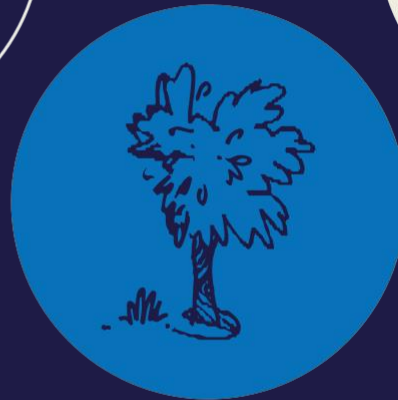
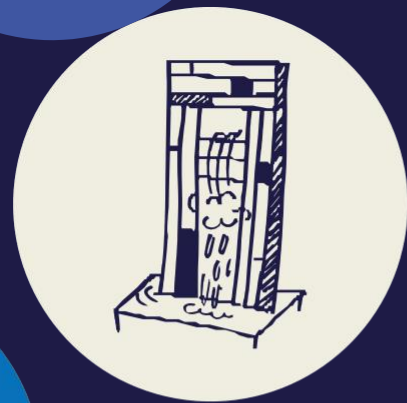


HAMILTON CITY COUNCIL SUBMISSION ON:

Transforming Aotearoa New Zealand's Resource Management System - Our Future Resource Management System - Materials for Discussion (November 2021 Discussion Document)

Ministry for the Environment



24 February 2022



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- A city that's easy to live in
- A city where our people thrive
- A central city where our people love to be
- A fun city with lots to do
- A green city

The topic of this submission is aligned to the priority **'Shaping a green city'**.

The focus of this priority is to become a sustainable city by challenging the way we grow our city and how we live within our city.

Council Approval and Reference

This submission was approved by Hamilton City Council at its Infrastructure Operations Committee meeting held on 24 February 2022.

Hamilton City Council Reference D-4016038 - submission # 677.

Key Messages

1. Hamilton City Council holds significant concerns regarding many of the issues arising from the November 2021 discussion document **Transforming Aotearoa New Zealand's Resource Management System – Our Future Resource Management System – Materials for Discussion**.
2. While Hamilton City Council agrees with the RM reform objectives, particularly those seeking to simplify and standardise processes, provide a more effective national direction, and reduce regulatory complexity, it has serious doubts that the proposed reforms will deliver on the objectives and questions whether wholesale change is the most effective way to achieve the objectives.
3. Hamilton City Council considers that the recently enacted Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021 should be given time to bed in, before wholesale legislative reform is introduced. These 2021 amendments to the RMA are very substantial, and require an immediate implementation response from local government. The sector should be given the opportunity to respond to the changes, and time should be spent reviewing and assessing the community response to the changes.
4. The proposed RM Reforms will introduce three new Acts, replacing one single Act. The efficiencies and reduced complexity are not immediately apparent. In fact, the layers of regulatory planning appear more complex than the current regime. RM reform must be considered holistically. Specifically, by ensuring that organisational structures and entities, such as the joint committees envisaged under the reforms, enable planning in a democratically accountable manner. In particular, siloed entities where land use planning, infrastructure planning and delivery, and service provision are carried out separately, and spread across different spatial scales will lead to a lack of integration.
5. The Proposed RM Reforms do not integrate with the reforms which are currently before the local government sector. Three waters reform, and any ongoing reorganisation of local government must be integrated with the RM framework. The Proposed RM reforms must be flexible and able to reflect the evolving local government environment.
6. Hamilton City Council opposes a 'one-size-fits-all' regional approach to urban planning in New Zealand. As a Tier 1 growth Council, Hamilton and its Future Proof partner councils face unique metrocentric growth-related challenges. Any reform to the spatial scales of planning and the institutional arrangements required for implementation must reflect this and align geographically to the issues being faced.
7. Hamilton City Council and its Future Proof partners have a proven track record of effective growth and resource management under the existing legislative frameworks and organisational structures. We have not yet seen evidence that the new RM Reform legislative architecture will provide any better outcomes for Hamiltonians.
8. Too often Hamilton City Council engages in consultation processes such as this with Central Government, but fails to be properly heard. This territorial authority represents the coal face of resource management practice in an urban growth context. There are many lessons to be learned from a close consideration of the Hamilton context and we encourage you to engage on that basis.
9. What follows is a comprehensive account of Hamilton City Council's feedback which addresses a wide range of issues presented under the proposed RM reforms. We would welcome the opportunity for ongoing and direct engagement on the issues.

