

A deliberative and inclusive strategy for developing regional natural resource policy

Terry Parminter

PACT Consulting, PO Box 354, Paraparaumu, New Zealand 5032
Email terry.parminter@pactconsulting.co.nz

Abstract. Greater Wellington Regional Council is currently preparing a regional plan for the management of natural resources. A consultation process was required by the Council that would cope with large numbers of people, and enable all participants to contribute towards policy development. The process needed to match the stages in statutory policy formulation from issue identification, to setting objectives, policies and rules. A consultation strategy was developed that addressed multiple groups and policy stages and provided for a range of consultation methods. The participative methods used included web-based surveys, directed workshops, and village discussion workshops. Experience in designing, organising and implementing the strategy has highlighted that when the results will form part of a statutory document, participatory methods need to be developed that can assist participants to make the greatest use of their contribution in a policy environment.

Keywords: Wellington, regional planning, workshops, surveys, deliberation, conflict resolution.

Introduction

In this paper the author reflects upon a strategy for public participation in regional council planning that was begun in 2010 and is still continuing. First the author describes some of the theoretical principles that were applied in this project and that had been developed in action research studies for political engagement in a range of countries. After that there is a description of those parts of the Resource Management Act (RMA; New Zealand Government 1991) and the Local Government Act (LGA; New Zealand Government 2002) that guide and constrain opportunities for public participation in natural resource management at a regional scale. The sections that follow these outline the approach and methods applied in this project and the results achieved. After that, the last section of the paper provides some reflections and conclusions.

Representative democracy and empowerment of citizens

In many countries, representative democracy has been heavily criticised for its inability to involve a diverse citizenry in decision making. Groups that have become socially marginalised often do not participate effectively in such representative democracy. They may be poorly organised and find it hard to participate in political processes (Pimbert and Wakeford 2001). In some countries, there is growing mistrust, cynicism and a perception of declining legitimacy regarding bureaucratic, professional and scientific expertise. To address these concerns and encourage greater civic engagement in political processes, a number of groups are exploring ways to build deliberative and inclusive processes into statutory planning (Pimbert and Wakeford 2001). These processes are able to empower citizens to become more involved and also to learn more about political governance and decision making. Participants' values and preferences may evolve in this process and bureaucrats and professional beliefs change through interaction and debate. Participation can bring local realities and local needs to a political forum and generate new knowledge for forming policy. The collaborative styles that develop can enable greater progress to be made on issues that may initially have appeared complex and uncertain in conventional thinking.

To some degree, deliberation may occur, in all political decision making and without it 'democracy is ultimately an empty and meaningless concept' (Pimbert and Wakeford 2001, p. 23). Deliberation can mean the careful consideration of all the reasons for and against selected options before making a decision, and that is the sense with which it is used in this paper. Deliberation generally includes bringing together different views and positions through a process of inclusion. Inclusion, when it is used in this way, means the active involvement of multiple social actors in institutional decision making, particularly when some of those actors may have been unable to do so previously.

Participative processes for deliberation and inclusion may be developed by the citizenry (bottom-up) or by the political institutions themselves (top-down). One of the main limitations of bottom-up processes is that they generally have very poor links with the political decision making that they are intended to influence. Their danger is that they raise the expectations of participants, but then deliver the wrong type of messages or messages that are out of step with the political processes (Pimbert 2001). 'The notion of cooperative power is very attractive, but

we shouldn't lose sight of the fact that it is hard to achieve this kind of 'win-win' between very disparate groups' (Vermeulen 2005, p. 12). It can be an attractive idea (but usually naïvely so) that just sitting down and talking will make everything alright. This raises a two-fold challenge for those engaged in developing participatory processes. On one hand, how to encourage policy makers to listen and take notice of the public's concerns and on the other hand, to ensure that participants from the public recognise the constraints of political pressures, budgets and resource limitations on policy formulation (Lenaghan 2001). It is easy for participatory methods to become one-off events or pilot studies in someone's research project without sufficient integration into the wider policy-making process. People wanting to seriously engage with civic involvement in public affairs may need to enlarge their studies to address the sources and applications of political power within and between decision-making institutions (Holmes and Scones 2001). An acceptance of open debate, allowing voices of conflict and dissent to be heard and supporting consensus and compromise are all part of the conditions needed for full participation in political processes. Most commonly in published literature, these conditions are compromised in part or in full and potentially deliberative and inclusive processes end up being used in an instrumental manner to reinforce the existing remits of the organising agencies (Holmes and Scones 2000).

