Foreword

The *Annual Survey of Local Authorities* is one part of a wider programme to monitor the implementation of the Resource Management Act 1991. The 1996/1997 survey builds on the first annual survey, carried out in 1995/1996. The questions asked this time around were refined following the 1995/1996 experience and as a result I believe that this survey yields even more valuable data than the last. Most importantly, for the first time this report publishes the disaggregated results of local authorities.

The survey provides core information about how local authorities use the processes and powers available to them under the Act. It is difficult to draw conclusions about local government *performance* from this data. A survey of this type simply cannot extract all the information necessary to be definitive about performance - there are too many variables involved. Nevertheless the survey does show that there is very often a wide variation between councils which certainly raises questions to which councillors and others may wish to seek answers.

For this reason I believe that the real value in this data is not the conclusions reached but rather the questions raised.

Most local authorities were able to answer most questions in the questionnaire. I sincerely hope that those who were unable to respond can do so next year. To all those who did respond may I say how grateful I am. The information provided may not be the definitive word on RMA performance but it is a solid baseline on which to build.

Finally, I am aware that some people have questioned the merit of publishing data on individual local authorities. I am not one of those. I believe that the information contained in this report is information that should be in the public arena. I have raised this issue with councils around the country and I have not detected any ground swell of opposition. Used sensibly and fairly this information can be valuable to us all.

Hon Simon Upton

Minister for the Environment

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Executive Summary

The *Annual Survey of Local Authorities* showed that there is wide variation in local authority practice. This was particularly evident in their ability to meet statutory time limits. Seventy-six percent of all resource consent applications were processed inside statutory time limits, with only a small proportion of these applications having their processing time extended by section 37. A total of 57,461 resource consent applications were received in the 1996/97 financial year, with 5.2 percent being notified. Requests for further information were made on 39 percent of resource consent applications.

Aims and design of project

This survey forms part of the Ministry's monitoring programme to assist the Minister with his responsibility to monitor the effect and implementation of the Resource Management Act. It also forms part of the Ministry's focus on improving local authority practice and performance under the Act.

A questionnaire was distributed to all local authorities in October 1997. The questionnaire gathered 'base' information about Resource Management Act processes. It collected information regarding resource consent processes, time limits, integrated management, public participation, plan and policy statement development, environmental monitoring, enforcement, administrative charging and iwi consultation.

The results from the survey will assist the Ministry and local authorities to monitor the implementation of the RM Act by highlighting areas where further research is needed. It will also help to inform other Ministry research projects. It is these research projects that will provide more in-depth analysis in a number of areas as well as providing a more comprehensive picture of good practice. Tables are included in this report that illustrate individual local authority results. These tables do not rank performance.

Summary of Key Findings

- Eighty-four of the 86 local authorities responded to the questionnaire.
- A total of 57,461 resource consent applications were received by local authorities in the 1996/97 financial year.
- Most resource consent applications received were for land-use consents (58.0 percent) and subdivision consents (28.9 percent). Water permits (4.1 percent), discharge permits (5.9 percent) and coastal permits (1.5 percent) accounted for a small proportion of applications received.
- Territorial authorities received 75.5 percent of all resource consent applications whereas regional councils received 18.6 percent and unitary authorities 5.8 percent.
- The proportion of resource consent applications notified in 1996/97 was 5.2 percent. Almost 78 percent of notified applications generated submissions.

- Requests for further information were made on 39 percent of all resource consent applications. There was a wide variation in the number of requests made by different local authorities on resource consent applications, ranging from 0 percent to 85.1 percent.

- Twenty-four percent of all resource consent applications are processed outside of statutory time limits (including those extended by section 37).

- Regional councils (37 percent) and unitary authorities (39 percent) processed a larger proportion of applications outside of statutory time limits than territorial authorities (21 percent).

- Over one quarter of resource consent applications were processed in approximately half the time set out in the RM Act.

- Local authorities appear to be disregarding section 37 when they need more time to process resource consent applications. Eighty-five percent of notified applications and 91 percent of non-notified applications, that are processed outside of the 70 and 20 working day limits respectively, were not extended by section 37.

- In-house staff processed 87.2 percent of resource consent applications with consultants processing the remainder.

- There is discrepancy in the way local authorities receive resource consent applications – whether an application is received when it physically arrives at council or when a staff member has checked that the information supplied is adequate.

- Local authorities are making limited use of combined plans and transfer of powers.

- Local authorities, particularly regional councils, are making regular use of the joint hearing process.

- All regional councils and unitary authorities and 71 percent of territorial authorities made use of pre-hearing meetings. A total of 901 pre-hearing meetings were held by 80 local authorities in the 1996/97 financial year. Of those prehearing meetings held, 37 percent resulted in issues being resolved and no hearing being held.

- The number of fully operative plans and policy statements is still relatively low.

- Regional councils allocated a large proportion of their RM Act administration budget to monitoring, most allocated to state of the environment monitoring. Monitoring by territorial authorities tended to be seen as a lower priority and focussed on the exercise of resource consent applications.

- Approximately half of local authorities have formal monitoring strategies in place.

- A total of 878 abatement notices were issued in 1996/97 and approximately 72 percent were complied with.

- There is large variation in the proportion of costs recovered by administrative charging by local authorities and in the way local authorities present their charging regimes to the public.

- A variety of mechanisms are being used by local authorities to consult with iwi.

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1 Introduction

Section 24 of the Resource Management Act (RM Act) makes the Minister for the Environment responsible for monitoring the effects and implementation of the Act. The *Findings of the Annual Survey of Local Authorities* has been prepared by the Ministry for the Environment (the Ministry) to assist the Minister with this responsibility.

1.1 Purpose of the Report

This report presents the findings from the Ministry's survey on the implementation of the RM Act by local authorities. The survey questionnaire for the 1996/97 financial year was circulated in October 1997.

1.2 Purpose of the Annual Survey

In response to the rising concern about the RM Act, the Ministry for the Environment has focused its monitoring programme more on the progress of local government practice and performance.

The information collected by the survey will assist the Ministry to highlight trends that warrant further research. It will also provide information for the research projects the Ministry has developed to improve practice and performance under the RM Act.

These research projects, including case studies, address issues of cost of compliance, public participation, plan quality and the relationship between local government and iwi. Workshops, guidelines and reports stemming from the project work are planned to improve efficiency and effectiveness by promoting good local authority practice.

The information collected will also provide the Ministry, local authorities and other interested groups with a clearer understanding of the practicability and effectiveness of the provisions in the RM Act.

1.3 Historical Context

Research into processes under the RM Act and Town and Country Planning Act 1977 have been carried out in the past. Some of the results from these research projects can be compared to this year's questionnaire findings. This provides a historical context for the questionnaire findings and an indication of long term trends.

The Switzer (1989) survey was undertaken in response to concerns raised by Hearn (1987) in his review of the Town and Country Planning Act that there was a lack of data regarding processing times of planning consents. This survey was undertaken by the Ministry of Works

and Development and assessed the time limits required for a number of processes under the Town and Country Planning Act.

In 1991 the Ministry for the Environment also conducted research into Town and Country Planning Act processes, looking at legislation during the 1989 and 1990 calendar years.

There has been little research on the efficiency and effectiveness of RM Act processes. A case study by St Clair (1993), *Efficiency in the Implementation of Plans: A case study of resource consents under the Resource Management Act 1991*, was carried out as part of the Ministry for the Environment's responsibility to monitor the RM Act under section 24. The case study looked at resource consent applications for the period from 1 October 1991 to 30 September 1992. This work was published by the Ministry as *Time Frames for the Processing of Resource Consents.*

Information from these studies is discussed in the relevant sections in the report.

1.4 Content of Report

The questionnaire was based on the 1996/97 financial year. This is the second annual questionnaire to be distributed to all local authorities and reported on.

This report discusses similarities or differences between information from the two financial years. Over time it will be possible to identify long term trends in the practicability and effectiveness of the provisions in the RM Act. It will also be possible to identify trends in local authorities' implementation of the RM Act.

This year tables are included outlining individual local authority results. These tables allow local authorities to compare some of their results with those of their peers. The Ministry hopes that the comparative tables will stimulate questioning about the reasons for the differences.

The tables do not rank performance. It is not possible to use the results from them to identify excellent and poor performance, as there are many variables affecting the results. Case studies being undertaken by the Ministry consider performance issues in greater depth and will provide a more conclusive picture of good practice.

The questionnaire focused on ten main areas. These are: resource consent processes, resource consent time limits, integrated management, public participation, monitoring, enforcement, iwi consultation, administrative charging and plan development.

2 Methodology

Surveys are an effective method of obtaining a wide range of non-complex data from a number of different information sources. Surveying therefore provides an ideal way of collecting from all local authorities base information concerning resource management processes carried out under the RM Act.

2.1 Participants

All territorial authorities, unitary authorities and regional councils were sent the questionnaire in October 1997. An accompanying document provided reasons and indicators for each question asked.

The indicators set out general statements about expectations for the implementation of the RM Act. Most of these indicators are qualitative, but in some cases 'performance objectives' consisting of a figure or percentage were used. Where possible, these were based on figures used by local authorities themselves in their annual plans and reports.

Questionnaires were addressed to the council officers who had responded to the previous year's questionnaire. This may have contributed to the increase in response rates from local authorities. The recipients of the questionnaire ranged from managers of planning or regulatory service sections to junior staff members. In some cases, the questionnaire was divided and completed by different staff members working in different areas. The questionnaire was designed to allow for this.

2.2 Response

The final return rate for the 1996/97 questionnaire was 98 percent, an improvement on last year's return rate of 92 percent. Only two local authorities, Far North District Council and Thames-Coromandel District Council, did not return the questionnaire. Thames-Coromandel District Council had installed a new computer system which was not yet able to generate the information required.

Local authorities were asked to complete and return the questionnaire in the stamped and addressed envelope provided within four weeks. Approximately 60 percent of local authorities met this deadline.

Local authorities that had not returned their questionnaire by the due date were reminded by fax. Follow-up telephone calls were also made. The importance of filling in the questionnaire was emphasised and local authorities were encouraged to return the questionnaire as soon as possible.

The ability of local authorities to answer the questions varied considerably with approximately 80 percent answering most of the questions. They tended to have difficulty answering questions relating to time limits, use of section 37 to extend time limits, and the economic value of resource developments awaiting decision outside of statutory time limits. Some local authorities commented that information was not accessible, or not available. Papakura District Council and South Wairarapa District Council provided very limited responses. It is important that local authorities have adequate information systems in place for their own monitoring needs.

2.3 Format

The 1996/97 questionnaire differed slightly from the previous year. Several additional questions were incorporated, including questions on approaches to resource consent processing, vexatious behaviour, plan changes, iwi consultation, administrative charging, and the economic value of developments awaiting decision outside of statutory time limits. A number of questions were also revised to improve clarity.

Some questions will be asked only every second year of the annual survey. Consequently some questions that were asked in the 1995/96 questionnaire were not asked in this questionnaire, but will be asked next year. Also, some questions were asked for the first time in the 1996/97 questionnaire, but will not be asked again until 1998/99.

The questionnaire sought mainly quantitative information. Questions were structured in a simple, non-leading manner, often using wording out of the RM Act to avoid ambiguity. Space was provided for comments at the end of most questions. Local authorities were also invited to make general comments at the end of the questionnaire. These are discussed below in Section 2.6.

2.4 Process

The Ministry did not believe it was necessary to undertake the same level of consultation, with Department of Statistics, Department of Internal Affairs and local authority staff, as was carried out for the initial survey, because of the similar nature of the questionnaires. The Minster for the Environment's Reference Group, Local Government New Zealand and Ministry staff reviewed the questionnaire to ensure the questions were clear, in an appropriate form, and were asking for relevant information.

An article in *Informa,* a publication by Local Government New Zealand and the Ministry for the Environment, warned local authorities that the questionnaire was being posted.

Information collected was stored and analysed in an *Access* database. *Access* is an inter-relational database that enables comparison and analysis of different groups of information, and the comparison of information over time.

2.5 Limitations

The survey process has some limitations. Information collection and recording systems, as well as levels of available staff, vary between different local authorities. Consequently the information provided was not always consistent. Also, the information asked for in some questions did not correspond with the data some local authorities had available.

The Ministry has not audited the information supplied by local authorities has occurred. The information contained in this report is therefore only as accurate as local authority responses. Auditing information may provide one way of ensuring accuracy of report findings.

The comparisons that can be made between the different questions in the survey are limited, as some questions asked for information on the number of resource consent applications *received* and others on the number of resource consent applications *processed*. This was necessary to provide a 'still picture' of the different stages in the resource consent process for a one-year period. As a result, the number of resource consent applications received in the 1996/97 financial year may not be the same as the number processed during that year (for

example, a resource consent application may have been received in the 1996/97 financial year, but a decision may not have been made until the following financial year).

Despite these limitations, the findings provide a useful indication of how some processes under the RM Act are being implemented.

2.6 Feedback

Many participants commented on the questionnaire. Although many local authorities offered positive comments, others found it difficult to complete. The reasons given for this included:

- time and staff constraints
- incompatible, or lack of, information recording systems
- problems with co-ordinating information from different sections within the council
- questions too complex.

Only one council commented that the four weeks given to respond and return the survey was insufficient, although only about 60 percent of the questionnaires were returned in this time. Many of those that had not returned the questionnaire had misplaced it or forgotten to complete it. In fact, some local authorities commented that the time period given to complete the questionnaire was too long.

Many participants commented that they would appreciate knowing exactly what questions were going to be asked before the start of the financial year. This would allow local authorities time to organise recording systems that were more compatible with the questions in the Ministry's survey. The Ministry will be considering the possibility of standardising the annual survey questions to provide local authorities with some certainty of what questions will be asked each year.

Some local authorities expressed concern about the limitations of the survey. Particular concerns were that the questionnaire focused on quantitative information and did not provide for more in-depth analysis, for example on the causes of time frame delays. One council commented that some of the questions were too simplistic.

The Ministry recognises that the survey only provides basic information. The results from the survey will assist the Ministry and local authorities to monitor the implementation of the RM Act by highlighting areas where further research is needed, and by providing information for the Ministry's research projects on improving practice and performance under the RM Act. It is these projects that will provide more in-depth analysis in a number of areas.

Comments from local authorities referring to specific questions in the questionnaire are addressed in the relevant sections in the report.

3 Resource Consent Applications

The principal contact with the RM Act for the public is the resource consent process. Many people become involved with the RM Act through the need to make an application for resource consent, or by submitting on, or giving approval to, another person's application.

Many concerns about the RM Act have focused on the resource consent process. Much of this has been directed at the time taken by local authorities to grant resource consents; this is discussed in Section 4.0. The purpose of this section is to provide some quantitative information about the resource consent process, including information on:

- the number of resource consent applications received by local authorities
- the number of building consents compared to the number of land-use consents received by territorial authorities
- the extent to which local authorities are using written requests for further information
- the variability in the way local authorities formally receive resource consent applications.

3.1 Volume of Resource Consent Applications

The questionnaire asked each local authority how many resource consent applications it received during the 1996/97 financial year. These figures give an indication of the resource consent workload faced by local authorities for the year. Over time the data collected will also give an indication of how resource management plans are influencing consent patterns. The number of resource consent applications received by different local authorities is affected by factors such as the level of economic activity in each area, the types of activities regulated through plans, population size, and whether the area is predominantly urban or rural.

Local authorities were asked the same question in last year's questionnaire. This year local authorities were also asked to break down the data into different types of resource consent applications. This provided a more comprehensive picture of the nature of resource consent applications received.

Most local authorities were able to provide information on the number of resource consent applications received in the 1996/97 financial year. This information was provided by 83 local authorities. One local authority did not provide data on the number of resource consent applications *received* but did provide figures for the number of applications where *decisions were made* during this time period. It was not included in the final figures. Also, two local authorities were able to provide data on the total number of resource consent applications, but were not able to break this data down into the different consent types. These local authorities were still included in the final figures.

The 83 local authorities that responded to this question received a total of 57, 461 resource consent applications in the 1996/97 year. This is approximately 8, 000 more than were received by the 77 local authorities which responded to this question in the 1995/96 questionnaire.

Table 1 provides a summary of the percentages for each resource consent type received in the 1996/97 financial year. Most applications received were for land use consents and subdivision consents. A small proportion were received for discharge permits, water permits and coastal permits.

Table 1. Proportion of resource consent application types received in the 1996/97 financial year.

	Subdivision Consents	Land Use Consents	Water Permits	Discharge Permits	Coastal Permits
Number of applications received	16340	32788	2292	3346	838
% of all applications received	28.9	58.0	4.1	5.9	1.5

There was great variation in the number of resource consent applications received by different local authorities. Territorial authorities received an average of 651 applications, regional councils an average of 879, and unitary authorities an average of 822 (compared to 599, 833 and 838 respectively for the 1995/96 financial year).

The total range of resource consent applications received is very similar to last year's figures. Territorial authorities received between 6 (Chatham Islands District Council) and 9510 (Auckland City Council) resource consent applications, compared with a range of 6 to 9255 in the 1995/96 financial year. The range of resource consent applications received for regional councils and unitary authorities was between 303 (Taranaki Regional Council) and 2233 (Canterbury Regional Council), compared with 432 to 2,218 in the 1995/96 year.

Table 2 shows that territorial authorities handled a large proportion of all resource consent applications. In comparison, regional councils received less than one fifth of all resource consent applications and unitary authorities received less than six percent of all resource consent applications. As expected, territorial authorities received the majority of subdivision and land use consent applications, and regional councils received most of the water, discharge and coastal permits and also a small number of land use consents. Unitary authorities received a small proportion of all resource consent application types.

Table 2. Percentage of resource consent applications received by regional councils and territorial and unitary authorities.

	% of all resource consents	% of subdivision consents	% of land use consents	% of water permits	% of discharge permits	% of coastal permits
Regional Councils	18.6	0.0	13.5	94.5	95.6	90.7
Territorial authorities	75.5%	97.1%	82.1%	0.0%	0.5%	3.9%
Unitary authorities	5.8	2.9	4.4	5.5	3.9	5.4

Building consents and land use consents

Table 3 shows the number of building consents and resource consent applications received by territorial authorities over the 1996/97 financial year. This may provide an indication of the degree of regulatory control in a district. It also allows some comparisons between large and small local authorities, and local authorities with varying levels of economic activity. It should be noted that not all work that requires a building consent requires a resource consent and vice versa. There is also a time lag as building consents will generally be granted after any resource consent application has been lodged.

Restricted Coastal Activities

The number of applications for restricted coastal activities for the 1996/97 year was 13, compared to 27 in the previous year. Over time, the data collected will be able to be used in research to gauge the efficiency and effectiveness of the coastal management regime under the RM Act.

Notification

Local authorities were asked to provide information on the number of resource consent applications that were processed as notified and non-notified. Approximately five percent of resource consent applications were notified in the 1996/97 financial year. For more details on notified and non-notified applications, refer to section 6.0 on Public Participation.

