



Local councils  
are looking  
out for the  
environment for  
the generations  
to come.

## **In the matter of A National Monitoring System for the Resource Management Act 1991 – a proposal for discussion**

---

Local Government New Zealand submission  
To the Ministry for the Environment

27 August 2013

**Table of Contents**

Introduction..... 3

Is there merit to develop a nationally consistent monitoring system for the RMA?..... 4

Has the right information been identified to help tell the story around implementation of the functions, processes and tools of the RMA?..... 4

Are there additional barriers or challenges to the proposed National Monitoring System for the RMA that have not yet been identified?..... 6

What type of support systems do you think will be required to implement the proposed National Monitoring System for the RMA?**Error! Bookmark not defined.**..... 7

What might a national user satisfaction survey for the RMA look like, what would it cover, and what costs or benefits would it create for your organisation? ..... 7

Conclusions..... 7

## Introduction

1. Local Government New Zealand (LGNZ) welcomes the opportunity to submit on the discussion document: A National Monitoring System for the Resource Management Act 1991 – a proposal for discussion.
2. LGNZ is a member based organisation representing all 78 local authorities in New Zealand. LGNZ's governance body is the National Council. The members of the National Council are:
  - Lawrence Yule, President, Mayor, Hastings District Council
  - John Forbes, Vice-President, Mayor, Opotiki District Council
  - John Bain, Zone 1, Deputy Chair, Northland Regional Council
  - Richard Northey, Zone 1, Councillor, Auckland Council
  - Meng Foon, Zone 2, Mayor, Gisborne District Council
  - Jono Naylor, Zone 3, Mayor, Palmerston North City Council
  - Adrienne Staples, Zone 4, Mayor, South Wairarapa District Council
  - Maureen Pugh, Zone 5, Mayor, Westland District Council
  - Tracy Hicks, Zone 6, Mayor, Gore District Council
  - Len Brown, Metro Sector, Mayor, Auckland Council
  - Dave Cull, Metro Sector, Mayor, Dunedin City Council
  - Stuart Crosby, Metro Sector, Mayor, Tauranga City Council
  - Brendan Duffy, Provincial Sector, Mayor, Horowhenua District Council
  - Stephen Woodhead, Regional Sector, Chair, Otago Regional Council
  - Fran Wilde, Regional Sector, Chair, Greater Wellington Regional Council.

The proposed National Monitoring System (NMS) is focused on the implementation of the Resource Management Act 1991 (RMA). LGNZ agrees that better information is required on both implementation and outcomes as outlined in the introduction to the discussion document. The NMS as proposed, however, is not focused on outcomes and the focus on implementation is concerned with capturing “inputs” to the RMA process.

We argue that it is important to recognize the limitations of the data collected – particularly in terms of the absence of monitoring outcomes.

Individual councils will answer the specific questions about their own systems and how adaptable they could be to deliver the information sought. It is hoped that some councils will be able to provide some information as to the actual costs that would be incurred to modify their systems to deliver this information.

## **1. Is there merit to develop a nationally consistent monitoring system for the RMA?**

The development of a nationally consistent monitoring framework is supported – such information is necessary to support changes to legislation and to enable some analysis of the system of resource management. The problem is, however, that the NMS as proposed is focused on a very narrow part of this system. We agree that the biennial RMA survey is useful but limited in scope and is unable to provide useful information about how well the country’s resources are being managed. The biennial survey does, however, have value and when we consider the potential cost of the proposed NMS to local government (and to central government), a “revamped” and expanded biennial RMA survey may be a better solution than this proposal.

LGNZ agrees with aspects of the discussion document, particularly the “problem statement,” and we commend the process used to develop the monitoring framework. It is heartening to see a central government agency engage with the local government sector to shape up the monitoring framework. We suggest these are a useful touchstone when considering the development of datasets for the NMS.

In our submission to the Freshwater Reform Discussion Document we suggested these underlying principles for criteria:

1. simplicity
2. fit for purpose
3. collects only necessary data
4. maximise use of existing data and systems
5. cost efficient
6. focus on the problems.

If these criteria are used, it is likely the number of new datasets would be considerably fewer.

We also consider that alternatives to sit alongside the NMS need to be considered. We recognise the great difficulty in measuring “outcomes” and monitoring “policy effectiveness” but accept there is merit in working to see what measures can be developed that satisfy the above criteria.

We do have some concerns about the framework of the NMS and these are described below. Principally, it is unclear whether the intention is that the information gathered will be used to compare council’s performance/efficiency – and if so, then against what criteria, or whether it is genuinely to monitor effectiveness as well?

