environments Act (NBA), the Strategic Planning Act (SPA), and the Climate Adaptation Act (CAA). All three pieces of legislation are intended to be introduced to Parliament within this parliamentary term.
3. In July 2021 the Government called for public submissions on [the Inquiry into the Natural and Built Environments Bill – Parliamentary paper on the exposure draft](#). Environment Canterbury lodged a [comprehensive submission](#) on the exposure draft and Councillors Scott and Edge spoke to the Environment Committee in support of the Council's submission.
4. In November 2021, the Environment Committee reported back with its findings and recommendations on the exposure draft. Staff briefed Councillors and Tumu Taiao on the Environment Committee's recommendations and the extent of alignment with the Council's submission.

Overview of the Proposal

5. The Ministry has initiated a further round of targeted consultation with iwi, hapū, Māori, local government and other key stakeholders on the design of the Strategic Planning Act and Natural and Built Environments Act.
6. The consultation document - [Our future resource management system / Te pūnaha whakahaere rauemi o anamata](#) seeks feedback on 33 questions covering specific areas of the proposed reformed system. These include:
 - the composition and structure of joint committees.
 - the content and structure of regional spatial strategies and natural and built environment plans.
 - the role of local government.
 - frameworks and mechanisms to enhance Māori participation in the system.
 - monitoring and system oversight.
 - regulatory frameworks for consenting, compliance and enforcement.
 - funding arrangements for the new system.

7. Unlike earlier consultations which focused on substantive policy matters (e.g. Purpose and Principles, Environmental Outcomes and Limits etc), questions in this consultation document are focused on specific components of system design. These include processes, systems, frameworks and structural arrangements to support implementation of the system. Accordingly, responses in the draft submission are targeted and specific.

Process for developing the submission

8. The process used to develop the submission aligns with Council policy. Staff provided the Regional and Strategic Leadership Committee (RSLC) with a list of questions from the consultation document and staff advice.
9. Feedback and guidance from RSLC members was used to shape the draft submission, appended as Attachment 1 to this paper.

Key submission points

10. Questions in the consultation document are narrow in their framing, and generally targeted at specific matters. Consequently, while it is not possible to provide an overall summary of the submission, general themes incorporated into the draft submission include:
 - the important role local authorities play as both advocates for communities and as trusted providers of services and advice.
 - the importance of incorporating principles of democracy, localism and transparency in the design of the system.
 - support for a framework that embeds the principles of Te Tiriti o Waitangi through all components of the system and which improves opportunities and decision-making roles for mana whenua.
 - the need for an agile and responsive framework that enables local authorities to act where there is evidence that environmental outcomes are not being met or where tipping points are close to being reached.
 - support for a policy framework that is clear, directive and provides certainty to resource users, communities and local authorities.
 - the need for a system that is efficient and cost-effective.
 - the need for a broader range of tools that will incentivise good behaviour and environmental compliance.
 - the need for adequate funding and resource to support implementation of the future system.

Cost, compliance and communication

Financial implications

11. The consultation document contains relatively few details on proposed funding mechanisms to support implementation of the system.
12. Mechanisms to enable local authorities to recover costs (e.g. cost-recovery for monitoring permitted activities) and mitigate financial impacts (e.g. restrictions on appeals on plan decisions) are proposed. However, the benefits of these mechanisms are likely to be limited when compared against the wider costs of implementing the reformed system. Furthermore, the cumulative costs of responding to all three reform programmes (i.e. Future for Local Government, Three Waters, Resource Management Reform) are expected to be significant.
13. Factors expected to influence the scale and significance of financial impacts for local government of a reformed resource management system include:
 - the distribution of functions, roles and responsibilities between central and local government and iwi and hapū.
 - the nature and extent of any transitional or savings provisions incorporated into the new system.
 - timeframes for transition.
 - the types of mechanisms available to local authorities to generate revenue and fund services (e.g. fees and charges, rating mechanisms, subsidies, grants, new taxes etc).
 - future proposals that form part of the Government's wider reform programme and the extent to which these integrate with the legislative framework, processes and systems proposed through resource management reform.
 - the extent of retrofitting or revision required to existing local authority resource management documents.
 - existing capability and capacity constraints and the extent of funding and support to address this over time.
14. In addition, financial impacts are anticipated for other participants in the system, including mana whenua, communities and resource users. The extent and scale of those impacts will depend on:
 - future policy decisions (e.g. the relative importance and weighting of each individual Environmental Outcome and the stringency of Environmental limits)
 - timeframes for transition.
 - the degree of certainty the new system provides to resource users and communities.
 - the extent of funding provided to iwi, mana whenua, communities and resource users to engage at different levels of the system.

Risk assessment and legal compliance

15. There are no risks or issues of legal compliance.

Engagement, Significance and Māori Participation

16. Staff have sought advice from the Tuia team on specific matters to highlight in the submission that are likely to be of relevance to iwi, hapū and Māori. While this advice does not, nor should not, substitute for the views of rūnanga or mana whenua, it has enabled staff to draw attention to matters that need further consideration or evaluation.
17. An overarching theme in the draft submission is support for a framework that will enable the Crown to uphold its obligations as a Treaty partner through proposals that enhance and improve opportunities and decision-making roles for mana whenua. However, the submission also includes an explicit statement regarding the need for the Crown to engage directly with individual iwi and hapū on how to accommodate takiwā specific needs.

