



Ministry for the
Environment
Manatū Mō Te Taiao

A Review of Council RMA Resource Consent Processing Performance

Round Two

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Contents

1	Executive Summary	1
2	Introduction	3
3	Review Methodology	5
4	Barriers to Performance	6
4.1	Acceptance of poor quality applications	6
4.2	Delays in gaining information from other parties	7
4.3	Tracking of resource consents	7
4.4	How councils apply the process	7
4.5	Consent officers dealing with extraneous issues	8
4.6	Information and communications technology	8
4.7	Consent officers' reliance on paper	8
4.8	Complex planning reports and conditions for minor applications	9
4.9	Shortage of consent officers	9
4.10	Level of priority for meeting statutory timeframes	9
4.11	Level of delegations	10
4.12	Complexity of applications	10
4.13	Difficulties administering the district plan	11
5	Summary of Individual Council Findings	12
5.1	Auckland City Council (ACC)	12
5.2	Tauranga City Council (TCC)	13
5.3	Kaikoura District Council (KDC)	14
5.4	Grey District Council (GDC)	14
5.5	Timaru District Council	15
5.6	Westland District Council	16
6	Next Steps	17
Appendices		
	Appendix 1: Review Questions	18
	Appendix 2: Compliance with Statutory Time Limits	21
	Appendix 3: Full Discussion of Barriers from <i>A Review of Reasons for Councils Decline in RMA Resource Consent Processing Performance – June 2007</i>	22

1 Executive Summary

This report presents the findings of a review of a second round of councils following the results of the 2005/06 Resource Management Act Biennial Survey of Local Authorities (“the survey”).

The survey revealed a decline in performance of councils meeting statutory timeframes for processing resource consents as set out in the Resource Management Act 1991 (RMA).

In light of the declining survey trend the Minister for the Environment directed the Secretary for the Environment to conduct an immediate review of several councils to explore the reasons for the decline.

The review involved analysing resource consent processing data from each council and an on-site review at each council to discuss performance with staff.

The findings of the first round of reviews were reported in *A Review of Council RMA resource consent processing performance – Round One*. The second round of reviews confirmed the first reports findings that delays in processing resource consent applications occurred for a number of reasons, the main ones being:

- **Acceptance of poor quality applications** – The applications accepted by some of the councils seemed to be of poor quality and section 88(3) is rarely used to return the poor applications to the applicant.¹ The councils instead tended to use section 92 to gain further information to allow processing of the application to continue.²
- **Delays in gaining information from other parties** – Consent officers³ at all the councils refer aspects of resource consent processing to other divisions of the council or to external agencies for comments and advice. Referrals (however well monitored or managed) inevitably ‘use up’ processing time. The most common type of referral was to council asset engineers.
- **Tracking of resource consents** – While most of the reviewed councils had an electronic tracking system in place that enabled some tracking of the processing of applications, the systems were not being used to their full extent to effectively manage workflow. In some cases more than one tracking system was being used, this added to delays in processing times.
- **Information and communications technology** – Several of the councils reported problems and ‘lost time’ obtaining and coordinating the outputs from different software systems across the council (in particular, financial systems). Those problems may be no worse than typically found in large organisations but there is some scope for time saving if these systems were improved.

¹ Under section 88(3) of the RMA, councils can return incomplete applications to the applicant if the application does not include an adequate assessment of environmental effects or the information required by regulations.

² Under section 92 of the RMA, a council may request an applicant to provide further information relating to the application. The application is put ‘on-hold’ (ie, the processing time stops) while the further information is made available to the council.

³ In this report “consent officer” is used to describe all council staff whose primary task is processing resource consent applications. They may or may not be qualified resource management planners.

- **Complex planning reports and conditions for minor applications** – Consent officer reports and conditions for minor application were found to be long and complex. Reports often include multiple recitals of what the application is for, which plan provisions are relevant and why others do not apply. Analysis of the time recorded by consent officers in two councils suggests that minor resource consent report writing can take several hours. This is often over a third of the time the consent officer spends processing the entire application.
- **Shortage of consent officers** – The majority of the councils reported difficulty in recruiting and retaining enough skilled planning staff to deal with the resource consent workload.
- **Level of priority put on meeting statutory timeframes** – Having a culture in place within the resource consents team (and those other parts of the council that have input) that strives to meet the statutory timeframes was found to be one of the biggest factors influencing council performance. That is, the degree of importance placed upon compliance with statutory timeframes appears to influence timeframes.

The second round of reviews identified a further three reasons for delays in processing resource consent applications. These are:

- **Level of delegations** – The delegation of authority to make decisions on resource consent applications impacts on the flow of applications through the process. A delay is caused when a decision cannot be made by the consent officer processing the application and it must be transferred to the decision maker. The structure of delegations in some of the councils reviewed did not reflect the weight of the decision to be made and added additional steps in the process.
- **Complexity of applications** – Complex applications inherently involve greater processing resource. The consent officer must devote more time to understanding and assessing the application.
- **Difficulties administering the district plan** – District plans are developed to manage environmental outcomes; however they also have an impact on consent processing workflow. Some plan provisions generate a lot of applications, while others require detailed assessments. In some cases the district plan does not adequately reflect the level of development being experienced. This can make the processing of consents more complicated and time-consuming.

Processing times could be shorter if some of the reasons identified above were addressed so that consent officers can focus on their core task of assessing applications.

2 Introduction

This report presents the findings of a second round of reviews of council performance following the results of the 2005/06 Resource Management Act Biennial Survey of Local Authorities (“the survey”).

The survey revealed a decline in performance of councils in meeting statutory timeframes for processing resource consents as set out in the Resource Management Act 1991. During the 2003/04 survey period 77 per cent of the 54,658 resource consent applications were processed within statutory timeframes. This dropped to 73 per cent of the 51,768 resource consent applications processed during the 2005/06 survey period.