Previous Submissions made on Resource Management Reform

10. Hamilton City Council takes a considerable interest in matters regarding resource management reform and has made a number of submissions in this space in recent years - for example:
 - Hamilton City Council's 16 November 2021 submission to **the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill** - refer [here](#)
 - Hamilton City Council's 4 August 2021 submission to the **Inquiry on the Parliamentary Paper on the Exposure Draft - Natural and Built Environments Bill** - refer [here](#)
 - Hamilton City Council's 3 August 2021 submission to the **Government Policy Statement on Housing and Urban Development (GPS-HUD)** - June 2021 Discussion Document - refer [here](#) and [here](#)
 - Hamilton City Council's 2 July 2021 submission to the New Zealand Infrastructure Commission's May 2021 Discussion Document **Infrastructure for a Better Future Aotearoa New Zealand Infrastructure Strategy** - refer [here](#)
 - Hamilton City Council 21 May 2021 staff feedback to the Ministry for the Environment's **Early Engagement on Resource Management Reform - Opportunities to Improve System Efficiency** - refer [here](#)
 - Hamilton City Council's 13 February 2020 submission to the **Urban Development Bill** - refer [here](#)
 - Hamilton City Council's 17 October 2019 submission to the June 2021 Discussion Document **Proposed National Policy Statement for Urban Development (NPS-UD)** - refer [here](#)
11. All submissions made by Hamilton City Council can be accessed [here](#)

Overarching Themes and Messages

12. Overall, Hamilton City Council supports the Government's goals for resource management (RM) reform to:
 - Protect and restore the environment and its capacity to provide for the wellbeing of present and future generations.
 - Better enable development within natural environmental limits.
 - Give proper recognition to the principles of Te Tiriti of Waitangi and provide greater recognition of te ao Māori including mātauranga Māori.
 - Better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change.
 - Improve system efficiency and effectiveness and reduce complexity while retaining appropriate local democratic input.
13. Notwithstanding the support for these goals, Hamilton City Council has significant concerns with the reform, and notes that there are many issues that still need resolution before it is confident that the proposals are workable and will deliver the benefits that are expected. There are still significant gaps and unknowns in the discussion document; and it is difficult to provide full and comprehensive feedback on a proposal that is not fully realised.
14. Our concerns primarily relate to:
 - The suitability of the proposed new legislative architecture to deliver against the stated goals of reform.

- The ability for the new legislative system to deliver demonstrably better outcomes beyond that of the current system.
 - The clarity of purpose of reform and the need for clear linkages between problem and solution.
 - The reduced role and function of local government in being able to plan for the communities which they represent and serve.
 - The diluted voice of metropolitan growth authorities.
 - The creation of Joint Committees and the Planning Secretariat to prepare and produce plans in the absence of effective local representation.
 - The role for local place-making.
 - The spatial scales at which different resource management issues are responded to and the links to democratically elected decision-making powers.
 - How the organisational structures and delivery agencies will be aligned to the new planning frameworks.
 - The lack of workforce capacity to implement these changes while also delivering on the critical resource management challenges such as housing supply.
 - The flexibility of the new system to respond to local resource management issues as and when they arise.
 - Funding the new legislative system.
 - The detail, workability and implementation of how the new system will operate and integrate with other local government obligations.
- 15.** Hamilton City Council is of the opinion that a new and effective system should be developed through a full and equitable partnership with local government, and this has not occurred to date.
- 16.** The clear lack of engagement with local government, iwi, and residents of Tier 1 high growth councils to date is incredibly disappointing. For any reform programme to be successful in its delivery and implementation requires the buy-in of key stakeholders, particularly those organisations and actors who will be tasked with delivery. Furthermore, significant intellectual property sits within local authorities across the country in terms of holding the answers and solutions which might support Government to deliver improved resource management outcomes. We would encourage government to engage with local authorities to both develop workable solutions and ultimately assist with the implementation of any changes to the system.
- 17.** The issues looking to be addressed do not lie in the failure of existing planning frameworks per se. The hurdles to delivering better urban outcomes predominantly lie in funding. Local authorities are hamstrung by a) their debt-to-equity ratios imposed upon them by central government, b) the public appetite to pay rates beyond a perceived reasonable level, and c) the use and application of development contributions, which, with some tweaking of the legislation could solve many of the issues faced.
- 18.** The reform in its current state will have significant impacts on local government with respect to land use planning, infrastructure planning and delivery, local democracy and engagement in planning and staff resourcing and capacity.