Table 3. Ratio of building consents to land use consents for individual local authorities

Local authority	Number of building consents 1996/97	Number of land use consents 1996/97	Ratio of building consents to land use consents	Local authority	Number of building consents 1996/97	Number of land use consents 1996/97	Ratio of building consents to land use consents
Carterton	116	3	38.7	MacKenzie	138	30	4.6
Opotiki	168	11	15.3	Buller	285	63	4.5
Tararua	227	16	14.2	Central Otago	363	82	4.4
Waitomo	146	13	11.2	Tauranga	2467	565	4.4
Kawerau	96	9	10.7	Wairoa	158	37	4.3
Manawatu	475	46	10.3	Matamata-Piako	549	139	3.9
Otorohanga	206	28	7.4	Clutha	276	70	3.9
Southland	704	99	7.1	Whangarei	1391	353	3.9
Franklin	1522	218	7.0	Upper Hutt	317	83	3.8
Stratford	141	23	6.1	Grey	303	80	3.8
Ashburton	604	101	6.0	South Taranaki	513	139	3.7
South Waikato	295	50	5.9	Central Hawkes Bay	230	63	3.7
Masterton	312	60	5.2	Whakatane	598	167	3.6
New Plymouth	1023	198	5.2	Westland	220	62	3.5
Rangitikei	237	48	4.9	Selwyn	929	267	3.5
Hauraki	399	82	4.9	Waipa	909	275	3.3
Waimakariri	980	202	4.9	Waikato	791	244	3.2
				Waitaki	363	112	3.2

Local authority	Number of building consents 1996/97	Number of land use consents 1996/97	Ratio of building consents to land use consents
Hamilton	2106	652	3.2
Palmerston North	985	328	3.0
Kapiti Coast	813	287	2.8
Invercargill	614	221	2.8
Taupo	807	294	2.7
Timaru	665	245	2.7
Ruapehu	222	83	2.7
Horowhenua	390	146	2.7
Rodney	2341	890	2.6
Banks Peninsula	256	100	2.6
Hastings	908	363	2.5
Wanganui	461	185	2.5
Wellington	2419	992	2.4
Napier	662	278	2.4
Manukau	3902	1647	2.4
Hurunui	251	111	2.3

Local authority	Number of building consents 1996/97	Number of land use consents 1996/97	Ratio of building consents to land use consents
South Wairarapa	194	90	2.2
Papakura	634	311	2.0
Tasman	1039	512	2.0
Waimate	122	62	2.0
Dunedin	1452	757	1.9
Rotorua	1173	656	1.8
Porirua	437	252	1.7
Waitakere	2530	1501	1.7
Nelson	787	520	1.5
Christchurch	4535	3012	1.5
Kaikoura	77	52	1.5
Gisborne	592	426	1.4
Hutt	923	669	1.4
Gore	170	133	1.3
North Shore	2887	2661	1.1
Auckland	5658	5893	1.0

3.2 Requests for Further Information

Section 92(1) enables local authorities to request further information from applicants relating to their resource consent application. The questionnaire asked each local authority how many resource consent applications prompted written requests for further information. This question aimed to collect information on how often local authorities used section 92. The information also provides base data for the Ministry's work on the assessment of environmental effects (AEEs).

This section compares the number of written requests for further information with the number of resource consent applications that were received in the 1996/97 financial year. These two data sets are not directly comparable for reasons discussed in the methodology section, but the comparison gives a good indication of the proportion of resource consent applications that prompted written requests for further information.

Of the 73 local authorities that were able to provide information on this question, a total of 20,535 resource consent applications generated written requests for further information, that is 39 percent of applications received by those local authorities. Some local authorities were only able to estimate the number of written requests, but these were included in the data set.

Table 4 shows the percentage of resource consent applications that prompted written requests for further information for both the 1995/96 and 1996/97 financial years. The figures show that the proportion of written requests for further information increased by 17 percent over the two years. The most marked increase was in the percentage of requests for further information by territorial authorities, with an increase of over 20 percent. The percentage of written requests by unitary authorities increased by almost 5 percent. There were 14 local

authorities who requested further information for more than half of the applications they received, compared to five in last year's survey).

Table 4 Percentage of resource consent applications that prompted written requests for further information in the 1995/96 and 1996/97 financial years

	% of applications where further information was requested (1995/96)	% of applications where further information was requested (1996/97)
Regional councils	22.5	26.6
Territorial authorities	21.5	43.0
Unitary authorities	25.4	29.7
Total	22.2	39.3

Several local authorities commented that they were aware that they were making requests for further information on a large proportion of resource consent applications. Some indicated that this was a concern, and that they were developing initiatives to address this problem.

There are a number of reasons that may be attributed to the large proportion of written requests for further information, including that local authorities are still developing resource management plans containing clear guidelines for information requirements. It may also reflect a lack of public understanding and a lack of available educational material on resource consent processes. Some local authorities accept applications containing insufficient information often resulting in requests for further information. Anecdotal evidence also suggests that some local authorities are using their ability to stop and reset the clock inappropriately to increase available processing time.

Table 5 shows the number of requests made by individual local authorities for further information. This table is of interest as it illustrates the wide variation in the number of requests, ranging from 0 percent to 85.1 percent. It is difficult to draw definitive conclusions from the figures, as we do not have information on the quality of applications received, the type of information sought, whether seeking further information resulted in significant time delays or whether local authorities have processes to assist applicants to make comprehensive applications. It is hoped that local authorities that use section 92 to request further information on a high proportion of resource consent applications received, will review any processes that result in the frequent use of this provision. It is also hoped that this table will stimulate local authorities to reflect on whether they are using section 92 appropriately, and whether more can be done to improve the quality of initial applications.

The Ministry is developing good practice guidelines for auditing and preparing AEEs. A brochure for public distribution on how to apply for a resource consent is also being developed. These initiatives may help to increase public understanding about resource consent processes and will also assist local authorities in receiving and processing applications.

Table 5. Percentage of resource consent applications involving requests for further information

Local authority	Number of resource consent applications	Number of applications - section 92 used	% of applications - section 92 used
Regional Councils			
Auckland	977	405	41.5
Northland	638	260	40.8
Bay of Plenty	478	174	36.4
Canterbury	2233	798	35.7
Waikato	1721	516	30.0
Wellington	956	263	27.5
Otago	939	170	18.1
Southland	627	61	9.7
Taranaki	303	18	5.9
Hawkes Bay	750	12	1.6
West Coast	453	3	0.7
Territorial Authorities			
North Shore	3783	3221	85.1
Kaikoura	79	63	79.7
Horowhenua	216	170	78.7
Waikato	480	360	75.0
Franklin	558	391	70.1
Kapiti Coast	477	334	70.0
Southland	232	162	69.8
Selwyn	482	318	66.0
Rodney	1543	1003	65.0
MacKenzie	48	29	60.4
Hastings	522	300	57.5
Grey	114	65	57.0
Auckland	9510	5295	55.7
Matamata-Piako	228	121	53.1
Whangarei	1049	525	50.0
Napier	458	229	50.0
Waimate	80	39	48.8
Queenstown-Lakes	673	305	45.3
South Waikato	98	42	42.9
Waitakere	2090	836	40.0
Whakatane	316	126	39.9
Hurunui	206	81	39.3
Central Otago	171	66	38.6
Porirua	335	128	38.2
Manukau	2745	1000	36.4
Hauraki	163	58	35.6
Upper Hutt	130	46	35.4
Waimakariri	380	130	34.2
Invercargill	312	75	24.0
Banks Peninsula	174	40	23.0
Waitomo	63	14	22.2
Ashburton	196	43	21.9
Buller	114	25	21.9
New Plymouth	425	85	20.0
Waipa	528	104	19.7
Christchurch	4032	774	19.2
South Taranaki	196	37	18.9
Gore	166	30	18.1
Ruapehu	145	24	16.6
Taupo	421	61	14.5
Opotiki	36	5	13.9
Palmerston North	489	64	13.1
Rotorua	823	100	12.2
Hamilton	1017	100	9.8
Otorohanga	114	11	9.6
Carterton	43	4	9.3
Waitaki	164	13	7.9
Tararua	85	6	7.1
Hutt	855	30	3.5
Wairoa	55	1	1.8
Clutha	133	2	1.5
Tauranga	1223	15	1.2
Wanganui	282	3	1.1
Manawatu	198	0	0.0
Masterton	123	0	0.0
Kawerau	11	0	0.0
Chatham Islands	6	0	0.0
Westland	98	0	0.0
Unitary Authorities			
Gisborne	611	250	40.9
Nelson	748	223	29.8
Tasman	897	197	22.0
Local Authorities unable to answer			
Manawatu-Wanganui Region		Straford District	
Central-Hawkes Bay District		Timaru District	
Dunedin City		Wellington City	
Papakura District		Western BOP District	
Rangitikei District		Marlborough District	
South Wairarapa District			

Kaipara	230	76	33.0		

3.3 Processing Resource Consent Applications

Different local authorities use different approaches to process their resource consent applications. Local authorities were asked this year to estimate the proportion of resource consent applications that were processed by in-house staff, local authority trading enterprises (LATES), consultants, or any other type of staff or organisation. The information from this question gives an indication of the proportion of resource consent applications that were processed other than by in-house staff. The proportion of resource consent applications processed outside of local authorities may be influenced by factors such as available resources, turnover of staff and local authority workload.

No local authority recorded that LATES processed its resource consent applications. Only one local authority recorded that another type of staff or organisation, other than consultants, processed some of its resource consent applications. Figure 1 illustrates the proportion of resource consent applications processed by in-house staff and consultants[1]. Eighty two local authorities were able to answer this question. The majority of resource consent applications are processed by in-house staff.

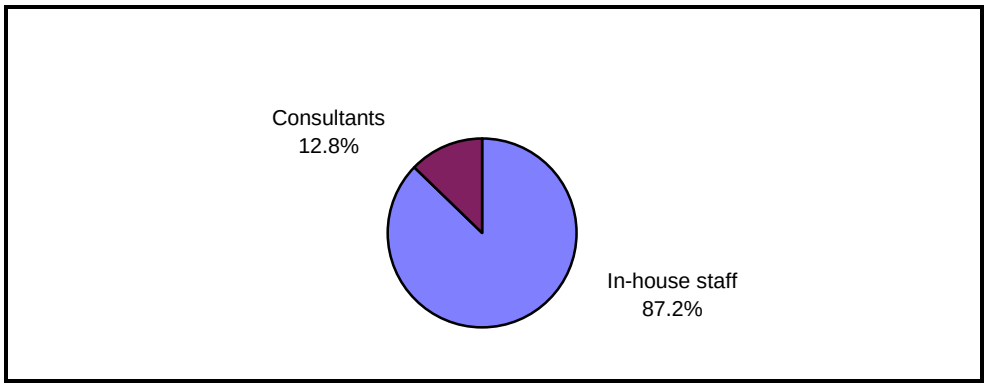

Figure 1. Percentage of resource consent applications processed by in-house staff and consultants.

Table 6 is of interest as it shows the percentage of resource consent applications processed by in-house staff and consultants for individual local authorities.

[1] The proportion of resource consent applications processed by 'other means' is very small and therefore is unable to be included in Figure 1.

Table 6. Percentage of resource consent applications processed by in-house staff and consultants for individual local authorities

Local authority	% processed by in-house staff	% processed by consultants	% processed by other means
Regional Councils			
Environment BOP	100.00		
Otago	100.00		
Taranaki	100.00		
Wellington	100.00		
West Coast	100.00		
Manawatu-Wanganui	99.80	0.20	
Environment Waikato	98.00	2.00	
Northland	98.00	2.00	
Southland	98.00	2.00	
Hawkes Bay	97.00	3.00	
Canterbury	85.00	15.00	
Auckland	54.00	46.00	
Territorial Authorities			
Ashburton	100.00		
Central Hawkes Bay	100.00		
Chatham Islands	100.00		
Christchurch	100.00		
Grey	100.00		
Hastings	100.00		
Horowhenua	100.00		
Hutt	100.00		
Invercargill	100.00		
Kaikoura	100.00		
Kapiti Coast	100.00		
Kawerau	100.00		
Manawatu	100.00		
Napier	100.00		
New Plymouth	100.00		
Opotiki	100.00		
Otorohanga	100.00		
Palmerston North	100.00		
Rotorua	100.00		
South Taranaki	100.00		
Southland	100.00		
Stratford	100.00		
Tararua	100.00		
Timaru	100.00		
Upper Hutt	100.00		
Waimate	100.00		
Wanganui	100.00		

Westland	100.00		
Waikato	99.60	0.40	
Hauraki	99.00	1.00	
Tauranga	99.00	1.00	
Waitaki	99.00	1.00	
Hamilton	98.50	1.50	
Banks Peninsula	98.00	2.00	
Gore	98.00	2.00	
Taupo	98.00	2.00	
Waipa	98.00	2.00	
Waitakere	97.00		3.00
Ruapehu	96.50	3.50	
Selwyn	96.00	4.00	
Waimakariri	96.00	4.00	
Rodney	95.00	5.00	
Waitomo	95.00	5.00	
Wellington	95.00	5.00	
Whakatane	95.00	5.00	
Whangarei	90.00	10.00	
Masterton	87.00	13.00	
Dunedin	85.00	15.00	
Manukau	85.00	15.00	
Hurunui	80.00	20.00	
Wairoa	78.00	22.00	
Porirua	77.00	23.00	
Franklin	75.00	25.00	
North Shore	74.40	25.60	
South Waikato	71.00	29.00	
Carterton	70.00	30.00	
Queenstown-Lakes	67.00	33.00	
Buller	62.60	37.40	
Auckland	60.00	40.00	
Clutha	40.00	60.00	
Matamata-Piako	40.00	60.00	
Western Bay of Plenty	24.00	76.00	
Kaipara	5.00	95.00	
Central Otago		100.00	
MacKenzie		100.00	
Rangitikei		100.00	
Unitary Authorities			
Gisborne	100.00		
Marlborough	100.00		
Nelson	98.00	2.00	
Tasman	95.00	5.00	

Unable to answer
Papakura District Council
South Wairarapa District Council

3.4 Receiving resource consent applications

The process for formally receiving a resource consent application is important. One of the problems identified in processing applications is that some local authorities receive applications that have insufficient information. This often leads to council staff partly preparing applications themselves, and then reassessing them, rather than only auditing them. This often takes additional time and increases costs. It may also result in councils issuing a high proportion of written requests for further information, which also increases the time taken to process resource consent applications (refer to section 3.2 for more details on requests for further information).

Local authorities were asked in the questionnaire when they formally received a resource consent application (or when the clock starts ticking). Each local authority was asked to indicate if it received an application when it physically arrived at the council, when a staff member had determined that the information supplied in the application as adequate, or whether it receives an application in some other way. It was assumed in all cases that the resource consent fee also accompanied the application.

Table 7 illustrates that there appears to be nearly a 50/50 split in the way local authorities receive applications. This trend is consistent for territorial and unitary authorities. A larger proportion of regional councils formally receive an application once it has been determined that the information supplied is adequate. Some local authorities commented that there is much debate on this topic and that guidance would be helpful.

Table 7 Formal receipt of resource consent applications by local authorities

	% of local authorities that receive an application when it physically arrives at council	% of local authorities that receive an application when checked adequate information is supplied	% of local authorities that receive an application by other means
Total	44	48	8
Regional councils	25	58	17
Territorial authorities	47	45	8
Unitary authorities	50	50	0

Some local authorities' responses indicated that the question was not interpreted as it was intended. The formal receipt of an application "once it was determined that the information supplied was adequate" was not intended to mean that the quality of the information in the application had been assessed in depth. It was intended to mean that the application had been subject to an initial check to ensure all the required information was provided with the application.

Some local authorities noted that if an application was totally inadequate, it was returned without being logged. Several local authorities specified that they used other criteria to formally receive an application, or to start the processing clock. These included:

- the clock starting the day following the physical receipt of the application
- a two-day period allowed to check the application, with the clock starting after these two days, regardless of whether the application had been checked or not
- a 10-day period allowed to check the application, with the clock starting after it was determined that the information supplied was adequate
- the clock starting upon sending an acknowledgment letter after a consent had been allocated to a planner (approximately a 2-3 day delay from the time the local authority received the application).

As discussed above, one of the problems that has been identified in resource consent processing is that applicants are preparing, and local authorities are receiving, applications with insufficient information. This can result in high proportions of written requests for further information.

It is important that there is some consistency in the way in which resource consent applications are formally received. The Ministry's good practice guides on auditing and preparing AEEs will provide guidance in the area of receiving applications. This will help to establish a more consistent approach to receiving applications across local authorities.

3.5 The link between section 92 requests and approaches to receiving applications

As discussed above, section 92 enables local authorities to give written notice to applicants asking them to provide further information relating to their application.

Figure 2 illustrates the relationship between the way local authorities formally receive applications and the proportion of resource consent applications that prompted written requests for further information. It shows that those local authorities that have made written requests for further information on less than 15 percent of the resource consent applications received, are more likely to be those local authorities that formally receive an application when it has been determined that the information supplied is adequate. Fifteen local authorities that received applications after checking that information was adequate requested further information for less than 15 percent of their resource consent applications, compared to only five local authorities that received applications when they physically arrived at council. There was no correlation between the way in which local authorities receive applications and the proportion of requests for further information when this proportion was over 30 percent.

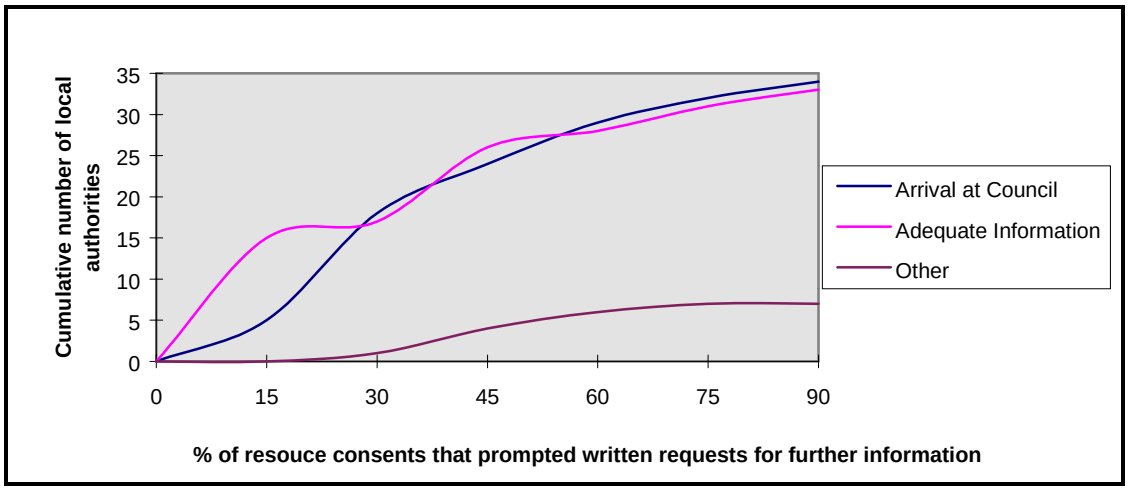

Figure 2. Section 92 links with the process for receiving resource consent applications

Conclusion

A total of 57, 461 resource consent applications were received by 83 local authorities in the 1996/97 financial year. Most of these were for land-use and subdivision consents and the majority (75.9 percent) were processed by territorial authorities.

Thirty-nine percent of all resource consent applications received in the 1996/97 year prompted written requests for further information, a 15 percent increase in the number of requests over last year.

There was nearly a 50/50 split in the way in which local authorities formally receive resource consent applications. Those local authorities that determined that information supplied by the resource consent applicant was adequate before officially receiving the application generally made less written requests for further information.

The Ministry's work on AEEs may help to decrease the number of written requests for further information and provide some consistency in the stage at which local authorities should formally receive an application. The Ministry will be providing good practice guidance to resource consent applicants and local authority staff on how to prepare and audit AEEs in the near future.

