



## FEEDBACK ON THE 'OUR FUTURE RESOURCE MANAGEMENT SYSTEM MATERIALS FOR DISCUSSION' DOCUMENT

**28 FEBRUARY 2022**

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### Planning is essential to achieving a better New Zealand

Te Kokiringa Taumata | New Zealand Planning Institute (NZPI) is the voice of planning in New Zealand. It is the professional organisation representing this country's planners, resource managers, urban designers, and environmental practitioners.

Planners have a critical role in shaping New Zealand's future by helping to develop solutions to key issues, such as population growth, infrastructure needs, pressure on natural resources and environments, demographic change, and transport





## FEEDBACK

1. Te Kokiringa Taumata | New Zealand Planning Institute (NZPI) welcomes the opportunity to present this feedback on the 'Our Future Resource Management System Materials for Discussion' Document. NZPI has previously submitted on a number of points covered in this discussion document. Accordingly, where NZPI has previously submitted on an issue, feedback here has been briefly restated to ensure the content of previous submissions is considered without the entire submission needing to be included.
2. NZPI is supportive of the need to reform our resource management system. However, NZPI holds several concerns about the current reform programme related to whether the proposed replacement resource management system will deliver on the stated objectives of the reform programme.
3. In addition to the feedback provided below in direct response to the questions asked in the discussion document:
  - a. We are unclear what and how the government will measure to gauge the success of the reform programme. The issues with the current resource management system have been identified, the objectives of the reform have been identified, but no work seems to have been done on what outcomes would indicate these issues have been addressed and the objectives achieved. The future state/outcome we are seeking with the reform need to be determined so as to understand "what does success look like?"

As an example, we note that in the purpose of the document (p.6) it states that the reform process will move from an effects-based system to an outcomes-based one 'that avoids harmful cumulative effects'. An outcomes approach will not necessarily avoid cumulative effects. Cumulative effects are a problem not because of an effects-based approach under the Resource Management Act (RMA) which directs that they are taken into account in terms of the definition of effects, but because it is often difficult to identify cumulative effects until they emerge. Equally, when they do emerge, trying to avoid increasing their impact triggers property rights arguments because avoiding them often requires limiting or excluding others use of a resource. We are unclear how success in avoiding harmful cumulative effects will be determined or measured.

- b. Lack of integration and recognition of the broader resource management system and legislation influences outside these reforms. We note this is identified in the discussion document but are concerned that the stated intent that '*Substantive changes to these Acts are not proposed as part of this reform. However, minor changes may be made to ensure they work with the NBA and SPA.*' fails to recognise that the successful outcome of the reform of the resource management system relies on more than reforming the RMA.
  - c. Need for national integration of strategy and national direction in a timely manner. At a high level, we are concerned that two of the three legislative elements of the reform will be released before the third. Our concern is this delay in the release of the third legislative element will hamper transition and implementation. Further to this concern,



we note that the National Planning Framework (NPF) is slated to be the vehicle the reform will use to bring cohesive, integrated national direction, but the discussion document is silent on when the NPF will be released. We are similarly concerned that it appears that the NPF will be released after the first two legislative elements, which is also likely to hamper transition and implementation. Combined, these delays have the potential to negatively impact the creditability of the reforms in the eyes of resource management professionals (and the public).

- d. There is very limited discussion on technology, and how this can assist with gathering and using data i.e., national single portal for lodging and management of all processes around applications including dispute resolution, appeals, mediations, achieving integrated national models. A stated aim of the reform is to increase efficiency and technology is a key enabler of this. We have included at the end of the body of our feedback comments from PlanTechNZ, the technology/digital focused special interest group of NZPI.
- e. A number of goals have been identified or alluded to in the resource management reform programme, such as the environmental limits outlined in the NBA exposure draft. However there has been an absence of information on how these goals will be integrated or how conflict between them will be managed i.e., a process to integrate environmental and human outcomes.
- f. We do not see evidence that any work has been undertaken to determine if we have the right central government institutions/organisations, such as the Ministry for the Environment or Ministry of Housing and Urban development, with the appropriate resourcing to be successful in delivering the new regime.