19. Hamilton City Council's position is that through the Future Proof Partnership many of the aims of reform are already being successfully advanced. Reform of the planning system in the Future Proof sub-region is likely to compromise the current committed strategic spatial planning partnerships with Central Government, such as the Hamilton to Auckland Corridor Plan, the Metropolitan Spatial Plan. These agreed strategies are now in the implementation phase, and reform of the scale proposed will distract and divert staff resources away from delivering positive on-the-ground outcomes to grappling with a new system which, in its current form, is questionable as to if it will ultimately lead to any better outcomes.
20. Great time and expense will go towards developing new plans, strategies and understanding the new frameworks. From what we have seen to date Hamilton City Council is of the opinion that the proposed changes to the RM system will not fundamentally change the land-use patterns and outcomes that would have otherwise been achieved under current legislation in Hamilton and the Waikato sub-region.
21. Hamilton City Council believe strongly that the one single piece of resource management legislation for New Zealand remains the most efficient and effective way of operating given the complex trade-offs involved in resource management and planning. Divorcing strategic planning, from landuse planning and climate change when all three are inextricably linked is likely to lead to more ambiguity, cost and confusion and poorer outcomes.
22. Splitting out some of the core functions of local government (e.g., 3-waters and planning) will likely add greater cost in terms of integration, inefficiency and ultimately poorer planning outcomes.
23. Government has demonstrated that legislative tools are already available to the Government to drive clearer national direction (outcomes) and to set nation-wide 'bottom-lines' if they choose to utilise them. This has been demonstrated with the introduction of Resource Management Enabling Housing Supply (Amendment) Act, and recent National Environment Standards on Freshwater, National Policy Statement Urban Development, National Planning Standards, and the proposed National Policy Statement on Highly Productive Land. Hamilton City Council support the use of these tools to drive nation-wide resource management outcomes. It was a lost opportunity early on in the life of the RMA that these tools provided for in the Act were not used.
24. From what Hamilton City Council has seen so far, the proposed RM reform system has a number of similarities to the current RM system. The main differences lie in the creation of three new separate pieces of legislation and the shift to 14 Joint Committees which will carry out planning functions for those 14 regions, creating new region-wide NBA (Natural and Built Environment) plans and Regional Spatial Strategies (RSSs).
25. Hamilton City Council notes that there are clear parallels between the existing resource management frameworks and the proposed, for example:
 - RSSs appear very similar to strategies and plans developed under the Local Government Act, which through case law RMA plans "must have regard to" in an RMA context, the Future Proof Strategy being one example.
 - The National Planning Framework in terms of setting outcomes, bottom lines and targets is very similar to the role of National Policy Statements and National Environmental Standards.
26. Hamilton City Council request that Government consider a range of options for resolving these issues (i.e., not simply legislative reform).

CENTRAL GOVERNMENT'S REFORM PROGRAMME

27. Government's current reform programme is wide ranging, and Resource Management reform is one part of what will result in a new future for local government.

28. Resource Management reform, combined with the broader reform agenda, represents a system change for the planning and investment framework for New Zealand.
29. One of the key challenges facing resource management and planning globally is that of integration - integration of different levels of planning and public policy (nationally, regionally and locally), and the associated investment and funding of these plans and policies at the various levels.
30. Local government benefits greatly from the ability to undertake a wide range of functions across discrete geographic areas in an integrated manner, under one entity. We urge Government to leverage the strength which exists within local authorities to address local issues before creating additional bureaucracy.
31. The case of Auckland Council has proven that consolidating local and regional councils does not result in efficiency gains or savings to the ratepayer, both were cited as key benefits of reform in the lead up to 2010. Furthermore, by separating out core functions of local government such as transport and 3-waters (e.g., Auckland Transport and Watercare) functional silos are created. This stifles integrated planning and effective resource management.
32. Hamilton City Council views it as critically important that the Resource Management reform programme aligns with the other key reforms taking place (e.g., Three Waters; the Future for Local Government) and to date, there has been limited information provided about how these reforms will work together to deliver better outcomes for communities.
33. Linkages to other reforms are weak. Taken together, the combined effect of these reforms will result in a diminished role for local government, and it is unclear if this cumulative impact has been considered holistically. Without a synchronised and aligned approach, outcomes sought by Hamilton, and Government, around housing, employment, transport and environmental improvement, will be at risk
34. It is essential that there are strong connections between all planning processes, specifically those related to infrastructure planning and delivery, and urban growth and development.