The question of who convenes a participatory process, the questions that are used to frame discussions, and who the people are that are invited or excluded, usually determines how deliberative and inclusive its results will be. Early on in a political process there is a need to be extremely open in what is included in the participatory process. Multiple perspectives expressing differing political, technical, and ethical positions all need to be aired (Holmes and Scones 2000). Many participatory methods expect consensus-based results. This may be desirable but cannot be always achieved given the diversity of interests around some subjects such as the environment. In the early stages, conflicts need to be heard. Later the issues may need to be framed more narrowly to build on the work that has already been done and to apply the consultation more specifically to address the policy context.

Facilitators of participatory methods are a critical resource for their effectiveness. Facilitators need to be committed to the democratic contribution of public participation; they need to be skilled in implementing the methods being used, building consensus, creating space for constructive dissent, and resolving conflict (Pimbert and Wakeford 2001).

The resource management act and regional governance

The Resource Management Act (New Zealand Government, 1991, section 30) describes the purpose of a regional council as 'the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance'. This includes:

- soil conservation
- the maintenance and enhancement of the quality of water in water bodies and coastal water
- the maintenance of the quantity of water in water bodies and coastal water
- the maintenance and enhancement of ecosystems in water bodies and coastal water
- the avoidance or mitigation of natural hazards
- the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances
- the management of the coastal marine area
- the effects on fishing and fisheries resources of aquaculture activities
- the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body
- the control of discharges of contaminants into or onto land, air, or water and discharges of water into water
- maintaining indigenous biological diversity
- the strategic integration of infrastructure with land use.

The RMA describes the primary policy instrument for achieving the purposes of a regional council as its regional plan. In sections 63 and 67 of the RMA, a regional plan must contain the objectives for the region; and the policies to implement the objectives; and the rules (if any) to implement the policies. Other plan components are included at the discretion of the regional council.

During the preparation of a regional plan the regional council is required to consult the relevant central government ministers, affected local authorities, and tangata whenua¹. They may also consult anyone else.

The required process of consultation in the RMA is outlined in another act – the Local Government Act (New Zealand Government 2002). In the LGA (section 77), a regional council must, in the course of the decision-making process, seek to identify all reasonably practicable options for the achievement of the objective of a decision and assess those options. In doing so the regional council must take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

The regional council must, in the course of its decision making for a regional plan, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter. That consideration must be given at the stage at which the problems and objectives related to the matter are defined and policies and methods identified.

In section 82 of the LGA, any consultation that a local authority undertakes must follow a series of principles. These principles include:

- That persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the [regional council] with reasonable access to relevant information and be encouraged by the [regional council] to present their views to the [regional council].
- They should be given clear information by the [regional council] concerning the purpose of the consultation and the scope of the decisions to be taken and be provided by the [regional council] with a reasonable opportunity to present their views to the [regional council].
- That the views presented to the [regional council] should be received by the [regional council] with an open mind and should be given due consideration by the [regional council] when it makes its decisions.
- That persons who present views to the [regional council] should be provided by the [regional council] with information concerning both the relevant decisions and the reasons for those decisions.
- A local authority must ensure that it has in place processes for consulting with Maori.

Greater Wellington Regional Council decision making for the draft regional plan

Regional Councils are the primary democratic institution for making regional scale policy decisions. Councillors are elected to take their place on council every three years from wards established throughout the region. Greater Wellington Regional Council (GWRC) operates with a natural resources subcommittee of council – Te Upoko Taiao². The subcommittee provides a decision-making partnership of elected councillors and appointees from the seven treaty iwi³ in the Wellington Region. As provided for in the RMA, every 10 years or so, the subcommittee prepares a regional plan from the policy options provided by regional council staff.