## **2. Has the right information been identified to help tell the story around the implementation of the functions, processes and tools of the RMA?**

LGNZ considers that we need to now ask some hard questions about the proposed monitoring system and the benefits anticipated against the costs incurred – principally to local government.

The discussion document is transparent in setting out its scope i.e. the proposed approach is focused on gathering information on the implementation of the RMA. In doing this, the focus is on seeking data/information about inputs on a range of matters.

Page five sets out the objectives of the NMS and these include “information on the implementation and effectiveness of national tools e.g. NES and NPS” and “information to produce a coherent and considered picture of the outcomes from the functions, tools and processes of the RMA.”

However, there is limited focus in the NMS framework on these outcomes or the effectiveness – i.e. qualitative data about the effectiveness of plan provisions or of consent conditions. Without this, it is not possible to effectively consider how the country’s resources are being managed. What is missing is the part of the framework to assess “effectiveness.”

The workshops on the NMS yielded responses along these lines:

- yes, some of the information sought is able to be provided by local government
- it will often be at significant cost
- the benefits of providing some of the information are not clear
- it is unclear what the data/information will be used for
- it is unclear how the proposed NMS will fit with the “expectations framework” and any move towards “benchmarking”
- there is no ability to capture “context”.

LGNZ considers that the proposed datasets will go part way to developing the story about the implementation of the RMA. The information is focused upon the transactional measures of efficiency (time and costs) but does not cover the effectiveness of RMA implementation. Plan effectiveness and RMA effectiveness should also form part of any NMS.

We support the high-level objectives (page five) proposed but the specific rationale for the collection of the datasets at the detailed level is missing. Given the cost to local authorities as the implementers of the RMA, it is not sufficient to collect information just because it may be possible and may be useful. A focus on ‘inputs’ and effort required does not tell the story about the effectiveness of the RMA.

Given the significant cost and resourcing implications of this monitoring for local authorities, the specific end use of the data collected needs to be clearly set out. Missing is the framework. Without this, there is uncertainty about how the data/information will be used and also how it will be interpreted.

As part of the framework the reason for collection of each element of information should be made explicit and transparent.

Those involved in the steering group and the technical working groups agree that what is missing is the “framework” for evaluation. Without this, it is not possible to determine whether the information sought is either useful or necessary. As a consequence, it is not possible to determine whether any benefits will outweigh the costs. Without such a framework, local government as the main implementer of the RMA, cannot have understanding or confidence that the data collected and its interpretation is linked rationally to the bases for a performance or effectiveness evaluation.

LGNZ also considers that there should be better integration of State of the Environment monitoring in the proposal. As stated in the consultation document, information required to monitor the RMA includes information on implementation of the RMA by local and central government, and outcomes, i.e. the State of the Environment. It is unclear how a coherent and considered picture of the outcomes from the functions, tools and processes of the RMA can be derived without considering State of the Environment performance, i.e. achievement of objectives.

Accordingly, LGNZ considers the development of a national RMA monitoring system needs to show how the collected implementation data will sit with that collected as part of a national State of the Environment monitoring programme.

Lastly, alternatives should be explored which can provide information sought on how the “RMA system” is performing. These alternatives would be less resource intensive to local government. Some of these could be worked up with LGNZ and its Centre for Excellence.

These alternatives could include:

- performance audits of processes
- case studies of “good practice” along the lines of the work the Ministry has previously been involved
- survey of practices used by local authorities and sharing of this
- focus groups and workshops with local authorities and sharing of practice
- development of benchmarking/standards
- development of consistent processes and practices.

LGNZ has already adopted a position of supporting consistency of practice in a number of areas. This needs to be shaped up with the sector.

### **3. Are there additional barriers or challenges to the proposed National Monitoring System for the RMA that have not yet been identified?**

Councils will provide specific information on the barriers and challenges involved in providing the information sought – in addition to those related to technology.

There will be difficulties in obtaining standardised (comparable) data. This will be a critical and substantial challenge. Waikato Regional Council provides the example of when the council built its new IRIS system with five other councils. It found that all six had different ways of defining consent “sub-type.” Councils were unable to agree on a single, common practice as it would have meant significant disruption of existing council practices and systems for the majority. As a result, the IRIS has been built to accommodate the six different approaches but it means that data at the “subtype” level is unable to be easily compared. This is the nature of the problem MfE will have, but scaled up to all of the consent authorities involved and for all of the multiple data items involved.