In light of the declining survey trend, the Minister for the Environment directed the Secretary for the Environment to conduct an immediate review of several councils to explore the reasons for the decline.

Five councils were selected to participate in the first round of reviews:

- Franklin District Council
- Kaipara District Council
- Manukau City Council
- Taupo District Council
- Waimakariri District Council.

These councils were not the five worst performers but rather a representative sample of councils who had either a low level of timeframe compliance and/or showed a high use of Section 92. Frequent use of Section 92 may be indicative of underlying processing issues that are not readily apparent when simply looking at the working day figures. The results of the first round of reviews are reported in *A Review of Council RMA resource consent processing performance – Round One*.

The second round of reviews focused on six poor performers. For the purpose of this review ‘poor performers’ are defined as councils who have less than 60 per cent compliance with statutory timeframes. The councils selected to participate in the second round of reviews were:

- Auckland City Council
- Tauranga City Council
- Kaikoura District Council
- Grey District Council
- Timaru District Council (as part of a targeted assistance project)
- Westland District Council (as part of a targeted assistance project).

The 2005/06 survey results for the participating councils were:

	Number of consents processed	% of consents processed within statutory timeframes	Use of section 92	Use of section 37⁴	% of consents processed on a non-notified basis
Auckland City	6,057	52.07%	29.50%	0.16%	99%
Tauranga City	450	56.22%	60.89%	3.33%	91%
Kaikoura District	97	49.48%	36.08%	Do not use	89%
Grey District	144	52.78%	55.56%	26.38%	94%
Westland District	155	55.48%	14.19%	Do not use	95%
Timaru District	Data not provided	Data not provided	Data not provided	Data not provided	Data not provided

⁴ Under Section 37 of the RMA, a council may extend a time period specified in the RMA. A time period may be extended for a time not exceeding twice the maximum time period; or a time exceeding twice the maximum time period if the applicant requests or agrees.

3 Review Methodology

The second round of reviews used the same methodology as the first round of reviews, including the same set of key areas and questions (refer to Appendix 1). The questions were structured around the main factors that influence council's ability to meet statutory timeframes. These were:

- activities that generate the workload
- public guidance
- resource consent process
- people
- tools
- reporting
- general context.

The on-site portion of the review involved teams from the Ministry for the Environment (MfE) spending an average of three days at each council. While on-site the teams discussed the resource consents process and practice with council staff. The teams also reviewed council systems, assessed databases, assessed file information and undertook analysis of findings and data. For Timaru District Council and Westland District Council this was conducted in conjunction with a targeted assistance project. Councils were asked to provide their most recent processing statistics prior to the on-site portion of the review so that current performance could be reviewed.

MfE staff focused on identifying the barriers to making decisions on resource consent applications within statutory timeframes by specifically asking the question "*where do the days go and why?*".

The review looked nine months beyond the survey period to see if:

- the council had changed their processes to improve performance
- the survey results reflected circumstances that existed at the time but no longer exist.

4 Barriers to Performance

The report on the first round of reviews *A Review of Council RMA resource consent processing performance – Round One* identified six common barriers to performance:

- acceptance of poor quality applications
- delays in gaining information from other parties
- tracking of resource consents
- challenges presented by information and communications technology
- shortage of consent officers
- level of priority for meeting statutory timeframes.

The second round of reviews confirmed these findings. The common barriers to performance identified in the first round of reviews are summarised here, together with relevant observations from the second round of reviews. A full discussion of barriers to performance from *A Review of Council RMA resource consent processing performance – Round One* is included in Appendix 3.

4.1 Acceptance of poor quality applications

Good quality applications with the required information can generally be processed quickly and with less risk of mistakes. Some of the councils reviewed seemed to be accepting poor quality applications and rarely used section 88(3) to return poor quality applications at the start of the process.⁵ The councils tended to use section 92 instead to gain further information to allow processing of the application to continue. Most councils do not analyse section 92 requests to determine what further information could be asked for at lodgement.

Most public guidance on applications sets out to explain the RMA to a non-professional audience; however in many councils the majority of applications were prepared by professionals (eg, consultant planners, surveyors and architects) who already know (or should know) the basic information requirements.

Some councils addressed the professional audience quite actively. All of Tauranga City Council's consent officers are each assigned one or more planning consultancies to liaise with. Auckland City Council has introduced a fast track process for applications lodged by accredited planners in a standard form. However the majority of councils did not have formal arrangements for feeding back detailed information on the quality of applications to the developer and/or the consultant communities. Knowing what information is consistently lacking could be used by professionals to prepare better quality applications.

⁵ Under section 88(3) of the RMA, councils can return incomplete applications to the applicant within five working days if the application does not include an adequate assessment of environmental effects of the information required by regulations.

4.2 Delays in gaining information from other parties

Consent officers at all the reviewed councils refer aspects of resource consent processing to other divisions of the council or to external agencies for comments and advice. The most common reason for referrals was infrastructure and engineering issues. Referrals (however well monitored or managed) inevitably use up processing time.

Consent officers are dependent on the level of priority other divisions of the council or external agencies give to assessing applications. Lack of priority was seen by consent officers at some councils to be a cause of delay. In many cases the councils reported that the other division either had a lack of resources to provide timely input or had a lack of appreciation of RMA timeframes and did not give referrals priority.

The councils were conscious that these referrals can cause delays and the majority of the councils had set expected turnaround times for input. These times were not always monitored carefully.

Another issue was whether many of these time-consuming referrals need to happen at all. For example, Grey District Council refers all resource consent applications to the asset management and building consents divisions for comment, which may not always be required.

4.3 Tracking of resource consents

Not all councils had robust electronic systems for their resource consents meaning that they cannot manage or report on what is not measured. We consider that an effective tracking system is essential to effectively manage resource consent processing.