In addition to the central government ministries involved, there are new organisations such as the Climate and Infrastructure Commissions who may be major players in the environment space, but there is no clear indication if they have a role in shaping SPA and NBA plans etc.

Given that the SPA and NBA depend on central government at all levels of the new regime we propose that work needs to be urgently undertaken to ensure that central government has the organisational structures, governance, resources – both capacity and capability – plus the culture to collaborate with the rest of the system.

- g. The proposal for a ‘model project’ to ‘support, test and demonstrate the implementation of the future system’ is suggested as a way of assisting local government in dealing with the issues with implementing the new acts. We wish to sound a note of caution: A similar approach was attempted under the RMA reforms with Christchurch being the model project for developing an effects-based plan. It was not a successful approach for several reasons. First district plans strongly reflect the city and district they relate to, so many of the approaches developed in the Christchurch model did not fit other cities and certainly not districts without a major city.



Second, Christchurch was a large city, and the model plan was a complex document which required a well supported and large staff to implement what was a rather cumbersome plan i.e. the sieve which determined when a consent of some type was required. This was not a model which matched the needs or resources of planning offices over much of the country. Creating model plans will take a lot of time and understandably it will not be able to be meaningfully completed until the legislation is well advanced. This presents the problem that unless the rest of the country waits for the outcomes of the model plan, which may not arrive prior to the release of the legislation, then other regions will be working on their plans while the model plan is being developed. That is what happened with the Christchurch model plan, which in the end was completed much too late to be of much use to any other cities or districts in writing their plans.

Finally, potentially all this model will be able to report on is what looks fine on paper, but not how it actually works in practice as generally there is a quite long lag between a plan being completed, coming into use and being tested in the courts. If the model plan does end up proposing an approach the court eventually fine fault with, there will be cascading effects on plans throughout the country.

If this model plan approach is to be used, then there must be a commitment to release material in a very timely and regular manner, including reporting on what was rejected alongside what was adopted. We propose that only a very open approach will allow such a model project to be of any meaningful assistance in implementation.

- h. Regarding the Freshwater Māori rights and interest section, there is a significant exclusion in terms of the contents of the exposure draft not precluding any 'potential options for addressing Māori freshwater rights and interests' and that this will continue through the next phase of the reforms. While we fully understand and support the reasons for this, we suggest that the RM reform process, and those involved with it, should be made aware of any major changes in this area which might affect the new RM legislation and how that legislation is implemented. That might help to ensure that any suggestions for change in draft legislation etc does not propose approaches which could rightly be precluded by these other concerns. We make this proposal noting that there seems to be the potential for a lot of work to be done which is then rightly deemed to be an inappropriate approach because of these other concerns and negotiations. This is an example of how it is important to identify areas where discussions outside the RM reform programme might impact on the RM reform programme and implement processes which ensure that RM reform discussions are informed by the latest decisions in these external areas.
4. The remainder of this submission details our answers to the requested areas for feedback in the discussion document:

#### **National Planning Framework**

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



NZPI believes that the NPF is a critical element of the reform. If the NPF can provide singular, cohesive central government guidance, including a hierarchy for the resolution of conflicts between elements such as the environmental limits set out on the exposure draft of the NBA, or between existing national policy statements, it would greatly increase the simplicity and efficiency of the resource management system, particularly if there is no/limited right of appeal against the NPF.

However, we note that it is an approach which assumes there is some consensus situation which can be developed for any issue, which may not be the case. Therefore, it will be critical to the success of the reform that the NPF is comprehensive in the areas it deals with but is also targeted at areas that it is suited to manage. Clear, cohesive guidance on such areas would be of significant value.

Similarly, the limitations of the NPF should be recognised. As an example, with consents most of the conflict relates to the context within which the proposal is to be located. As such, the causes or situations which underpin the conflict which emerges when a consent is applied for while sharing some similarities with other consent, often involve its own unique bundle of concerns. So, while the NPF may reduce or limit submissions and the conflict associated with them, it will not be able to deal with all sources of conflict. Additionally, we propose that sometime conflicts need to be allowed to play out through the consents system as part of the process of individuals and communities becoming reconciled to the changes that will take place in their living environment and community.