The RMA lays out for regional councils the process that must be followed by councillors and staff when they are developing a regional plan. There are however, a number of parts to the planning process where the RMA provides individual councils with discretion to follow their own decision-making path. Much of the flexibility that they have been given relates to the processes used for public participation in plan preparation and how the results may contribute towards council decision making. In 2010, GWRC wanted to establish a participatory approach for decision making for their regional plan that would empower regional citizens to be involved in a substantive way and yet that was matched to the statutory processes in the RMA.

This project had four questions that needed to be considered in the design and operation of a participatory process of public engagement:

1. How much could such a process meaningfully empower and engage the citizens of a region of almost 500,000 people?
2. How could it be constructed to match over time the stages involved in regional policy planning?
3. Would it contribute useful content to regional natural resource management?

¹ Tangata whenua are the māori groups that have authority of the local area

² In the māori language, it is equivalent to 'the head of the country including its environment'

³ Treaty iwi are the māori tribes recognised by the Crown in the Treaty of Waitangi settlement process

4. Would the results of such a process be received by council officials without prejudice, or favouritism?

Participatory approach

In 2009, GWRC asked the author to prepare a public consultation strategy that would guide GWRC's preparation of a draft regional plan by 2014. Table 1 shows the links in the strategy between the regional council processes of governance, the steps in regional plan development and the facilitation tools used for public participation. The results of the public consultation were to be integrated with information from GWRC's monitoring of their own consenting processes and enforcement activities, scientific monitoring of the state of the environment across the region and with iwi cultural needs. The strategy was to link a public participative process with steps in plan development and decision making by Te Upoko Taiao. Right from the start, the consultation was not expected to have sufficient numbers of participants to establish a statistically representative result for a region of almost 500,000 people. Instead the expectation of Te Upoko Taiao was that they would be provided with a cross-section of results that could be associated with particular people groups and catchment communities.

Table 1. Links between regional council governance, policy steps and facilitation tools for public participation

Years	Governance Focus	Policy Steps	Facilitation Tools for Public Participation
2010	Policy priorities	Identification of issues and objectives for natural resource management	Directed workshops for people to identify their own natural resource problems and opportunities and evaluate their relationship with GWRC.
2011	Understanding consequences of human activities and the need for policy interventions	High level policies directing the choice of methods and conditions to be included in the plan	Discussion-village events with talking point posters
2012	Selection of policy options	Policies and rules that will address the issues and enable regional objectives to be realised	Scenario analyses for policy options
2013/2014	Establishing policies to meet the unique needs of the range of regional catchments	Catchment plans formulated by Whaitua (zone committees)	-

The project questions were examined by:

1. Considering how well the engagement included a cross section of different social groups in the region and much the process captured conflicting views from the different groups and between those groups and GWRC.
2. Analysing the progress being made over time in the type of information being provided by the public and its match to the development of policy.
3. Relating the expectations of the public about resource management to what could be achieved in a regional plan.
4. Examining how much of the content of the engagement results provided the basis to policy development, changes in direction and selection of policy instruments.

Participatory methods

In 2010, GWRC held workshops with people across the region. Sites were selected for the workshops based upon community segments associated with geographic centres. The segments specifically encouraged to be involved in the consultation included (amongst others): other local authorities in the region, iwi members, members of the public from rural and urban areas, families, stay-at-home mums, elderly, ethnic communities, recreation groups, environmental groups, industries and professional groups. A communication campaign titled: 'What's your view?' was launched. The campaign involved personal letters of invitation to leaders in these groups, posters, radio broadcasts and newspaper advertisements featuring the campaign title.

In these communications people were invited to participate in workshops and take part in a web-based survey.

Over a six-week period, the workshops were held in 18 community centres, five different iwi centres, seven district and city councils and two school classrooms. At all the workshops, people worked in groups of three to eight with visual scales to numerically evaluate the state of the resources in their area and the state of the relationship between their community and GWRC. They then had an open-ended section of the workshop to identify the issues that they wanted addressed and how they wanted them resolved. Facilitation of the small groups at each workshop was provided by GWRC staff trained in facilitation techniques. The web-based survey used the same question format as the workshops.