Generally the tracking systems of councils reviewed captured the key dates in the process (for example, receipt date of the application, any section 92 requests, notification decision and final decision) and the statutory days taken to process the applications. The tracking systems usually recorded the days taken while an application was referred to another council division or external agency. Not all the tracking systems recorded section 37 time extensions meaning that these had to be entered manually.

While the councils reviewed had electronic tracking systems in place, the systems were not being used to their full extent to effectively manage workflow. Data was being collected but not analysed and used to make process improvements.

4.4 How councils apply the process

Councils' standard processes are often too elaborate and time-consuming for most minor applications. There is no fundamental reason why the simplest applications could not be treated much more efficiently.

All the councils had some standard steps for processing applications. They often include checklists, site visits, referrals to other council divisions/external agencies, peer review and checks by managers.

The steps are generally appropriate for applications of average complexity and may well have been designed around them. However councils process the simplest applications through the same steps even though some of the steps may not be necessary.

4.5 Consent officers dealing with extraneous issues

Consent officers spend a lot of time on issues outside the core decisions needed to process minor applications. This includes assessing requirements that are regulated and enforceable under other legislation (eg, vehicle crossings, water and sewer connections, liquor licensing). There is scope for reducing these non-core tasks and improving processing times.

Councils probably deal with these unnecessary issues in minor applications so that the final resource consent (with its conditions) provides a complete picture of what the consent holder needs to do. It should be possible to communicate these (often very standard) requirements without using the consent as the vehicle.

4.6 Information and communications technology

Councils reported several types of problems with information and communications technology: obtaining and coordinating the outputs from different software systems across the council; software systems that were inadequate or had flaws in relation to tracking RMA timeframes; and not knowing how to get the best use out of the software systems they have. There are a number of different systems used nationwide. Most of these have been adapted to meet each council's individual wants.

4.7 Consent officers reliance on paper

There was an almost universal concern among consent officers to record elements of the consent processing with paper, especially by recording their dealings with applicants in correspondence. This is time consuming and unnecessary. There could be savings of several days if email and the telephone were used in conjunction with written correspondence for formal steps in resource consent processing.

4.8 Complex planning reports and conditions for minor applications

Reports and conditions for minor applications were often long and complex. Reports often included multiple recitals of what the application was for, which plan provisions were relevant and why others did not apply. Even for a minor consent, report writing may take several hours.

Some districts are experiencing significant growth pressures, pressures beyond those anticipated in operative planning documents. In some places variations and plan changes have been made to manage the effects. Consent officers have needed to up-skill themselves on the variations and changes to the planning documents to process applications and the assessments under the various planning documents have become more complex. In the case of Auckland City there have been multiple plan changes that do not always complement each other. This adds extra difficulty for the consent officer in assessing the application.

Tauranga City Council uses a suite of non-statutory planning documents to manage growth in the district as the district plan did not anticipate the level of growth it is experiencing. This adds an extra layer of complexity to the assessment of applications and planning reports.

4.9 Shortage of consent officers

The majority of councils report difficulty in recruiting and retaining enough skilled planning staff to deal with the resource consent workload. There is a noticeable shortage of experienced planners with most consent officers having a reasonably low level of experience. Consent officers may not have the necessary skills and experience to assess more complex applications resulting in delays and an increased burden on senior staff.

Both Auckland City Council and Grey District Council had significant on-going vacancies and were relying on consultants to cover their workload. Managing consultants detracts from time consent officers are available to process consents.

Tauranga City Council's pool of consent officers was affected by a major application that required project management over a long period, taking one senior staff member out of the processing pool for other applications.

4.10 Level of priority for meeting statutory timeframes

Having a culture in place within the resource consents team (and those other parts of the council that have input) that strives to meet the statutory timeframes was found to be one of the biggest factors in improving council performance. That is, the degree of importance given to compliance with statutory timeframes appears to influence timeframes.

The second round of reviews identified three additional common barriers to performance:

- level of delegations
- complexity of applications
- problems with administering the district plan.

4.11 Level of delegations

Consent processing involves a number of key decision-making points. The delegation of authority to make these decisions impacts on the flow of applications through the process. Where a decision cannot be made by the consent officer processing the application a delay is caused in transferring the application to the decision maker.

The structure of delegations in some of the councils reviewed did not reflect the weight of the decision to be made and added additional steps in the process. The level of delegations may cause a bottle neck in the process as applications have to pass through one or two designated people before they can proceed. Processing days may be lost in waiting for the next scheduled meeting where a decision can be made. Additional administration work may be generated in preparing applications for consideration by a committee.

Each council determines their own delegations. What decisions are delegated and to whom may be based on a number of factors such as risk, transparency, customer service and accountability. The structure of delegations may reflect the priority the council places on timeliness in consent processing.

4.12 Complexity of applications

Complex applications inherently involve greater processing resource. The consent officer devotes more time to understanding and assessing the application. Technical or expert advice is likely to be required. As well as time being taken in obtaining technical and expert advice, this advice then needs to be applied in considering the application. Consent officers reported finding the transfer of expert and technical advice into appropriate consent conditions a difficult task. Negotiation between parties over draft conditions also causes delays.

The impacts of complex applications on work flow can linger. Monitoring the implementation of a complex consent places demands on other departments of the council that provide input into consent processing, particularly asset management and engineering. This monitoring work competes with the time these other departments have available to input into consent processing and can contribute to delays.

4.13 Difficulties administering the district plan

District plans determine which activities require resource consent, what status they have under the RMA and how they are to be assessed. District plans are developed to manage environmental outcomes; however they also have an impact on consent processing workflow. Particular plan provisions may generate a lot of consent applications. For example, Auckland City Council has 2500 to 3000 applications relating to trees each year. Other provisions can require detailed assessments. In other cases, the district plan has not been written in anticipation of the level of development being experienced. This can lead consent officers to rely on 'work arounds' and negotiations to bring about desired outcomes. This adds additional work and consequently time, to consent processing.