Nearly 90 percent of resource consent applications are processed by in-house local authority staff, with the remainder being processed by consultants.

4 Resource Consent Time Limits

To ensure that resource consent applications were processed efficiently, the specification of statutory time limits for the processing of consents was introduced with the RM Act.

The questionnaire sought information on whether local authorities were able to process resource consent applications as set out in Part IV of the RM Act. Local authorities were asked to indicate the time taken to process notified and non-notified resource consent applications. Local authorities were also asked about their use of section 37. Section 37 allows for the extension of time limits and provides for the processing of more complex resource consent applications.

This section of the report focuses on:

- how long it took local authorities to process resource consent applications
- how many resource consent applications were processed within statutory time limits
- how often section 37 was used to extend statutory time limits
- how many resource consents applications had time limits extended on the request of the applicant
- how well local authorities performed against indicators for meeting statutory time limits
- linkages between the ability of local authorities to meet statutory time limits and the use of pre-hearing meetings
- the historical context of time limits under the Town and Country Planning Act and RM Act.

In this report *within statutory time limits* includes those resource consent applications that were extended by section 37.

The data from the questionnaire is limited in that it only represents a "snap-shot" in time. It looks only at the data in the 1996/97 financial year. Any resource consent application which lagged for a long period, spanning more than one financial year, or starting in one year and finishing in another, may not be identifiable from the information collected.

Some variables were not allowed for in the questions relating to time limits, including:

- when a local authority receives an application (refer section 3.4)
- use of section 115 to reset the clock after the receipt of further information (refer to section 3.2)
- those notified resource consent applications where no hearing was held
- those non-notified resource consent applications where a hearing was held
- hearings that spanned a number of days (unless local authorities "stop the clock")

- the adjournment of hearings.

Although the time limit information has some limitations, the results do give a good indication of total resource consent processing times.

4.1 How long it takes to process resource consent applications

The RM Act sets out the number of working days it should take a local authority to notify an application, receive public submissions, hold a hearing and make a decision. The total time set down is 70 working days for notified resource consent applications and 20 working days for non-notified resource consent applications.

The use of the 70 and 20 working day limit is not strictly accurate and probably results in underestimating the number of resource consent applications processed outside of time limits. For example, if a local authority took longer than the 10 days specified in the RM Act to notify an application, but still processed the resource consent within 70 working days, strictly speaking the application would have been processed outside of statutory time limits. Even if the total time is within specified time limits, the time taken for individual steps in the process may not be.

Each local authority was asked to record how long it took it to process notified and non-notified resource consent applications in the 1996/97 financial year. Figures 3 and 4 give a summary of this information. Some local authorities appeared to have difficulty answering the time limit questions. Only 70 local authorities were able to supply this information for non-notified resource consent applications and 68 local authorities for notified consents.

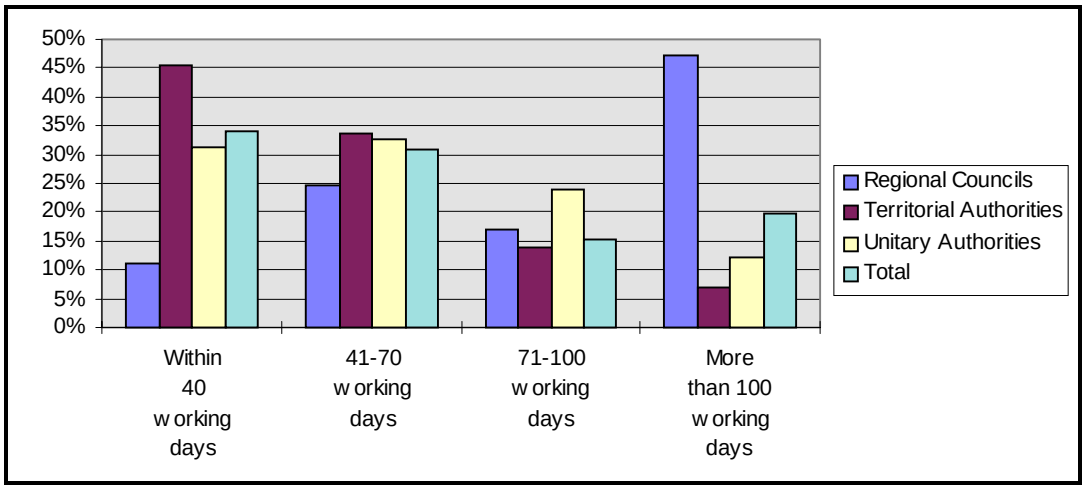

Figure 3. Number of days taken to process notified resource consent applications

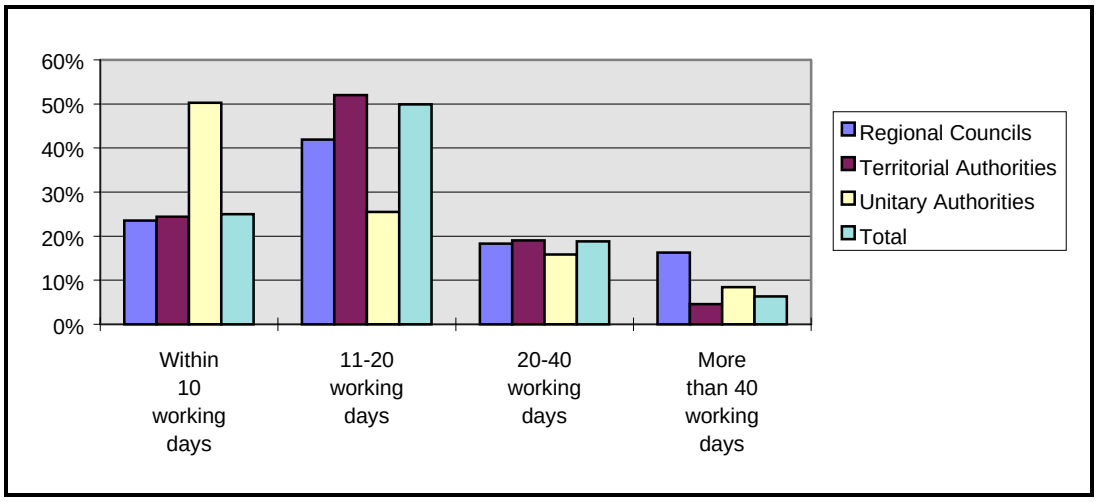

Figure 4. Number of days taken to process non-notified resource consent applications

Figure 3 illustrates that a total of 65 percent of notified resource consent applications were processed within the 70 working day limit set out in the RM Act (34 percent of notified resource consent applications were processed within 40 working days and another 31 percent processed between 41 and 70 working days). Similarly, Figure 4 shows that 75 percent of non-notified applications were processed within the 20 working day limit (25 percent of non-notified resource consent applications were processed within 10 working days, and 50 percent between 11 and 20 working days).

Figure 3 and 4 show that over one quarter of resource consent applications are processed in approximately half the time specified under the RM Act (that is, within 40 and 10 days for notified and non-notified resource consent applications respectively). In comparison, these figures illustrate that a total of 20 percent of notified and 6 percent of non-notified applications were processed outside of 100 and 40 working days respectively.

Figure 3 shows that territorial authorities processed notified resource consent applications more quickly than regional councils. Territorial authorities processed 45 percent of notified resource consent applications within 40 working days and another 34 percent between 41 and 70 working days. In comparison, regional councils processed only 11 percent within 40 working days and 25 percent between 41 and 70 working days. This is also reflected in the figures showing that over 47 percent of all notified resource consent applications processed by regional councils take more than 100 working days , compared to only 7 percent and 12 percent of those processed by territorial and unitary authorities respectively.

This trend is not apparent in the time taken to process non-notified resource consent applications (Figure 4). Territorial authorities and regional councils processed 52 percent and 42 percent of their applications within 11 and 20 working days respectively.

Tables 8 and 9 illustrate, in further detail, how long it took individual local authorities to process resource consent applications in the 1996/97 financial year. The tables show that many local authorities are processing resource consent applications in considerably less time than set out in the RM Act. This is shown by those processed in less than 40 working days (for notified consents) and less than 10 working days (for non-notified consents). The tables also indicate those local authorities that took considerably longer to process some resource consent applications (refer to the columns showing those notified applications processed in more than 100 working days and non-notified consents processed in more than 40 working days). This information does not, however, give a full indication of performance, as it does not take into account the legitimate use of section 37 to extend time.

Table 8. Percentage of notified resource consent applications processed throughout time by individual local authorities

Local authority	Number of notified resource consent applications	% processed 0-40 working days	% processed 41-70 working days	% processed 71-100 working days	% processed in more than 100 working days
Regional Councils					
Canterbury	269	0.0	0.0	20.8	79.2
Bay of Plenty	42	4.8	19.0	45.2	31.0
Manawatu-Wanganui	141	0.0	85.8	14.2	0.0
Northland	85	32.9	40.0	9.4	17.6
Otago	75	0.0	12.0	22.7	65.3
Southland	67	3.0	19.4	22.4	55.2
Taranaki	113	9.7	23.0	8.8	58.4
Wellington	79	60.8	6.3	3.8	29.1
West Coast	15	46.7	13.3	20.0	20.0
Territorial Authorities					
Ashburton	2	0.0	100.0	0.0	0.0
Auckland	73	4.1	31.5	27.4	37.0
Banks Peninsula	8	37.5	37.5	0.0	25.0
Buller	8	0.0	50.0	12.5	37.5
Carterton	9	0.0	88.9	11.1	0.0
Central Otago	32	25.0	53.1	15.6	6.3
Christchurch	151	0.0	45.7	54.3	0.0
Clutha	4	25.0	50.0	0.0	25.0
Franklin	656	89.6	9.9	0.5	0.0
Gore	7	0.0	100.0	0.0	0.0
Grey	9	0.0	33.3	0.0	66.7
Hamilton	52	48.1	38.5	11.5	1.9
Hastings	13	7.7	69.2	23.1	0.0
Hauraki	3	0.0	100.0	0.0	0.0
Horowhenua	2	50.0	0.0	50.0	0.0
Hurunui	3	66.7	33.3	0.0	0.0
Hutt	21	19.0	66.7	14.3	0.0
Invercargill	32	3.1	96.9	0.0	0.0
Kaikoura	2	50.0	50.0	0.0	0.0
Kaipara	11	0.0	0.0	0.0	100.0
MacKenzie	2	100.0	0.0	0.0	0.0
Manawatu	2	100.0	0.0	0.0	0.0
Manukau	29	0.0	100.0	0.0	0.0
Matamata-Piako	10	0.0	80.0	20.0	0.0
Napier	5	80.0	20.0	0.0	0.0
North Shore	55	27.3	69.1	3.6	0.0
Opotiki	34	73.5	23.5	2.9	0.0
Otorohanga	5	60.0	40.0	0.0	0.0
Palmerston North	3	0.0	100.0	0.0	0.0
Queenstown-Lakes	58	5.2	13.8	25.9	55.2
Rangitikei	2	0.0	100.0	0.0	0.0
Rotorua	20	0.0	85.0	15.0	0.0
Ruapehu	5	0.0	80.0	20.0	0.0

Selwyn	50	6.0	54.0	22.0	18.0
South Taranaki	11	100.0	0.0	0.0	0.0
South Waikato	3	0.0	0.0	100.0	0.0
Southland	19	0.0	100.0	0.0	0.0
Stratford	2	100.0	0.0	0.0	0.0
Taupo	2	0.0	100.0	0.0	0.0
Tauranga	16	18.8	43.8	25.0	12.5
Timaru	17	11.8	76.5	5.9	5.9
Upper Hutt	12	33.3	66.7	0.0	0.0
Waikato	6	33.3	16.7	16.7	33.3
Waimakariri	105	5.7	67.6	16.2	10.5
Waimate	80	95.0	3.8	1.3	0.0
Waipa	10	0.0	50.0	20.0	30.0
Wairoa	5	0.0	60.0	20.0	20.0
Waitakere	45	0.0	0.0	100.0	0.0
Waitaki	12	16.7	58.3	25.0	0.0
Waitomo	2	50.0	0.0	50.0	0.0
Wanganui	11	9.1	90.9	0.0	0.0
Wellington	44	20.5	40.9	22.7	15.9
Westland	3	100.0	0.0	0.0	0.0
Whakatane	15	6.7	73.3	13.3	6.7
Unitary Authorities					
Gisborne	49	49.0	26.5	8.2	16.3
Nelson	34	5.9	41.2	47.1	5.9
Local authorities unable to answer question					
Auckland Regional	Kapiti Coast District		Porirua City	Western Bay of Plenty District	
Environment Waikato	Masterton District		Rodney District	Whangarei District	
Hawkes Bay Region	New Plymouth District		South Wairarapa District	Marlborough District	
Dunedin City	Papakura District		Tararua District	Tasman District	

Table 9. Percentage of non-notified resource consent applications processed throughout time by individual local authorities

Local authority	Number of non-notified resource consent applications	% processed 0-10 working days	% processed 11-20 working days	% processed 21-40 working days	% processed in more than 40 working days
Regional Councils					
Canterbury	1718	25.8	22.9	28.6	22.7
Bay of Plenty	375	0.0	44.3	20.5	35.2
Manawatu-Wanganui	290	0.0	99.3	0.7	0.0
Northland	598	9.9	60.7	22.4	7.0
Otago	834	10.0	11.0	35.9	43.2
Southland	501	86.0	11.2	2.6	0.2
Taranaki	230	69.6	17.8	7.4	5.2
Wellington	824	0.0	97.1	2.9	0.0
West Coast	405	44.2	53.8	0.2	1.7
Territorial Authorities					
Ashburton	194	0.0	98.5	1.5	0.0
Auckland	8429	35.6	38.8	19.3	6.3
Banks Peninsula	167	11.4	25.7	51.5	11.4

Buller	94	9.6	8.5	43.6	38.3
Carterton	24	41.7	58.3	0.0	0.0
Central Hawkes Bay	117	70.1	19.7	8.5	1.7
Central Otago	120	9.2	25.8	60.8	4.2
Christchurch	3012	0.0	62.0	38.0	0.0
Clutha	128	39.1	37.5	23.4	0.0
Franklin	443	17.4	32.7	40.9	9.0
Gore	159	0.0	100.0	0.0	0.0
Grey	77	26.0	23.4	23.4	27.3
Hamilton	894	45.7	27.0	18.9	8.4
Hastings	442	30.5	55.9	12.9	0.7
Hauraki	133	10.5	54.9	29.3	5.3
Hurunui	220	30.9	25.9	28.6	14.5
Hutt	834	67.3	29.9	2.2	0.7
Invercargill	297	35.0	56.9	8.1	0.0
Kaikoura	75	32.0	50.7	13.3	4.0
Kaipara	150	0.0	4.0	96.0	0.0
Kapiti Coast	392	0.0	82.4	17.6	0.0
Kawerau	11	100.0	0.0	0.0	0.0
MacKenzie	28	39.3	32.1	25.0	3.6
Manawatu	196	0.0	100.0	0.0	0.0
Manukau	2716	0.0	76.4	13.8	9.8
Masterton	108	0.0	95.4	4.6	0.0
Matamata-Piako	194	23.7	57.7	18.6	0.0
Napier	453	60.3	34.7	5.1	0.0
North Shore	3083	46.7	45.2	7.0	1.1
Opotiki	34	8.8	17.6	44.1	29.4
Otorohanga	109	95.4	4.6	0.0	0.0
Palmerston North	485	21.6	68.7	9.7	0.0
Porirua	177	67.8	0.0	32.2	0.0
Queenstown-Lakes	547	19.9	32.0	28.7	19.4
Rangitikei	110	0.0	89.1	10.9	0.0
Rotorua	823	0.0	81.9	18.1	0.0
Ruapehu	127	16.5	51.2	26.8	5.5
Selwyn	50	6.0	54.0	22.0	18.0
South Taranaki	185	64.3	35.7	0.0	0.0
South Waikato	89	42.7	33.7	21.3	2.2
Southland	232	0.0	97.8	2.2	0.0
Stratford	45	24.4	53.3	22.2	0.0
Tararua	83	39.8	39.8	18.1	2.4
Taupo	602	0.0	79.2	20.8	0.0
Tauranga	1190	0.0	76.6	23.4	0.0
Timaru	384	0.0	95.1	4.9	0.0
Upper Hutt	99	17.2	68.7	12.1	2.0
Waikato	445	41.1	38.0	13.3	7.6
Waimakariri	343	22.7	36.4	29.4	11.4
Waimate	76	47.4	40.8	11.8	0.0
Waipa	485	34.0	53.4	12.6	0.0
Wairoa	50	0.0	92.0	8.0	0.0
Waitakere	2045	22.2	58.2	14.6	5.1

Waitaki	162	0.0	82.7	14.2	3.1
Waitomo	60	96.7	0.0	1.7	1.7
Wanganui	271	55.7	44.3	0.0	0.0
Wellington	1186	10.6	47.0	28.8	13.7
Westland	98	0.0	85.7	14.3	0.0
Whakatane	316	0.0	55.4	44.6	0.0
Unitary Authorities					
Gisborne	488	32.8	18.9	28.9	19.5
Nelson	639	63.7	30.5	5.8	0.0

Councils unable to answer question			
Auckland Region	Dunedin City	Papakura District	Whangarei District
Environment Waikato	Far North District	Rodney District	Marlborough District
Hawkes Bay Region	Horowhenua District	South Wairarapa District	Tasman District
Chatham Islands District	New Plymouth District	Western Bay of Plenty District	

Thirty-five percent of notified resource consent applications and 25 percent of non-notified resource consent applications were processed outside of the 70 and 20 working day limits respectively. Although these figures give a good indication of how long it took local authorities to process resource consent applications, it is not possible to draw any conclusions about local authorities' responsibility to meet the statutory time limits specified in the RM Act without considering the use of section 37.

This next section looks at how many resource consent applications that were processed outside of the 70 and 20 working day limits were within statutory time limits. *Within statutory time limits* includes the use of section 37 to extend time.

4.2 Resource consent applications processed within statutory time limits

Extension of time limits under section 37 is a statutory option for local authorities, and resource consent applications processed within that extended period are considered to be within time limits. This means that, for the purpose of this study, resource consent applications processed *within statutory time limits* are those:

- notified resource consent applications processed within 70 working days;
- non-notified resource consent applications processed within 20 working days; and
- notified and non-notified resource consent applications extended by section 37(1) or section 37(5A).

Section 37(1) enables local authorities to extend a time period under the RM Act to not more than double the original period. Section 37(5A) also enables local authorities to extend time limits upon the request of, or agreement of, the applicant if the local authority considers it reasonable to do so. Time limits can be extended by section 37 (5A) for any period that the authority thinks fit. The use of section 37 is discussed in more detail in Section 4.3 of this report.

The ability of local authorities to consistently meet statutory time limits is an indication of whether time limits are reasonable and an indication of local authority performance against

those time limits. Figure 5 sets out the percentage of notified and non-notified resource consent applications processed within statutory time limits by regional councils, territorial authorities and unitary authorities in the 1996/97 financial year. For the reasons outlined in the beginning of this section, the methodology used most likely results in under estimating the number of resource consent applications processed outside of statutory time limits.