Consistency with council policy

18. The process for development of the submission is consistent with Council policy.

Climate Change Impacts

19. The design of the future resource management system will have a direct bearing on how local authorities, communities and mana whenua adapt and respond to the impacts of climate change.
20. However, the consultation document does not state how functions, roles, and responsibilities relevant to climate change will be distributed between central and local government, nor detail mechanisms that will be made available to improve resilience and support adaptation to climate change.
21. Despite the narrow framing of the consultation document, where possible the draft submission highlights the significance and urgency of the climate change problem. Further details on the legislative framework and tools to enable local authorities to respond to climate change impacts is expected once consultation on the Climate Adaptation Act commences.

Next steps

22. If Council approve the draft submission it will be lodged with the Ministry for the Environment on or before 28 February 2022.
23. Ministry officials will consider feedback on the consultation document alongside the [recommendations of the Environment Committee](#), and public submissions on the exposure draft of the NBA to inform advice to Ministers on the shape and content of the Bills.

Attachments

1. Attachment 1: Our Future Resource Management System [7.2.1 - 16 pages]

Our future resource management system / Te pūnaha whakahaere rauemi o anamata

Introduction

1. Environment Canterbury (the Council) welcomes the opportunity to provide feedback on *Our future resource management system / Te pūnaha whakahaere rauemi o anamata*.
2. In its submission on the [Inquiry into the Natural and Built Environments Bill](#), the Council raised issue with the pace of the reform process, incomplete coverage of the Bill and a lack of clarity regarding the intersection of the Bill with other legislation (i.e. the Strategic Planning Act (SPA), the Climate Adaptation Act (CCA)) and other reform programmes (i.e. Local Government and Three Waters Reform).
3. Consequently, while the opportunity to provide feedback on the Bill was welcome, in practice the exercise was challenging – analogous to building a jigsaw without all the pieces or reference to the cover art.
4. It is therefore pleasing to see the Ministry for the Environment (MfE) has initiated a further round of targeted engagement to inform the development of the Bills, prior to their introduction to Parliament in 2022.

Our Feedback

5. Environment Canterbury's feedback is provided in the context of its current functions, roles and responsibilities under the Resource Management Act 1991 (RMA) and Local Government Act 2002 (LGA) and potential future functions, roles and responsibilities under a reformed system.
6. Our feedback draws on our experience working under special legislation¹ to expedite plan-making processes and our aspirations for governance arrangements as detailed in the Canterbury Regional Council (Ngāi Tahu Representation) Bill. There are commonalities between these frameworks and proposals described in the consultation document. We would welcome a further opportunity to share our experiences and discuss how the proposals could be shaped to deliver better outcomes for Aotearoa / New Zealand.

Structure of our submission

7. Environment Canterbury lodged a comprehensive submission on the [Inquiry into the Natural and Built Environments Bill](#) and has referenced parts of that submission in this feedback.
8. The Council has structured its feedback in general alignment with the order of the questions in the consultation document. However, where questions overlap or cover similar subject matter questions have been collated and a single response provided. Questions from the consultation document are shown in bold, followed by the Council's feedback.

¹ the Environment Canterbury Temporary Commissioners and Improved Water Management Act and the Canterbury Earthquake Recovery Act.

National Planning Framework

What role does the National Planning Framework (NPF) need to play to resolve conflicts that currently play out through consenting?

9. Environment Canterbury's position is that the system should be designed in a way that minimises the need to resolve conflicts at the consent decision stage.
10. Our preference is for a system with a clear hierarchy of planning documents, with conflicts identified and resolved (where practicable) through clear, directive policies. In practice we see this delivered through a system where:
 - conflicts between Environmental Outcomes are identified and resolved within the Natural and Built Environments Act, and explicit statements included on the relative importance and weight to be afforded to each outcome.
 - remaining or residual conflicts are resolved through the National Policy Framework (NPF), with directive policies included to inform the development of Natural and Built Environment Plans (NBA Plans).
 - policy decisions are not relitigated later in the process (e.g. at the consent decision stage) except where there is clear evidence that the Act's outcomes will not be achieved through implementation of NPF or NBA plan mechanisms.
11. Despite the above, the Council accepts there will be circumstances where it is appropriate for a consent authority to 'refer back up' to the principal Act or higher-order planning instruments. These include situations where:
 - an NBA plan has not yet been developed.
 - the NPF has been amended but the NBA plan does not give effect to the change.
 - the NBA plan does not identify and resolve a conflict, or there is ambiguity as to how the conflict should be resolved.
 - new case law has been developed that has implications for consent decisions.
 - new science is available (including overseas science assessed by an independent review panel as relevant to New Zealand).
 - issues have become more urgent over time (e.g. impacts or effects of climate change).
 - new information (e.g. state of the environment monitoring) indicates environmental tipping points are at or close to being reached or that Environmental Outcomes will not be achieved.
12. Furthermore, the Council accepts it will not be possible to predict all future issues the planning framework will need to respond to and that there will be instances where plan responses are insufficient or inadequate. Accordingly, the consent decision-making framework should provide consent authorities with tools to make the best decision based on all available information and evidence. Such tools could include the use of independent panels to caucus disputes or scope to take into account a broader range of matters. We comment more broadly on these tools later in the submission.
13. Finally, there are other matters that need to be addressed in the design of the consenting framework to enable a smooth transition from one system to the next. These include procedures and processes to be adhered to when deciding applications lodged under the RMA but decided under the NBA; and the weight decision-makers should afford to other Acts and instruments (i.e. the SPA, CCA, Climate Change Response Act (CCRA) and instruments prepared those Acts) when making decisions.