Councils often rely on plan changes and variations to update the plan to reflect the current situation. However where a number of plan changes and variations are proposed at the same time or do not complement each other, this can add further difficulty for the consent officer in assessing the applications.

5 Summary of Individual Council Findings

5.1 Auckland City Council (ACC)

Overall performance against statutory timeframes remain similar to those during the survey period. Section 37 has been applied to all applications since January 2007.

A 'fast track' process for applications lodged by accredited planners in a standard form has been introduced. Eighty per cent of fast tracked consents are processed within 20 working days. At present seven per cent of applications go through this process, the target is for this to grow to 20 per cent.

ACC has had ongoing staff shortages in the consents area for the last five years. There are 37.3 full-time equivalent (FTE) positions for planners with nine vacancies including two at a senior level. The average level of experience for the consent officers is 1.5 years, adding a burden to the senior staff. Consultants are being used to cover peak flows and to deal with the more complex applications when there are not enough experienced consent officers to do so. Consents processed by consultants tend to take longer. ACC is now looking to recruit planning technicians as well as qualified planners to fill its vacancies.

The main reasons for non-performance with statutory timeframes are:

- **Poor quality applications** – Staff estimate that 80 per cent of applications are prepared by non-professional staff and the quality of these applications is variable. Some applications made by professionals are also of poor quality. ACC had a lodgement system in place over the survey period where an applicant had to make an appointment to lodge an application. This has now been replaced by a senior planner reviewing all applications for completeness when they are lodged. Thirty-three per cent of applications are returned to applicants under section 88 as they are incomplete. Not all applications are fully assessed for completeness within the five working days specified in section 88, with any incompleteness being dealt with by a section 92 request for further information.
- **Time lost in getting advice from specialists within the council** – The target turnaround time from other departments within the council is five working days. These targets are frequently not met however and in the worst cases can take several months. Turnaround from traffic engineering, heritage and urban design is especially problematic. In some cases the delays are caused by a lack of available specialist staff. In other cases it appears to be due to a lack of appreciation of RMA timeframes.
- **Problems with information and communications technology** – The software system used by ACC in processing consents has a number of challenges. This system is no longer supported by the supplier. Staff need to enter the same information into several software applications and sets of forms. Most of the templates are out of date and internal processing guidelines have not been updated for several years. This creates time delays. Some of the administrative staff used their own manual spreadsheets for recording tasks and timeframes instead of entering data into the electronic tracking systems.

- **District Plan rules generate a lot of applications** – Tree controls generate 2500 to 3000 applications each year. Heritage controls in many inner suburbs also generate a significant number of applications. Urban design controls add time and complexity to applications.
- **Level of delegation** – Decisions are not delegated very far down the reporting structure compared with other councils. Many applications go to a council committee for decision. Others go to community boards for comment. The administration of these processes can take almost 20 working days.
- **Time spent on tasks other than consent processing** – Consent officers also have to process applications under the council's bylaws such as signs and liquor certificates. This takes time away from processing resource consents.

5.2 Tauranga City Council (TCC)

Overall performance against statutory timeframes is similar to that during the survey period. However TCC completes 90 per cent of non-notified applications within 30 statutory days and its end to end processing times (the actual time taken as experienced by applicants) are short compared with other councils reviewed.

TCC experiences peaks in applications during the year around financial year end dates (31/04, 30/06). There was a significant peak in applications prior to development contributions coming into effect on 01/07/2004, many of which were of low quality. The workload created flowed through into the 2005/06 survey period.

TCC's consent processing systems are designed around quality, certainty of outcomes and providing for professional development rather than conformance with statutory timeframes.

TCC has a lodgement system where a lodgement officer meets with applicants when they are lodging their applications to ensure all the required information is submitted. However there is no feedback between the lodgement officer and consent officers on application quality.

The main reasons for non-performance with statutory timeframes are:

- **Time spent on tasks other than consent processing** – There are 12 FTE consent officers however only 40 per cent of their collective time is allocated to consent processing. Consent officers also certify survey plans and do policy planning. One staff member works solely on a major subdivision project; another is setting up an in-house unit to do planning work for other council departments. There is also less administrative support available to the consent officers than in some of the other councils reviewed.
- **Difficulties with administering the district plan** – Since the district plan was written Tauranga has experienced significant growth pressures. In response, TCC developed smart growth policies. These are implemented through various strategies and structure plans. Many of these policies are not incorporated into the district plan. For example, a mix of densities is central to the smart growth policies but is not reflected in the district plan's minimum lot sizes. This means that more time is spent negotiating with developers, there are more notified applications and a greater likelihood of appeal.
- **Complexity of applications** – Much of the workload is large subdivisions, the processing of which is inherently and unavoidably complex. Many applications also need to be assessed against the city's significant flood hazards.

- **Time lost in getting specialist advice from within council** – TCC does not record turnaround times for referrals to other council departments. A review of some files and anecdotal evidence suggests that there are delays in this area.

5.3 Kaikoura District Council (KDC)

Overall performance against statutory timeframes is similar to that during the survey period. However several outliers (mostly large subdivisions) skew the average of the small dataset for Kaikoura (97 consents).

KDC has a very low number of Section 92 requests (18 per cent). This means that the actual delays experienced by applicants are typically shorter than in other districts.

The main reasons for non-performance with statutory timeframes are:

- **Level of delegations** – All decisions other than those for controlled activities or restricted discretionary activities with bulk and location exceeded by less than 20 per cent are made by the Hearings and Applications Committee. This committee meets once every two weeks. Waiting for the next committee meeting can cause a delay of up to 10 working days.
- **Constraints on resources** – There is little resilience within the system as there are only three consent officers (two of whom also deal with policy planning) and less than one FTE engineer. KDC's software systems are not integrated so there is some double handling in processing and tracking consents. Around 40 per cent of applications are prepared by non-professionals. This means staff need to provide more hands on guidance than in larger councils where 90–95 per cent of applications are made by professionals.
- **Time lost in referring applications to others for advice** – The most common internal referral is to engineering. There is a five working days turnaround target, however depending on workload this may not be met. Delays also occur because many consents are referred externally to Transit, New Zealand Historic Places Trust and Te Runanga O Kaikoura for comment.