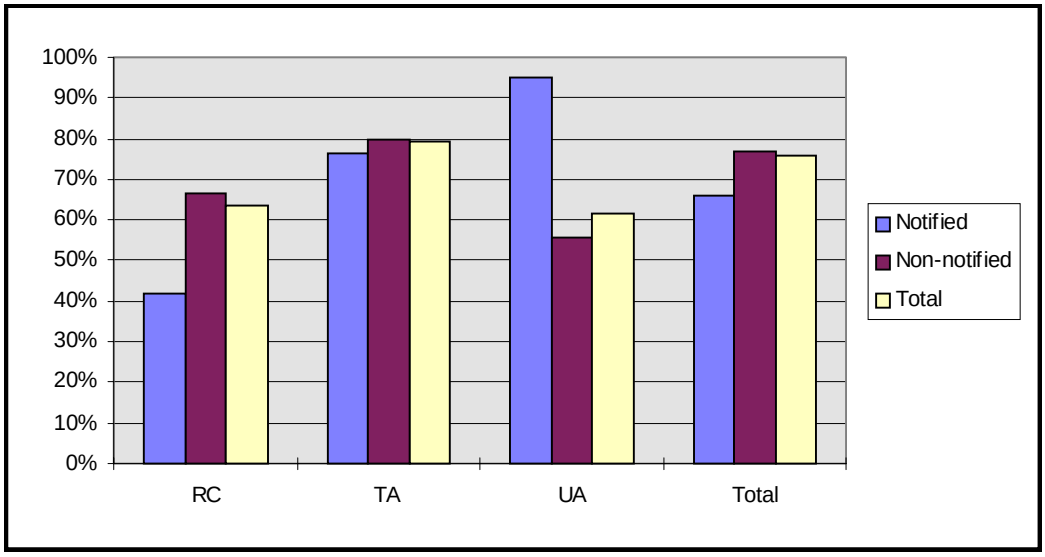

Figure 5. Percentage of resource consent applications processed within statutory time limits by regional councils (RC), territorial authorities (TA) and unitary authorities (UA).
Note: This includes those resource consent applications that were extended by section 37(1) and 37(5A).

Only 63 local authorities could provide information both on time limits and their use of section 37 for notified consent applications, and 59 for non-notified consent applications. Figure 5 shows that 76 percent of all resource consent applications processed by these authorities were processed within time. It shows that 77 percent of non-notified and 66 percent of notified resource consent applications being processed within statutory time limits. Territorial authorities processed a larger proportion of applications within time limits (79 percent), compared to regional councils (63 percent) and unitary authorities (61 percent).

Unfortunately, these figures are not directly comparable to last year's figures. Last year the time limit question was worded differently and caused some confusion. It did not allow respondents to separate the use of section 37 to extend time limits from those applications processed outside of the 70 and 20 working day limits. The question assumed that section 37(1)[2] was used for all notified applications processed between 71 and 140 working days and non-notified applications processed within 21 and 40 working days. Any application processed outside of 140 and 40 working days, for notified and non-notified applications respectively, was seen as being processed outside of statutory time limits. This question resulted in inaccurate findings. As can be seen from section 4.3 of this report, the majority of applications processed outside of the 70 and 20 working day limits are not extended by section 37. The figures in last year's report therefore significantly overestimate the proportion of resource consent applications processed within statutory time limits.

For interest, the figures for the 1995/96 financial year indicated that a high proportion (90.3 percent) of all resource consent applications were processed within statutory time limits. There also appeared to be a difference between notified and non-notified applications, with

[2] Section 37(1) has the effect of not more than doubling the time frames in the RM Act

77 percent of notified and 91 percent of non-notified resource consent applications being processed within statutory time limits in the 1995/96 financial year. The decrease in the number of applications processed within statutory time limits between the two years is most likely a result of the ambiguous wording in last year's questionnaire.

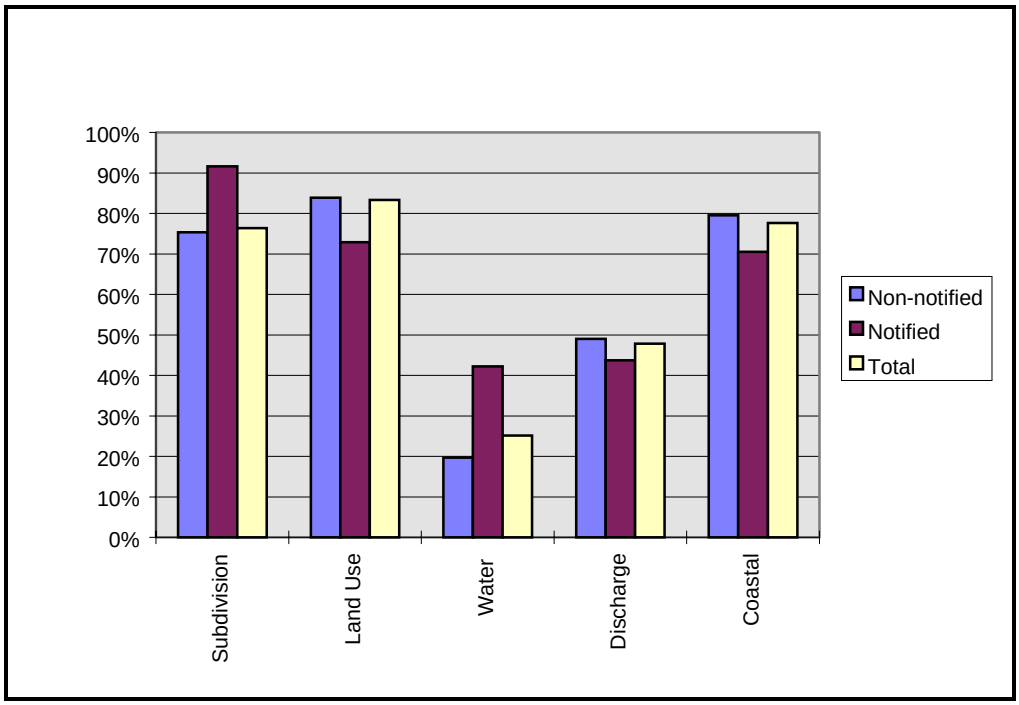

Figure 6. Percentage of resource consent types processed within statutory time limits

Figure 6 breaks down the percentage of resource consent applications being processed within statutory time limits by the various consent types. It shows that the majority of subdivision (76 percent) and land use (83 percent) applications are processed within statutory time limits. Only 25 percent of all water permits were processed within time, with only 20 percent for non-notified water permits. Forty-eight percent of discharge permits and 78 percent of coastal permits were processed within time limits. This is consistent with Figure 5 which shows that territorial authorities meet statutory time limits more consistently than regional councils.

Local authorities and statutory time limits

Table 10 illustrates the percentage of notified applications processed within statutory time limits (including resource consent applications extended by section 37) and the percentage of resource consent applications processed within 70 working days by individual local authorities.

This table has been included to stimulate questioning about the number of resource consent applications being processed outside time limits and the number of local authorities who could not provide information on resource consent time limits and the use of section 37.

The results cannot be used to make definitive conclusions about performance as we do not have information on how many times a local authority used section 37 to extend time limits, and therefore the total time taken to process the application, nor whether the applicant

supported the decision to extend time limits. Furthermore, the results are not directly comparable as local authorities "start the clock" or "receive" applications at different times.

Table 10. Percentage of notified resource consent applications processed within statutory time limits by individual local authorities

Local authority	Number of notified resource consent applications	% processed within 70 working days	% processed within statutory time limits (includes use of section 37)
Regional Councils			
Wellington	79	67.1	100.0
Manawatu-Wanganui	141	85.8	98.6
Taranaki	113	32.7	93.8
West Coast	15	60.0	60.0
Southland	67	22.4	29.9
Bay of Plenty	42	23.8	23.8
Otago	75	12.0	12.0
Canterbury	269	0.0	0.4
Northland	85	72.9	no s37 info
Territorial Authorities			
Invercargill	32	100	100
Kaikoura	2	100	100
Hurunui	3	100	100
Manawatu	2	100.0	100.0
MacKenzie	2	100.0	100.0
Manukau	29	100.0	100.0
Napier	5	100.0	100.0
Hauraki	3	100.0	100.0
Gore	7	100.0	100.0
Upper Hutt	12	100.0	100.0
Taupo	2	100.0	100.0
Wanganui	11	100.0	100.0
Westland	3	100.0	100.0
Otorohanga	5	100.0	100.0
Palmerston North	3	100.0	100.0
Rangitikei	2	100.0	100.0
Ashburton	2	100.0	100.0
Southland	19	100.0	100.0
South Taranaki	11	100.0	100.0
Stratford	2	100.0	100.0
Franklin	656	99.5	99.5
Waimate	80	98.8	100.0
Opotiki	34	97.1	97.1
North Shore	55	96.4	no s37 info
Carterton	9	88.9	100.0
Timaru	17	88.2	100.0
Rotorua	20	85.0	85.0
Matamata-Piako	10	80.0	80.0
Ruapehu	5	80.0	no s37 info
Central Otago	32	78.1	78.1
Hastings	13	76.9	76.9
Clutha	4	75.0	100.0
Banks Peninsula	8	75.0	75.0
Waitaki	12	75.0	66.7
Waimakariri	105	73.3	73.3
Tauranga	16	62.5	100.0
Wellington	44	61.4	no s37 info
Wairoa	5	60.0	80.0
Selwyn	50	60.0	60.0
Horowhenua	2	50.0	100.0
Waikato	6	50.0	100.0
Buller	8	50.0	50.0
Waipa	10	50.0	50.0
Waitomo	2	50.0	50.0
Christchurch	151	45.7	45.7
Auckland	73	35.6	42.5
Grey	9	33.3	55.6
Queenstown-Lakes	58	19.0	19.0
Kaipara	11	0.0	0.0
Waitakere	45	0.0	0.0
South Waikato	3	0.0	0.0
Unitary Authorities			
Gisborne	49	75.5	95.9
Nelson	34	47.1	94.1

Local authorities unable to answer question	
Auckland Region	Porirua City
Environment Waikato	Rodney District
Hawkes Bay Region	South Wairarapa District
Dunedin City	Tararua District
Kapiti Coast District	Western BOP District
Masterton District	Whangarei District
New Plymouth District	Marlborough District
Papakura District	Tasman District

Hamilton	52	86.5	96.2
Hutt	21	85.7	95.2
Whakatane	15	80.0	86.7

This table has been included to stimulate questioning about the number of resource consent applications being processed outside time limits and the number of local authorities which could not provide information on resource consent time limits and the use of section 37.

Table 11. Percentage of non-notified resource consent applications processed within statutory time limits by individual local authorities.

Local authority	Number of non-notified resource consents applications	% processed within 20working days	% processed within statutory time limits (includes use of section 37)
Regional Councils			
Manawatu-Wanganui	290	99.3	99.3
West Coast	405	98.0	98.0
Southland	501	97.2	76.4[3]
Wellington	824	97.1	97.6
Taranaki	230	87.4	89.1
Northland	598	70.6	no s37 info
Canterbury	1718	48.7	48.7
Bay of Plenty	375	44.3	44.3
Otago	834	21.0	21.0
Territorial Authorities			
Manawatu	196	100.0	100.0
Kawerau	11	100.0	100.0
Carterton	24	100.0	100.0
Gore	159	100.0	100.0
Wanganui	271	100.0	100.0
Otorohanga	109	100.0	100.0
South Taranaki	185	100.0	100.0
Ashburton	194	98.5	100.0
Southland	232	97.8	97.8
Hutt	834	97.1	98.8
Waitomo District Council	60	96.7	98.3
Masterton	108	95.4	97.2
Timaru	384	95.1	100.0
Napier	453	94.9	100.0
Wairoa	50	92.0	92.0
Invercargill	297	91.9	91.9
North Shore	3083	91.9	no s37 info
Palmerston North	485	90.3	90.5
Central Hawkes Bay	117	89.7	100.0
Rangitikei	110	89.1	no s37 info
Waimate	76	88.2	90.8
Waipa	485	87.4	no s37 info
Hastings	442	86.4	86.4
Upper Hutt	99	85.9	85.9
Westland	98	85.7	no s37 info
Waitaki	162	82.7	82.7
Kaikoura	75	82.7	82.7

Local authority	Number of non-notified resource consents applications	% processed within 20working days	% processed within statutory time limits (includes use of section 37)
Waitakere	2045	80.3	80.3
Tararua	83	79.5	79.5
Taupo	602	79.2	no s37 info
Waikato	445	79.1	no s37 info
Stratford	45	77.8	100.0
Clutha	128	76.6	76.6
Tauranga	1190	76.6	100.0
South Waikato	89	76.4	76.4
Manukau	2716	76.4	76.4
Auckland	8429	74.4	74.4
Hamilton	894	72.7	85.9
MacKenzie	28	71.4	71.4
Porirua	177	67.8	no s37 info
Ruapehu	127	67.7	100.0
Hauraki	133	65.4	94.7
Selwyn	50	60.0	60.0
Waimakariri	343	59.2	59.2
Wellington	1186	57.6	no s37 info
Hurunui	220	56.8	56.8
Whakatane	316	55.4	79.1
Queenstown-Lakes	547	51.9	51.0
Franklin	443	50.1	50.1
Grey	77	49.4	46.8
Banks Peninsula	167	37.1	37.1
Central Otago	120	35.0	35.0
Opotiki	34	26.5	26.5
Buller	94	18.1	18.1
Kaipara	150	4.0	4.0
Unitary Authorities			
Nelson	639	94.2	no s37 info
Gisborne	488	51.6	55.7
Local authorities unable to answer question			
Auckland Region	Papakura District	Environment Waikato	
Hawkes Bay Region	South Wairarapa District	Chatham Islands District	
Christchurch City	Whangarei District	Dunedin City	
Horowhenua District	Tasman District	New Plymouth District	
Rodney District	Western Bay of Plenty District	Marlborough District	

[3] Figures relating to the use of section 37 did not equate to figures provided for consents processed over time.

Kapiti Coast	392	82.4	82.4
Rotorua	823	81.9	94.5
Matamata-Piako	194	81.4	81.4

Performance against statutory time frame indicators

Most local authorities record time-frame information against targets specified in their annual plans and reports. Based on these targets, 80 percent of all resource consent applications should be processed within the time limits specified in the RM Act. However, note that the only performance standard in the RM Act is 100 percent compliance with the time limits, with the option of using section 37 to extend time.

Table 12 sets out the percentage of local authorities that process at least 80 percent of resource consent applications within statutory time limits during the 1996/97 financial year. This shows that many local authorities are not meeting the 80 percent target based on their own performance standards.

Table 12. Percentage of local authorities that processed at least 80% of resource consent applications within statutory time limits (including those extended by section 37).

	Notified applications	Non-notified applications	Total (notified & non-notified applications)
All local authorities (%)	65.6	61.0	63.3
Regional councils (%)	37.5	50.0	43.7
Territorial authorities (%)	68.6	64.0	66.3
Unitary authorities (%)	100.00	0	66.7

Table 12 shows that 63.3 percent of local authorities processed 80 percent of resource consent applications within statutory time limits. It also illustrates that 66 percent of territorial authorities met the 80 percent target.

In comparison, less than half (43.7 percent) of regional councils processed at least 80 percent of resource consent applications within statutory time limits. The processing of notified resource consent applications by regional councils is a concern, as only 37.5 percent of regional councils met the 80 percent target. Only one unitary authority provided information for both notified and non-notified resource consent applications. It is therefore difficult to draw any conclusions in relation to unitary authorities.

Again, these figures are not directly comparable to the 1995/96 figures for reasons discussed in section 4.2. The proportion of local authorities that processed at least 80 percent of resource consent applications within statutory time limits was considerably higher last year, with 90.9 percent of all local authorities meeting this target. The proportion of regional councils that met this target was lower than territorial and unitary authorities, with 55.0 percent of regional councils processing at least 80 percent of resource consent applications within time limits. This trend is consistent with this year's figures.

4.3 Local authorities use of section 37 to extend statutory time limits

As already discussed, section 37 enables local authorities to extend a time period specified in the RM Act. Local authorities should use section 37 sparingly. The factors contributing to time limits being extended may include the use of pre-hearing meetings and complexity of the application.

The questionnaire sought information on the extent to which local authorities made use of section 37. Sixty-five local authorities were able to provide this information for notified resource consent applications and 59 for non-notified applications. The Ministry is also interested in the proportion of resource consent applications for which time limits are not extended by this provision in the RM Act.

Figures 7 and 8 summarise the use of section 37 to extend time limits for both notified and non-notified applications. As can be seen from the first two columns in each figure, the use of section 37(1) and 37(5A) is very limited.

For those consents that are processed over time, that is, over 70 working days for notified applications and over 20 working days for non-notified applications, most are *not* formally extended by section 37. Figures 7 and 8 illustrate that 85 percent of all notified consents and 91 percent of non-notified consents were *not* formally extended by section 37. This is concerning, as the RM Act makes no provision for "informal" extensions of time limits.

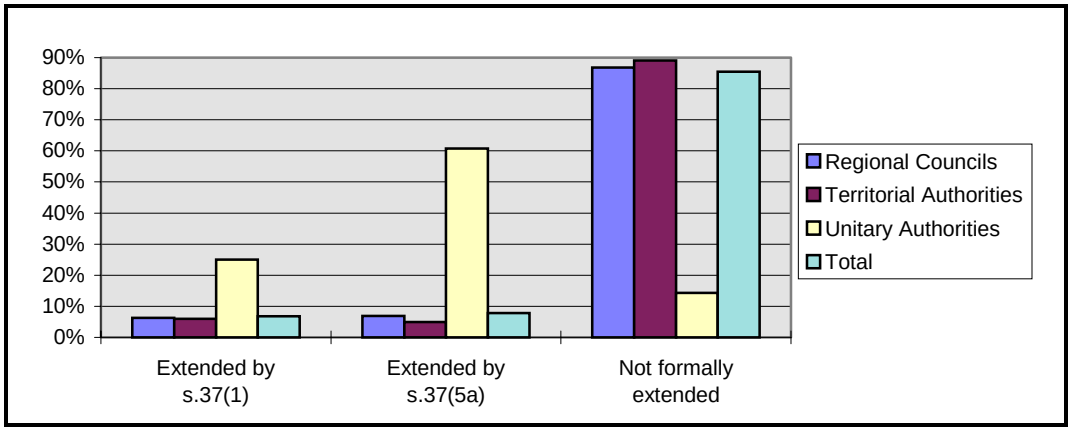

Figure 7. Use of section 37 for notified resource consent applications processed outside of 70 working days.

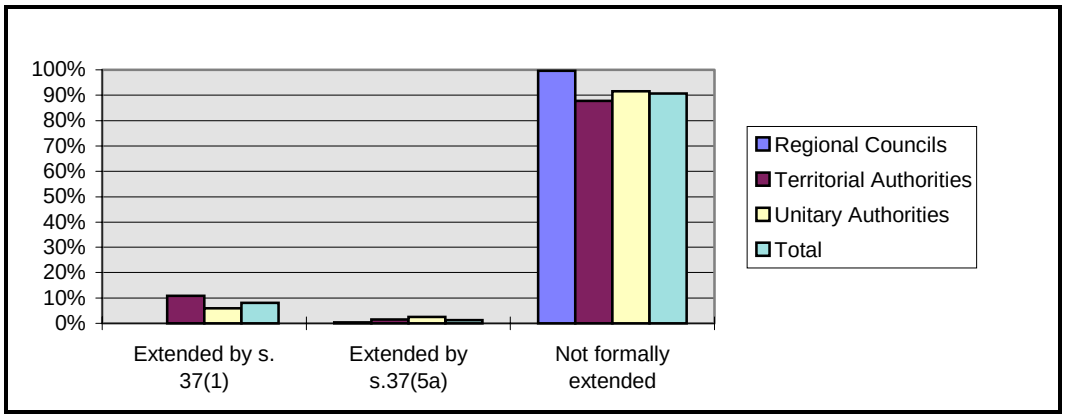

Figure 8. Use of section 37 for non-notified resource consent applications processed outside of 20 working days.