How would we promote efficiency in the Board of Inquiry process while still ensuring its transparency and robustness?

14. Environment Canterbury considers the Board of Inquiry (BOI) process to be reasonably efficient but considers there are opportunities to improve the accessibility and transparency of the process. Our suggestions for how to improve accessibility include:
- promoting processes, systems and services to support laypersons prepare submissions and present at hearings (e.g. allowing oral submissions and providing 'friend of the submitter' services).
 - use of 'people's panels' to share perspectives and test policy proposals.
 - promoting the use of virtual participation methods (e.g. Zoom, Microsoft Teams or other audio-visual platforms).
 - live-streaming and / or recording hearing sessions and making videos or a transcription of the recording available as soon as practicable at the end of each hearing day.
15. Overall these changes would enhance opportunities for public participation while reducing undesirable consequences of attending hearings in person (e.g. cost, time, carbon emissions associated with travel, disease exposure etc).
16. In addition, the transparency of the BOI process could be improved by legislating for the release of all Ministerial advice to the BOI, and recommendations from the BOI to the Minister, prior to the Minister making his or her decision.

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?

17. Environment Canterbury considers the frequency and timing of NPF reviews should be guided by principles and criteria rather than arbitrary timeframes. Criteria to guide the timing of reviews should include:
- legislative changes (e.g. new Acts or changes to existing Acts).
 - new Government strategies, policies and frameworks (e.g. new or changed Government Policy Statements).
 - new or emerging issues.
 - changes in the significance or urgency of existing issues.
 - new or changed policy tools (e.g. new funding mechanisms).
 - significant shifts in public opinion (as evidenced through petitions etc).
 - state of the environment monitoring and trend analyses.
 - new information and evidence.
 - indicators of system efficiency.
18. Furthermore, procedures for making changes to the NPF should be proportionate to the significance and urgency of the issue or the nature of the change. Streamlined processes should be used where issues are less urgent or less significant and where changes are less substantive. In contrast, broader, participatory processes should be used where issues are significant or urgent, or where proposed changes are substantive. This would lead to a more agile, responsive system and incorporate a degree of "future-proofing" of the system, enabling it to respond to new and urgent challenges (e.g. adaptation to climate change or new or disruptive technologies).

Regional Spatial Strategies

To what degree should regional spatial strategies (RSSs) and implementation agreements drive resource management change and commit partners to deliver investment?

19. Environment Canterbury considers regional spatial strategies (RSS) and implementation agreements (IA) are critical to transformative change and the achievement of outcomes.
20. Regional spatial strategies must provide communities with confidence on the vision and outcomes and the principal pathways to get there. Proposals critical to the success of the RSS and which are to be delivered by central and local government (e.g. critical infrastructure, financial investments and regional-scale non-statutory initiatives) should be described in the document. Decisions on how much detail to include for each proposal should take into account:
 - the purpose and role of the RSS.
 - procedures and processes for making changes to the RSS.
 - timeframes and triggers for a review of the RSS.
 - uncertainties (environmental, economic, social, political) and the potential for these to change or increase over time.
21. Given how critical the provision of infrastructure and funds will be for achieving the vision of an RSS, binding commitments should form part of the document. These should be high-level but of sufficient detail to provide communities and individuals confidence to make future business decisions and investments. In addition to binding commitments, other matters to incorporate into an RSS include:
 - outcomes to be achieved and timeframes for achievement.
 - funding mechanisms.
 - key proposals and contributors.
 - binding commitments for significant proposals.
 - key dependencies.
 - contingencies and actions to be taken in response where there is a failure in part of the system.
22. Implementation agreements should be used to set out more detailed aspects of delivery and implementation. These include actions and timeframes, funding arrangements (including sequencing and staging of funding) and monitoring and oversight functions relating to implementation of the agreement.
23. Finally given potential future uncertainties, processes for making changes to an RSS or IA must be proportionate and cost-effective. This is critical given potential flow-on impacts for downstream components of the system, including the preparation of NBA plans.

How can appropriate local issues be included in RSSs?

24. Environment Canterbury administers the largest region in the country by area and has significant experience in the design of plans that provide for regional and local responses to environmental issues.
25. The architecture of the Canterbury Land and Water Regional Plan could be used as a model for RSS design. Issues that require integrated, regional-scale responses (e.g. landscape, braid-plain and coastline management) could be addressed through a regional framework, while localised issues (e.g. urban settlement, protection of specific features and places) addressed

through local or sub-regional responses. This would strike the right balance between ensuring a holistic and integrated framework for issues that transcend catchment boundaries while providing the necessary nuance to respond to localised issues.

With regional and unitary council boundaries proposed for RSSs, how should cross-boundary issues be addressed?