5.4 Grey District Council (GDC)

Resource consent numbers have increased since the survey period with performance against statutory timeframes has remaining the same.

The majority (75–80 per cent) of applications are processed by consultants.

Since the survey period, GDC increased its staffing allocation for resource consent processing from two FTE to three FTE staff. However there has been one FTE vacancy at most times over the last year. Staff recruited since the survey period have little RMA experience.

Section 37 has been applied to all applications for the past year and will continue to be applied until all vacancies in the planning team are filled.

The main reasons for non-performance with statutory timeframes are:

- **Complexity of consents** – Many of the applications GDC receives are for marginal land subject to one or more natural hazards. These applications often require multiple engineering or other expert reports that must be peer reviewed. Preparing conditions from the expert reports can be time consuming and may also require peer review. Applications are also being lodged for large and complex subdivisions, for example 96 lots over 26 stages.
- **Time lost in outsourcing consent processing to consultants** – GDC outsources the processing of 75–80 per cent of applications received. GDC monitors the performance of their consultants with statutory timeframes and use this to identify preferred consultants. Since this monitoring was implemented turnaround times from consultants have improved. However, outsourcing of consent processing creates a significant workload for the consent officers in managing the consultants – estimated at around 30 per cent of their time. Outsourcing is not always more efficient as consent officers still have to put in at least 20 per cent of the time they would have put in if they processed the consent themselves.
- **Time lost in referrals** – Apart from the occasional exception, all applications are referred to building, plumbing and engineering for comment. This creates unnecessary delays for more minor or straightforward applications that do not need building, plumbing or engineering input.

5.5 Timaru District Council

Performance during the survey period and current performance could not be compared as data for the survey period was not supplied to the Ministry.

The average time taken to process an application between 01/07/06 and 30/06/07 was 21.5 working days.

The main reasons for non-performance with statutory timeframes are:

- **Complicated process for processing consent** – TDC’s resource consents process is broken up into a series of small tasks and is slowed down by a “backwards and forwards” process between a number of different people. Each time the consent changes hands there is at least a small delay – when taken in total, significant time is lost.
- **Time lost in gaining engineering advice** – The target for turnaround from engineering is 10 working days. Turnaround times often exceed this. The average time taken is 13.5 working days.
- **Use of multiple recording systems** – TDC uses two electronic databases and three books, as well spreadsheets maintained by individual planners to record the progress of consent applications. Keeping all these systems up-to-date uses time that could otherwise be spent on processing consents.

5.6 Westland District Council

The main reason for non-performance with statutory timeframes was a lack of staff capacity specifically dedicated to consent processing. During the survey period resource consents were processed by the Planning and Regulatory Manager. The Planning and Regulatory Manager was also responsible for building consents, liquor licensing, environmental health, all other licensing and registration plus strategic planning. Often other matters took priority over consent processing.

Historically it took up to an average of 15.25 days before the processing of an application began. An additional staff member has recently been appointed to take over consent processing. Overall performance against statutory timeframes has remained the same since the survey period. However indications are that performance will improve over the coming year.

6 Next Steps

All the councils reviewed will be asked to report back to the Ministry on their performance in six months' time.

The Ministry for the Environment intends to expand its review function to include reviews of good performers. These reviews will support the development of good practice guidance and provide real examples to disseminate amongst councils. This work is subject to securing suitable funding.

Appendix 1: Review Questions

1 What activities generate most of your applications and why?

- 1.1 What is the status of your city/district plan?
- 1.2 Is the administering of the plan complicating consent processing?
- 1.3 What activities generate a significant number of applications for consents (eg, infill, subdivision, trees, earthworks, etc)?
- 1.4 Is the complexity of applications contributing to delays?

2 Guidance on making applications

- 2.1 Does your council have up-to-date guidance/information on the resource consent process for the public?
- 2.2 Are your applications forms and reporting templates up to date?
- 2.3 How often do you hold pre-application meetings?

3 Resource consent processes

- 3.1 Please explain what the process is for when an application is lodged with the council.
- 3.2 How often do you use section 88(3)?
- 3.3 Are applications returned within five working days if they do not meet the test under section 88(3)?
- 3.4 How is the acceptance date of an application recorded?
- 3.5 How is the application allocated to the consent officer?
- 3.6 How many working days lapse between the date of acceptance and when the application is formally allocated to the consent officer?
- 3.7 After the application has been given to the consent officer, when does the consent officer's assessment of the application begin?
- 3.8 Who makes the decision to refer an application to other internal divisions of the council (eg, engineering, parks) and external agencies (eg, regional council, Transit)?
- 3.9 When is the decision to refer an application to other internal divisions of council and external agencies made?
- 3.10 Is gaining responses from other internal divisions causing delays?
- 3.11 Is gaining responses from external agencies causing delays?
- 3.12 Are site visits co-ordinated (eg, with engineering) and if so, is this causing delays?

- 3.13 Is section 37 applied in exceptional circumstances only? If so, is it applied retrospectively?
- 3.14 Do you require a separate section 93/94 report?
- 3.15 Is a notification decision made within 10 working days?
- 3.16 Do you have a standard set of conditions that are accessible and used by all the consent officers?

4 People

- 4.1 How is your consent team structured?
- 4.2 What are the various delegations at the council for consent processing?
- 4.3 How many FTE consent officers work on processing resource consent applications?
- 4.4 What other duties do the consent officers do? How much time does this take?
- 4.5 Do customer services assist the consents team? If so, is this assistance working for you?
- 4.6 Do you have planning administration support? If so, what do they do and is this support working for you?
- 4.7 Do you use contractors to process consents?
- 4.8 If so, how many applications are given to the contractors to process?
- 4.9 How is the contractors work managed, and by whom?
- 4.10 What do you do about mentoring and professional development?
- 4.11 Are senior staff accessible to junior staff to ask questions/test ideas?
- 4.12 Are consent officers measure/given incentives to meet statutory timeframes?