Although territorial authorities and regional councils both make limited use of section 37, the figures for notified resource consent applications processed by unitary authorities are quite different. Figure 7 shows that only 14 percent of notified resource consent applications processed by unitary authorities outside of 70 working days were not formally extended by section 37(1) or section 37(5A). (It should be noted that only two of the four unitary authorities provided this information.) Overall, section 37(1) appears to be used slightly more frequently than section 37(5A).

Once again, the data from last year's survey are not directly comparable with that collected in the 1996/97 financial year because of reasons discussed above. Last year it was recorded that 20.1 percent of notified resource consent applications and 15.0 percent of non-notified resource consent applications were processed between 71 and 140 working days, and between 21 and 40 working days respectively, after section 37 had been applied. However, it is unclear how many of the applications processed within these time limits were actually formally extended by section 37.

Performance against section 37 indicators

The Ministry has developed a quantitative indicator for expected use of section 37 to extend time limits for processing resource consent applications. It was expected that local authorities would use their ability to extend time limits reasonably sparingly. If data showed that more than 60 percent of local authorities were having to use this provision for more than 50 percent of applications, it would be a matter of concern warranting further investigation. No local authorities used section 37 to extend time limits for more than 50 percent of applications.

Informal extensions of time limits

As already explained, there is no provision for the informal extensions of statutory time limits set out in the RM Act. It is therefore of interest to look at the percentage of resource consent applications that were processed outside of the 70 and 20 working day limits (for notified and non-notified resource consent applications respectively) that were *not* formally extended by section 37.

Tables 13 and 14 show those local authorities that processed resource consent applications outside of statutory time limits and did not extend time by section 37. The Ministry hopes that these tables will encourage local authorities to review any processes that result in informal time extensions.

Table 13. Informal extension of time for notified resource consent applications by individual local authorities

Local authority	Number of notified applications processed after 70 working days	% of notified applications processed after 70 working days and not formally extended by section 37
Regional Councils		
Otago	66	100.0%
West Coast	6	100.0%
Environment BOP	32	100.0%
Southland	47	100.0%
Canterbury	269	99.6%
Taranaki	37	18.9%
Manawatu-Wanganui	20	10.0%
Wellington	16	0.0%
Territorial Authorities		
Kaipara	11	100.0%
Kapiti Coast	1	100.0%
Matamata-Piako	2	100.0%
Banks Peninsula	2	100.0%
Buller	4	100.0%
Central Otago	7	100.0%
Christchurch	82	100.0%
Franklin	3	100.0%
Hastings	3	100.0%
Waimakariri	28	100.0%
Waipa	5	100.0%
Waitakere	45	100.0%
Waitaki	4	100.0%
Waitomo	1	100.0%
Opotiki	1	100.0%
Rotorua	3	100.0%
Selwyn	20	100.0%
South Waikato	3	100.0%
Queenstown-Lakes	47	100.0%
Auckland	50	84.0%
Grey	6	66.7%
Whakatane	3	66.7%
Wairoa	2	50.0%
Hutt	3	33.3%
Hamilton	6	33.3%
Masterton	9	22.2%
Clutha	1	0.0%
Carterton	1	0.0%
Horowhenua	1	0.0%
Tauranga	6	0.0%
Timaru	2	0.0%
Waikato	3	0.0%
Waimate	1	0.0%
Unitary Authorities		
Nelson	16	12.5%
Gisborne	12	16.7%
Local authorities unable to answer		
Auckland	Environment Waikato	
Hawkes Bay	Northland	
Dunedin	Far North	
New Plymouth	North Shore	
Papakura	Porirua	
Rodney	Ruapehu	
South Wairarapa	Tararua	
Wellington		
Wellington		
Western Bay of Plenty	Whangarei	
Marlborough	Tasman	

Table 14. Informal extension of time for non-notified resource consent applications by individual local authorities.

Local authority	Number of notified applications processed after 70 working days	% of notified applications processed after 70 working days and not formally extended by section 37
Regional		
Canterbury	881	100.0%
Otago	659	100.0%
West Coast	8	100.0%
Environment BOP	209	100.0%
Manawatu-Wanganui	2	100.0%
Southland	118	100.0%
Taranaki	29	86.2%
Wellington	24	83.3%
Territorial Authorities		
Invercargill	24	100.0%
Kaikoura	13	100.0%
Hurunui	95	100.0%
Kaipara	144	100.0%
Kapiti Coast	69	100.0%
MacKenzie	8	100.0%
Manukau	642	100.0%
Matamata-Piako	36	100.0%
Clutha	30	100.0%
Auckland	2158	100.0%
Banks Peninsula	105	100.0%
Buller	77	100.0%
Central Otago	78	100.0%
Franklin	221	100.0%
Hastings	60	100.0%
Wairoa	4	100.0%
Upper Hutt	14	100.0%
Waimakariri	140	100.0%
Tararua	17	100.0%
Waitakere	402	100.0%
Waitaki	28	100.0%
Opotiki	25	100.0%
Palmerston North	46	100.0%
Selwyn	20	100.0%
Southland	5	100.0%
South Waikato	21	100.0%

Local authority	Number of notified applications processed after 70 working days	% of notified applications processed after 70 working days and not formally extended by
Queenstown-Lakes	268	100.0%
Grey	43	95.3%
Waimate	9	77.8%
Masterton	5	60.0%
Hamilton	244	51.6%
Whakatane	131	50.4%
Waitomo	2	50.0%
Hutt	24	41.7
Rotorua	149	30.2%
Hauraki	56	12.5%
Napier	23	0.0%
Central Hawkes Bay	12	0.0%
Tauranga	279	0.0%
Timaru	19	0.0%
Ruapehu	6	0.0%
Stratford	10	0.0%
Unitary Authorities		
Gisborne	236	91.5%

Local authorities unable to answer	
Auckland	Papakura
Environment Waikato	Porirua
Hawkes Bay	Rangitikei
Northland	Rodney
Ashburton	South Taranaki
Carterton	Taupo
Chatham Islands	Waikato
Christchurch	Waipa
Dunedin	Wanganui
Gore	Wellington
Horowhenua	Western Bay of Plenty
Kawerau	Westland
Manawatu	Whangarei
New Plymouth	Marlborough
North Shore	Nelson
Otorohanga	Tasman

4.4 Resource consent applications that were extended on the request of the applicant

The Ministry is interested in the proportion of resource consent applications that were extended on the explicit request of the applicant, rather than on the initiative of the local authority itself.

Local authorities were asked to estimate how many resource consent applications, where decisions were made after 70 working days (notified applications) and after 20 working days (non-notified applications), were extended on the explicit request of the applicant.

Only a small percentage (9.4 percent) of all resource consent applications that were processed outside of time limits were extended because the applicant explicitly requested it. Notified resource consent applications (15.4 percent) had time extended on the explicit request of the applicant more often than non-notified applications (6.6 percent). Most resource consent applications that go over time, including those that are extended by section 37, are extended by the initiative of local authorities, not the applicants.

4.5 Links between the ability of local authorities to meet statutory time limits and the use of pre-hearing meetings

The fact that pre-hearing meetings do not "stop the clock" in terms of statutory time limits has been raised in the past. Many local authority staff, including some involved in the Ministry's recent pre-hearing training sessions, say that the use of pre-hearing meetings can extend the processing time for resource consent applications beyond statutory time limits.

To establish this link, a comparison between the percentage of notified resource consent applications where pre-hearing meetings were held and the percentage of notified resource consent applications that were processed within statutory time limits was carried out.

There appeared to be no correlation between these two variables. This comparison was only to provide a rough indication of any trends. It would be more appropriate to incorporate a question aimed at establishing this link more directly in future questionnaires.

4.6 Historical Context

The perception that resource management legislation acts as a restraint on much development is not new. This was also said of the Town and Country Planning Act, for example in Hearn's (1987) review of the Town and Country Planning Act and in Williams' (1985) *District Planning in New Zealand*. More recently, this perception was reflected in the American Chamber of Commerce in New Zealand's (1997) study that recorded that over half of the 28 respondents had experienced problems and delays with the time taken for local authorities to make decisions under the RM Act. (It should be noted that this study had a large margin of error and therefore was not statistically significant.)

St Clair's (1993) case study contains information on local authority performance in relation to time limits. He recorded that 50 percent of all notified resource consent applications were processed within 58 working days, with 10 percent taking more than 110 working days. Not surprisingly, he also found that non-notified applications were processed considerably faster, with half of resource consent applications being processed within 12 days.

The Ministry's unpublished report (1991) states that median times for processing planning consents under the Town and Country Planning Act were consistently under 20 working days for non-notified applications and that notified applications were processed substantially more slowly than non-notified, with a median time of 79 working days. This is consistent with this 1996/97 study's findings that show that 74 percent of non-notified consent applications are processed within 20 working days and 64 percent of notified applications within 70 working days.

St Clair (1993) also reported that regional councils processed between 55 percent and 80 percent of notified applications with hearings within the 71 day limit (one day was allocated for a hearing), whereas territorial authorities processed between 65 percent and 80 percent of notified applications within specified time limits. The 1996/97 findings show that only 27.8 percent of notified resource consent applications were processed by regional councils within 70 working days, and that 79.3 percent of applications were processed by territorial authorities within 70 working days. Although the data is not directly comparable, it does suggest that regional councils are processing notified resource consent applications more slowly than they were in 1991/92.

4.7 Conclusion

The survey findings on time limits are of some concern. The findings show that 24 percent of all resource consent applications are processed outside of statutory time limits (including those extended by section 37). Regional councils (37 percent) and unitary authorities (39 percent) processed a larger proportion of applications outside of time limits than territorial authorities (21 percent).

Over one quarter of resource consent applications are processed in approximately half the time set out in the RM Act. However, there appears to be a wide variation in the ability of local authorities to meet time limits. Clearly, some are finding it difficult to meet the specified time limits under the RM Act.

Less than half of regional councils and approximately two thirds of territorial and unitary authorities process at least 80 percent of resource consent applications within time limits. This is also of concern, considering the RM Act's performance standard is that all resource consent applications should be processed within statutory time limits with the option of extending time by the use of section 37.

Local authorities seem to be disregarding section 37 when they need more time to process a resource consent application. There is no provision in the RM Act to 'informally' extend time limits. Of those resource consent applications processed outside of the 70 (notified) and 20 (non-notified) working day limits most were not extended by section 37 (85 percent of notified consent applications and 91 percent of non-notified consent applications were not extended by section 37). Of those applications that had time extended, most extensions were initiated by the local authority, rather than the applicant.

Local authority performance against statutory time limits is an area that the Ministry and the public is interested in. The Ministry is undertaking a case study that investigates local authority performance in processing resource consent applications. This case study identifies time delays at various stages of the process, reasons for delays and costs associated with delays through an analysis of land use consent applications for Telecom cell phone transmissions sites or "cell sites".

5 Integrated Management

The RM Act aims to promote a more integrated approach to resource management and provides a number of mechanisms through which this can be achieved. The Ministry is interested in finding out the extent to which local authorities are using these provisions.

Local authorities were asked questions about the production of combined plans, the use of joint hearings, and whether they had transferred any functions, duties or powers to other local authorities. The Ministry recognises that these are just tools to help achieve integrated management and that integrated management is much wider than the topics discussed in this section.

5.1 Combined Plans

Section 80 enables local authorities to prepare combined plans. Local authorities were asked if they had been involved in the development of combined plans during the 1996/97 financial year. Councils were asked not to include information on transitional plans prepared under the former Town and Country Planning Act.

Taranaki Regional Council, Waimakariri District Council, Gisborne District Council, Nelson City Council and Tasman District Council indicated that they had been involved in the development of a combined plan during the 1996/97 financial year. In the 1995/96 financial year, three local authorities, all of which were unitary authorities, had been involved in the development of combined plans.

Factors cited by local authorities as limiting the development of combined plans included:

- pressure on district councils to complete their own plans
- jurisdictional differences
- functions set out in sections 30 and 31 leading to fragmented integration.

The results from this question indicate that there is a slight growth in the number of local authorities developing, or considering the use of, combined plans as a means for integrated management. The number of local authorities making use of this mechanism may increase as more plans become operative and local authorities have more resources and time to consider this approach.

5.2 Joint Hearings

Joint hearings provide an opportunity for interrelated resource management issues to be considered in an integrated manner within the resource consent process. To encourage the joint hearing and consideration of different resource consent applications relating to the same proposal, section 102 of the RM Act provides for joint hearings by two or more consent authorities.

Local authorities were asked to indicate the number of resource consent applications that resulted in a hearing that involved only their authority, and how many were joint hearings

with another local authority under section 102 of the RM Act. Most (83) local authorities were able to respond to this question. Table 15 displays the total number of hearings, the number of joint hearings, the number of hearings that involved only one authority (sole hearings), and the proportion of hearings that were joint hearings in the 1996/97 financial year.

Table 15. Hearings and joint hearings held by local authorities.

	Total number of hearings	Number of joint hearings	Number of sole hearings	Percentage which were joint hearings
Regional councils	507	113	394	22.3
Territorial authorities	1227	69	1158	5.6
Total	1734	182	1552	10.5

Table 15 shows that 10.5 percent of all hearings held in the 1996/97 financial year, were joint hearings. Last year 7.3 percent of all hearings were held as joint hearings.

Table 15 illustrates that regional councils made regular use of joint hearings with over one fifth of all hearings being held jointly with another local authority. In comparison, territorial authorities used the joint hearing process less often. These results are similar to last year's in which 23.1 percent of regional council hearings and 4.6 percent of territorial authority hearings were joint hearings.

Table 16 outlines the number of joint hearings held by individual local authorities. Local authorities not mentioned did not hold any joint hearings or could not answer the question. The Ministry recognises that the need for joint hearings is dependent on the nature of resource consent applications received. In the absence of information about the joint hearing processes or any indication of the success of the joint hearings that were held, it is difficult to gauge local authority performance in this area.

Table 16. Percentage of hearings held as joint hearings by individual local authorities.

Local authority	Number of hearings	Number of Sole Hearings	Number of Joint Hearings	% which were joint hearings
Regional Councils				
West Coast	7	2	5	71.4%
Southland	16	8	8	50.0%
Wellington	9	5	4	44.4%
Manawatu-Wanganui	37	25	12	32.4%
Auckland	34	23	11	32.4%
Otago	91	68	23	25.3%
Environment Waikato	31	24	7	22.6%
Northland	52	41	11	21.2%
Canterbury	203	172	31	15.3%
Hawkes Bay	16	15	1	6.3%
Environment BOP	10	10	0	0.0%

Taranaki	1	1	0	0.0%
Territorial Authorities				
Franklin	3	0	3	100.0%
Rangitikei	1	0	1	100.0%
Buller	3	1	2	66.7%
Palmerston North City	3	2	1	33.3%
Porirua City	3	2	1	33.3%
Grey	7	5	2	28.6%
Wairoa	5	4	1	20.0%
Southland	17	14	3	17.6%
Waikato	17	14	3	17.6%
Waitaki	12	10	2	16.7%
Manukau City	20	17	3	15.0%
Whangarei	68	60	8	11.8%
Matamata-Piako	10	9	1	10.0%
Waipa	21	19	2	9.5%
Kaipara	11	10	1	9.1%
Wellington City	50	46	4	8.0%
Selwyn	45	42	3	6.7%
Timaru	17	16	1	5.9%
Whakatane	39	37	2	5.1%
North Shore City	59	56	3	5.1%
Rotorua	20	19	1	5.0%
Queenstown-Lakes	90	86	4	4.4%
Waimakariri	105	101	4	3.8%
Auckland City	138	133	5	3.6%
Rodney	61	59	2	3.3%
Central Otago	93	90	3	3.2%
Waitakere City	45	44	1	2.2%
Christchurch City	131	130	1	0.8%
Clutha	133	132	1	0.8%
Dunedin	19	19	0	0.0%
Tauranga	16	16	0	0.0%
Kapiti Coast	15	15	0	0.0%
Hauraki	14	14	0	0.0%
Upper Hutt	12	12	0	0.0%
Ruapehu	11	11	0	0.0%
Carterton	11	11	0	0.0%
Hastings	10	10	0	0.0%
Hutt City	10	10	0	0.0%
Hurunui	9	9	0	0.0%
South Taranaki	8	8	0	0.0%
South Waikato	8	8	0	0.0%
Western Bay of Plenty	8	8	0	0.0%

Banks Peninsula	8	8	0	0.0%
Manawatu	7	7	0	0.0%
Hamilton	7	7	0	0.0%
Wanganui	7	7	0	0.0%
Gore	6	6	0	0.0%
Napier	5	5	0	0.0%
Otorohonga	5	5	0	0.0%
Horowhenua	5	5	0	0.0%
Stratford	4	4	0	0.0%
Waimate	4	4	0	0.0%
Westland	3	3	0	0.0%
Ashburton	2	2	0	0.0%
Taupo	2	2	0	0.0%
MacKenzie	2	2	0	0.0%
Kaikoura	2	2	0	0.0%
Masterton	1	1	0	0.0%
Opotoki	1	1	0	0.0%
Waitomo	1	1	0	0.0%
Tararua	0	0	0	0.0%
New Plymouth	0	0	0	0.0%
Chatham Islands	0	0	0	0.0%
Central Hawkes Bay	0	0	0	0.0%
Kawerau	0	0	0	0.0%
Invercargill	0	0	0	0.0%
Unitary Authorities				
Tasman	130	130	0	0.0%
Nelson	39	39	0	0.0%
Marlborough	76	76	0	0.0%
Gisborne	68	68	0	0.0%
Local authorities unable to answer				
Papakura District Council		South Wairarapa District Council		

The number of joint hearings being held has increased substantially since the first year of RM Act enactment. St Clair's (1993) case study showed that only 18 joint hearings (approximately 0.01 percent of joint hearings held in the 1996/97 financial year) were held during this period and that local authorities perceived joint hearings at this time to be too complicated and time consuming.

The Ministry recognises that the need for joint hearings is dependent on the nature of resource consent applications received. It may be useful to investigate the process of holding joint hearings and consider local authorities' and resource consent users' experiences of joint hearings.

5.3 Transfer of Functions

Section 33 of the RM Act enables local authorities to transfer functions, powers or duties to other public authorities who represent the appropriate community of interest and who have the technical capability or expertise, or where such a transfer is administratively efficient.

The Ministry recognises that the feasibility of such transfers will vary greatly between local authorities. The data collected in this survey allows the Ministry to monitor how many local authorities are using this provision. This also provides the Ministry with an opportunity to check and update its records, as section 33 requires local authorities to advise the Ministry of any transfers of functions, powers or duties.

The questionnaire asked local authorities whether they had transferred any of their functions, powers, or duties to another public authority. They were also asked to specify which authorities they had transferred powers to, what functions they had transferred and the transfer date and life span. The question only asked for details on transfers that had occurred during the 1996/97 year.

All local authorities surveyed responded to this question. During the 1996/97 financial year three local authorities transferred powers. All of these where made by regional councils to district councils and are described in Table 17.

Table 17. Transfer of functions by local authorities.