THE WAIKATO CONTEXT

35. We note the scale, diversity, and local variability across the Waikato Region, spanning 11 territorial authorities, including a major city surrounded by numerous towns and large areas of rural land, all with varying infrastructure needs.
36. We note the voluntary and collaborative work that has been undertaken through the Future Proof Partnership and the Metro Spatial Plan, as well as the urban growth partnership already in place between local and central government.
37. The lack of legislative mandate has not prevented the sub-region from reaching agreement for a non-RMA spatial plan to guide urban growth. Due to the strength of the partnership the spatial land use policies have traversed not only the lower order district plans but also inform the funding plans such as the Long-Term Plans. This dispels the notion that the RMA frameworks for embedding spatial strategy are unworkable or non-existent. The Future Proof Strategy is a statutory plan in the context of the Local Government Act and does have legislative weight in the RMA decision-making context established through case law in the Waikato.
38. A major concern that Hamilton City Council sees with the move to a regionalised system, based on existing regional boundaries, is the different issues faced by Tier 1 growth areas in comparison to the wider region. We are concerned that the proposed new system will not be able to sufficiently respond to the unique needs of growth metros such as Hamilton.

39. Different resource management issues are best addressed at certain spatial scales. Fourteen regionally defined joint committees responsible for both strategic and local planning functions across those geographies pre-supposes a level of homogeneity of planning and resource management issues within each of these 14 regions.
40. Hamilton City Council do not believe this top-down regional based approach to the planning system will be able to respond to many and varied unique and nuanced challenges which lie across a region based on current regional boundaries. The delineation of regional councils based on water catchments made sense as this is reflective of the resource management issues they were predominantly tasked with managing. Organisations have built overtime deep and specialised expertise to respond to and address these specific resource management issues. We believe strongly that the issues faced by metropolitan and high-growth areas require a specific focus and bespoke approach different to that of rural hinterland towns and settlements.
41. It appears many of the ideas of the RM Reform structure are borrowed from the Auckland experience post-2010 reform, namely the creation of a spatial plan and Unitary Plan. There appears to be an underlying assumption that this has been successful and therefore should be rolled out nation-wide. Hamilton City Council would make several key points on this:
- Nowhere else in the country is experiencing the issues which Auckland was to scale at which Auckland did pre-2010 (Auckland remains home to one third of New Zealand's population). Nor have other parts of the country struggled with regional planning and integration to the extent to which Auckland did pre-amalgamation.
 - More than just planning reform occurred in Auckland which has supported and enabled the planning approach (a unitary authority was created along with 7 council-controlled organisations and 21 local boards).
 - The Auckland structures have not proven to be more efficient (both in terms of planning and from a resourcing point of view). There is strong evidence to suggest that local democracy, public participation, involvement in planning and local placemaking has deteriorated post amalgamation. This is due to the unwieldy nature of the bureaucracy and CCO structure, weakening the line of sight and influence between voters and ratepayers, elected members and staff. In turn this has reduced the level of accountability to ratepayers and the organisations responsiveness to local issues.
42. The implementation of the Auckland Unitary Plan, namely, using the Australian's E-Plan concept, has fallen short of delivering the expected outcomes. The Australian e-planning system provides for all the zone rules, and ordinances in one place. This enables the user to run a planning report that regarding a site to inform you of what you can and cannot do on that site. This has not been the example to date in Auckland with the universal zoning approach. As a result, it has not increased the useability of the plan to the extent it might have. We consider it critical that work continues to explore different planning scales, with the potential for plans to cover different geographical areas based on the issues they face, which could still deliver scale while ensuring that the strategies and plans cover more relevant groupings of communities.
43. We should not overlook the importance of sense of place in our planning systems and how this is achieved. The different and diverse district plan controls developed across New Zealand allow local characteristics to be protected and/or fostered which create a unique sense of place. This is unique around the world. Hamilton City Council oppose the loss of this.
44. We recommend that there be allowances made for combined plans to be created for metropolitan Tier 1 areas – for example the same spatial area which has been used to develop the Metro Spatial Plan and the Housing and Business Capacity Assessments under the NPS-UD.

45. We encourage central government to consider local government learnings and experiences from the Hamilton and Waikato sub-regional perspective.