The NPF is best suited to deal with resolving conflicts at the national level, however this seems to reduce its capacity to deal with the much more localised conflict which emerges from most consents. This gap will need to be addressed.

Finally, we note that however effectively the NPF tries to exclude or deal with sources of conflict, in the past individuals and communities have shown themselves to be adept at shaping their submissions/concerns to get round any prohibitions or exclusions.

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

We understand that the BOI process is to be based broadly on the Auckland Spatial Plan approach and as such, some research into participants' experiences might be useful to gauge the strengths and weaknesses of that approach.

Under this new legislation the timeframes should be considered to determine if they need to be less rigid to allow for an appropriate time allowance for all submitters to present their case.

We also recommend that there is a need to ensure there are an array of what used to be called *amicus curiae* (friends of the court) who are there to provide expert assistance to the BOI. This would allow the BOI to be made up of people with decision-making skills and training, rather than those with particular technical knowledge

Technology can assist here by all hearings being available online at the time of the hearing



and through a hearing archive.

7. *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?*

The combination of a post-Covid economy and the environmental changes brought by climate change highlight the inadequacy of the 10-year review framework of the RMA. If the NPF is to create a consistent framework to guide and shape the RSS and the NBA plans, then it needs to be at the forefront of change if it is to provide that degree of leadership. Therefore, we would recommend a maximum of a 5-year review period. However, that must be balanced against the cost and time needed to do such reviews and the same subsequent time and resourcing to alter affected RSS and NBA plans.

One way of to potentially overcome this there would be a scheduling of what parts of the NPF get reviewed through a type of rolling review process which would allow a similar rolling review process in the plans that it guides and informs. Issues such as climate change should be reviewed every 3 years given the threats posed by climate change are developing over time and knowledge is building in terms of what might be successful implementation strategies to address these issues. Three years is also sufficient time to determine if the existing guidance is actually achieving the required outcomes. For other issues where standards and approaches are already established or are not expected to change greatly, a longer review process could be used of say 7 -10 years. Aspects of the NPF could be designated as being subject to 3-, 5- or 7-year review cycles with these being determined when the first NPF is written. This aligns with the note in the discussion document that provision could also be made (within the RSS's) for full or partial reviews within cycles, if necessary.

Whatever review periods are decided on they should be part of a comprehensive and appropriately funded monitoring and evaluation process, something which has been missing from planning in New Zealand. This would include the monitoring and evaluation of the RSS and NBE plans so there are feedback loops into the NPF to inform its review.

### **Regional spatial strategies**

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

We note that RSS are to have a 30-year planning horizon which is very ambitious given the uncertainties around climate change and the potential economic adjustments in a post-Covid economy. Even with 9 yearly reviews these will be ambitious documents given they seek to bind and direct both public and private developments and infrastructural investment. It also presumes that it is possible to accurately model a future with a significant number of variables, which is what is needed if these RSS are to achieve these outcomes.

Implementation agreements look to be a useful instrument if they actually bind the parties in an enforceable relationship which allows something to be done if one or other party does not



perform the actions they have agreed to. As such there needs to be the same powers as are inherent in contractual agreements, given a mutual obligation approach seems to assume persuasion and acting responsibly can always be relied on. This seems to be particularly optimistic when the agreement relates to essential infrastructural projects. The only type of agreement similar to this would be the public-private partnerships which have had questionable success in a New Zealand context.

Essentially, it should be possible to bind local government to deliver investments given they are creatures of statute and central government has many levers that it could use to secure delivery. However, joint partnership or private investments seem to be more difficult and relying on implementation agreements where investment is in for instance essential infrastructure may produce uncertain outcomes. If implementation strategies do less than bind the parties, it seems likely to lead to unnecessary uncertainty as a means of securing essential infrastructural developments.

9. *How can appropriate local issues be included in RSSs?*

That depends on what is meant by appropriate local issues. The RSS seems a great vehicle for large projects such as state highway upgrades or major regional projects. Given most planning seems to be being done within a regional framework, local issues may, as in the case of Manawatu-Whanganui, be the particular needs of a major city such as Palmerston North, which will be quite different to the needs of Whanganui, Feilding or Marton. However, if regional cities are not to be disadvantaged in this new planning system, then these types of local issues need to be part of the RSS perhaps through creating sub-regional areas within which the particular needs of an area are addressed and planned for, and which are then integrated into the RSS.