Transfer	Transfer Life Span
Responsibility of foreshores and waters relating to funding matters	2 years
Air quality monitoring	2 years
Harbour bylaws	Open

Last year's questionnaire asked about transfers under section 33 that were made up to the end of the 1995/96 financial year. Eleven local authorities had transferred functions under section 33, and most of these transfers were for an indefinite period. The total number of transfers of powers up to the end of the 1996/97 financial year was 14.

Some local authorities indicated that they were initiating steps to transfer duties in the near future. Western Bay of Plenty District Council and Manukau City Council indicated that they may consider transferring powers to iwi. Under the Sustainable Management Fund, the Ministry is partly funding a project investigating transfer of powers to iwi.

Some local authorities also commented on non-regulatory forms of integrated management. One example is the development of a Charter of Understanding between four local authorities and local iwi with regard to iwi consultation (refer Section 11.0).

One territorial authority suggested that that there may be reluctance on the part of some local authorities to devolve their powers to another. It also considered that greater encouragement should be given to the wider use of section 33 to transfer powers between regions and territorial authorities.

5.4 Conclusions

Many local authorities, particularly regional councils, appear to be making regular use of the joint hearing process. There also appears to be non-regulatory forms of integrated management occurring between local authorities. However, local authorities seem to be making only limited use of the other provisions for integrated management under the RM Act, namely combined plans and transfer of powers under section 33. It is expected that the development of combined plans and transferal of functions, duties or powers may increase in the future.

Frieder's (1977) paper, *Approaching Sustainability: Integrated Environmental Management and New Zealand's Resource Management Act*, explores the idea of integrated environmental management and whether it is happening in RM Act implementation. The limited use of integrated management processes by local authorities is also reflected in Frieder's report. She writes that integrated management is happening in "bits and pieces, but not systematically" and concludes that the reality of implementation does not yet match the vision behind the RM Act.

6.0 Public Participation

Public participation was a central concept in the development of the RM Act. Communities need to be involved in environmental decision-making to achieve good environmental outcomes. The RM Act provides a number of mechanisms to enable the public to be involved in resource management processes.

Public participation has been targeted as one of the subjects for further research as part of the Ministry's focus on improving practice and performance under the RM Act. Several questions on public participation were included in the questionnaire. These included questions relating to notification, generation of submissions, pre-hearing meetings and vexatious behaviour by submitters. Each of these topics is discussed below.

6.1 Notification and Non-Notification

The decision to notify or not to notify has been subject to much public debate. The notification process aims to encourage public input. On the other hand, the ability of local authorities to process, without public notification, consent applications with minor adverse effects allows for a more cost-effective and timely process. For more information on notification and good practice, refer to a recent Ministry publication *–To Notify or not to Notify Under the Resource Management Act – A guide to good practice* (1997).

There is concern across certain sectors of the community at the number of applications that are being granted without public notification. At the same time there is widespread debate regarding the cost and length of time taken to process notified applications. A lot of evidence relating to these problems is anecdotal. The following data collected from local authorities provides information on the level of notification, but not on costs. For information on time limits and costs refer to Sections 4, 10 and 12 of this report.

Local authorities were asked to provide data on the number of resource consent applications received that were dealt with as notified and non-notified during the 1996/97 financial year. Local authorities were also asked to break the data down into consent type. Eighty local authorities were able to provide information on this question. Porirua City Council, Marlborough District Council and Rodney District Council were unable to breakdown the data into consent types but were able to provide total numbers for the number of consent applications notified.

Table 18 provides a summary of the proportion of consents notified, along with a comparison of figures from last year's findings report.

Table 18. Percentage of notified resource consent applications processed by local authorities in the 1995/96 and 1996/97 financial years.

	% of notified applications 1995/96	% of notified applications 1996/97
Regional councils	15.9	11.7
Territorial authorities	4.8	2.8
Unitary authorities	17.5	15.4
Total	8.0	5.2

Table 18 shows that a total of 5.2 percent of all resource consent applications were notified during the 1996/97 financial year, compared with 8.0 percent from the 1995/96 year. Unitary authorities notified more than five times the proportion of applications as territorial authorities. Regional councils notified over four times the proportion of applications as territorial authorities. It was expected that regional councils would notify a larger proportion of resource consent applications. Regional councils deal with public resources that most people have an interest in, and where it is often difficult to identify affected parties. The proportion of applications notified for individual local authorities ranged from 0 percent to 36.3 percent.

Table 19 provides the percentage of notified applications for each consent type. By grouping data into each resource consent type, differences in notification practice can be identified.

Table 19. Percentage of resource consent applications processed as notified for each consent type.

	Total number of applications	Subdivision consents	Land use consents	Coastal permit	Water permit	Discharge permit
% of notified applications	5.2	2.0	4.2	13.4	18.5	17.8

Reasons why local authorities choose not to notify a resource consent application depends largely on the nature and type of consent. Table 19 indicates that coastal, water and discharge permits are notified more often than land use and subdivision consents, which make up 58 percent and 29 percent of all resource consent applications, but only account for 4.2 percent and 2.0 percent of notified resource consent applications respectively. This correlates with Table 18 which shows that regional councils and unitary authorities (who are predominantly responsible for coastal, water and discharge permits) have a higher number of notified applications than territorial authorities (who are predominantly responsible for land-use and subdivision consents).

St Clair's (1993) case study found that regional councils notified almost one half of resource consent applications received in the period of 1 October 1991 to 30 September 1992. He also reported that territorial authorities notified substantially less than regional councils, with less than 10 percent of territorial authority's resource consent applications being notified. Only

small percentage of subdivision consents were notified. The Ministry's unpublished report (1991) showed that of the 493 land use consents that were analysed from a study of eight territorial authorities, 42 percent were notified under the Town and Country Planning Act.

The percentage of notified resource consent applications has therefore decreased substantially since the enactment of the RM Act. There also appears to be far less resource consent applications notified by territorial authorities under the RM Act, than there were planning consents notified under the Town and Country Planning Act.

The trends from St Clair's (1993) case study are consistent with those from the questionnaire findings, with regional councils notifying more than territorial authorities, and subdivision consents only comprising of a small proportion of notified resource consent applications.

It is useful to look at the variation in individual local authority practice in relation to the percentage of resource consent applications that were notified (Table 20). It is, however, difficult to draw conclusions about good practice on the basis of these results, as notification depends largely on the nature and type of resource consent applications received and the views of affected parties.

Table 20. Percentage of resource consent applications notified by individual local authorities.

Local Authority	Total number of applications received	Number Notified	% Notified
Regional Councils			
Manawatu-Wanganui	472	136	28.8%
Taranaki	303	49	16.2%
Otago	939	147	15.7%
Auckland	977	149	15.3%
Wellington	956	120	12.6%
Canterbury	2233	239	10.7%
Southland	627	67	10.7%
Waikato	1721	158	9.2%
West Coast	453	33	7.3%
Bay of Plenty	478	31	6.5%
Hawkes Bay	750	31	4.1%
Territorial Authorities			
Central Otago	171	40	23.4%
Carterton	43	9	20.9%
New Plymouth	425	62	14.6%
Grey	114	15	13.2%
Upper Hutt	130	16	12.3%
Masterton	123	15	12.2%
Buller	114	12	10.5%
Invercargill	312	32	10.3%
Stratford	50	5	10.0%
Selwyn	482	48	10.0%
Wairoa	55	5	9.1%
Southland	232	19	8.2%
Ruapehu	145	11	7.6%
Waitaki	164	12	7.3%
Whangarei	1049	68	6.5%
South Taranaki	196	11	5.6%
Opotiki	36	2	5.6%
Whakatane	316	17	5.4%
South Waikato	98	5	5.1%
Waimate	80	4	5.0%
Hurunui	206	10	4.9%
Kaipara	230	11	4.8%
Banks Peninsula	174	8	4.6%
Matamata-Piako	228	10	4.4%
Otorohanga	114	5	4.4%
Timaru	401	17	4.2%
Gore	166	7	4.2%
MacKenzie	48	2	4.2%
Westland	98	4	4.1%

Local Authority	Total number of applications received	Number Notified	% Notified
Hamilton	1017	40	3.9%
Wanganui	282	11	3.9%
Clutha	133	5	3.8%
Christchurch	4032	151	3.7%
Rodney	1543	57	3.7%
Wellington	1346	44	3.3%
Dunedin	844	27	3.2%
Kapiti Coast	477	15	3.1%
Kaikoura	79	2	2.5%
Hutt	855	21	2.5%
Rotorua	823	20	2.4%
Tararua	85	2	2.4%
Horowhenua	216	5	2.3%
Waipa	528	12	2.3%
Waitakere	2090	45	2.2%
Franklin	558	12	2.2%
Hastings	522	10	1.9%
Rangitikei	106	2	1.9%
Hauraki	163	3	1.8%
Waitomo District Council	63	1	1.6%
North Shore	3783	59	1.6%
Waikato	480	7	1.5%
Tauranga	1223	16	1.3%

Local Authority	Total number of applications received	Number Notified	% Notified
Napier	458	5	1.1%
Manukau	2745	29	1.1%
Ashburton	196	2	1.0%
Manawatu	198	2	1.0%
Auckland	9510	87	0.9%
Porirua	335	3	0.9%
Palmerston North	489	4	0.8%
Taupo	421	2	0.5%
Kawerau	11	0	0.0%
Central Hawkes Bay	128	0	0.0%
Chatham Islands	6	0	0.0%
Unitary Authorities			
Tasman	897	326	36.3%
Gisborne	611	62	10.1%
Marlborough	1032	76	7.4%
Nelson	748	41	5.5%
Councils unable to answer question			
Northland Regional Council			
Papakura District Council			
Queenstown-Lakes District Council			
Western Bay of Plenty District Council			
South Wairarapa District Council			
Waimakariri District Council			
Western Bay of Plenty District Council			

6.2 Limited Notification

The Ministry has been seeking public feedback on a limited form of notification for resource consent applications under the RM Act. Limited notification would only be provided where local authorities have determined under section 94 that the application would not be publicly notified if the written approval of affected parties is gained, but one or more affected parties has not given their written approval. The proposed procedure would provide a process whereby only the affected parties are given the opportunity to make a submission and have their concerns heard by the council.

The main concern with the present process is that if one or more people do not give their written approval, the resource consent applicant must go through full public notification. This can result in considerable additional costs, delays and uncertainties for all parties, particularly for the applicant. Refer to the Ministry's good practice guide and background report, *To Notify or Not to Notify Under the Resource Management Act*, for further details.

The questionnaire asked local authorities to indicate how many applications for notified resource consent applications were notified because the written approval of one or more persons was not obtained, and would otherwise have been dealt with as a non-notified application. The aim of this question was to provide the Ministry with an indication of the extent of the problem under the present process. Seventy-one local authorities were able to answer this question.

Table 21 illustrates that a total of 19.5 percent of notified resource consent applications would have been dealt with as non-notified if written approval had been obtained. In comparison to regional councils and unitary authorities, territorial authorities experienced a higher proportion of notified resource consent applications (28.4 percent) that would have been dealt with as non-notified.

Table 21. Percentage of notified resource consent applications where written approval was not obtained, which otherwise would have been dealt with as a non-notified resource consent application.

	Regional councils	Territorial authorities	Unitary authorities	Total
% of notified application where written approval was not obtained, which otherwise would have been non-notified	15.0	28.4	13.9	19.5

6.3 Generation of Submissions

By measuring the proportion of notified resource consent applications that generated submissions, the level of participation by user groups, interest groups, businesses and the general public can be gauged. An indication of the propriety of the notification process is gained by monitoring submitter involvement in resource consent applications.

Local authorities were asked to indicate how many applications for notified resource consents generated submissions and how many did not. From the 72 local authorities who answered this question, 78 percent of notified resource consent applications generated submissions. This is similar to last years findings where 74 percent of notified resource consent applications generated submissions.

Table 22 provides information on the percentage of notified consents that generated submissions during the 1995/96 and 1996/97 financial years. The proportion of notified resource consent applications which generated submissions increased by 6.0 percent and 7.7 percent for regional councils and territorial authorities respectively. The proportion decreased for unitary authorities by 45 percent. This decrease may result from only two of the four unitary authorities providing information on this question in the 1995/96 financial year.

Table 22. Percentage of resource consent applications that generated submissions in the 1995/96 and 1996/97 financial years.

	% notified applications that generated submissions (1995/96)	% notified applications that generated submissions (1996/97)
Total	73.7	77.7
Regional councils	79.4	85.4
Territorial authorities	79.7	87.4
Unitary authorities	82.6	37.3

Notified resource consent applications continue to generate a high proportion of submissions, indicating that third parties are keen to involve themselves in the resource consent process when given the opportunity. The information does not indicate the number of submissions received or the types of groups or individuals who are making submissions. Nonetheless it does give a clear indication that the notification process is involving communities in resource management.

6.4 Vexatious Behaviour

Concerns have been raised regarding vexatious behaviour by submitters during the resource consent process. Vexatious behaviour is seen as adding considerable and unnecessary cost to the resource consent procedure. The Ministry is interested in establishing the extent of this behaviour.

Local authorities were asked if they had experienced vexatious behaviour by submitters on resource consent applications and to estimate the percentage of resource consent applications where this had occurred.

Of the 79 local authorities who were able to answer this question, 36 indicated they had experienced some form of vexatious behaviour by submitters. Table 23 shows that 2.6 percent of resource consent applications were subject to vexatious behaviour on the part of submitters. Territorial authorities experienced a slightly higher proportion of vexatious behaviour, compared with regional councils and unitary authorities.

Table 23. Percentage of resource consent applications where vexatious behaviour by submitters occurred.

	Estimated % of applications where vexatious behaviour by submitters occurred
Total	**2.6**
Regional councils	2.0
Territorial authorities	2.7
Unitary authorities	2.6

As well as vexatious behaviour by submitters, some local authorities commented that vexatious behaviour often involved withholding written approval in terms of section 94 for reasons other than resource management (for example, 'neighbourly' feuding where neighbours used the resource consent process to get back at the applicant over some past argument). Others

commented that some resource consent applications were no longer being made as a result of neighbours not giving consent. Comments have also shown that vexatious behaviour occurs in other areas relating to RM Act processes such as enforcement issues, compliance monitoring, non-notified consent applications, appeals and strikeouts.

Further research into this matter would address the nature of this behaviour and the difficulties it causes for local authorities and applicants.

6.5 Use of Pre-Hearing Meetings

Pre-hearing meetings provide local authorities with a useful tool to allow applicants and submitters to raise and discuss issues relating to resource consent applications. Pre-hearing meetings are informal meetings held prior to a proposed hearing where applicants and submitters meet to clarify, mediate, facilitate or resolve issues. If an agreement is reached between parties a formal hearing may not be necessary. The resolution of problems at pre-hearing meetings may also help avoid appeals to the Environment Court. Pre-hearing meetings can also help reduce the time, cost and formality of the hearing process, even if an agreement is not reached.

It is useful to monitor the extent to which pre-hearing meetings are being used, as they are part of the public participation component of the RM Act. The Ministry, in association with *Local Government New Zealand*, have held a series of workshops on pre-hearing meetings and are developing a good practice guide for managing conflict under the RM Act.

The use of pre-hearing meetings differed slightly between local authority types. As with the 1995/96 year, all regional councils and unitary authorities, and 71 percent of territorial authorities, made use of pre-hearing meetings. Several of the territorial authorities that did not hold any pre-hearing meetings processed only a small number of notified resource consent applications.

The 80 local authorities that responded to the pre-hearing question held a total number of 901 pre-hearing meetings for one or more resource consent application during the 1996/97 financial year. This compares to 661 pre-hearing meetings being held during the 1995/96 financial year, an increase of 36%.

Table 24 sets out the percentage of notified applications involving pre-hearing meetings in the 1995/96 and 1996/97 financial years.

The proportions of notified applications involving pre-hearing meetings have increased considerably in the 1996/97 financial year to 36.4 percent for territorial authorities, 9.1 percent for unitary authorities and 58.4 percent for regional councils.

Table 24. Percentage of notified applications involving pre-hearing meetings in the 1995/96 and 1996/97 financial years.

	% pre-hearing meetings held (1995/96)	% pre-hearing meetings held (1996/97)
Regional councils	40.5	58.4
Territorial authorities	2.7	36.4
Unitary authorities	5.5	9.1

Of all the pre-hearing meetings that were held, 37 percent resulted in issues being resolved and no hearing being held. Regional councils were largely successful with the pre-hearing meetings they held in the 1996/97 financial year, with 43.6 percent of pre-hearing meetings resolving issues and requiring no formal hearing. This was more than twice that resolved by territorial (21.7 percent) and unitary authorities (11.5 percent). Eight territorial authorities commented that they held pre-hearing meetings where issues were resolved, but a hearing was still held because of council requirements, or because submitters still wanted to have their say at the hearing. In some cases a hearing was held simply to formalise agreements reached.

St Clair's (1993) case study also found that regional councils were by far the greatest users of pre-hearing meetings to help resolve differences. During the study period, only one territorial authority regularly used this tool. He also noted that pre-hearing meetings appeared to have extended processing times beyond the specified time limits. Refer to Section 4.5 for further discussion on the links between pre-hearing meetings and extension of time limits.

Table 25 provides information on the number of pre-hearing meetings held by individual local authorities and the percentage that resolved issues to the extent that a hearing was no longer necessary. It is realised that the use and success of pre-hearing meetings hinge on a number of variables, including:

- the number of applications lending themselves to pre-hearing meetings
- the processes used during pre-hearing meetings
- submitters' and applicants' satisfaction with the process
- the willingness of applicants to participate in pre-hearing meetings, and
- the complexity of issues arising.

It is therefore difficult to identify good practice on the basis of the results presented in Table 25.