The results from the 2010 consultation were used by policy makers to formulate the critical issues for the region's natural resources and the types of objectives that could assist people to address them (Parminter et al. 2011). Te Upoko Taiao considered these policy issues along with science and cultural information to determine the priorities for the regional plan.

In 2011, GWRC held community events at a similar range of sites throughout the region. This time, talking point posters were prepared for the new events, from the results of 2010 and the priority issues and objectives identified by Te Upoko Taiao. At each event a discussion village was established using the posters. Participants could move freely between the posters in their own time and discuss their contents with the staff responsible for preparing that section of the regional plan. A campaign was again run to invite people to be involved. This one was called, 'Are we on track?'

The results from the 2011 consultation were used to develop high level policies for guiding the choice of methods to be included in the regional plan. Te Upoko Taiao used this information to begin making decisions about the scale and nature of the policy interventions required in the regional plan.

In 2012 the consultation changed to workshops where specific people were invited from stakeholder organisations. These were the organisations representing people involved in the actual operation of a regional plan, particularly its consenting processes. The workshops featured scenarios of particular regional issues of concern to policy makers and participants were invited to develop a suite of policies and rules to resolve them. In 2012 a reduced series of public workshops were held along with a web-based survey.

The results from 2012 were used by GWRC staff to prepare policy options for consideration by Te Upoko Taiao. The strengths and weaknesses of the various options were able to be discussed with Te Upoko Taiao based upon how they affected the different stakeholder groups involved (Parminter and Greenberg 2012).

In 2013 the stakeholder workshops have been continued so that participants can evaluate the policy and rule options being prepared by GWRC policy makers and suggest ways to improve them. Catchment community committees known as Whaitua have begun to be established for the next stage of developing local policies and rules. In 2013, Te Upoko Taiao were able to start preparing the draft regional plan and establishing consistency across all its sections and use of policy methods.

Results from the public engagement

The public engagement events in 2010 involved almost 1,000 people. The completed templates from each workshop's subgroup were separately recorded on the GWRC database (Figure 1). The summarised numerical results after analysis are shown in Figures 2 & 3 including the numbers of people participating and their scores. In Figure 2 the quality of the air in the Wellington Region was perceived to be significantly better than the state of other natural resources in the region ($P < 0.01$). In Figure 3 water was commonly perceived to be the natural resource in the worst state ($P < 0.01$).

These results were reinforced by the qualitative results at the same time, such as these contributions from the Thorndon workshop:

waterways are only good when you feel happy to have your children swim in them.

runoff from earthworks is causing dirty streams and silting up harbours.

waterways are being polluted by nitrogen and effluent runoff, particularly from dairy farms.

The directed workshops with prepared templates enabled a range of people to be involved and to all share in producing the report for Te Upoko Taiao (Parminter et al. 2011).

In 2011, the numbers of people participating in the consultation halved. When questioned about this, the most common response from those not attending was that, 'we have told you [GWRC] what we want and now we are waiting to see your [GWRC] response in the regional plan'. In general, participants in 2011 expressed confidence in the policy direction (Greater Wellington Regional Council 2011). In Figure 4 the number of concepts produced by the public, iwi groups and stakeholders are graphed. The graph shows how much interest water quality was still generating. Biodiversity was the next most common topic of interest to the public, piped water systems to stakeholders (storm water, sewage and potable), and land and water values to tangata whenua.

Figure 1. Workshop template results from one subgroup at public workshops in 2010



Many people wanted water policy to be developed on a catchment basis. Some people suggested an objective to limit land use options in high-value catchments and they wanted objectives that ensured livestock would be excluded from waterways.

These contributions came from a Masterton workshop:

catchment-based plans would potentially be more successful and have the opportunity to have different values for different catchments.

keep stock out of the waterways.