NATIONAL PLANNING FRAMEWORK

46. Hamilton City Council is of the view that a consolidated national direction will be useful, as well as resolving conflicts between existing and new forms of national direction, via the National Planning Framework (NPF). However, Hamilton City Council note that legislative reform is not required to implement a national planning framework, large parts exist already through NESs, NPSs.
47. It remains unclear what role local government will play in developing the NPF. There needs to be proper and meaningful engagement with and input from local government on the creation of new national direction and evaluation and alignment of existing national direction, given local government's role in giving effect to national direction. What is not clear is what roles and functions will still sit with constituent local authorities versus Planning Committees i.e., policy functions, compliance/monitoring/enforcement functions, etc.
48. Questions around timing and sequencing need to be addressed. For example, when is work on the NPF likely to commence? What is the intention around sequencing of having the NPF in place prior to undertaking work on developing NBA plans and RSSs? Consequently, any early signals of any existing national direction that the Minister for the Environment intends to change would be helpful.
49. We strongly support the NPF including high-level guidance on how to resolve conflicts between environmental limits and outcomes but emphasize the need for trade-offs to occur at a local level.
50. It is important that there are not constant changes to the NPF that necessitate changes to NBA plans (and RSSs).
51. We have concerns around the Ministry for the Environment's (MFE) capacity to review and align existing national direction and to develop a significant amount of new national direction, particularly given that the history of the Resource Management Act is such that national direction has not been particularly well utilised, or consistent where it has been created.

REGIONAL SPATIAL STRATEGIES

52. Hamilton City Council is supportive of the intent to provide high-level RSSs but see these as duplicating what the Future Proof sub-region has been undertaking for over the past 10-years. We have a number of concerns regarding the process to develop the legislation, and the proposed roles and responsibilities for local and central government in this space.
53. Hamilton City Council, alongside Iwi and Central and Local Government partners has already demonstrated that that a lack of prescribed legislative instruments is not fatal when seeking to undertake effective regional planning through the development of the Future Proof Partnership and the Metro Spatial Plan.
54. It is important to note that even at this scale, which is much smaller than an RSS for Waikato as a whole, there have been significant challenges, with different areas and authorities having different issues, priorities and agendas.
55. A regional approach to spatial planning is challenging – urban outcomes may be “lost” in the regional lens. There needs to be a pathway in the legislation to allow urban level subsidiary plans within RSSs. The regional lens will from our experience “water down” the urban focus and vice-versa.

56. From our experience – (Waikato Plan, Hamilton 2 Auckland, Waikato Metro Spatial Plan), these are significant undertakings, and having the right people on the tools with delegated authority to act in the collective regional interest is vital. There is also the very real factor of the end product reflecting a series of compromises to get each party over the line. This posed a significant challenge for the Waikato Plan exercise and resulted in trade-offs between the local authorities, a blurring of what the plan was intended to achieve and ultimately diluted its value.
57. There is a significant amount of technical and relationship work that goes on ‘behind the scenes’ to operate effectively across regions – we are keen to provide detail on the intricacies of how this has worked as it is very different to what is observed at the political table where these documents are signed off.
58. The outcomes sought for RSSs must be clear with the issue that is trying to be addressed. On this point, Hamilton City Council questions the need for RSSs across the country - what is the purpose? In the case of the Waikato sub-region, Auckland and Western Bay of Plenty there were some clear growth challenges facing these localities that demanded a need for joined-up approach to managing growth, there was a clear need to align land use and investment decision-making. In low growth areas Hamilton City Council recommend that these should be non-compulsory, and the purpose and form should be flexible to respond to local needs.
59. This exemplifies the issues raised earlier regarding:
 - The spatial scales and what the plans are being designed to deliver on or not; and
 - The local interests/representation which can divert attention away from the macro issues which should be being addressed at a local level versus those which are best addressed regionally.

JOINT COMMITTEES AND PUBLIC PARTICIPATION

60. Hamilton City Council has concerns that the shift to joint committees will result in the loss of local democratic decision-making and input into the plan-making process. Associated with this we believe that local voices could be lost as there will be a blurring of the line of sight to the locally elected member and the planning process.
61. Larger TLAs, in terms of population, risk being underrepresented in large regions.
62. From experience with combined planning processes in the Waikato between local authorities resourcing and management is a key constraint and can be an issue. Joint committees and the supporting secretariats are likely to become unwieldy and expensive to run.
63. Partner local authorities rightly become skeptical when large sums of money are being contributed to arm’s length agencies for which they have little to no influence over and limited visibility of the how their money is being spent. These types of arrangements are inherently expensive to run, create accountability issues and lead to inefficient spending and wastage. This leads to discontent, lack of buy and ultimately poor buy-in among civic leaders and staff resulting in poor implementation. The proposal that joint committees should be autonomous further worsens this situation.
64. We strongly suggest that councils should be mandated to provide input into RSSs (and NBAs) before they are finalised. Any less would compromise local buy-in or support.
65. We agree that all councils need to be represented on the Joint Committees for both RSSs and NBAs – it is unlikely that there will be any support for a process that excludes any LG entities, especially as we interpret that councils will be responsible for implementation.