26. Environment Canterbury considers the SPA should include an explicit clause to require joint committees to address cross-boundary issues when preparing regional spatial strategies.
27. Responding to some cross-boundary issues (e.g. braided river management, protection of coastlines and alpine environments, transport planning) will require co-operation, aligned responses between different joint committees and agencies and joint funding. Given the potential complexity of the issues at hand, there may be value in establishing sub-committees to ensure cross-boundary issues are considered and addressed in a co-ordinated manner.
28. Furthermore, the system should anticipate issues that cross takiwā and rohe boundaries and include processes and frameworks to enable dialogue and co-ordination between different iwi and hapū. Where issues relate to or affect different rohe, mana whenua must be empowered to make decisions on how to best address and resolve those issues.

NBA Plans

Do you agree with the Randerson Panel's recommendation to have one combined Natural and Built Environments Act (NBA) plan per region?

29. In its earlier submission Environment Canterbury identified a number of practical challenges with the proposal to prepare a single combined NBA plan for the region.
30. Canterbury is unique in terms of the diversity and composition of its natural environments and the distribution of its population. The region stretches from Kaikōura in the north to the Waitaki River in the south, and spans the area between the Southern Alps in the west and the Pacific Ocean in the east. It is home to world-renowned braided alpine river systems, rich freshwater resources and iconic landscapes. Approximately 80% of the region's ~650,000 residents live within the Greater Christchurch Area, with the remaining 20% distributed across smaller towns and settlements. In addition, the region contains the largest number of local authorities (eleven) and ten papatipu rūnanga.
31. Accommodating all of the issues and the range of views and perspectives into a single NBA plan for the region will be a significant challenge. The momentous nature of that task cannot be underestimated and the practicality of such an undertaking should be reassessed before NBA plan-making proposals are cemented into legislation.
32. Furthermore, decisions regarding NBA plan boundaries will have implications for the ability of the system to achieve reform objectives and the NBA's Purpose. If Te Mana o te Taiao is to be upheld, and Environmental Outcomes achieved, then plan boundaries should be delineated on the basis of underlying biophysical characteristics rather than human-derived constructs (i.e. local authority boundaries).

Would there be merit in enabling sub-regional NBA plans that would be incorporated into an NBA plan?

33. Environment Canterbury supports the proposal to include sub-regional sections as a component of NBA plans.
34. The Council has implemented this framework in the design of the Canterbury Land and Water Regional Plan. The Plan contains a region-wide section with objectives, policies and rules to enable holistic, integrated responses to regional issues, and ten sub-region sections with catchment-specific policies and rules to enable tailored responses to local issues. An added benefit of this approach is that sub-regional planning processes generally attract higher levels of community participation. This is because the issues discussed are more relevant to the communities involved and solutions more tangible and practical given local input.
35. However, while the proposal for sub-regional plans is supported in principle, the Council also cautions that significant funding, resource and expertise will be needed to implement this approach. Through recent freshwater planning processes the Council has spent in excess of \$60 million on the development of regional and sub-regional plan provisions. This figure is expected to be much higher in a new resource management system given the novelty of the new framework, the breadth of issues to be addressed and the potential for expanded roles and functions. In addition, mana whenua and communities will also require significant funding and support to enable their participation in the system.

What should the role of local authorities and their communities be to support local place-making and understanding of local issues in NBA plans?

36. Environment Canterbury considers that defining what 'place-making' encompasses (and conversely what it does not) is critical if local authorities are to understand their role in these conversations.
37. Factors that shape the identify of a place include the interaction between built and natural components (e.g. urban form, landscapes and biodiversity), shared and individual histories and community services, values and livelihoods. These elements are not easily disentangled from one another nor easily distinguished from broader regional scale issues. As a consequence, ring-fencing place-making conversations may be difficult in practice unless a broad definition applies.
38. Furthermore, Environment Canterbury contends that the design of the new system must recognise the critical role elected members and local authority staff play in facilitating and brokering discussions with communities.
39. Elected members fulfil an important advocacy role for communities, highlighting issues of significance and acting as conduits for the flow of information on central and local government policies. Similarly, local authority staff hold a wealth of institutional knowledge on the social, cultural, economic and environmental contexts of different catchments and the benefits, risks and deficiencies of different policy approaches. Furthermore, it is local authority staff who have the practical skills, expertise and experience needed to support plan-making processes at the regional or local scale. Consequently, preserving these roles in the design of the new system will be important for instilling community confidence in plan-making processes.

Will the proposed plan-making process be more efficient and effectively deliver planning outcomes?

40. Environment Canterbury agrees some components of the proposed framework will improve the overall efficiency of the system.

41. The proposal to restrict appeals on local authority plan decisions will likely expedite plan development, leading to plans being made operative sooner. This was the Council's experience working under the "ECan Act", with the Council preparing and notifying a Canterbury Regional Policy Statement, Hurunui Waiou River Regional Plan, Canterbury Regional Air Plan, Canterbury Land and Water Regional Plan and nine freshwater plan changes² during the time the Act was in force (2010 to 2016). Faster plan-making processes have resulted in flow-on benefits for other parts of the regulatory system with less complex policy frameworks for consent applications and simpler permitted activity rules.
42. Similar efficiencies could be expected for NBA plan-making processes if adequate resources, funds and expertise are provided to support the system. A lack of experienced staff to support implementation of the current system has been further exacerbated by staff moving to government ministries to support the development and roll-out of new national direction and reform programmes.
43. In addition reflecting on a decade of planning processes, it is Environment Canterbury's opinion that a more stable planning system is needed. The Council has spent significant time, money and resource changing plan frameworks in response to ad-hoc and piecemeal changes to national direction. For benefits and system efficiencies to be realised, local authorities who have been proactive in plan development must be recognised, and transition processes and frameworks developed that reduce the amount of 're-work' required for new NBA plans.