The discussion village method enabled people to talk with the actual people involved in writing policy without being constrained by time or formal processes. In 2012, the stakeholders found the risk-management approach proposed by GWRC challenging but constructive. Stakeholders wanted any hazard management strategy being developed to provide options for communities and to assist them to decide between protection and retiring housing and infra-structure from floodable rivers and coastlines. The stakeholders wanted GWRC in the draft regional plan to recognise that water quality was an issue requiring everybody to act more responsibly and not to blame only the region's farmers. Other stakeholders, while recognising that there was a shared responsibility across the region, did not want this to be used by the agricultural industries to avoid facing up to their contribution towards any water quality problems that might be identified.

Figure 2. Average scores for resources in their 'best state' from 2010 workshops

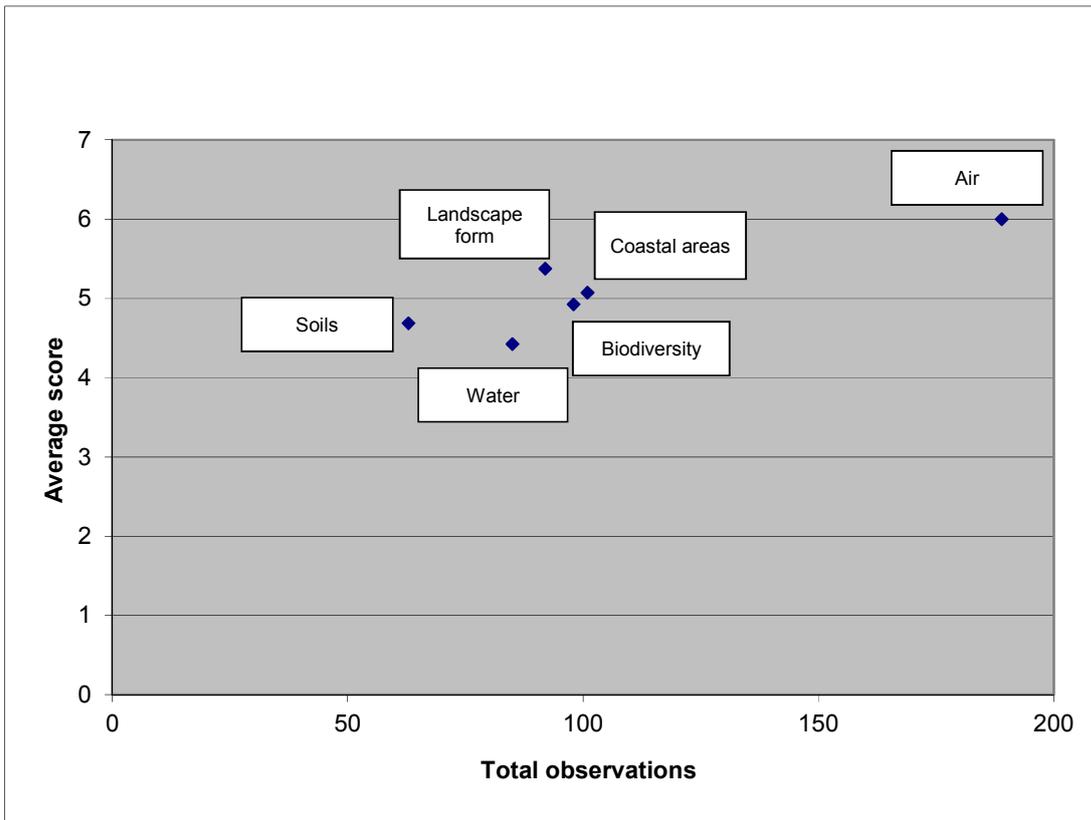
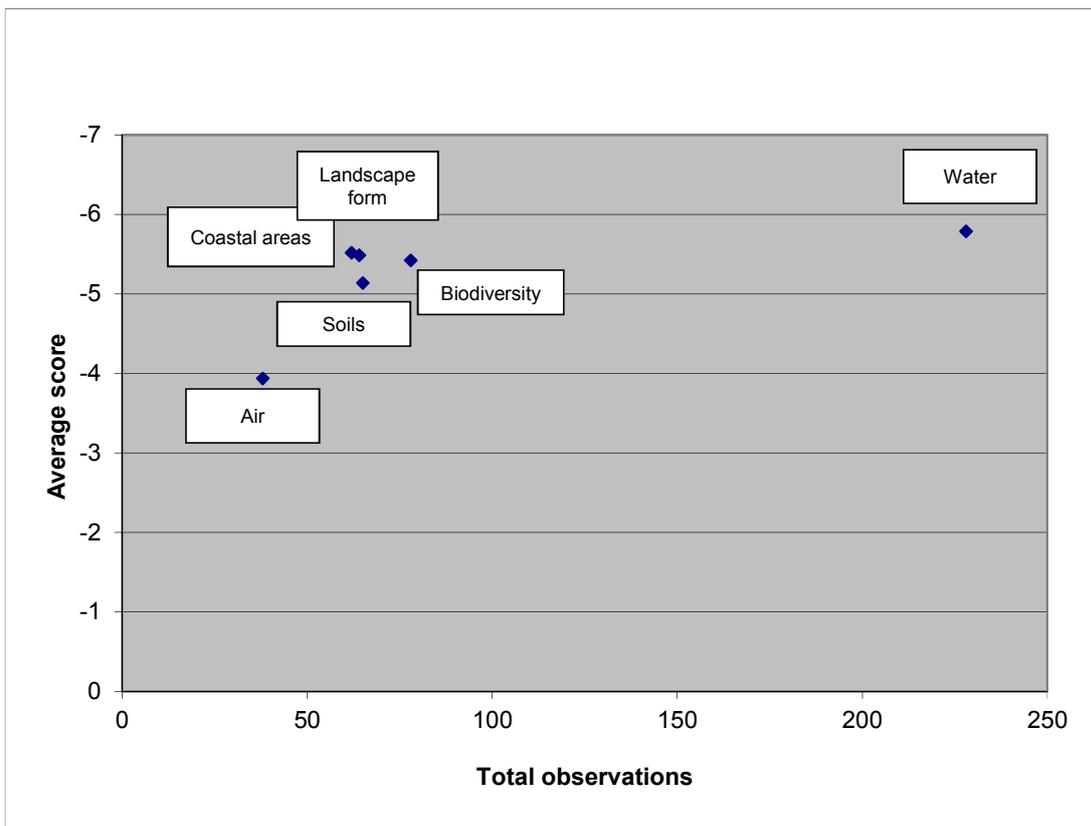