5 Tools

- 5.1 What database systems does your council use for recording consent processing data? How helpful is this system to workflow?
- 5.2 How many years have you been using this system?
- 5.3 What data can be inputted into the system?
- 5.4 Does this happen as the consent is being process or does it happen retrospectively?
- 5.5 Do your current processes and systems aid in meeting statutory timeframes?
- 5.6 Have you undertaken any recent changes to you process? If so, what are they?
- 5.7 Do you analyse the common reasons for delays in your system, eg, common section 88 and section 92 request types, delays in receiving referrals?
- 5.8 Do you regularly update your consent templates?

6 Reporting

- 6.1 Do you regularly report on your consents processing data?
- 6.2 If so, what do you report on?
- 6.3 Who do you report to?
- 6.4 How regularly do you report?

7 General context

- 7.1 What is the public perception of your council?
- 7.2 What is your council's relationship with your community like?
- 7.3 What is the internal perception of the consents team within the council?
- 7.4 Are you receiving complaints about delays on consent processing?
- 7.5 Are the delays significant, eg, how many days over the 20 working day period?
- 7.6 Has RMA performance improved since the end of the survey period?

Appendix 2: Compliance with Statutory Time Limits⁶

Less than 60%	%	61–70%	%	71–80%	%	81–90%	%	91–100%	%
Kaipara District Council	23	Franklin District Council	61	Hastings District Council	71	Waitakere City Council	80	Tararua District Council	90
Manukau City Council	33	Horowhenua District Council	61	Waitaki District Council	72	Waimate District Council	80	Ashburton District Council	90
Papakura District Council	33	Queenstown-Lakes District Council	62	Environment Canterbury	72	Wellington City Council	81	Masterton District Council	91
Nelson City Council	41	Waimakariri District Council	63	Wairoa District Council	73	South Taranaki District Council	81	Upper Hutt City Council	91
Ruapehu District Council	44	Southland District Council	65	Kapiti Coast District Council	75	Otago Regional Council	81	Western Bay of Plenty District Council	91
Selwyn District Council	48	Tasman District Council	67	Thames-Coromandel District Council	76	Napier City Council	81	Invercargill City Council	91
Kaikoura District Council	49	Environment Southland	68	Opotiki District Council	77	Waikato District Council	83	Rangitikei District Council	93
Far North District Council	51	Gisborne District Council	68	Hauraki District Council	79	Central Hawkes Bay District Council	83	Palmerston North City Council	93
Auckland City Council	52	North Shore City Council	68	Rotorua District Council	80	Wanganui District Council	84	Hurunui District Council	94
Grey District Council	53	Clutha District Council	69			Environment Waikato	84	Environment Bay of Plenty	95
South Waikato District Council	53	Buller District Council	69			Taupo District Council	85	Matamata-Piako District Council	96
Westland District Council	55	Gore District Council	69			West Coast Regional Council	87	Waitomo District Council	97
Marlborough District Council	56					Christchurch City Council	88	Waipa District Council	97
South Wairarapa District Council	56					Carterton District Council	88	Hamilton City Council	97
Whangarei District Council	56					Hutt City Council	88	Mackenzie District Council	97
Tauranga City Council	56					Kawerau District Council	88	Dunedin City Council	97
Rodney District Council	59					Whakatane District Council	89	Wellington Regional Council	97
						New Plymouth District Council	89	Auckland Regional Council	98
						Central Otago District Council	90	Northland Regional Council	98
								Otorohanga District Council	99
								Hawkes Bay Regional Council	100
								Chatham Islands Council	100
								Horizons Regional Council	100
								Manawatu District Council	100
								Porirua City Council	100
								Stratford District Council	100
								Taranaki Regional Council	100

⁶ Note Timaru District Council did not provide data on compliance with statutory time limits.

Appendix 3: Full Discussion of Barriers from *A Review of Council RMA Resource Consent Processing Performance – Round One*

1 Barriers to performance

We found that delays occurred for a number of reasons, the main ones being:

- acceptance of poor quality applications
- delays in gaining information from other parties
- tracking of resource consents
- challenges presented by information and communications technology
- complex planning reports and conditions for minor applications
- shortage of consent officers
- level of priority for meeting statutory timeframes.

Acceptance of poor quality applications

Good quality applications with the required information can generally be processed quickly and with less risk of mistakes. Some of the councils seemed to be accepting poor quality applications and rarely used section 88(3) to return poor quality applications at the start of the process.⁷ The councils tended to use section 92 instead to gain further information to allow processing of the application to continue.

The use of section 88(3) can be restricted as it may take longer than the five working days timeframe (in which an application can be returned to the applicant) for the application to get to the consent officer for processing. Delays in the five working days timeframe can occur while the application is lodged with the council, recorded in the electronic system and allocated to the consent officer. Councils may then use section 92 to address information inadequacies with the application.

Most public guidance on applications sets out to explain the RMA processes to a naïve audience. Most applications we reviewed were prepared by professionals, eg, consultant planners and surveyors, who already know (or should know) the basic information requirements.

Some of the councils addressed the professional audience quite actively through seminars and newsletters. The majority of the councils did not have (at least formally) any arrangements for

⁷ Under section 88(3) of the RMA, councils can return incomplete applications to the applicant within five working days if the application does not include an adequate assessment of environmental effects or the information required by regulations.

feeding back detailed information on the quality of applications to the developer and/or the consultant communities.

Knowing what information is consistently lacking is an excellent source of information that professionals could use to prepare better quality applications. Good quality applications can and often do result in applications being processed more quickly.

The councils typically get applications in hard copy from the applicant. In some instances it would be quicker for applicants to submit all or part of their application in electronic form to assist consent officers with extracting information to use in their reports and decisions.