RSS and NBA joint committees

How could a joint committee model balance effective representation with efficiency of processes and decision-making? How could a joint committee provide for local democratic input?

44. Environment Canterbury's earlier submission included suggestions for how to achieve a balance between effective representation and efficiency of process. These included allowing for more than one joint committee to be established in a region, and / or allowing for the establishment of sub-committees to enable representation of different interests and perspectives.
45. In general, the Council's preference is for a framework that embraces flexibility and avoids temptations for over-prescription. Guiding principles of transparency, democracy, representation and rangatiratanga should underpin representation and appointment processes, with procedures and guidelines to help resolve disputes and conflicts of interest.
46. In addition, the Council supports the proposal to allow the composition and structure of joint committees to be determined on a region-by region basis. Enabling a degree of customisation is appropriate, given differences in the area, population size and distribution and number of local and iwi authorities in each region.
47. Furthermore the Council supports the proposal to not require common membership across joint committees for RSS and NBA plans. This is appropriate given differences in the purpose and content of each document and the need for different skills and expertise.

² PC 1 – 7 to the Canterbury Land and Water Regional Plan, PC3 to the Waitaki Catchment Water Allocation Regional Plan, PC2 to the Waimakariri River Regional Plan.

How could a joint committee ensure adequate representation of all local authority views and interests if not all local authorities are directly represented?

48. Environment Canterbury considers there are a range of mechanisms that could be used to ensure adequate representation where there is no direct representative on the committee.

These include:

- providing opportunities for community members to present and speak to joint committees.
- allowing joint committee members to represent on behalf of others (e.g. local authorities representing on behalf of other local authorities or mana whenua representing on behalf of community groups).
- allowing the establishment of sub-committees to enable representation at different layers of the system.

How should joint committees be established? What should be the selection and appointments processes for joint committee members?

49. Environment Canterbury's earlier submission identified matters to be taken into account in the design of membership and appointment processes. These included consideration of proportional vs direct representation and competencies and expertise required for the preparation of each planning instrument.

50. In addition, and as outlined in feedback above, principles of democracy, representation, active partnership and rangatiratanga should guide selection and appointment processes. Iwi and hapū should be provided autonomy to make decisions on mana whenua appointments to joint committees, and decisions on the appointment of the committee Chair should be made jointly by mana whenua and local authorities. It is through these types of systems and processes that true manifestation of the principles of active partnership as envisioned by Te Tiriti will be achieved.

Consenting

Will the proposed future system be more certain and efficient for plan users and those requiring consents?

51. Environment Canterbury considers the extent to which the system is more certain, effective and efficient for resource users will depend on:

- how successfully the NBA, NPF and NBA plans address and resolve conflicts between outcomes. Conflicts not resolved at the policy development stage will manifest themselves at the consent decision stage, leading to a less efficient and less certain system.
- how effectively the system engages communities and mana whenua in plan-making processes. Environment Canterbury has observed higher rates of community participation in recent plan-making processes, due in part to restricted appeal rights on plan decisions. However, some parties still only engage at the consent application stage, as it is at this point that the implications of policy decisions become direct and obvious. For the new system to be more certain and efficient, participation opportunities must be clearly sign-posted and incentivised, and the implications of not participating made abundantly clear.
- the content of the NPF. If the NPF does not contain clear policies and methods to respond to the most urgent environmental problems (e.g. climate change, natural hazards) resource users will have less confidence to make business investments and business decisions.

- the level of guidance and support provided to joint committees when making decisions on activity classifications³ for rules in NBA plans. If guidance is not provided, joint committees may make inappropriate decisions resulting in rules that are either too permissive or too restrictive, or rules that inappropriately enable or constrain public participation. Either outcome would result in a less efficient, less effective and less certain system for communities and resource users.
- the extent of funding, resource and support provided to consent applicants to support the preparation of consent applications, and to communities, iwi and hapū to support participation. Barriers on both sides of the system need to be addressed for the system to be more effective and efficient. For consent applicants this includes the high cost of applying for resource consent and for iwi and hapū this includes constraints on application processing times which limit opportunities for meaningful discussion.
- the consent decision-making framework. With the shift to more directive planning documents there is the risk that Natural and Built Environment Plans and may not 'get it right', with the consequence of poor outcomes for the environment or resource users. Principles of stewardship and sustainability should be incorporated into the consent decision-making framework, and safeguards put in place to enable decision-makers to make the right decision based on the best available information. This includes situations where plan mechanisms are inadequate or scenarios where strict adherence to plan policies would result in perverse outcomes for consent applicants.