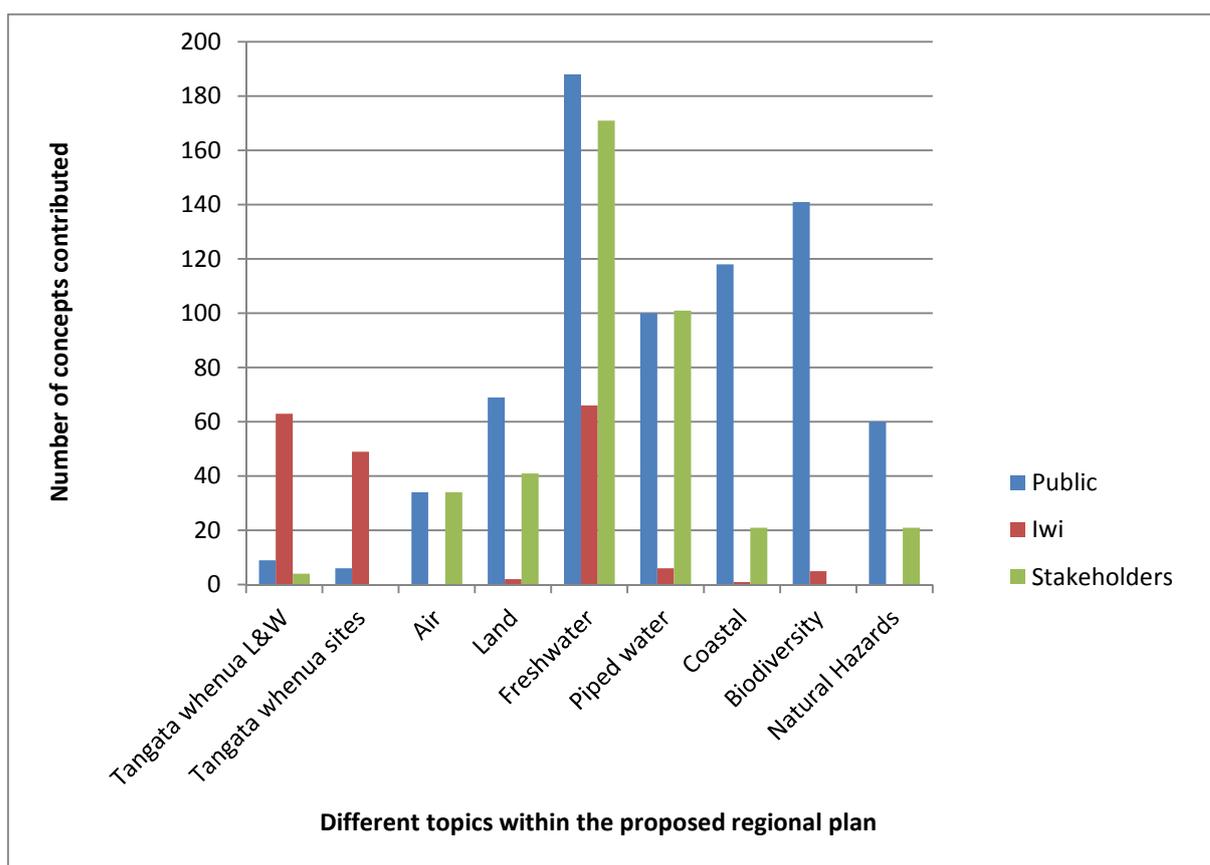
Figure 3. Average scores for resources in their 'best state' from 2010 workshops