Table 25. Percentage of pre-hearing meetings that resulted in no hearing being held

Local authority	Number of Pre-hearing meetings Held	Number which resulted in no hearing	% which resulted in no hearing
Regional Councils			
Taranaki	22	21	95.5%
Canterbury	23	19	82.6%
Southland	60	44	73.3%
Environment BOP	35	25	71.4%
Northland	51	33	64.7%
Auckland	44	26	59.1%
Manawatu-Wanganui	54	30	55.6%
Wellington	85	28	32.9%
Hawkes Bay	21	6	28.6%
Otago	131	26	19.8%
Environment Waikato	107	20	18.7%
West Coast	7	1	14.3%
Territorial Authorities			
Clutha	1	1	100.0%
Tararua	2	2	100.0%
Masterton	7	6	85.7%
Stratford	4	3	75.0%
Hamilton	26	19	73.1%
Hutt City	3	2	66.7%
Queenstown-Lakes	3	2	66.7%
Kaikoura	2	1	50.0%
North Shore	2	1	50.0%
Waimakariri	4	2	50.0%
Whakatane	6	3	50.0%
Wanganui	10	3	30.0%
Manukau	4	1	25.0%
Napier	5	1	20.0%
Wellington	9	1	11.1%
Ruapehu	11	1	9.1%
Kapiti Coast	15	1	6.7%
Tauranga	16	1	6.3%
Ashburton	2	0	0.0%
Auckland	3	0	0.0%
Buller	2	0	0.0%
Christchurch	4	0	0.0%
Dunedin	2	0	0.0%
Franklin	2	0	0.0%
Gore	6	0	0.0%

Local authority	Number of Pre-hearing meetings Held	Number which resulted in no hearing	% which resulted in no hearing
Grey	7	0	0.0%
Hastings	10	0	0.0%
Hauraki	1	0	0.0%
Kaipara	3	0	0.0%
MacKenzie	2	0	0.0%
Matamata-Piako	10	0	0.0%
New Plymouth	2	0	0.0%
Opotiki	1	0	0.0%
Otorohanga	2	0	0.0%
Palmerston North	1	0	0.0%
Rangitikei	1	0	0.0%
Rodney	3	0	0.0%
Rotorua	6	0	0.0%
Selwyn	2	0	0.0%
Southland	10	0	0.0%
South Taranaki	4	0	0.0%
South Waikato	3	0	0.0%
Waikato	1	0	0.0%
Waimate	3	0	0.0%
Waitaki	4	0	0.0%
Western Bay of Plenty	8	0	0.0%
Unitary Authorities			
Tasman	6	3	50.0%
Gisborne	12	0	0.0%
Marlborough	4	0	0.0%
Nelson	4	0	0.0%

Local authorities with no pre-hearing meetings held	
Banks Peninsula District Council	Manawatu District Council
Carterton District Council	Taupo District Council
Central Hawkes Bay District Council	Timaru District Council
Central Otago District Council	Upper Hutt District Council
Chatham Islands District Council	Wairoa District Council
Horowhenua District Council	Waitakere District Council
Hurunui District Council	Waitomo District Council
Invercargill District Council	Westland District Council
Kawerau District Council	Whangarei District Council

Local authorities unable to answer	
Papakura District Council	South Wairarapa District Council

Several local authorities commented that pre-hearing meetings were a useful tool to clarify and resolve issues and to provide submitters with a better understanding of the issues. They also commented that hearing time and costs were substantially reduced because the hearing tended to focus more on the issues, rather than the whole application. It is clear, however, that the success of pre-hearing meetings is case-specific and that a lot rests on the willingness of the parties involved to be part of the negotiation process.

Some difficulties associated with pre-hearing meetings that local authorities commented on included:

- an unwillingness on the part of applicants to be part of the pre-hearing process
- time pressures
- lack of resources
- lack of appropriate chairperson skills.

Other local authorities commented that they made use of varying forms of 'informal' meetings:

- to resolve technical or other issues raised during the resource consent process
- to meet informally with parties separately or in groups depending on circumstances
- to identify concerns that can be dealt with by consultation or discussion as part of a pre-application consultation phase.

6.6 Conclusions

The questionnaire findings provide an overview of the use of public participation provisions in the RM Act. They also provide base information to inform Ministry research projects on public participation.

The questionnaire findings show that the total proportion of notified applications is 5.2 percent. For those resource consent applications that were notified, there was a high level of interest by the general public, interest groups and business, with almost 78 percent of notified applications generating submissions.

The increasing use of pre-hearing meetings is encouraging (with an increase of 36 percent from last year's survey). Results show that regional councils made the most use of pre-hearing meetings and also have the greatest success rate in terms of the number of pre-hearing meetings held where issues were resolved and no hearing was required.

The Ministry together with Local Government New Zealand recently held a series of workshops on pre-hearing meetings with local authority staff and councillors and is developing a good practice guide for pre-hearing meetings. It is hoped that the use of pre-hearing meetings for managing conflict under the RM Act will be used more widely and effectively as a result of this training series and the good practice guide.

7.0 Policy Statements and Plans

This section provides an overview of the status of plans and policy statements throughout the country and also indicates the number of requests for private changes to plans.

The questionnaire asked local authorities to provide information relating to applications for private plan changes. The concept of private plan changes was initiated with the enactment of the RM Act. It is therefore useful to monitor the use of this provision over time.

7.1 Status of Policy Statements and Plans

Regional Policy Statements

All regional policy statements have been notified. Four regional councils and two unitary authorities have operative regional policy statements. Two policy statements have been made operative since the 1995/96 financial year.

Regional Plans

A total of 13 regional plans produced by six regional councils and three unitary authorities are operative. This is five more than those recorded last year. Fifty-three regional plans have been notified by regional councils and eight by unitary authorities.

District Plans

Ten territorial authorities have operative district plans, compared with one this time last year. Seventy-six district plans have been notified by territorial authorities and seven by unitary authorities (there sometimes is more than one district plan for each district). Records show that some other territorial authorities have their district plans nearly or partly operative.

Combined Plans

No combined plans are operative at present. All four unitary authorities are developing combined plans. Further discussion on combined plans is given in Section 6.0.

Coastal Plans

Two coastal plans became operative in 1997. All regional councils have notified their coastal plans.

7.2 Applications for Private Changes to Plans

In accordance with clause 21(1) of Part II of the First Schedule, any person may request a change to a district plan or a regional plan (including a regional coastal plan).

Local authorities were asked whether they had received any applications for private changes to plans. They were also asked to indicate whether these applications for private changes related to operative regional or district plans in accordance with clause 21(1) of Part II of the First Schedule of the RM Act or transitional plans prepared under the Town and Country Planning Act.

This question was introduced this year to provide base data for monitoring this provision over time. As more plans become operative it is expected that there will be an increase in the number of private changes to operative regional and district plans, and changes to policy statements and plans initiated by the authority itself.

Table 26 provides a summary of the number of private plan change applications received by local authorities relating to operative RM Act plans and transitional plans prepared under the Town and Country Planning Act. All 84 local authorities who responded to the questionnaire provided information for this question, with 38 local authorities indicating that they had received applications for private changes to plans.

Table 26. Applications for private changes to plans prepared under the RM Act and Town and Country Planning Act.

	Number of private plan change applications relating to operative plans prepared under RM Act	Number of private plan change applications relating to transitional plans prepared under Town and Country Planning Act
Total	**14**	**95**
Regional Councils	3	0
Territorial Authorities	11	72
Unitary Authorities	0	23

Seventy-six percent of all applications for plan changes were made to territorial authorities. As would be expected, the majority (87 percent) of private plan changes related to transitional plans prepared under the Town and Country Planning Act, as most regional and district plans are not yet operative. It is expected that as more plans and policy statements prepared under the RM Act become operative, the number of applications for private changes to these documents will increase and the number of changes to transitional district plans will decrease.

Two territorial authorities commented that they had received private changes to proposed district plans, one of which had been accepted and initiated as if it were the council's own plan change. Private applications for plan changes can only be formally made under the RM

Act on operative plans, not proposed plans (see *Prospective Nominees v Queenstown Lakes-DC W069/96 2 ELRNZ 262, [1996] NZRMA 552).*

7.3 Conclusions

The number of fully operative plans and policy statements has increased from last year, however the number is still relatively low. The proportion of local authorities with fully operative plans and policy statements is expected to grow rapidly within the next few years.

Almost half of local authorities have received applications for private changes to plans, most relating to transitional plans prepared under the Town and Country Planning Act. The low number of applications for private plan changes relating to RM Act plans reflects the low number of fully operative resource management plans. The data collected from this year's questionnaire provides base information for future monitoring of this provision.

8. Environmental Monitoring

Section 35 of the RM Act sets out local authority responsibilities for environmental monitoring. The Ministry is interested in the importance local authorities are placing on monitoring activities. Environmental monitoring questions in the questionnaire were based around the responsibilities set out in section 35.

Local authorities were asked questions relating to monitoring activities in last year's survey. Responses to these questions showed that regional councils and unitary authorities carry out extensive state of the environment, resource consent and complaints monitoring. Territorial authorities were found to focus most of their monitoring activities on resource consent compliance, and comprehensive monitoring of other areas specified in section 35 was quite rare. It was concluded that it would be a matter of concern if monitoring was continued to be seen as a low priority by territorial authorities.

Environmental monitoring questions asked in last year's survey are to be repeated every second year and therefore were not included in this survey. However, questions were asked about resources being allocated by local authorities to monitoring activities and also whether local authorities had monitoring strategies in place.

Collected over time, this type of information will enable the Ministry to determine what progress local authorities are making in developing monitoring programmes to meet their responsibilities under section 35.

8.1 RM Act administration resources allocated to monitoring

One way of measuring the importance local authorities are placing on monitoring is to investigate the allocation of resources to monitoring programmes. Local authorities were asked to provide information on the proportion of their RM Act administration annual budget that was allocated to monitoring, policy advice and plan writing, plan administration, and any other functions during the 1996/97 financial year.

Some local authorities indicated that monitoring resources were incorporated in resources allocated for plan administration. These were unable to be included in the monitoring results. On average, 15.7 percent of RM Act administration budgets were allocated to monitoring in the 1996/97 financial year.

All regional councils allocated between 30 percent to 64 percent of their RM Act administration resources to monitoring. On average, regional councils allocate a much larger proportion of their RM Act administration resources to monitoring, more than five times the proportion of resources allocated by territorial authorities and over twice that allocated by unitary authorities.

In accordance with last year's findings, territorial authorities appear to view monitoring as a low priority. Of those territorial authorities that responded, a range of 1.0 percent to 46.8 percent of RM Act budgets was allocated to monitoring, with an average of 8.8 percent. Over 80 percent of territorial authorities allocated 10 percent or less of their RM Act administration resources to monitoring in the 1996/97 financial year. A range of 5.0 percent

to 43.0 percent of unitary authorities' RM Act administration budgets was allocated to monitoring.

8.2 Monitoring resources allocated to section 35 responsibilities

Local authorities were asked to indicate the amount of resources allocated to each monitoring function set out in section 35 of the RM Act – monitoring the state of the environment, effectiveness of policy statements and plans, transfer of powers, resource consent applications and complaints. Table 27 sets out the proportions spent on each monitoring function set out in section 35.

Table 27. Percentage of monitoring budget spent on section 35 monitoring activities

	Regional councils	Territorial authorities	Unitary authorities	Total
State of the Environment (%)	60.5	12.4	58.7	79.2
Policy Statements and Plans (%)	0.5	14.5	-	4.4
Transfer of Powers (%)	0.1	4.8	0.0	1.4
Resource Consents (%)	32.9	53.9	37.8	4.1
Complaints Register (%)	5.9	14.4	3.4	10.9

State of the Environment

All regional councils and unitary authorities allocated resources to state of the environment monitoring in the 1996/97 financial year, but only half of the 47 territorial authorities that responded to this question allocated resources to this type of monitoring.

Regional councils allocated, on average, $1,339,669 to monitoring the state of the environment, and unitary authorities allocated slightly more resources – $1,433,330 on average. In comparison, territorial authorities allocated less than 2 percent of that allocated by regional councils and unitary authorities, with an average of $22,324.

Table 28 illustrates that most regional council and unitary authority resources for monitoring are allocated to state of the environment monitoring (60.5 percent for regional councils and 58.7 percent for unitary authorities). This is consistent with last year's findings that regional councils and unitary authorities are undertaking extensive monitoring of the state of the environment.

Policy Statements and Plans

On average, territorial authorities allocated more monitoring resources than regional councils to monitor the suitability and effectiveness of plans (Table 28). Some regional council and unitary authority policy statements and plans, however, are assessed through state of the environment monitoring and compliance programmes. This may account, in part, for the low proportion (0.5 percent) of monitoring resources allocated by regional councils to monitoring the suitability and effectiveness of policy statements and plans.

Some local authorities commented that they are still placing a large part of their resources into developing policy statements and plans. As plans become operative, they expect that more resources will be directed into monitoring the suitability and effectiveness of plan provisions.

Exercise of delegated/transferred functions, powers or duties

Table 28 illustrates that local authorities did not allocate many resources to monitoring the exercise of delegated or transferred functions, powers or duties. Half of regional councils allocated some resources to monitor the transfer of powers but this only amounted to 0.1 percent of regional councils' allocated monitoring resources. Only 9 percent of those territorial authorities that responded to this question monitored transfer of powers. This accounted for 4.8 percent of territorial authorities' monitoring resources.

These findings are also consistent with last year's results. Last year there were few local authorities that monitored transfer of powers regularly. The low proportion of territorial authorities monitoring transfer of powers is not surprising as there are few territorial authorities that have transferred functions to another public body. Most transfers have been carried out by regional councils, although the number of transfers has been low (Section 6.0) This probably accounts for the low figures.

Exercise of resource consents

On average, territorial authorities allocated over half (53.9 percent) of their monitoring resources to monitoring compliance with resource consent conditions. This type of monitoring accounted for approximately one third of regional councils' and unitary authorities' monitoring resources (Table 18).

Although territorial authorities generally allocated more resources to monitoring resource consents, not all territorial authorities carried out this type of monitoring. Of those 47 territorial authorities that responded to the monitoring question, only 38 (81 percent) indicated that they allocated resources to monitoring the exercise of resource consents. This is similar to Hill Young Cooper Ltd's (1996) survey that reported that 83 percent of territorial authorities carry out regular monitoring of resource consents. In comparison, all regional councils and unitary authorities allocated some resources to monitoring resource consents.

It should also be remembered that regional councils and unitary authorities allocated a considerably larger proportion of their annual budget for RM Act administration to monitoring than did territorial authorities.

Complaints Registers

All regional councils allocated resources to monitoring complaints. On average, 5.9 percent of regional councils' monitoring resources were allocated to following up complaints. Of the 47 territorial authorities that responded, 22 indicated that they allocated resources to monitoring complaints. On average, territorial authorities allocated 14.4 percent and unitary authorities allocated 3.4 percent of their monitoring resources to monitoring after the receipt of complaints (Table 28).

8.3 Monitoring Strategies

Some local authorities have developed formal monitoring strategies and carry out regular monitoring activities, whereas others monitor on a more informal basis. The Ministry is interested in establishing the variability in local authority monitoring practices.

Local authorities were asked to indicate whether they had a formal monitoring strategy in place. They were also asked to indicate whether they predominantly monitored resource consents regularly, after the receipt of complaints, or by any other means.

Approximately half of local authorities indicated that they have a formal monitoring strategy – 8 regional councils, 35 territorial authorities and 3 unitary authorities responded that they have a formal monitoring strategy. A further 16 local authorities indicated that they are, or will be, developing a formal monitoring strategy in the near future.

Overall, most local authorities have a regular approach to monitoring resource consent applications. Figure 9 shows that 53 percent of local authorities predominantly carry out regular monitoring of resource consent applications. All regional councils and unitary authorities indicated that they regularly monitor resource consent applications. In addition, 31 percent of local authorities predominantly monitor resource consent applications following the receipt of complaints. The remaining 16 percent monitor resource consents by other means.

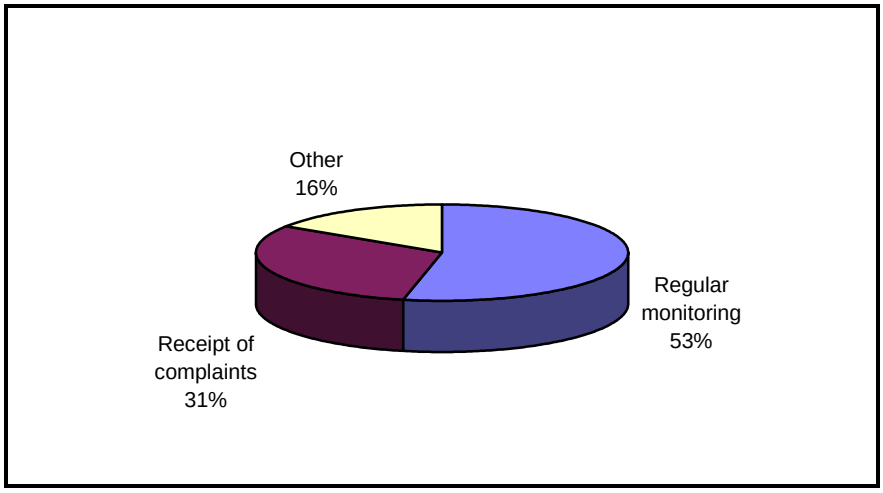

Figure 9 Approach to monitoring resource consent applications

Of the local authorities that specified that they monitored in other ways, many commented that they use a mixture of regular monitoring and complaint-driven monitoring. Some local authorities commented that they regularly monitor more significant resource consent applications and monitor the less significant after receiving complaints. Other local authorities commented that as well as monitoring after the receipt of complaints, council officers also carry out informal monitoring. Some territorial authorities commented that monitoring is not a priority at present and some explained that they only monitor when time and resources allow it.

8.5 Conclusions

On average, regional councils allocated a large proportion of their RM Act administration budget to monitoring, most of which was allocated to state of the environment monitoring. In comparison, territorial authorities allocated less than one fifth of that allocated to monitoring by regional councils. Monitoring by territorial authorities tended to focus on monitoring of the exercise of resource consent applications.

Approximately half of the local authorities have formal monitoring strategies in place and many indicated that they will be developing a monitoring strategy in the near future. Although regional councils appeared to have a strong commitment to monitoring under section 35 of the RM Act, many territorial authorities did not perceive it as high priority.

9. Enforcement

The RM Act provides new and powerful enforcement provisions for use by local authorities. It also allows for a more direct role in enforcement proceedings by private individuals. However, some technical changes have proved necessary.

The Resource Management Amendment Act 1996 established new infringement offence provisions, although these provisions have not become effective as regulations have not yet been developed. The Resource Management Amendment Act 1997 changed the administration of abatement notices by generally removing the seven-day delay before the notice takes effect. Enforcement officers are now able to specify a date that the notice takes effect, having regard to the circumstances that gave rise to the abatement notice. The seven-day period has been retained for abatement notices where the person is complying with the Act's requirements but is still having an adverse effect on the environment. Monitoring the application of the Act's abatement notice provisions will, over time, identify changes resulting from the proposed amendment.

The questionnaire asked local authorities to identify how many abatement notices they issued during the 1996/97 financial year. It also asked how many were complied with, appealed to the Environment Court, not complied with, still under action, and how many were cancelled. Of those that were not complied with, local authorities were asked to indicate how many resulted in prosecution. Eighty-two local authorities were able to respond to this question.

Figures for each category do not tally with the total number of abatement notices issued. This should be considered when reading the results. Some local authorities were able to provide the total number of notices issued, but not information relating to other aspects of the question. The difference in numbers may also result from notices being included that were appealed and then complied with, or those that were appealed and subsequently withdrawn.

A total of 878 abatement notices were issued by the 82 local authorities that responded to this question, compared to 721 abatement notices issued by the 71 local authorities that responded to the question in the 1995/96 financial year (Table 28).

Table 28 shows that regional councils issued the greatest number of abatement notices in the 1996/97 financial year. This is consistent with the 1995/96 findings. The number of abatement notices issued by local authorities ranged from 0 to 280. The council which issued the greatest number of abatement notices had the highest proportion of notices complied with (93 percent). It is likely that in some cases local authorities abatement notices are issued to encourage the lodging of resource consent applications where activities had not required a resource consent in plans prepared under previous legislation.

Table 28. Abatement notices issued by local authorities in 1995/96 and 1996/97 financial years.

	Number of abatement notices issued 1995/96	Number of abatement notices issued 1996/97
Total	**721**	**878**
Regional councils	438	487
Territorial authorities	223	365
Unitary authorities	60	26

Table 29 shows that the compliance rate with abatement notices is still relatively high at approximately 72 percent. In comparison to the 1995/96 figures, the proportion of abatement notices complied with in 1996/97 dropped by almost 15 percent. However, the percentage of abatement notices not complied with that resulted in prosecution was only 4.3 percent for the 1996/97 financial year.

Table 29. Status of abatement notices issued in the 1996/97 financial year.