Activity Classifications

52. The Council supports a reduced number of activity classifications but considers elements of the framework need to be clarified or reconsidered. For example, the grounds for declining consent for a controlled activity should be clear to provide certainty to both consent applicants and consent authorities. Where effects are disputed or unknown, consideration should be given to enabling the application of the precautionary principle.
53. The Council also considers there is the potential for significant confusion if the phrase "controlled activity" is used to describe an activity for which consent may be refused. An alternative phrase (e.g. "restricted discretionary") that more closely aligns with the activity as described in the RMA would reduce confusion and support a smoother transition to the new system.
54. The proposal to classify activities as 'permitted' where written approval has been obtained or where a "suitable management plan" exists also raises a number of challenges and questions. Questions that need to be considered in the design of the framework include:
- who will be responsible for assessing the validity of written approvals and the adequacy of management plans?
 - will this be the resource user, a third party, the local authority or mana whenua?
 - can permitted activities be "refused" on the basis of invalidity, incompleteness or inadequacy?
 - what recourse is available to resource users to challenge a decision?
 - how will disputes be resolved?
 - how will local authorities and mana whenua be funded and resourced to carry out reviews of management plans?

³ i.e. permitted, controlled, discretionary, prohibited classifications

- what happens to ‘written approvals’ and ‘management plans’ after they are obtained or produced?
 - do they need to be provided to local authorities? If so for what purpose?
 - what systems, infrastructure and / or funding will be provided to local authorities to support the management and storage of this information?

55. From the Council’s perspective, these aspects of the system must be clarified before the system can be effectively implemented.

Compliance, monitoring and enforcement

Do you agree with the proposed changes to compliance, monitoring and enforcement provisions and tools?

56. Environment Canterbury supports the proposal to defer decisions regarding institutional arrangements for compliance, monitoring and enforcement (CME) functions. Form should follow function in the design of a new system with decisions made on functions, roles and responsibilities before consideration of structural arrangements.
57. The Council also supports an expanded range of mechanisms to support the delivery of CME functions as this will enable authorities to tailor responses to the circumstances of the offending. The Council considers this entirely appropriate given differences in the type of offending (e.g. deliberate vs accidental), scale and significance of effects, track record (e.g. repeated vs on-off offence) and culpability of the offender (e.g. reckless vs negligent).
58. However, Environment Canterbury cautions against relying solely on punitive measures to achieve the objectives of system reform. The design of the CME system must take into account the full range of factors that influence behaviour and behaviour change. Incentives and mechanisms that promote best practice, recognise good stewardship of natural resources, and encourage performance above the “compliance minimum” should feature alongside penalties and punitive measures. This would ensure a true end-to-end system that allows different levers (e.g. incentives, education, restorative justice, enforcement action) to be applied at different times and in different circumstances.
59. In addition, the limitations of the CME system should be recognised in the design of the future system. CME is an effective framework for addressing environmental harm that occurs as the result of individual non-compliance with rules, regulations or permits, and where the responsible party can be identified and cause and effect attributed to specific action or inaction.
60. However, CME is not effective for addressing situations where the causes of environmental harm are multi-faceted and where resource users are compliant with rules, regulations and permits. The limitations of the CME system were made obvious during the Council’s investigation into causes of freshwater degradation in the Ōtuwharekai lake system. Resource users and landowners were found to be compliant with Council rules and resource consents, yet clear evidence of environmental and cultural harm was observed. This example demonstrates the need for better linkages between different parts of the regulatory system (i.e. planning, consents, review) and more agile and responsive mechanisms to enable action to be taken where harm is detected.

How practical will the proposals be to implement?

61. Environment Canterbury requires specific details on each CME proposal, the procedural processes to be followed, and institutional arrangements that will apply before it is able to comment on the practicality of the proposals. However, high-level comments on aspects of the

system that may require further attention or refinement for the system to be able to be implemented are included below.

62. The Council anticipates some proposals in the consultation document will require changes to legislation, processes and systems that sit outside the resource management system. For example, the proposal to prohibit insurance for prosecution or payment of infringement fines may require changes to legislation governing public liability insurance. Similarly, proposals to enable agencies to undertake joined-up CME action may require systems and processes that support better sharing of information.
63. In addition, the Council considers there are particular barriers to prosecution that need to be addressed in the design of the new system. These include the cost, time, resource and expertise required to support prosecution cases and less obvious disincentives to prosecution action such as the potential for costs to be awarded against local authorities.
64. Furthermore, while many of the CME proposals appear useful, their benefits won't be realised if the CME system isn't adequately funded. The CME funding model must shift from one that is funded through cost-recovery to one that recognises the full breadth of activities carried out by local authorities under the "CME" banner. This includes extension and education programmes, monitoring of permitted and prohibited activities and pollution and incident response work.
65. Finally, while on paper the proposal to allow local authorities to recover costs for monitoring permitted activities appears useful, in reality this is unlikely to translate to increased monitoring of permitted activities. A critical factor influencing the extent of CME work carried out by Environment Canterbury is the availability of experienced CME staff. Even if staff could be recruited the Council would likely direct staff towards monitoring higher-risk activities (i.e. those that require a resource consent or which are prohibited in rules and regulations).

Monitoring and system oversight

Will these proposals lead to more effective monitoring and oversight of the system?

66. Environment Canterbury agrees there is a need for more effective monitoring and oversight of the system. However, further details on the proposed tools, systems and frameworks to support implementation is required before the Council can state whether the changes will contribute to a more effective system. Areas where further clarification is needed include:
 - connection points and feedback loops between the NBA, Environmental Reporting Act 2015, SPA and regional spatial strategies.
 - design specifications for ecological, temporal and spatial frameworks.
 - systems and programmes to enhance mana whenua involvement in the system.
 - systems and frameworks to support the collection of information and data to support evidence-based decision-making and policy evaluation (including tracking environmental outcomes relative to policy intent).
67. In addition, systems and tools to enable better sharing of information between agencies and across multiple levels of government will be required if the system is to be successful. Statistics NZ and the Parliamentary Commissioner for the Environment should be involved in the design of the new system given their explicit roles and functions⁴ for monitoring and system oversight.