Noting the above concern, consideration should be given to providing generic technology centrally that can be used to efficiently support local processes by each region. These technologies would make it easy and intuitive for citizens to provide their input and understand what is happening with the RSS process. By providing a single citizen input tool for all regions to use, better public participation can be achieved and an understanding of the issues/ matters of concern that arise at a regional level can be better understood as residents and hapu/iwi/Māori can provide details on areas of interest and significance. Using the proper technology these can be ground-truthed quickly and uploaded spatially. Internet of Things (IoT) can then be utilised to monitor these areas from soil moisture, water and air quality, park and reserve use through to pest management. Investment in the right systems and people will assist with getting the right spatial strategies in place.

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

National guidance through the SPA and a cohesive NPF should in effect rationalise planning across the country making such issues less likely – we propose that actual cross boundary issues are likely to be significant enough to justify consideration in either the SPA or the NPF.



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

We have a concern that the proposals in the Randerson Panel's recommendation seem to have been formulated on the Auckland Spatial Plan process. That was a process which was used to amalgamate plans that already existed, to amend and update those plan methods and policies and to create a future direction for a region which is completely dominated by New Zealand's only metropolitan city. That is not the reality for most of the rest of New Zealand and as such makes a single regionally based NBA very difficult to develop for other regions perhaps beyond Wellington, Christchurch and Hamilton where there is a similar city dominance in a region. It certainly poses difficulties for region such as the Hawkes Bay or Southland which have a plethora of different sized urban centres and large areas of productive land. Our regions are also based on river catchment areas which means that they do not always represent effective communities of interest. For example, Manawatu-Whanganui includes parts of southern Hawkes Bay and the Central Plateau which share little but a couple of rivers.

Noting the above concern, we agree that one plan per region would create a system which can be digitised more readily than the current number of plans spread across so many local authorities. Many technologies actually will be most efficient at a national scale, so looking at opportunities for this and providing these to each region will also be important.

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

We propose that it is likely that to do justice to the needs and expectations of communities/residents of a region it is likely that a single NBA plan will be substantial in size and effectively a de facto set of sub-regional plans with some regional planning framework overlaid. Therefore, the idea of sub-regional plans seems a reasonable compromise.

That said, we see the potential for difficulties with these new plans meeting the development process set out on page 27 of the discussion document which indicates a need for extensive community involvement. Often People find it hard to relate to the planning and environmental issues in just their town or city and so we have a concern that they are unlikely to be able to relate to regional level plans in the manner the development process expects.

13. *What should the role of local authorities and their communities be to support local placemaking and understanding of local issues in NBA plans?*

In our experience, planners generally work to involve individuals, groups, iwi etc in planning processes but the reality is most people are time poor, and it is often difficult to identify ways to ensure they engage in a meaningful way in planning processes. This makes participating in such processes unattractive in that it takes up precious non-work time which many might find better uses for. This is probably why most participation and ultimately submissions come from those directly affected by a proposal. More broadly based submissions will come from community groups, NGOs and other organised groups run by the truly committed. Clearly,





given local councils are largely cut out of the regionally based planning system, they will be essential in conveying community feedback/opinions etc on local issues. This will be the most challenging part of the reformed system because the constant regional focus of plans may send a message that local voices are unwelcome or not needed. The potential for disaffected communities strengthens the need to allow for sub-regional plans.

Additionally, there needs to be an increase in digital tools for consultation and community involvement. This should not just be used for the formal submission processes but also to create fewer formal processes for community involvement to foster citizen engagement in the system and its outcomes. As noted above, we recognise the challenge securing public engagement, but appropriate use of technology as part of the reformed system should enable us to “reimagine” public engagement in the digital era.

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

The information currently available does not enable us to make an informed response to this question. However, we note that appropriate use of technology will be critical to achieving increases in efficiency and effectiveness.