Another example is what is meant by the term “compliant.” MfE needs to work closely with local government practitioners to define the terms used. The regional councils are well represented by the network of special interest groups but territorial authorities also need to be brought into that discussion. Costs for councils will be considerable. Some submissions will include costs. A great deal more work is likely to need to be done to quantify costs to councils. Indications are the costs will be considerable and will significantly exceed the relatively limited cost of the current survey. Costs will vary according to capability and readiness and a council’s ability to resource any required enhancements to databases, or new databases, will also vary. This will inevitably affect MfE’s proposed timeline for roll-out of the project. MfE should not underestimate the costs that central government will incur either.

Feedback for the workshops is that the ability to capture “context” is missing from the proposed NMS. This is important and will help to explain the “drivers” for a plan change – for example. It will also enable comparisons to be made between, for example a residential plan change in Auckland and a residential plan change in Clutha.

Despite the likely positive benefits to the country of a fully integrated RMA monitoring system, the additional costs will fall upon local communities, many of which have reducing population bases. This will influence the extent to which local authorities will be willing to “buy in” to the NMS. Discussion at the workshops reflected this view.

#### **4. What type of support systems do you think will be required to implement the proposed National Monitoring System for the RMA?**

Related to the discussion above, the key issue is likely to be the way the required information is collected by each authority. For instance, the way councils collect information on time spent on a plan change will vary and will be determined by the information that particular council needs for its own reporting purposes.

It will be very difficult to compare “like with like.”

Standardised terminology, and categories for data collection and a rigorous education and quality assurance programme (audit), would be needed to support the integrity of a NMS. Considerable thought needs to be given to how this could be achieved and it would need to be worked up with local government practitioners if the proposal is to proceed.

Where cost information is to be collected, it will be important to ensure that information metrics are fairly comparable. Overhead structures in local authorities are very different so any attempt to compare process costs will need to account for these.

#### **5. What might a national user satisfaction survey for the RMA look like, what would it cover, and what costs or benefits would it create for your organisation?**

The focus of any satisfaction survey should not be limited to time and cost and an independent review of RMA effectiveness would have higher benefit.

Measuring the time and costs related to RMA processes will produce only a limited outcome and any satisfaction survey should include a measure for qualitative experiences. While this is subjective, overall satisfaction can be used to reflect the level of community confidence in council performance.

Even with the above considerations included, the benefits of an RMA user satisfaction survey depend very much on the survey design and scope of participation. Any nationally driven survey format would have to overcome the following issues:

- question design (to overcome bias)
- user response (which can be deliberately / strategically biased)
- active participation (will only attract responses from those willing to participate). It is unlikely to get responses from the silent majority, for whom the RMA is working.

## Conclusions

LGNZ supports the intent of the proposal for a NMS for the RMA and appreciates the engagement with local government practitioners in developing the framework. The ability to engage through this consultation process workshops is also appreciated. However, we consider that considerably more work needs to be undertaken due to the significant costs that will be incurred by local authorities and to develop a clear framework. A scaled back proposal may be more appropriate.

### LGNZ:

- recognises the benefits of a nationally consistent monitoring system
- considers that the proposed NMS primarily reflects efficiency of implementation of the RMA
- considers the proposal needs more development so it can measure effectiveness
- considers a framework for evaluation needs to be developed which is transparent
- considers the datasets need to be assessed against this framework to determine whether they are in fact required
- considers that only with this framework can benefits be clearly articulated
- considers the timing for implementation needs greater thought
- considers that links between the NMS and State of Environment reporting information need to be developed
- considers the costs to local government of collecting and providing the information need to be captured and transparent
- considers the benefits vs. costs need to be determined with rigour.

### Actions sought:

1. MfE to review, in collaboration with local government and others, the framework for evaluation and the design of data structures as part of the NMS
2. the relevance of any dataset needs to be tested against the evaluation framework before it is confirmed as part of the NMS
3. MfE review, in collaboration with local government, the scope of the datasets and data management systems across a good sample of councils to provide a reliable basis for designing data management systems
4. MfE should work with a range of willing local authorities to test the NMS before any NMS is rolled out nationally
5. the cost to local authorities needs to be determined rigorously
6. the cost of the NMS to local authorities needs to influence its design
7. the value of the additional cost and effort by local authorities as part of the NMS needs to be tested against the existing biennial reporting
8. additional methods of capturing information need to be explored
9. the timing of implementation needs careful consideration.