Delays in gaining information from other parties

Consent officers at all the councils refer aspects of resource consent processing to other divisions of the council or to external agencies for comments and advice on specific aspects of the application. Most commonly, they pass on applications with infrastructure and engineering issues. Consent officers are therefore dependent on the level of priority/resources other divisions of council and/or external agencies give to assessing applications.

The councils were conscious that these referrals can cause delays and the majority of the councils had set expected turnaround times for input, although these times were not always monitored carefully. The councils often sought to manage multiple referrals in parallel rather than in series.

Referrals (however well monitored or managed) inevitably use up processing time. We found the most common kind of referral was to council asset engineers. This referral process worked best where the engineers worked closely with consent officers.

Councils could face less risk and make quicker decisions if they made fewer referrals and concentrated information and responsibility more centrally in/or alongside consent officers.

A more important issue is whether many of these time consuming referrals really need to happen at all. Some applications (eg, for large subdivisions) inevitably raise complex issues about how publicly owned infrastructure will interface with that in a subdivision as well as a range of other engineering issues that can only be dealt with by several specialist engineers.

Unnecessary referrals can often occur with less complex applications when:

- consent officers ask other council divisions or external agencies for information that they could easily find for themselves
- engineers and other specialists are handed issues that consent officers could deal with if they had the necessary information.

Referrals probably occur because consent officers and managers believe that having several specialists look at the issues will reduce risks. In many cases referrals can actually create risk because of:

- misunderstanding about where responsibility starts and stops; even if an ideal arrangement is documented there will be overlaps and gaps in these subjectively perceived scopes

- divergent views among council staff can get averaged into a result that is least offensive to the group of officers, but may not be a sound planning decision
- asset managers and other engineers do not necessarily have a detailed understanding of the decision making frameworks that are applied to different planning situations.

Tracking of resource consents

Councils cannot manage or report on what is not measured. We consider that an effective tracking system is essential to effectively manage resource consent processing.

Generally the tracking systems of the councils reviewed captured the key dates in the process (for example, receipt date of the application, any section 92 requests, any section 37 time extensions, notification decision and final decision) and the statutory days taken to process the application. Sometimes the tracking systems recorded the days taken while an application was referred to another council division or external agency.

While most of the reviewed councils had an electronic tracking system in place that enabled some tracking of the processing of applications, the systems were not being used to their full extent to effectively manage workflow. Several councils said problems occurred because:

- ‘off the shelf’ products did not always provide adequate or accurate information. This limitation can distort the information needed for reporting purposes to councils and for MfE’s Resource Management Act Biennial Survey of Local Authorities
- a significant amount of work is needed to get the system ‘tailored’ to the councils requirements in order for good quality information to be generated and reported from the system. Some councils commented that they have constructed their own parallel tracking systems (such as spreadsheets) to capture relevant processing information
- problems and delays in obtaining and coordinating the outputs from different software across the council, in particular, the financial systems
- input from other divisions of council (eg, engineers) was not often integrated into the system which again results in incomplete information being captured and reported
- inconsistent information can be entered into systems, therefore distorting the information reported.

Good information about resource consent processing performance can:

- provide political and public accountability, if reported upwards
- provide staff with clear incentives to perform, if applied downwards.

The measures used in the councils were typically built around compliance with statutory timeframes, times taken for particular tasks (eg, referrals to engineers) and appeals to the Environment Court.

There is some scope to design better measures to find out the number of times and reasons for using Section 92, the actual number of days taken to process an application, variations in processing times and objective assessments of decision quality.

The amount of reporting varied significantly between the councils. For example Taupo District and Manukau District Council regular report through several layers of management and to council committees. Quantitative measures are also built into staff performance targets.

At Waimakariri District Council there was no reporting to the chief executive level and in the past, the council has had only two reports – one when processing times dropped markedly and a follow-up report when they improved. Staff performance at the council is assessed qualitatively.

Good measures and reporting can clearly help councils manage their processes and approve applications more quickly, but there is also a fundamental issue about what level of performance is really appropriate for a particular council, and for different kinds of applications.

At Waimakariri District Council, consent officers reported that many applicants for subdivisions in rural areas were not particularly concerned about the time taken to process their applications. Many applicants/owners were only establishing a right which they might not exercise or capitalise on for many years.

Conversely at Taupo District Council, there was strong pressure from developers to get land developed and houses built and sold. Councillors and elected members were receiving several complaints about delays in processing times because of this pressure.

These different customer and public expectations may quite appropriately drive reporting arrangements. This could be why Taupo District Council and Waimakariri District Council have such different approaches.

How councils apply the process

Councils' standard processes are often too elaborate and time consuming for most minor applications. There is no fundamental reason why the simplest applications could not be treated much more efficiently.

All the councils had some standard steps for processing applications. They often include checklists, site visits, referrals to other council divisions and external agencies, peer review and checks by managers.

The steps are generally appropriate for applications of average complexity and may well have been designed around them. However, councils process the simplest applications through the same steps even though some of the steps may not be necessary.

For each application lodged, councils ought to be asking “how can this be processed as quickly as possible while adequately managing the risk of making a mistake?”. If they took this approach, steps such as site visits, referrals, or managers' reviews could often be omitted from the simplest applications.

This kind of “risk-based” approach ought to be feasible. At two of the councils, consent officers meet twice a week to discuss their applications and what they proposed doing with them. Other councils had similar arrangements. These sorts of process could be adapted so they identify the shortest plausible processing path.

Consent officers dealing extraneous issues

We found that consent officers spend a lot of time on issues outside the core decisions needed to process minor applications. There is scope for reducing these non-core tasks and improving processing times.

Minor applications usually involve the following tasks:

- identifying elements of an activity that breach controls
- deciding who is affected
- assessing whether the effects are minor
- assessing whether the application is consistent with relevant plan policies.