#### **RSS and NBA joint committees**

15. *How could a joint committee model balance effective representation with efficiency of processes and decision-making?*

The larger the committee the less effective its operation and the harder it is to get anything discussed or decisions made. However, a joint committee controlling both the RSS and NBA plan making processes would seem to narrow the involvement of the local authorities in each region given all the others who will make up these committees. There seem to be two options to address this.

The first is to have a common core of members on both the RSS and NBA committee, who would have an additional role to ensure co-ordination between the two processes. Secondly, a joint co-ordination committee could be set up, the role of which would be to reconcile the processes and outcomes of the two planning processes, which would require them to be granted significant and meaningful powers. This issue does highlight the problem that logically the RSS should be formulated and agreed to before any attempt is made to create the NBA plans. Trying to do them simultaneously will potentially produce a wide array of problems that all the coordination in the world will struggle to address.

16. *How could a joint committee provide for local democratic input?*

The issue with this is defining and agreeing what is meant by democratic input. Is that input from elected councils, input from iwi or input from individual citizens? The regional focus of all planning has the potential to ultimately reduce the involvement of the community and concentrate power and decision making into the hands of the few.

However, as noted in the answer above, technology can support local input into the work of



these committees. There is a challenge to integrate the existing local democratic communication channels for each council with the digital solution for the joint committee as a whole but this needs to be investigated and a good workable solution found.

Simple examples include promoting transparency in decision making by having meetings shown online and recorded so there is a record of the decision-making process. Likewise, text-based software can produce searchable written material that allows people to find what they are interested in and want to interact on.

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

Quite simply, we do not believe it can. As noted above, this limitation must be balanced with having a committee of a size such that it can actually make decisions and consideration needs to be given to how technology can enhance both representation and decision making.

18. *Are sufficient accountabilities included in the proposed new integrated regional approach to ensure the strategies and plans can be owned and implemented by local authorities?*

We are concerned that there are not sufficient accountabilities apparent in the information provided to date. Currently there is potential for accountability to be limited to the few local council representatives who will sit on the committee. And even then, if that person is a councillor for particular council, they are not likely to feel much accountability to areas outside that council area and cannot be held accountable by the citizens of those other areas through the ballot box.

19. *How should joint committees be established?*

See feedback under point 15 above.

## **Consenting**

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

It is difficult to determine whether the future system will be more certain / efficient without seeing the details. We would hope that in any outcomes-based system, the need for consents is reduced. What is proposed appears to be similar to the system which operated prior to the RMA and as such there is no reason it will not work.

That said consideration needs to be given to the frameworks the system will operate in. For example, if the consenting process will involve timeframes, these should be determined after some research into the average time taken for different types of consents to avoid the 'one size fits all' approach that has been shown to be not fit for purpose under the RMA (should similar types of activities actually require consent at all). The timeframes in the RMA appear to have been a simple translation of the equally unresearched timeframes in the TCPA and were not based on any extensive or sound research into what was a reasonable timeframe to process different consent applications. We highly recommend this is not repeated under this



reform.

Technology should form a critical element of future consenting processes given the ubiquitous nature of technology permeating through all systems and activities. The information in the discussion document does not appear to ensure that the system will be more certain and efficient. As noted in our opening feedback, clarity of desired outcomes is needed to ensure the reformed system will deliver what plan users and applicants want of the system. Certainty can be created via many ways. There is opportunity for new approaches to consenting operating as a more flexible continuum (vs the simplistic idea that consent is either needed or not):

- Clearer and more certain requirements of those undertaking permitted activity development to minimise environmental effects (visualisation of these activities) and monitoring to enhance these processes;
- Potential new tools for ‘certified compliance’ where the applicant must complete some environmental education or other short process to improve the environmental outcomes of the project, through clear and concise steps within the person’s control;
- New approaches to consenting to make the process clearer and more understandable to the applicant and enable their personalised consent journey to be more predictable; and
- A lesser number of applicants who go through a more ‘traditional’ less certain consent process for those large projects or controversial issues which do need a thorough judgement call and where an applicant can’t be assured certainty due to the potential significance of the environmental effects.