It was proposed by GWRC that maybe stormwater systems should move into a consented regime in the regional plan. For the stakeholders, moving to consented storm water systems was going to be expensive for ratepayers in district and city councils. They understood why it might be required but wanted sufficient transition time to be provided so that they could put any changes in place without overloading their communities with the costs.

The scenario analyses enabled stakeholders to explore the consequences of policies and methods in principle and in practice. They enabled GWRC policy makers to work with the details of possible policies without making commitments about what might appear in the draft regional plan.

Figure 4. The number of concepts generated in 2011



Public responses to the consultation

Participants came from a wide cross-section of regional communities and they expressed a range of views at consultation events. Some views were supportive of regional planning process and some against. For instance in Martinborough:

Rules need to be made easier to understand and the resource consent process simplified.

We benefit from the soil erosion control through land management team e.g. pole planting.

Over time they progressed their ideas from describing values, issues and natural resource objectives to talking more about policy methods. This worked in well with the GWRC planning process. For instance in Masterton and Lower Hutt in 2010:

The further south the Ruamahanga river flows the poorer the water quality gets.

Want to be able to swim in the river.

By 2011 people at the same centres were suggesting

Need to fence off streams and stop cows going through them.

Talk to farmers about the benefits of doing things the right way e.g. farming systems that will work for farmers and have environmental benefits too.

The consultation results signalled to GWRC some important directions for change in the regional plan. One of these was to reflect in the whole of the plan the partnership between the elected

councillors and tangata whenua. Another signal was to take a whole of catchment approach in managing water quality. Both of these directions have continued to be developed since with further public input.

At the workshop with the Port Nicholson Trust:

Need to indicate to all people that tangata whenua not just another interested party, we are your partner, we will back these issues too.

In Masterton one contribution was:

Catchment-based plans would potentially be more successful and have the opportunity to have different values for different catchments.

Reflections and conclusions

Considering the four questions posed at the beginning of the project, it appears that there has been progress made on each of them. Encouraging the participation of large numbers of the public in regional consultation was not easy. This had been anticipated to some degree and was the reason for holding communication campaigns at each new step in the consultation. Nevertheless the numbers of people involved still reduced over time. Using population segmentation and designing the engagement activities to be useful to each of the segments was effective. Holding a range of different engagement activities and maintaining the integrity of the information obtained from each activity and event meant that a broad section of views could be obtained and compared. When there was a high degree of repetition on particular views from the cross section this was reported to GWRC as representing a generally preferred policy direction.

