

13 February 2014

Committee Secretariat
Local Government and Environment Committee
Parliament Buildings
Wellington

Re: Local Government Act 2002 Amendment Bill (No. 3)

This submission is from the Architectural Centre, an incorporated society dating from 1946, which represents both professionals and non-professionals interested in the promotion of good design.

Unitary Authorities/Local Boards

1. The Architectural Centre does not support the proposed unitary authority/local board structure that much of this proposed Amendment Bill will give effect to. We oppose this structure because we believe such structures will diminish the representative strength of local government, in contrast to the current local government structure. This is because of the increased layers of bureaucracy (i.e. local board, unitary authority, governing body etc.) which will occur, the reduced degree of representation in population terms, and the increased distance between rate-payers and decision-makers. As an organisation we cherish our ability to actively engage with our elected representatives and decision-makers in local government, and consider that local boards will not be as effective as the current local government structure in representing and implementing community values.

2. While we oppose the the facilitation of unitary authorities and local boards proposed through this Amendment Bill, if these structures are implemented we believe that local boards must be truly representative of their communities, and must include iwi representation (c.f. §48E).

Consultation

3. The Architectural Centre strongly oppose the proposed §17(4)(a)(i), §56(1), §102(4), §106(6), §108(4A), §109(2A)(a), §110(2A)(a), §125(3), §139(5)(b), §150(3)(b), §156, §160(3)(b), §160(4), all of which either replace the requirement for a local authority to use the **Special Consultative Procedure** with the requirement of a lesser "consultation process that gives effect to the requirements of section 82," or repeal this requirement for consultation. We oppose these clauses because we believe that they will diminish the strength of public consultation and so democracy.

4. In this regard we strongly oppose the proposed §76AA(5) which will enable local authorities to not use a **Special Consultative Procedure** (c.f. existing §90) when adopting or amending a **Significance and Engagement Policy**. We oppose §76AA(5) because the Significance and Engagement Policy will be a critical document to ensure democratic processes, and we believe that the public's right to have input into any adoption or amendment of a Significance and Engagement Policy is a fundamental one. We also note that the requirement for thresholds to be used in assessing significance (§90(1)(b)) have been deleted. The Centre considers that the explicit statement of thresholds facilitates transparency and accountability, and believe that the inclusion of threshold must be retained in the proposed amendment.

5. With respect to the proposed amendment to §83 **Special Consultative Procedure**:



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(a) We support the proposed inclusion of the ability of "a local authority to allow any person to present his or her views ... by way of audio link or audiovisual link" (§83(2)).

(b) We note that the proposed §83(1)(b) only requires the statement of proposal, and description of how people might participate in consultation to be "publicly available," in contrast to the wider requirement of §83(1)(c) "to make the summary of information ... as widely available as reasonably practicable." The Architectural Centre considers that democracy depends on wide access to comprehensive information, and considers that the existing provision regarding public access to information for consultation §83(1)(c), which requires information to be available for inspection at "such other places as the local authority considers necessary in order to provide all ratepayers and residents of the district with reasonable access to that statement" (§83(1)(c)(ii)), as superior in facilitating democracy in local government to the proposed Amendment Bill. We would however strongly recommend that it is a requirement that a statement of proposal and the summary of information be also made available on the local authority's website (c.f. the requirement for making available the proposed Schedule of infrastructure for which development contributions will be used §201A(6)). We do not understand why the proposed Amendment Bill removes the requirement for the statement of proposal to be included on the agenda for a meeting of the local authority (§83(1)(b)) and we recommend the retention of this clause.

6. With respect to the proposed §83A, we note that this replacement of §89, removes the obligation of local authorities to indicate how a copy of the statement of proposal may be obtained, and ask that this information be required for the summary of information. We also note the change in language from "submission" to "present their views." We do not understand the legal ramifications of this change in language, and would be concerned if the change diminishes the significance or impact of public consultation.

7. We oppose the repealing of §84, §85 and proposed insertion of §93A, §93B, because we consider that public consultation on **Long-term Plans**, the **Annual Plan** and in making, amending or revoking **bylaws** is important to ensure that community values and priorities are reflected in the long-term planning of local authorities. We consider the proposed consultation document (§93C - but without §93C(3)(b)(i) and without §93C(3)(b)(ii) which state the exclusion of a draft of the Long-term Plan, and the exclusion of substantial information unnecessary for the purposes of subsections (1) and (2)) could be a useful supplement to the draft Long-term Plan for consultation, and would encourage the availability of both the draft Long-term Plan, and a consultation document to be made public during a **Special Consultative Procedure** for a Long-term Plan.

8. We oppose the amendment of §16(2)(b) (which replaces draft **Long-term Plan** with a §93A consultation document), and the repeal of §93(6)(f), which states that the purpose of a Long-term Plan includes the providing "an opportunity for participation by the public in decision-making processes on activities to be undertaken by the local authority." As stated above, the Centre strongly believes in a robust democracy at local authority level, which includes comprehensive public consultation.

9. For similar reasons outlined in 7 and 8 above, we consider that the proposed amended §95(2), and the repeal of §95(5)(e), diminishes the level of required public consultation and so we oppose these. We oppose the proposed §95A, especially §95A, which prohibits the draft **Annual Plan**, and any substantial information that is unnecessary for the purposes of subsection (1) and (2) being included in the group of consultation documents. We strongly believe that the actual documents (i.e. the

Long-term Plan, the Annual Plan etc.) must be included in any consultation conducted with the aim of informing their adoption or otherwise by a local authority.

10. With respect to the proposed **Development Agreement** (§207A, §207B, §207C, §207D, §207E) we recommend that Development Agreements be made publicly available, including a register, and copies made available from both the local authority and their website.

Collaboration between Councils

11. We support, where mutually agreed, collaboration between local councils (e.g. §14(1)(e)).

Community Infrastructure

12. We do not support the proposed exclusion of community infrastructure from §11A, and the proposed narrowing of the definition of community infrastructure (proposed amendment to §197(2)), which excludes numerous examples of community infrastructure, including those supporting the cultural health of a community (e.g. art galleries). Local authorities have diverse needs and aspirations, and a broad definition of community infrastructure enables a local authorities to be responsive to its communities. In a similar way we oppose the proposed §198A which disables development contributions funding the provision of reserves when a development is non-residential. Reserves are not only important in residential contexts - but also to support broader civic contexts within which non-residential developments occur.

In closing, we believe that ambitions for efficiency must be balanced with the need for resilience, robustness and longevity of decision-making, which privileges democratic participation. Thank you for this opportunity to make a submission on the Local Government Act 2002 Amendment Bill (No. 3).

Yours faithfully

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