A big component of consenting large project work is technical information. A lot of this work is bespoke and costly. A national and/or regional database containing category information (ecological, geotechnical etc.) may improve consistency, and reduce cross technical arguments. Through new technological tools, we could improve monitoring, allowing more adaptive management. The application of machine learning (AI) to extrapolate environmental outcomes and further refine system oversight, potentially in real-time. There are also opportunities to use accreditation to ease the use of technical expertise in consenting processes and use improved consent auditing tools, e.g. reports that can be uploaded, reviewed and responded to digitally, to smooth and shorten interaction times.

### **Compliance, monitoring, and enforcement**

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

These all seem very worthy and an improvement on the existing (very) limited powers. However, some research needs to be done into how successful councils, and particularly regional councils, have been in recovering the costs of compliance monitoring and what the costs and benefits are of this system. Discussions with enforcements staff suggest the cost of trying to recover these costs can make it uneconomic to undertake this sort of cost recovery.

We also note that prohibiting the use of insurance to cover prosecution and infringement fees may be potentially difficult to include in planning legislation.



22. *How practical will the proposals be to implement?*

Some seem to be rather ambitious, but we have always proposed that the reform should be ambitious. As it is proposed, there will be a professional group undertaking enforcement. Now is the time to give them more powers and methods to use. It is noted that the proposals for Compliance, Monitoring and Enforcement (CME) hubs have been deferred, however we propose that a centralised CME hub may provide independence for CME officials, avoiding local conflicts which have affected some CME efforts.

CME has significant potential for digitising and automation. As we have already noted, the proposals for CME hubs have been deferred, however such hubs may provide the economies of scale for more automated CME to be realised. Pushing the duty to demonstrate compliance on to the applicant rather than the consent authority is a critical change for the new system to make if CME is going to actually occur and ensure sound environmental practice actually occurs during implementation.

CME sitting with applicants would take significant pressure off larger authorities and more rural areas if there could be self-service monitoring, photo uploads, document uploads – a whole portal designed for CME post consent-issuance. The recent NES FM is considered an example of central government imposing lots of reporting obligations regarding permitted activities, but requiring each of the consent authorities to create their own systems e.g. application forms and checklists. In the future such requirements should be supported by a single central government driven technological solution.

**Monitoring and system oversight**

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

From the information supplied it appears to be a more rational and connected system which elevates the importance of monitoring and evaluation. Nevertheless, as noted in our opening comments, it will not be achieved unless this area is properly staffed and resourced, and we make the most of technology

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

Only with additional staff and resources. These resources should include the use of appropriate technological tools and systems.

Centralising data from all the diverse and disconnected processes under the current RM system should be a priority in the new system. By collecting and connecting this data, the information can be made available to operate the system adequately and make informed decisions on tweaks to the system for better results. It will also highlight the gaps in the system and where these could be filled.

In terms of monitoring, again technology can transform monitoring and system oversight. Effective monitoring could include self-service tools for uploading of images and documents, into a national database linked to consent documentation. The potential is for technology to play a huge role in the effective monitoring of consents and resources. Changing



environmental circumstances can be identified in real time with smart technology and trigger timely responses.

This better monitoring will translate into more effective system oversight if these site-by-site results are aggregated using good data practice and some well-designed national data dashboards. It can create a very responsive system able to identify needs for system intervention as they arise.

### **Role of local government in the future system**

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

The information currently available does not enable us to make an informed response to this question. That said we would recommend that the system is structured to require this relationship to be highly engaged and with real time communication. Technological tools could support this relationship, ensuring efficient and transparent communication.

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

What is being proposed has the potential to bring extensive change to how we plan in New Zealand. Given the potential extent of this change and given the experience of revolutionary change instituted via the RMA it is vital that there is a complete and independent review of this new system. Given the time that will be taken in writing RSS and NBA plans the first review should be undertaken at a 3 and then 5-year point. That should allow for some evaluation of the new processes and identification of any areas of concern in terms of what is actually happening versus the desired outcomes from the reform – noting our opening comments above that these outcomes, and how they will be measured need to be urgently agreed. This should allow for a measured and logical assessment of the changes by a body independent of the original proponents of the changes or those involved in writing the new legislation.