The participatory methods applied in this study proved to be very compatible with the level and type of consultation required in the RMA and the LGA. Linking the consultation in with the decisions being made by GWRC through Te Upoko Taiao has ensured that the input of citizens has remained relevant and has continued to be useful throughout the policy formulation process. It has reduced the level of consultation fatigue amongst participants and provided time for everybody to assimilate the results. As the consultation process has evolved, citizens have been able to access the results of the consultation on the GWRC website. These results have been reported using the language and words of participants.

The results from the participatory methods used in the consultation have enabled Te Upoko Taiao and GWRC staff to hear local realities and local needs and they provided new knowledge to be included as part of forming policy. The collaborative workshops have enabled greater progress to be made on natural resource issues that initially appeared complex and uncertain to resolve.

Experience in designing, organising and implementing the strategy has highlighted three areas that provided lessons for learning. The first is that when the results will form part of a statutory document, participatory methods need to be developed that can assist participants to make the greatest use of their contribution to that process from the material that they can provide. Secondly, in a policy setting, conflict between groups is most effectively addressed when the parties involved are assisted to negotiate their differences objectively. The workshops assisted by keeping the focus upon resolving the natural issues involved rather than just on the writing policies. Finally, when designed around the actual decision-making steps involved in policy formulation a strategy for public consultation is able to enhance the whole process of developing a draft regional plan.

Acknowledgements

The support of Councillors, members of Te Upoko Taiao and staff at Greater Wellington is greatly appreciated. This includes the encouragement and guidance offered by Nigel Corry, Tim Porteous, Nicola Shorten, Jonathan Streat, Miranda Robinson and Lucy Harper. A big thank you also to the enthusiastic participation by the citizens of the Wellington Region in the public engagement events.

The author considers that the paper's reviewers have provided helpful guidance about the focus and structure of the paper and their input is acknowledged.

References

- Greater Wellington Regional Council Internal Report 2011, 'Your environment - are we on the right track? Public engagement (2011) for the Natural Resource Regional Plan Review for the Wellington Region', Document Number 998600, GWRC, Wellington, NZ.
- Holmes T and Scoones I 2000. 'Participatory environmental policy processes: experiences from north and south', Institute of Development Studies Working Paper 113, <<http://www.ids.ac.uk/files/Wp113.pdf>>.

- Lenaghan J 2001, 'Participation and governance in the UK Department of Health', in M Pimbert (ed.), *Deliberative democracy and citizen empowerment*, International Institute for Environment and Development, London, pp. 64-65.
- New Zealand Government 1991, *Resource Management Act No 69*, Wellington, New Zealand.
- New Zealand Government 2002, *Local Government Act No 69*, Wellington, New Zealand.
- Parminter TG and Greenberg ES, 2012, 'The use of policy scenarios for water quality in stakeholder consultation', in *Proceedings of the NZ Agricultural and Resource Economics Society Annual Conference*, <<http://purl.umn.edu/136052>>
- Parminter TG, Gunn I and Pawson R 2011, 'Your view about our environment: public engagement (2010) for the Natural Resource Regional Plan Review for the Wellington region', Greater Wellington Regional Council, Wellington, <<http://www.gw.govt.nz/>>.
- Pimbert M 2001, 'Reclaiming our right to power: some conditions for deliberative democracy', in M Pimbert (ed.), *Deliberative democracy and citizen empowerment*, International Institute for Environment and Development, London, pp. 81-84.
- Pimbert M and Wakeford T 2001, 'Overview-deliberative democracy and citizen empowerment', in M Pimbert (ed.), *Deliberative democracy and citizen empowerment*, International Institute for Environment and Development, London, pp. 23-28.
- Vermeulen S 2001, 'Power tools for participatory learning and action', in S Vermeulen (ed.), *Tools for influencing power and policy*, International Institute for Environment and Development, London.