66. We note the recommendation that it is not appropriate for officials to be on the JCs for RSSs, however the strategies will need to be informed by evidence. We think the interaction of technical staff and political decision makers needs to be thought through in more detail.
67. Whilst it is correct that the content of the RSS will be highly political and will attract significant public interest and debate – there is a need for the strategies to be well informed by quality information to make them enduring and robust.
68. We support that both the RSS and the NBA will require robust public consultation processes – these details need to be developed before we can comment further.

IMPLEMENTATION

69. We are supportive of the focus on looking at implementation as this is one of the biggest gaps we have identified in the proposed process. Implementation the Waikato sub-region predominantly revolves around funding. We note that the RM reform is not addressing this at all which we argue is missed opportunity.
70. Hamilton City Council agrees with the need for some form of implementation agreements (like city deals) and has provided detailed advice on this as part of our recent submission on the NBA exposure draft.
71. Certainty of funding is also required, with access to central government funding simplified. Current funding and financing tools are inadequate to deliver on RSSs. We strongly support central government being a co-funder of ‘first resort’ rather than continuing with ad hoc and contestable funding opportunities such as ‘shovel ready’ or the ‘IAF’.
72. There are also a number of unanswered questions related to funding and investment including:
 - It is intended that these agreements will connect key private and public parties and sequence infrastructure - how do private investors get locked into the plan or agreement?
 - Is there any change to how funding is allocated by the partners to each agreement?
 - Are commitments made in the implementation plan taken back to each partner to be re-debated in their individual funding rounds?
 - The work required to get detailed funding and timing/scope for large infrastructure projects is significant – how will this be developed? For example, if each party is to commit to funding – who does the work to determine the actual cost of the projects? Or is a commitment made with recognition that costs will be finalised as the project is developed?
 - What is the cost sharing arrangement? Or is that negotiated for every individual project and plan?
 - Does putting the specific detail from the RSS into the implementation plan and subsequent agreements actually make the implementation parts more critical and useful?
 - Does having implementation plans at a regional scale, and then implementation agreements at smaller scales add additional layers of work? Who prepares these? Are they essentially joint Long-Term Plans (LTPs)?
 - Does this process create an entity solely in charge of developing and tracking implementation agreements?
73. For councils to align their LTP and Infrastructure strategy funding with the RSS, elected members will need to have ‘bought in’ to the strategies and their outcomes otherwise implementation is unlikely to occur as anticipated. For individual councils, this means more than being able to comment on draft RSSs through a consultative procedure. Elected members will view themselves as the conduit between the community and these regional strategies and will want to feed into them.

74. Additionally, more detailed thinking is required about how RSSs are given effect to within existing LGA planning and funding processes. For example, LTPs and infrastructure strategies and the powers of local elected members to develop and consult on these.
75. Funding cycles will need to be aligned across central and local government agencies along with clarity with respect to the linkages. For example, council LTP timing does not align with National Land Transport Plan (NLTP) preparation or timing, Regional Land Transport Plans (RLTPs), central government funding of health and education. If these new RSSs (and NBA plans) are introduced, careful thought needs to be given on hierarchy, order and timing of how everything fits together across the Land Transport Management Act (LTMA), LGA, SPA, and NBA.
76. We note that RSSs are not going to be binding but act as a guide for NBA plans. This is concerning if central and local government invest significant time and resource into these plans and they have no real weight. This heightens the risk of implementation failure and in turn disenfranchising the community if they contribute to a plan that doesn't come to fruition.
77. Early indications are that these RSSs will be relatively high level in nature and will not be planning at a parcel level, this will be left to the NBAs. However, at the same time it is envisaged that the RSSs will be setting the funding priorities. In our view this will be significantly challenging.
78. It is our view that only high-level funding discussions can meaningfully occur at the RSS stage. Robust funding discussions and decision-making are best had at an LTP level. These would ideally follow the landuse plan and the cyclical relationship between the two would be strengthened.
79. Only at the time that land use plan/zoning (NBA) is arrived at that is there sufficient certainty and understanding of funding supply and funding need to align to the land-use. This then provides the required certainty to the local authority to carry out the detailed planning, make funding provision with their Annual Plans and LTPs, and ultimately borrow and deliver, knowing that there is a high degree of certainty that they will be able to recoup some of the capital cost of infrastructure.