There is need for a national body on technological advancement in planning and resource management. This may be a service or an independent review board. There needs to be an umbrella agency who can ensure the system is fit for purpose for a technology enabled present and future.

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

These reforms have the clear potential to significantly diminish the role of local authorities in planning. This approach contrasts with all previous New Zealand planning legislation. Existing regional councils are in many cases poorly prepared to take on such wide planning roles given the relatively narrow nature of their existing planning mandates. Significant effort around upskilling and capacity building should be undertaken in the lead up to the release of this reformed system to ensure it is implemented in such a way that meaningful change is achieved, rather than a lack of guidance, training and support seeing the system implemented under an 'RMA mindset'. This upskilling and capacity building needs to be



properly resourced if it is to have any chance of being successful.

### **National Māori entity**

NZPI recognises the feedback provided by Papa Pounamu, an NZPI special interest group, on the following questions. Given the expertise represented by Papa Pounamu, NZPI have decided not to add any additional feedback on the following questions.

28. *What functions should a national Māori entity have?*
29. *What should the membership and appointments process be for the entity?*

### **Joint committee composition**

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

Yes. This is a small step in preserving some aspects of local democracy in the planning system, which is critical to ensuring local ownership of the planning process and associated outcomes and decisions.

31. *What should be the selection and appointments processes for joint committee members?*

We propose there should be a central government provided skills matrix that clearly defines the skills deemed required, preferred and optional, and how to evaluate these skills in potential committee members. A region can then use this skills matrix as a tool to evaluate candidates coming from a call for nominations. Having a consistent, publicly available evaluation process should encourage transparency in the appointment process.

32. *How do we best provide for existing arrangements (eg, Treaty settlement or other resource management arrangements)?*

Given the information currently available, our only suggestion to achieve this would be to have a cross-over in membership from these existing groups into the new joint committees.

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

NZPI recognises the feedback provided by Papa Pounamu, an NZPI special interest group, on the following questions. Given the expertise represented by Papa Pounamu, NZPI have decided not to add any additional feedback on the following questions.

33. *How could an enhanced Mana Whakahono ā Rohe process be enabled that is integrated with transfers of powers and joint management agreements?*
34. *What should be covered in the scope of an enhanced Mana Whakahono ā Rohe and what should be mandatory matters?*
35. *What are the barriers that need to be removed, or incentives added, to better enable transfers of powers and joint management agreements?*

### **Funding in the future system**



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

What is being proposed, at least in the exposure draft, will need significant resourcing which will make it a correspondingly expensive project. As such there will surely need to be taxpayer support for the process with the balance coming from ratepayers. While individuals can bear the costs of consent processes, they should not be faced with charges for making a submission under the planning system or to a joint committee. Introducing charges for activities such as submission would tip the balance in terms of influence towards those with the most resources while excluding groups such as iwi or individuals with low incomes.

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

NZPI recognises the feedback provided by Papa Pounamu, an NZPI special interest group, on this question. Given the expertise represented by Papa Pounamu, NZPI have decided not to add any additional feedback on this question.

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## SUPPLEMENT TO FEEDBACK – PLANTECHNZ FEEDBACK

### About PlanTechNZ

PlanTechNZ is a Special Interest Group of the NZPI. PlanTechNZ comprises NZPI planners who are passionate and curious about the role of emerging technologies in the future of planning practice. Its aim is to bring planning and resource management practitioners together to make the most of new technologies in the planning profession, and to achieve better outcomes in planning practice for communities and the environment.

PlanTechNZ's purpose is to support the NZPI, NZ planners, and the profession's role in responding to the impact of emerging technology on the profession and advancing PlanTech awareness, understanding, and capabilities in NZ planners for the benefit of New Zealand.

Our main work areas are to:

- Explore the opportunities and challenges which new technologies present to planning in New Zealand;
- Introduce PlanTech concepts and tools to the wider NZPI membership and NZ planning practice;
- Provide insightful input to New Zealand's planning profession and its leadership on issues concerning new and emerging technologies;
- Build relationships within New Zealand relating to the success of PlanTech; and
- Contribute to the international PlanTech community and sharing knowledge to improve planning practice.