Consent officers also routinely address other issues such as:

- requirements that are regulated and enforceable under other legislation (eg, vehicle crossings, water and sewer connections)
- requirements (such as telecom and electricity connections) that could potentially be dealt with as between vendor's purchasers and utility operator without any attention from the council.

These issues are clearly critical to ensure large greenfield subdivisions function properly but may not need to be addressed in minor applications (eg, infill).

At Manukau City Council, the council provides a 'full service' to the applicant for greenfield subdivisions and developments where the engineers seek to work closely with applicants to sort out infrastructure requirements and reserve contributions as part of the consent processing. This approach results in a high level of consensus between the council and applicants but can also result in statutory timeframes being missed. However, the council believes this approach results in a better and more complete product for the customer and helps streamline the building consent process.

Councils probably deal with these unnecessary issues in minor applications so that the final resource consent (with its conditions) provides a complete picture of what the consent holder needs to do. It should be possible to communicate these (often very standard) requirements without using the consent as a vehicle.

Information and communications technology

Several of the councils reported problems and "lost time" obtaining and coordinating the outputs from different software systems across the council (in particular, financial systems). Those problems may be no worse than typically found in large organisations but there is some scope for timesaving if these systems were improved.

Several of the councils also reported that the software systems used are inadequate or have flaws; for example, the software may not be able to differentiate between section 37 time extensions and section 92 requests. Other systems seemed to have problems with excluding non-working days in processing times.⁸

⁸ Under section 2 (Interpretation) of the RMA, the definition of 'working day' is any day except – a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday,

Several of the councils had in-house GIS systems and generally said they were useful in processing resource consents. The systems had layers for property boundaries, topography, aerial photography and some utilities. Consent officers also said they used public domain resources (in particular Google Earth).

The councils did not use software to model bulk and location, views, or sun shading though they often relied on the products of such software as presented in applications from consultant planners.

There could be significant gains from more use of software to get relevant information to consent officers therefore allowing them to do more work from their desks.

Consent officers reliance on paper

We found an almost universal concern among consent officers to record elements of consent processing with paper, especially by recording their dealings with applicants in correspondence. This is time consuming and unnecessary. There could be savings of several days if they used email and the telephone for formal steps in resource consent processing.

The consent officers underlying concern was actually with non-repudiation; that is excluding the possibility that someone can later deny (or assert a different version of) what they or the consent officer said.

Agencies such as banks and insurance companies routinely deal with these issues in their dealings on the web, by email and by telephone. In many cases they do so in the face of much greater risks than local authorities face in processing resource consents.

These agencies also have archiving requirements (including the need for documents to use in potential litigation) which are quite similar to those of councils. Again, other agencies resolve them without documenting their dealings excessively through the mail.

Complex planning reports and conditions for minor applications

In recent years there has been a significant growth in the districts near Auckland and on the coast. Many of the operative planning documents did not anticipate or adequately plan for this growth pressure and as a result variations and plan changes have been made to manage the effects.

Consent officers have needed to up-skill themselves on the variations and changes to the planning documents to process applications and the assessments under the various planning documents have become more complex.

We found that consent officer reports and conditions for minor applications were long and complex, particularly in the case of Kaipara District Council and Franklin District Council.

Waitangi Day and a day in the period beginning on 20 December in any year and ending with 10 January in the following year.

Reports often include multiple recitals of what the application is for, which plan provisions are relevant and why others do not apply.

It takes time to deal with all the written material. We looked at the time recorded by consent officers in two councils. This data suggests that minor resource consent report writing can take several hours, often over a third of the time the consent officers spends processing the entire application.

The councils do not have any processes in place to process simple applications such as a 'quick resource consent' process where applications can be processed in a more simplistic and faster way.

Shortage of consent officers

The majority of the councils reported difficulty in recruiting and retaining enough skilled planning staff to deal with the resource consent workload.

The problem may not be an issue with pay. Many of the councils benchmarked consent officers' pay against public and private sector rates and emphasised the non-pay benefits of working for a local authority such as flexible working arrangements and shorter hours.

Kaipara District Council, Taupo District Council and Waimakariri District Council's pool of consent officers was affected by receiving major applications that required in-depth assessment and a large amount of coordination. Project management of these applications required commitment from senior and experienced staff over a long period therefore taking them out of the processing pool for other applications.

Councils may have recruitment and retention problems because there is a high number of low level consent processing positions and in many instances, not everyone recruited to process applications can progress onto the much smaller number of more satisfying senior roles dealing with more complex applications. We found two interesting approaches in the councils, both of which might possibly be applied more widely:

- transferring a large part of the work often carried out by consent officers to administration staff
- using people without formal planning qualifications as consent officers.

Taupo District Council had administrative staff trained to a high level. They respond to any enquiries about the progress of applications, enter relevant data, and handle routine correspondence. Consent officers at the council commented that they spent more time focused on core planning decisions than at other councils they had worked at.

Manukau City Council has a dedicated customer services team (including four resource management planners) providing information and advice to the public. The team "filters" a lot of general and specific enquiries on resource consent requirements that consent officers would otherwise be dealing with.

We found that around a fifth of the consent officers (mostly the more junior staff) did not have any formal training or qualifications in resource management or planning, but came from science backgrounds.

Clearly resource consent processing can require a lot of planning expertise but it is possible that councils could make more use of non-consent officers in processing routine resource consent applications so long as appropriate on the job training and supervision are provided.

Level of priority for meeting statutory timeframes

Having a culture in place within the resource consents team and the entire council that strives to meet the statutory timeframes was found to be one of the biggest factors influencing council performance. That is, the degree of importance compliance with statutory timeframes is given appears to influence timeframes.

Taupo District Council decided that meeting the timeframes was a priority for them. They commissioned an independent review into their systems and processes to find out why they were failing. Improvements followed to make meeting timeframes a priority for the resource consents teams and the other divisions of council that have input into resource consent processing.