NBA PLANS

80. Hamilton City Council notes that the transition from over 100 planning documents to 14 NBA Plans is not an insignificant undertaking. The transition needs to be carefully considered and properly resourced (noting that Government should not lose sight of the significant time and money that has been spent on developing existing plans).
81. We question the value in the case of the Waikato sub-region and more particularly Hamilton, in having a combined plan other than simply having one single plan which might provide some ease of use for users. This is likely to be outweighed by the complexity of developing (and potentially navigating/using) a regional plan. Regardless, the policy frameworks which apply to Hamilton City will need to remain unique to Hamilton, the Hamilton city environments, and issues for which they relate.
82. We acknowledge some consistency across regions on some matters may be desirable, although it is likely that there will be plenty of matters on which local variation needs to be properly reflected.
83. We are concerned that by condensing multiple plans into one unitary plan under the joint committee structures as proposed will result in the loss of local democratic input, fair representation of local authorities and iwi authorities.
84. We broadly agree that introducing environmental limits is likely to improve outcomes for the natural environment and support the intent behind shifting from managing adverse effects to promoting outcomes for the benefit of the environment. Although, as stated earlier, we believe the tools exist now under the RMA for this to occur.

85. The requirements to meet environmental limits and promote outcomes for the benefit of the environment and to manage adverse effects on the environment raise some concerns around whether the NBA will ultimately satisfy the Government's reform objective of improving system efficiency and effectiveness and reducing complexity. These are complex tradeoffs which often need to be carefully worked through at a local level.
86. Significant investment has been made by the planning and legal professions over the life of the RMA to reach common understanding on the interpretation of key aspects of law. These common understandings and interpretations over time established through case-law provide efficiencies to decision-makers. Hamilton City Council is opposed to the loss of case law.
87. We anticipate that there is potential for a number of costly, lengthy and time-consuming legal arguments to test the meaning of the purpose of the NBA and associated aspects of the act which will distract from achieving outcomes.
88. The shift from managing adverse effects to complying with environmental limits and promoting outcomes for the benefit of the environment will require a change in culture. Resourcing of capability building within local government will be needed i.e., guidance, training etc.
89. There will be a need to educate consent applicants of the changes to the system. Local government will likely play a significant role in that, so should therefore be supported and resourced by Central Government to carry out that role.
90. Thinking about the entity or people that will actually carry out the work of writing these plans is critical. Do these experts sit at Central or Local Government level, do they get moved to a new entity, and do they need to be co-located?
91. There is a need to consider what happens to existing plan making processes and when e.g., at what point do we transition from existing plans that are in various stages of development to new plans?
92. There is also a need to consider how existing consents/designations and consent/designation applications are dealt with in terms of timing and transition to the new system.
93. Government needs to be cognisant of the years 'lost' when transitioning to a new planning framework as experienced with the introduction of the RMA and the issues with first generation RMA plans and similarly in the case of Auckland and the time in which it took a new organisation to create a new unitary plan.

CONSENTING

94. Hamilton City Council supports the Randerson Panel for recommending a broader range of tools being available to support effective compliance, monitoring and enforcement. Larger fines/penalties are encouraged to ensure environmental outcomes are achieved. We would like to see this introduced through RM Reform, noting again, that nothing precludes this being introduced now under the current RMA.
95. With regards to consenting, activity classes and notification rules being standardized is similar to the RMA. If certainty is what the government is aiming to achieve, then a national movement to 'non-notified' and bring back the review process to local councils would be welcomed.
96. Hamilton City Council is concerned about the move towards a more permissive planning approach as we believe this will adversely affect the quality of our urban environments. Currently, there is already a delicate tradeoff between advancing improved quality-built form outcomes versus enabling development. With a large number of permitted activities there will be no opportunity to engage in the development process to drive better design and urban planning outcomes. We oppose this approach on the basis that Hamilton City Council won't be able to ensure a quality-built form outcome for Hamiltonians.

97. A shift to less consenting increases the reliance on the enforcement and monitoring of permitted activities. This will require extra resources and enforcement tools. Managing breaches will be a lot harder when activities have already been established. We do not support this retrospective approach to compliance, we believe up-front compliance through resource consenting is a more logical approach and will lead to better outcomes.
98. We observe that reducing the number of activity categories is unlikely to result in fewer consents and will require a level of detail in plan rules that will be difficult to achieve. It is likely that there will be an increased need for consenting practitioners to give advice to resource users and for CME officers to monitor activities, particularly in the first years of the new system as local government and communities learn the new rules.

ROLE OF LOCAL GOVERNMENT IN THE FUTURE SYSTEM

99. The role of local government and local democracy is fundamental in plan making. Shifting the lines of accountability to Joint Committees blurs and dilutes this. Having clear ownership of any plan increases the likelihood of successful implementation by the owner.
100. Splitting out plan-making functions from local authorities is a significant departure and change to the role of local authorities as currently exists in New Zealand. It is relevant to note that the units of local government in New Zealand are already relatively large relative to comparable international examples. There is an optimal size to units of local government. We would oppose 14 unitary authorities across the country on the basis that they would be too large and unworkable.
101. Further, the creation of Planning Committees dilutes local representation during the plan making process. Local councils are an effective conduit to understanding, reaching and reflecting community aspirations and desires in resource management. Under the proposed reforms, these connections are potentially lost.