⁴ Statistics NZ - Environmental Reporting Act 2015 (environmental indicators and statistics); PCE independent commentary and oversight on New Zealand's environment, and national environmental reporting system

Monitoring frameworks will need to accommodate (or normalise) regional differences so that pooled data can be presented in an ecologically meaningful way and / or combined where appropriate for national reporting.

68. Furthermore, the Council strongly supports the involvement of mana whenua in environmental monitoring programmes and system monitoring and oversight. New processes, frameworks should be explored that implement the principles of partnership through shared responsibilities and functions.
69. Finally, if the system is to deliver transformative change, monitoring and system oversight must switch from one that is focused on systems, processes and widget counting (e.g. number of consent applications processed within statutory timeframes) to one focused on outcomes. The Council's observation is that the current system is narrowly focused on process and metrics at the expense of achieving outcomes. For example, requirements to process consent applications within specified timeframes (or face penalties where these are not met) constrain opportunities for meaningful dialogue with mana whenua.

Will the system be able to adequately respond and adapt to changing circumstances?

70. Environment Canterbury considers a much more agile and responsive system is required if the purpose of the Natural and Built Environments Act is to be achieved and Te Oranga o te Taiao upheld.
71. System design must recognise and account for inherent uncertainties and equip decision-makers with the tools necessary to act in response. Examples of uncertainties that need to be accounted for in the design of the new framework include natural hazard events (e.g. floods, fires etc), new and disruptive technologies and unanticipated effects (i.e. those not anticipated at the time the regulation was developed or which are of a scale or significance greater than predicted). Frameworks and processes must enable rapid action to be taken where there is clear evidence environmental outcomes are not being met, and enable preventative action prior to tipping points being reached.
72. Achieving this in practice requires responsive mechanisms throughout all parts of the system (i.e. plan-making, consenting, compliance, monitoring and enforcement). Examples of limitations that reduce the overall effectiveness of the current system include:
 - plan-making processes that are costly, time-consuming and litigious.
 - consenting frameworks that restrict decision-makers from taking into account new information and evidence (i.e. through controls or restrictions on discretion).
 - consent review processes that are narrowly focused on the adverse effects of the consented activity (rather than impacts of the activity as a whole) and which do not allow for a holistic review of the overall appropriateness of an activity or land use.
73. If the system is to be truly effective a much more integrated system is needed – one that is less piecemeal and constrained and which encourages information sharing between agencies and joined-up responses between central government, local government and mana whenua.

Role of local government in the future system

What does an effective relationship between local authorities and joint committees look like?

74. Environment Canterbury considers an effective relationship to be one where:
 - the principles of genuine partnership as envisioned under Te Tiriti o Waitangi are reflected in all decisions, processes and systems.

- ideas and information are freely exchanged.
- there is a high degree of trust and transparency.
- each participant and group understands their role in the system, as distinct from the role of other participants and groups.
- there is a shared understanding of the outcomes to be achieved and outputs to be delivered.
- the strengths of each participant are understood and utilised.
- systems and processes are established to strengthen and enhance relationships.

What other roles might be required to make the future resource management system effective and efficient?

75. Potential other roles that may be required to support the new system include:

- new roles to support greater government and inter-agency co-operation and improve dialogue (e.g. the establishment of a regional presence).
- secretariat services to support joint committees.
- facilitation roles to support community engagement.
- roles to support mana whenua engagement.

76. Additional roles that could be investigated include dispute resolution services to adjudicate over minor procedural issues (e.g. cost objections or decisions to “reject” a permitted activity) thereby freeing up the Courts to consider more substantive issues.

What might be required to ensure the roles and responsibilities of local authorities can be effectively and efficiently delivered?

77. As outlined in the Council’s previous submission, training and guidance on new legislative processes and frameworks, new funding mechanisms and digital tools, platforms and systems will be required to support planning, consenting and compliance functions.

National Māori entity

What functions should a national Māori entity have?

78. Environment Canterbury considers iwi and hapū are best placed to advise whether there is a need for a new national Māori entity and the roles and functions of that entity if established.

79. The Council supports Te Rūnanga o Ngāi Tahu’s position⁵ that the design of the new system must recognise the role of iwi rangatiratanga within their takiwā and the associated rights and responsibilities as guaranteed under Te Tiriti o Waitangi. National Māori entities must not become substitute bodies for direct engagement with iwi and hapū, nor usurp the role of mana whenua as decision-makers within their rohe.

80. The Council therefore encourages the Crown to continue meaningful discussion with individual iwi and hapū on the need, or otherwise, for a national Māori entity. If established, the purpose, roles and functions of a national Māori entity (e.g. advisory) as distinct from those of mana whenua (e.g. decision-making) will need to be clearly defined within the new system. There

⁵ As set out in their submission on the Inquiry on the Natural and Built Environments Bill and Exposure Draft: Parliamentary Paper

may be value in reviewing principles, processes and approaches used to guide the design of the Māori Health Authority / Te Mana Hauora Māori to see whether these are beneficial to incorporate into the design of the new system.