	% complied with	% appealed	% not complied with	% still under action	% cancelled	% resulted in prosecution
Total	72.2	6.7	7.6	11.3	3.8	4.3
Regional councils	84.0	3.5	5.9	5.9	2.5	1.0
Territorial authorities	59.7	10.4	10.1	18.6	4.9	8.5
Unitary authorities	26.9	15.4	3.8	7.7	11.5	7.7

The proportion of notices issued by unitary authorities which were complied with dropped by almost 60 percent from last year's figures with only 27 percent being complied with. This may be because only three of the four unitary authorities were able to provide information relating to this question this year.

One local authority commented that in some cases it is not clear cut whether an abatement notice is complied with or not. There are some cases where an abatement notice is not strictly complied with but subsequent actions (for example a retrospective consent) might regularise the activity. Local authorities commented that the degree of compliance may vary. One local authority stated that it would sometimes accept 80-90 percent compliance to engender goodwill, and total compliance after the abatement notice time frame. Another commented that they had had some non-compliance issues but had resolved these matters informally.

9.1 Conclusions

The proportion of abatement notices complied with is reasonably high and there are few cases where prosecution occurs as a result of abatement notices not being complied with.

Over time data gathered from this question will allow the Ministry to gain a national overview of the use of abatement notices and assist in identifying changes resulting from the amendment.

10 Administrative Charging

With the enactment of the RM Act, local authorities were empowered to charge for a broad range of specified resource management activities. Section 36 introduced a cost-recovery regime where only a partial one had existed before. The sole purpose of a charge under section 36 is "to recover the reasonable costs incurred by the local authority".

Concerns and criticisms from resource users relating to the development of section 36 charging prompted the Ministry for the Environment to produce *A Guideline to Administrative Charging Under Section 36 of the Resource Management Act* (1994). This guide aims to promote good practice by assisting local authorities to develop section 36 charging regimes in accordance with RM Act provisions.

There has been recent media attention focusing on the costs associated with the RM Act. Concerns have been raised over charging, particularly the variation in charging across local authorities for similar activities. To investigate the extent of this variation, each local authority was asked to attach a copy of its charging sheet to the returned questionnaire. Local authorities were also asked to indicate the percentage of costs recovered by charges under section 36.

10.1 Cost recovery by administrative charging

Of the 73 local authorities who responded, the proportion of costs recovered by section 36 charging ranges from 10 percent to 100 percent. As Figure 10 illustrates, the proportion of costs recovered by local authorities is spread reasonably consistently throughout this range with just over half of local authorities recovering between 10 and 50 percent of costs.

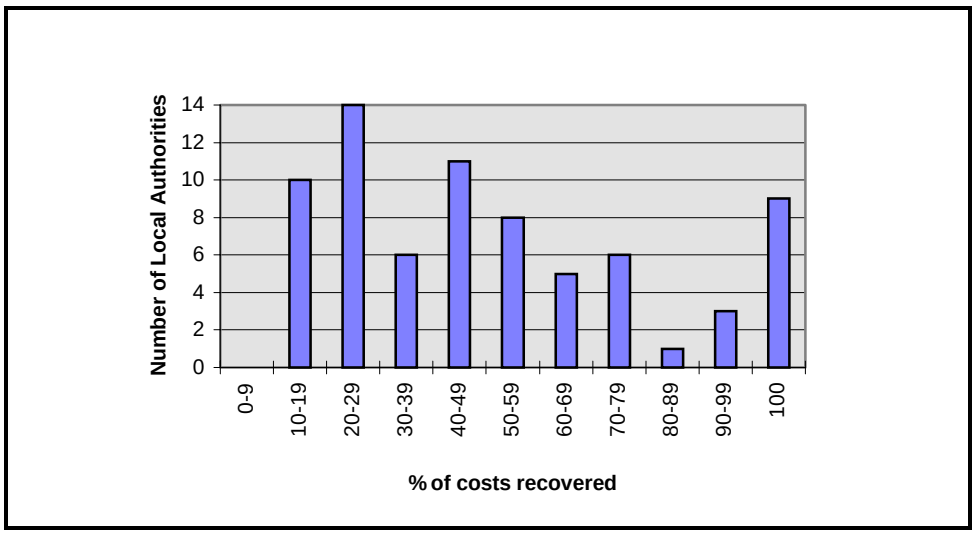

Figure 10 Distribution of costs recovered by local authorities under section 36 of the RM Act

Table 30 presents the percentage of costs recovered by individual local authorities. This again illustrates the variation in the proportion of costs recovered by section 36 charging.

Table 30. Percentage of costs recovered by individual local authorities under section 36 of the RM Act.

Local authority	% of costs recovered
Regional Councils	
Auckland	100.0%
Hawkes Bay	100.0%
Canterbury	95.0%
Northland	50.0%
Southland	50.0%
West Coast	48.2%
Bay of Plenty	42.0%
Wellington	40.0%
Waikato	23.0%
Manawatu-Wanganui	20.0%
Taranaki	17.0%
Otago	13.0%
Territorial Authorities	
Kawerau	100.0%
Banks Peninsula	100.0%
Hastings	100.0%
Wairoa	100.0%
Rangitikei	100.0%
Ruapehu	100.0%
Stratford	100.0%
Gore	95.0%
Queenstown-Lakes	90.0%
Southland	80.0%
North Shore	75.0%
Taupo	75.0%
Otorohanga	75.0%
Waikato	74.0%
Hutt	70.0%
Waitakere	70.0%
New Plymouth	66.0%
Tauranga	65.0%
Waimakariri	60.0%
South Taranaki	60.0%
Rodney	58.0%
Selwyn	56.9%
Waipa	53.0%
Auckland	50.0%
Franklin	50.0%
Waimate	50.0%
Whangarei	46.0%
Hurunui	45.0%
Kaipara	41.0%
Western Bay of Plenty	41.0%
Manukau	40.0%
Wellington	40.0%
Whakatane	40.0%
Christchurch	38.0%
Upper Hutt	36.0%
Invercargill	30.0%
Hamilton	30.0%
Grey	30.0%
Central Otago	28.0%
Buller	27.0%
Manawatu	26.0%
Matamata-Piako	26.0%
Kapiti Coast	25.0%
Dunedin	25.0%
Waitomo	25.0%
MacKenzie	20.0%
Horowhenua	20.0%
Palmerston North	20.0%
Porirua	20.0%
Carterton	18.0%
Timaru	16.1%
South Waikato	14.0%
Westland	13.0%
Tararua	11.0%
Masterton	10.0%
Napier	10.0%
Central Hawkes Bay	10.0%
Unitary Authorities	
Marlborough	65.0%
Tasman	45.0%
Gisborne	33.0%
Nelson	24.0%
Local authorities unable to answer	
Ashburton District Council	Papakura District Council
Chatham Islands District Council	Rotorua District Council
Clutha District Council	South Wairarapa District Council
Far North District Council	Thames-Coromandel District C
Hauraki District Council	Waitaki District Council
Kaikoura District Council	Wanganui District Council
Opotiki District Council	

10.2 Comparing local authority charging regimes

Local authorities are able to levy additional charges under section 36(3) of the RM Act to recover any actual or reasonable costs. The way local authorities present their charges under section 36 varies greatly. Many of the charging sheets state that additional charges will be made if costs exceed the estimated amount to be charged. This makes comparing realistic charges between local authorities very difficult.

Many local authorities list only deposits in their charging sheets. Some also mention that additional charges will be made for other factors such as hearing costs and council officer time, sometimes without any indication of the amount or rate at which they will be charged. In many situations, it would be extremely difficult for a resource consent applicant to gauge the amount they may be charged for a particular resource consent.

A scenario approach was tested to compare local authority charges for the same activity. A set of assumptions were developed to allow comparisons between the various types of charging. This provided a rather blunt tool and was proved to be too limiting. Further research is needed to investigate the variability in administrative charging across local authorities.

10.3 Conclusion

It is interesting to note the large variation in the proportion of costs recovered by individual local authorities. The variation in the way local authorities present their administrative charges under section 36 to the general public is also interesting. Some local authority charging sheets are complex and difficult to understand. Others provide resource consent applicants with little information about what they may be charged for different activities.

It is this uncertainty that resource users are faced with when applying for resource consent that is concerning. This is an area that warrants further research by the Ministry.

11 Iwi Consultation

Consultation with tangata whenua on resource management issues is expected by those exercising responsibilities under the RM Act. Clause 3(1)(d) of the First Schedule to the Act places an express obligation on local authorities to consult with tangata whenua when preparing or changing a policy statement or plan.

There is also a requirement in the Act to consult with tangata whenua if they are identified as an 'affected party' in the consideration of applications for non-notified resource consent. Local authorities are also obligated to have regard to any relevant planning document recognised by an iwi authority affected by the regional or district plan.

A recent Ministry publication, *He Tohu Whakamarama- a report on the interactions between local government and Maori organisations in the Resource Management Act processes* (1998), and Local Government New Zealand report, *Liaison and Consultation with Tangata Whenua* (1997), provide further background on consultation processes and participation barriers.

The Ministry is interested in collecting base information on which mechanisms are used most frequently by local authorities. The Ministry is also interested in finding out about innovative approaches to iwi consultation so that they can be shared more widely with other local authorities who may be having difficulty in this area.

Local authorities were asked whether they used any of the following mechanisms to consult with iwi or hapu:

- Maori Standing Committee (advisory)
- Maori Consultant(s)
- Maori working group/advisory group
- tangata whenua staff/iwi liaison officer
- Hui with local iwi and hapu
- sending draft plans to iwi/hapu for comment
- tangata whenua representatives on plan hearing committees
- contract for services from iwi/hapu groups
- any other mechanism for consultation with iwi or hapu.

Of the 82 local authorities that responded to this question, most employed three or more of the above mechanisms to consult with iwi. Regional councils used a greater variety of mechanisms to consult with iwi than unitary and territorial authorities.

Figure 11 shows that the two most common mechanisms for consulting with iwi were sending draft plans to iwi or Hui for comment (62 local authorities used this mechanism) and holding Hui with iwi and hapu (42 used this mechanism). These were also the two most frequently used consultation mechanisms identified by local authorities in *He Tohu Whakamarama*

(1998). The spread of data in Figure 11 is very similar to the findings on consultation mechanisms in *He Tohu Whakamarama.*

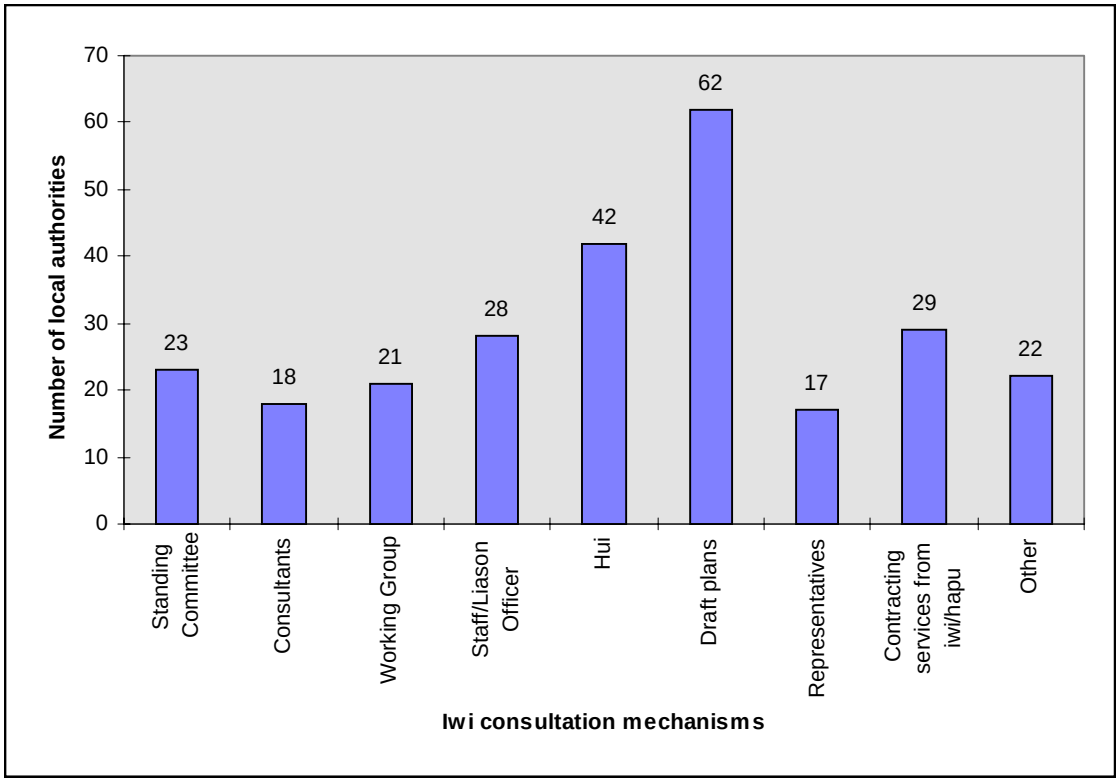

Figure 11. Number of local authorities using iwi consultation mechanisms.

Figure 12 shows that a greater proportion of regional councils and unitary authorities made use of iwi consultation methods such as holding Hui with iwi or hapu, sending draft plans to iwi and hapu, employing tangata whenua staff or iwi liaison officers and contracting services from iwi or hapu. Contracts included employing iwi to write relevant text for plans. One local authority stated that it contracted iwi input for non-notified resource consent applications, so that essentially iwi would act as technical advisers. It was explained that this process was carried out primarily because the majority of consent applicants are either unable or unwilling to consult with iwi.

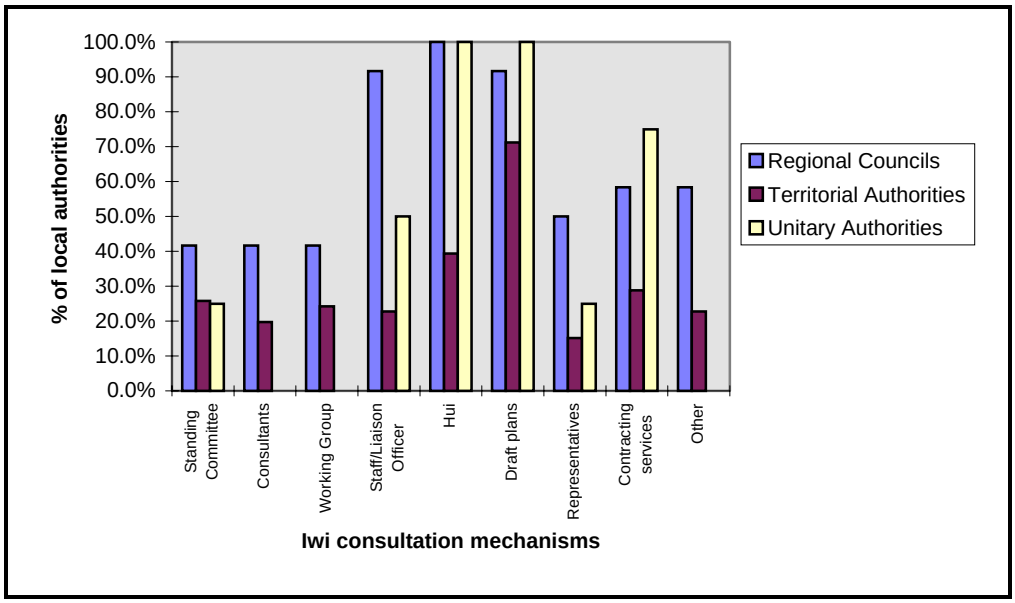

Figure 12. Percentage of regional councils and territorial and unitary authorities using iwi consultation mechanisms.

Most local authorities gave details of innovative approaches they had employed to consult with iwi or hapu, or made comments relating to iwi consultation processes.

A group of four Southland local authorities explained that they have developed a collaborative approach to iwi consultation by forming a joint committee with iwi and developing a charter of understanding which includes the facilitation of iwi liaison. The committee has a contract with an iwi trust for the services of an Iwi Liaison Officer.

Eight local authorities also stated that they have a formal Memorandum of Understanding with iwi on how to deal with resource consent applications and other issues such as proposed plans. Some stated that they were in the process of negotiating protocol with iwi to formalise expectations of both parties. For one local authority, this protocol would outline the types of resource consent applications iwi may have an interest in. As part of its Memorandum, one council has a sub-committee of their Resource Management Committee which includes iwi representatives which meets when required.

Other approaches that local authorities use to consult with iwi included:

- making local authority contributions to the development of Iwi Management Plans (i.e. through the provision of council staff)
- presenting draft plans and discussing issues on marae
- auditing consultation between iwi and applicants
- having iwi representatives on council committees, plan working groups and policy development committees
- appointing tangata whenua representatives as Planning Commissioners
- using a 'cross-corporate' Treaty of Waitangi Team for internal and external matters relating to the Treaty

- running workshops for iwi on council's information databases
- sending all resource consent applications to iwi for comment
- funding resource management representatives from iwi groups to review resource consent applications.

Several local authorities were looking into developing various approaches for iwi consultation, including:

- sharing results of environmental monitoring and involving iwi representatives in sampling work as educational opportunities
- establishing joint monitoring initiatives with iwi and council
- producing a 12 monthly 'painui' to update iwi authorities about council activities.

Several local authorities noted that their involvement with iwi had been very positive and beneficial. Only one local authority stated that it employed no forms of iwi consultation.

11.1 Conclusions

Responses from local authorities show that a variety of mechanisms are being used to consult with iwi, and some local authorities are finding these beneficial. The questionnaire provided base information from which further research can be directed, but it did not gauge the effectiveness of mechanisms used by local authorities.

For information on local authority and iwi perceptions on the effectiveness of different consultation methods, and for discussion on the barriers to consultation processes, refer to Ministry for the Environment (1998).

The information gained from the survey will help to inform the Ministry's work on improving relationships between local authorities and iwi. This project will provide useful information to iwi, local authorities and other stakeholders to assist them to understand issues that may inhibit good relationships between these parties.

12 Value of resource consent applications processed outside of statutory time limits

Recently there has been considerable media attention on the time taken to process resource consent applications and the consequent costs imposed on applicants. To measure this, the Government is interested in an estimate of the value of developments that are still awaiting decisions despite statutory time limits having lapsed.

The questionnaire asked local authorities to provide estimates of the collective value of notified and non-notified resource consent applications for development proposals that were not processed inside the statutory time limits. An estimated number of resource consent applications processed outside of statutory time limits, for development proposals valued over $5 million was also requested. Information from these questions attempts to give a rough indication of the amount of 'economic drag' that occurred within the 1996/97 financial year as a result of RM Act delays.

Many local authorities had difficulty in answering these questions. A low response rate of 28 local authorities (3 regional councils, 1 unitary authority and 24 territorial authorities) makes the findings from these questions statistically non-significant. From those that responded (receiving a total of 15, 854 resource consent applications), an estimate of $287, 000, 100 was calculated as the value of notified resource consent applications for development proposals processed outside of statutory time limits. Territorial authorities were responsible for 99 percent of this estimated amount. The value of non-notified resource consent applications was estimated to be $179, 000, 000 (62 percent).

From the 19 local authorities that responded to the question relating to the number of development proposals valued over $5 million, 10 resource consent applications were estimated as being processed outside of statutory time limits. Seven of these were recorded as being notified resource consent applications.

The incomplete data set for these questions makes any analysis of "economic drag" very difficult. This information is also limited by the interpretation of "collective value" and whether this term includes factors such as loss of profit through time delays. It is realised that it is not local authorities' responsibility or role to collect such information and that estimating the collective value of developments awaiting decisions was a difficult task for many local authorities.

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