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Waitaki District Council (WDC) feedback – Enabling local voice and accountability in the future resource management system

Thank you for the opportunity to provide feedback on the above proposal for consideration.

General points (also highlighted in our submission to the Ministry for the Environment (MfE) on the discussion document – Our future resource management system):

- WDC seeks that the new resource management system be responsive to local community needs and meets the aspirations of local communities.
- WDC is concerned around the possible duplication of processes through the development of two Natural and Built Environment Plans and Regional Spatial Strategies for the Waitaki District as the Waitaki District sits within both the Otago and Canterbury regions. This provides increased uncertainty for WDC around implementation and resourcing and capability requirements of Council planning staff and elected members.
- WDC is also concerned around the likely loss of local representation, accountability, place-based knowledge and local decision making. This perceived overall loss of local democratic input goes against one of the primary principles of the RM reform; “retaining appropriate local democratic input.”
- WDC considers that local government representatives on planning committees should be elected members to provide accountability to the communities that elect them (especially for the plan-making process).

WDC wishes to make the following specific comments in relation to the proposal for consideration:

1. The intent of the proposal is supported as it also aligns well with the key shift signalled through the Future for Local Government review – strengthening local democracy. Mechanisms are needed to enable local voice and articulate local aspirations.
2. Statements of Regional Environmental and Community outcomes are ideally integrated and offer a holistic view through being developed jointly between mana whenua and regional councils / local councils rather than separating out mana whenua

and other statements. We recognise that at a regional level, there are already examples of natural resource management plans developed by mana whenua (e.g. Kai Tahu Natural Resource Management Plan).

3. The Statement of Regional Environmental Outcomes (SREOs) should be focussed on the biophysical elements, including biodiversity, landscapes and highly productive soils. While the National Planning Framework (NPF) is likely to also include national policy directives for some of these elements, the identification, mapping and management of these should be reflected in SREOs for each region as well as within the RSS.
4. Care needs to be taken to avoid duplication between community outcomes under the Local Government Act (LGA) and Statements of Community Outcomes (SCOs) under the new Strategic Planning Act (SPA) / Natural and Built Environments Act (NBEA) plans. The terminology is very similar and often there will be duplication in some of the outcomes sought.
5. The SCOs, where possible, will need to draw out the key themes from existing district/city plans, spatial plans, master plans, infrastructure strategies, and any other relevant future planning documents developed for communities by each district/city council. The challenge will be how to distil the key outcomes from these documents and how to reflect any distinctions that usually transpire through various zonings and relevant provisions. There may be scope to include some of these within locally developed bylaws, however the current scope of bylaw making for territorial authorities under the LGA could pose challenges to this approach.
6. In any of the SPA / NBEA legislation, the statutory weighting given to SCOs and the process for incorporating them into the regional planning instruments will need to be carefully considered. The RSS and NBEA plans should “have regard to” rather than “give effect” to in a regional context as there will always be trade-offs to be made when looking through a regional lens.
7. It will be important that council representatives on the joint committee will need to have had some involvement in their respective SCO / SREO process, or at least be well informed of the outcomes sought for their respective district/regions. The proposed feedback loop process is therefore supported as it provides for the appropriate sense-checking of the higher-level plans to ensure the local outcomes are accurately provided for.
8. WDC also supports retaining appeal rights to regional planning instruments so as to ensure an appropriate level of rigour and a safety net should decisions not accurately reflect the outcomes sought.
9. A National Spatial Strategy (NSS) is a sound principle; however it would need to be formulated early enough to allow it to inform Regional Spatial Strategies (RSS) and other National Planning Framework (NPF) instruments. WDC agrees that the strategic planning of nationally significant infrastructure is critical. The Waitaki district contains a significant proportion of the Waitaki hydro scheme, as well as important links to and from this via the Transpower national grid network. The importance of the key land-based transport routes is also acknowledged, particularly where these pass-through urban centres and how they interact with local transport networks. WDC also sees greater opportunities for the railway network to be better utilised to provide ease of access to port facilities.

10. The scope of the NSS should be expanded to include natural hazards, particularly those relating to such matters as sea level rise, earthquakes and other national scale hazards. The Council supports climate adaptation being included in the scope of this, recognising that the Climate Adaptation Act is also being proposed as part of the RM reforms, which may negate the need for climate adaptation to be included in the NSS.
11. Where existing national and regional plans and strategies exist, these should be able to be incorporated into the NSS (or RSS) without further consultation required. An example of this for the lower South Island is the Otago Southland Regional Land Transport Plans 2021 – 2031.
12. WDC supports the proposal for elected members to be the representatives on joint committees, however, remain open to considering other representation models. WDC has previously raised concerns regarding capacity and capability, particularly when we are in the unique position of spanning two regions. There may be other options, such as an approved regional pool of commissioners, made up of a mix of elected members and independent commissioners (with relevant expertise in the region). The respective councils within a region could jointly procure such a pool of commissioners and through this process ensure that the requisite levels of experience and expertise are demonstrated. WDC supports training in this area to support elected members being able to participate in regional joint committee policy making.
13. An area of uncertainty and potential concern for WDC lies with the joint committee secretariat function. There is the potential for such an entity to essentially draw most of the policy expertise from existing councils and leave a vacuum within councils, who are then still required to prepare their respective outcome statements. WDC supports the resourcing challenges noted in the proposal and that a transition plan be formulated to address this for future plan/policy/outcome development.
14. Any matters covered by local bylaws for minor regulatory matters should be carefully considered. Where there is a degree of interpretation required around matters these provisions may not be appropriate e.g., considering urban design, Crime Prevention through Environmental Design (CPTED) principles, different zone characteristics for setbacks. As raised above, the current scope of bylaw making is limited for territorial authorities under the LGA and this would need to be revisited.
15. Another key consideration for bylaws is the appropriate proportionate infringement response so that on the spot fines can be used more effectively. The ability to escalate compliance issues through an enforcement hierarchy, much like the abatement notice – enforcement order regime currently in place under the RMA, will also need to be provided for.

Yours sincerely



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