What should the membership and appointments process be for the entity?

81. Environment Canterbury reiterates the need for further discussion between the Crown and iwi and hapū on the need, or otherwise, for a national Māori entity.
82. If a National Māori entity is established, decisions regarding membership and appointment processes must involve iwi and hapū. Membership to the committee will need to ensure effective representation for mana whenua, and accordingly the balance of representation on the entity must take into account the breadth of the Ngāi Tahu takiwā - being the largest of any tribal authority.

Should parties in a region be able to determine their committee composition?

83. Environment Canterbury supports the proposal to allow the composition and structure of joint committees to be determined on a region-by-region basis. This reflects the principle of subsidiarity and recognises local authorities, communities and iwi and hapū are best placed to make decisions about the communities they represent.

How do we best provide for existing arrangements (e.g., Treaty settlement or other resource management arrangements)

84. Environment Canterbury agrees the design of the new system must protect and uphold existing Treaty settlements and recommends a general clause is included in the SPA and NBA that requires all persons exercising powers, functions and duties to uphold existing treaty settlements.
85. In addition, direct engagement between the Crown and individual iwi should be carried out to identify the specifics of each settlement and how best to recognise and accommodate each of these in the new system.

Enhanced Mana Whakahono ā Rohe arrangements, integrated with transfers of powers and joint management agreements

How could an enhanced Mana Whakahono ā Rohe process be enabled that is integrated with transfers of powers and joint management agreements?

86. Environment Canterbury considers one of the challenges with responding to this question is the inherent assumption that Mana Whakahono ā Rohe are an effective framework for partnering and delivering on iwi aspirations.
87. In reality, Mana Whakahono ā Rohe are constructs of the current resource management system – a system that has failed to appropriately recognise or reflect the principles of Te Tiriti o Waitangi. Accordingly, attempts to modify Mana Whakahono ā Rohe to make them fit for purpose are likely to fall short of the type of transformative change needed to give effect to Te Tiriti.
88. Instead, the Council considers the exercise of designing a fit-for-purpose system should implement a first-principles approach – one which first asks “what does true partnership with iwi look like?” and “how would this be delivered, funded and resourced in a new system?”

What should be covered in the scope of an enhanced Mana Whakahono a Rohe and what should be mandatory matters?

89. Environment Canterbury reiterates that a wholesale review of the appropriateness and effectiveness of the Mana Whakahono a Rohe framework is needed before matters concerning content and scope are considered. Design of the framework must embrace the principles of Te Tiriti and provide decision-making roles for mana whenua.

What are the barriers that need to be removed, or incentives added, to better enable transfers of powers and joint management agreements?

90. Key barriers that need to be addressed include funding, capability and capacity constraints. Funding and resources need to be provided at the coal-face of delivery (i.e. directly to iwi, hapū, local government and tangata whenua advisory services) rather than through disconnected, centralised agencies. One of the benefits of providing direct funding and resources to iwi and hapū is that it enables existing systems and relationships to be leveraged, thus contributing to the overall efficiency and effectiveness of the system.

Funding in the future system

How should funding be distributed across taxpayers, ratepayers and individuals?

91. A more equitable funding model is required to support implementation of the new system. Funding pressures on local government have increased significantly over the past decade as a result of new national direction, expanded functions, roles and responsibilities, and more frequent and extreme weather events. Despite these changes, funding mechanisms for local government have remained static leading to systemic underfunding of the system. In many ways the current situation is analogous to feeding an increasing number of mouths with the same sized cake – each slice becomes smaller with some people receiving only crumbs.
92. New functions, roles and responsibilities must be accompanied by proportionate increases in funding. Funding models must also enable the timely provision of additional funding where new situations arise (e.g. natural hazard events) or when further pressure is applied to the system (e.g. shortened timeframes to prepare and implement new planning documents). New funding streams (e.g. taxes and levies) and mechanisms to enable the redistribution of central government taxes (e.g. GST on collected rates) should be explored as part of the future system.
93. In addition, how funds are distributed across users in the system should be guided by the 'benefit principle'⁶ unless this would result in costs that are disproportionately high (relative to benefits gained) or would result in costs falling on a small number of users or funders. Decisions on funding models and charging regimes must take into account the wider regional benefits that occur as result of investment decisions. For example, regional, social and economic benefits arising from interventions to improve resilience and support adaptation to climate change.

How should Māori participation be supported at different levels of the system?

94. Environment Canterbury considers iwi and hapū are best placed to advise how their individual needs can be best accommodated for in the design of the new system.

⁶ i.e. those who benefit from, or cause a need for, a service should pay for it

95. As a general comment, the system must shift from one that provides for Māori participation through passive consultation and engagement frameworks to one that embraces the principle of active partnership through decision-making roles and opportunities for mana whenua. Achieving this will require direct funding to iwi and hapū to build capacity and greater autonomy for mana whenua to decide how and when to participate in the system.
96. Local authorities will also need to be appropriately funded and resourced to support Māori participation in the system. Capacity and capability will need to be built across all layers of local government, including within governance, planning, consents, compliance and extension services (e.g. iwi liaison and tangata whenua advisory services).

8. Next Meeting

9. Mihi/Karakia Whakamutunga - Closing