

Report Summary

Planning and Governance Under the LGA: Lessons from the RMA Experience

Insights gained from the PUCM research into the RMA can inform effective implementation of the Local Government Act 2002 in three important respects:

- preparation and implementation of Long Term Council Community Plans (LTCCPs);
- the community consultation process for formulating community outcomes; and
- Māori participation in planning and governance under the LGA.

Key lessons discussed in the report are:

A. For Central Government

1. *Unless Government adequately funds the mandates that it devolves to local government, their implementation can be jeopardised.*

Co-operative planning mandates (e.g., RMA and LGA) assume that sub-national governments have the capability¹ to comply with national planning legislation. The most fundamental problem experienced when implementing the RMA was lack of capability in central and local government, which in turn impacted on how well central and local government fulfilled their statutory responsibilities. It is imperative that Government provide sufficient funding to its central agencies for them to help build capacity in sub-national governments to implement the LGA 2002 mandate.

2. *Crown entities must be resourced so they can actively engage with local authorities.*

The LGA requires local authorities to engage with Crown entities as well as their local community stakeholders. Resources for engagement in LGA processes need to be included in the budgets of Crown entities to enable them to do this.

3. *Key legislative provisions in the LGA need to be clearer.*

Lack of clarity of key legislative provisions in the RMA was a constraint on plan making and the quality of the resulting plans. Lack of clarity in the LGA runs the risk of unwarranted litigation in the Courts and consequential delays in implementation.

B. For Local Government

1. *Local authorities require the capability to fulfil their statutory responsibilities.*

Preparation and implementation of good quality plans requires skilled and knowledgeable staff. The PUCM RMA research identified too few planners were employed on plan writing and there was a lack of qualified and skilled staff to prepare and implement RMA plans. It was found that where the capability in councils was strong, the quality of plans, and therefore their effectiveness in guiding councils, was greater. Councils should allocate adequate resources to fulfil their LTCCP responsibilities under the LGA. A good understanding of the philosophy (e.g., *good governance*) and concepts (e.g., *a sustainable development approach*) underpinning the legislation is also necessary on the part of councillors and staff.

2. *Managerialism creates a silo effect within local authorities that counters the integration required by legislation.*

Managerialism, restructuring and cost-cutting often led to staff stress and high turnover and loss of institutional memory. This can adversely influence the preparation and implementation of LTCCPs.

3. *Councillor commitment impacts capability.*

Commitment by councillors to the purpose of the RMA determined their willingness to prioritise and fund its implementation, which in turn impacted the quality of plans and their implementation. Councillors should be knowledgeable and understanding of the responsibilities with which they are charged and their role in governance under the framework of the LGA 2002.

¹ “Capability” comprises both the “commitment” and “capacity” to undertake a task.

4. *Regional/district partnership.*

There is a disjunction between regional and district councils such that the former had limited influence on the quality of plans produced by the latter. In part, this reflected the timing of plans but it was more importantly a reflection of poor relationships. This is of concern for the new LGA mandate, which increases the need for co-operation throughout the planning system — central, regional and local.

C. Māori Interests

1. *Clarification of the relationship between Crown, local authorities and Māori.*

Development of plans was impaired by Government's failure to clarify the nature of the partnership between the Crown and Māori, and between the Crown and local government in relation to Māori interests. The relationship between councils and Māori varied widely across the country and in some districts relationships were fractious. Consequently, there is a need to dispel past frictions before the parties can begin to build collaborative relationships as envisaged by LGA 2002.

2. *Lack of capacity-building for Māori to participate in the planning process.*

This led to poor quality provisions with respect to Māori interests in plans. Hapū and iwi expectations of an enhanced role in environmental management under the RMA were not fulfilled. The LGA 2002 provides for councils to build the capacity of Māori to participate which, in turn, requires funding.

It is imperative that the above concerns are addressed by central and local government to facilitate effective implementation of the LGA.

The full report of *Planning and Governance Under the LGA: Lessons from the RMA Experience* is available at www.waikato.ac.nz/igci/pucm/Linked%20documents/LGARreport.pdf