REPRESENTATION OF THE COMMUNITY AND LOCALISM

102. There must be local input to planning for the growth of towns and cities to ensure that communities' needs are met and local issues are responded to.
103. Hamilton City Council is opposed to the Joint Committee Structure. We see this as an inefficient and undemocratic form of planning and plan making. Planning (and for that matter the provision of services) is best delivered closest to the person or community for which it relates. This allows community participation, a higher level of local involvement and buy-in and self-determination for that local community.
104. The discussion document indicates the areas for RSSs and NBA plans will be determined by the review. Hamilton City Council considers these areas be determined in consultation with the local authorities and formed on a 'community' basis rather than a wide regional boundary that encompasses urban, regional and coast areas, and cuts across a wide range of communities and iwi.
105. If the joint committees are to represent and govern plans, the plans should be specific to a spatial area that reflects a community determined through place-making and/or a community of interest. This supports the timely response to local needs and issues.
106. An appropriately defined 'community' supports the growing desire of communities to have a voice. This is termed as localism and is defined as arrangements where citizens are involved in making decisions about their own areas and localities. It is about giving voice, choice and control to communities, enabling local solutions through partnership and collaboration around place, providing the conditions for social action to thrive. Localism allows the reflection of the plurality and diversity of views within a society.

107. On this basis, local authorities will be able to represent their communities' and effective delivery of place-making and community engagement based on the connections and relationships they have with the community.
108. Hamilton City Council strongly advocates that the community of interest should be based on the sub-region Future Proof Strategy region. The Future Proof sub-region includes the territorial authorities of Hamilton City Council, Waipā District Council, and Waikato District Council. It covers Takiwaa (districts/regions) of taangata whenua and mirrors the Raupatu (confiscation) boundary. The sub-region is part of a corridor of rapid population and development growth that stretches from Papakura in the north to south of Te Awamutu, and key neighbouring towns such as Morrinsville.
109. Local government entities must align to these new planning boundaries.
110. The role of local authorities on joint committees is stated as 'Local authority appointments to RSS and NBA joint committees would be responsible for giving effect to local voice. It is expected other governance roles would be provided for local government through potential cross-regional and sub-regional sub-committees'.
111. The Future of Local Government Review raises challenges about governance roles. *"Any future system of local governance will need to move beyond existing structures and silos and consider governance as a shared endeavor in which many players contribute and deserve a voice"* - Ārewa ake te Kaupapa - Raising the Platform:2021.' – and may result in local authorities proposing a mandate for the joint committee to operate in a new way.
112. The proposed move to regionalism for strategy and policy has been signaled, however there is not yet clear direction from central government on the interaction of central, regional and local government agencies within the proposed new framework.
113. During the Ministry for the Environment webinar 8 December 2021, the presenters commented that joint committees provide the option for central policy through the National Planning Framework to regional governance by the development of the RSSs to deliver strategic decisions on land and resource use, infrastructure and funding (especially in line the outcomes from the Future for Local Government review are unknown).
114. At this same seminar MFE specifically asked for input as to how local interests and diversity can be included in the regional plans. MFE also commented that they expect local government will continue to be the heavy lifters within the framework. This reinforces the notion that local government will play predominantly a delivery role. In this discussion document it specifically states *"Local authorities will implement RSSs through local authority plans and functions"* and *"continue to be responsible for the delivery of CME services"* further re-enforcing the perception local authorities' role will be limited to delivery.
115. Hamilton City Council is opposed to this approach and believes that this will fundamentally undermine the role of local democracy in New Zealand. An outcomes-focused approach is required to any organizational re-design which the RM Reform process is engendering.
116. Councils provide a unique perspective of local community wellbeing. There is no evidence in the proposals that the principles of localism and working with communities to plan for their aspirations will be recognised.

Further Information and Opportunity to Discuss Our Submission

117. Should the Ministry for the Environment require clarification of the submission from Hamilton City Council, or additional information, please contact **Mark Davey** (City Planning Manager - Growth Group) on 021 242 8024, email mark.davey@hcc.govt.nz in the first instance.
118. Hamilton City Council staff would welcome the opportunity to discuss the content of our submission with the Ministry for the Environment in more detail.

Yours faithfully



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