A key message of our group is that new technologies offer new solutions to how we manage and monitor our cities, rural areas, and natural environments. This includes how we gather data and information to guide decision making to better enable and promote wellbeing of people and communities and well-functioning rural and urban environments. Data and its analysis enable the opportunity for agile and faster decision making to support growing urban areas and the management of risks to the natural environments.

We also support the concept that the planning profession has a complex knowledge base and skillset related to managing urban areas, the environment, running public processes and integrating decision making. These competencies are vital to ensuring robust, ethical, and well-designed planning and environmental management (PlanTech) software. Planning professionals should be involved in the design processes for adapting practice with these technologies to help achieve quality environmental outcomes and development of programs and project to remediate and enhance these essential spaces for future generations.

### [Overview of PlanTechNZ's feedback on the Discussion Document](#)

#### [Role of Technology in the new system](#)



Overall, the discussion document has not provided much further information on the future resource management system particularly around the role of technology to support the new system. The real power of technology is to disrupt traditional tools and ways of doing things. Technology is all about innovating and disrupting current practices. We have seen the rise of technology businesses, increase value and the speed at which things happen. PlanTechNZ is concerned that the reforms are substituting new concepts for old counterparts rather than looking at the potential opportunities for new solutions which better achieve the efficiency and effectiveness goals of the government in undertaking these reforms.

#### Changing system toolset given technological opportunities

In response to several of these questions on the building blocks of the new system, there is a need to consider what these tools do in the system. Users of the system don't necessarily want fewer applications and consents, they just want less of the time, cost and uncertainty associated with the existing consent process. Modern citizens want easier ways to interact with the system and there are many options to do this.

For example, in NSW the state government has put in place a comprehensive single system for resource consenting and is now leveraging that with new services such as BASIX. BASIX<sup>1</sup> is a process to encourage all those creating new residential units (or significantly renovating existing homes) to have considered sustainability (i.e. energy, water use and thermal comfort). The BASIX process is linked to the resource consent process because in order to make a RC application, the applicant has to complete the BASIX self assessment process to get a certificate. This certification approach ensures that applicants consider environmental issues in their design and document their completion of education on this issue.

The certification approach drives change by educating a wider number of applicants about the benefits of sustainability design features. There is significant potential to use such an approach to support better resource management practice in New Zealand. The Ministry for the Environment (MfE) should consider the technology solutions for each part of the system and ensure that the legislation will enable or provide for these to be deployed. This may run in the face of what the reforms are supposed to be about, but a good technology solution will deliver much happier system users and better system outcomes with no change at all in the number of consents. If consenting is 'easy' due to standardised assessment structures, decision templating and other disruptions then the perception of the problem can change.

#### SMART Cities and spreading resource management across the digital sphere

As an example, the creation of digital layers linked to the services it provides for citizens/customers e.g. Infrastructure is a step forward in creating SMART Cities and environments. Networks equipped with smart sensors enable infrastructure providers to analyse data and respond to the environmental pressures and make better projections around growth and its impacts.

The development of a digital twin approach could help to maximise integration and coordination of the Resource Management system. The system could be mandated to provide key data points for the digital twin. Over time the data could include all resource and building consents, engineering plans (initially for residential developments), and infrastructure projects including Three Waters, transport routes, e.g., Public Transport and micro-mobility. This would enable the creation of a 3D digital models of urban and rural areas. With these areas digitalised, we can start to analyse the performance of strategies, objectives, policies, and rules and what they mean for these environments. The draft New Zealand Infrastructure Strategy<sup>2</sup> promotes Digital Twins, including Wellington City’s Digital Twin.

System should be optimised for users, not system operators

Another observation on the discussion document is that it is focused on the system partners rather than the wider group of all those using the system. Existing system partners are much more likely to see the system within the context of its existing constraints rather than the opportunities presented. Fit for purpose modern systems are designed around the user – the citizen, the applicant, businesses. Whilst this document is targeted to others with key roles in the system, it would be useful to understand how MfE is getting input from others who can see the way that digital systems have been used to transform other government systems. Covid-19 response measures have pushed forward digital transformation in other areas of government and the Resource Management (RM) system should not lag behind.