

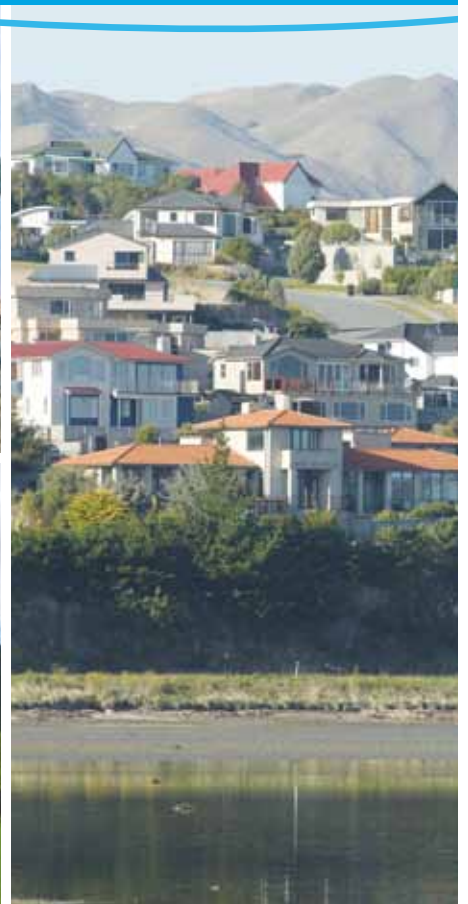
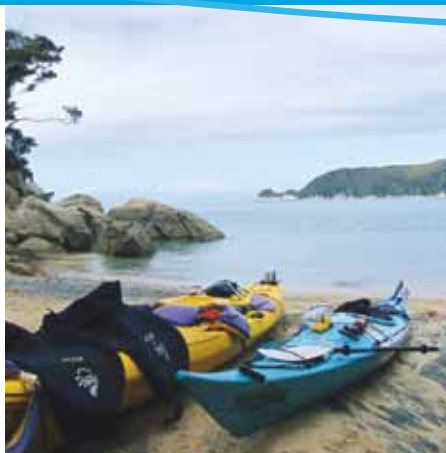


Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

New Zealand Government

# Resource Management Act Survey of Local Authorities

2012/2013



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# Executive summary

The 2012/13 Resource Management Act (RMA) survey has two main purposes. First, it provides information for the Minister for the Environment about how New Zealand's 78 local authorities have implemented the Act during the 2012/13 financial year and highlights any trends over time. Second, it provides a comparative measure of their performance, and enables local authorities to benchmark their activities.

The RMA surveys began as annual events but, since 2001, have been held every two years. This is the 11th RMA survey report to be published, and covers the period from 1 July 2012 to 30 June 2013.

The questions asked of councils were linked to four specific objectives, each with a set of outcomes and measures. The questions sought information from councils on how they were performing against the measures as an indication of progress towards the objectives. An analysis of council responses forms the body of this report.

Also included is a report on activity by the Environmental Protection Authority (EPA), the second since that agency's establishment in 2009.

## Key findings of the 2012/13 survey of local authorities

All 78 local authorities were asked to complete the 2012/13 survey, and all did so. The most significant findings are summarised below.

### Resource consent processing (chapter 2)

#### Total number of consents processed

Just over 34,000 resource consent applications were processed through to a decision, the lowest number of any survey.

#### Consent breakdown by type and notification

As in previous surveys, the greatest proportion of resource consent decisions were for land use (two-thirds), followed by subdivisions (17 per cent). The proportion of consents for land use has generally trended upwards over the 15 years since the 1997/98 survey, while the proportion of subdivision consents has trended downwards.

As in previous surveys, most resource consent applications were non-notified (95 per cent). The already small proportion of notified consents has steadily decreased since 2007/08.

#### Pre-application processes and practices

Pre-application meetings increase the likelihood that applications are complete when first lodged. Qualitative feedback suggests pre-application processes vary across councils, and depending on the complexity of the application; range from informal conversations to formal structured case management.

In 2012/13, the number of pre-application meetings increased significantly, to 5360, nearly 27 per cent more than in the previous survey. Further, in 2012/13 the majority of local authorities provided guidance for applicants, such as defining the environmental effects that

must be addressed, and advice when applications may be of interest to iwi/hapū. As well, all councils checked resource consent applications for completeness within five working days.

As a consequence, only 6 per cent of applications were returned before being lodged, 3 per cent less than the previous survey.

### Pre-hearing meetings

The use of pre-hearing meetings to resolve issues decreased to 150, reflecting the generally downward trend since 2005/06. Fewer than 1 in 10 resource consent applications notified in some way had pre-hearing meetings.

However, the effectiveness of the meetings improved, with more than half being successful, nearly double the previous survey's results.

Territorial local authorities reported the largest increase in the number of pre-hearing meetings and also the greatest proportion of successful pre-hearing meetings. Regional councils reported the greatest drop in pre-hearing meetings, but more than a third of those held were successful.

### Consent processing good practice

Local authorities' good practice methodologies included using standard consent conditions (half of all councils did) and guidance for staff on notifying applications (two-thirds of councils); identifying affected parties (half); and checking environmental effects were identified and addressed (83 per cent). Peer review was most commonly used by most councils to ensure consent conditions were defensible, *intra vires*, certain and enforceable (DICE).

### Māori participation

Council performance in enabling Māori participation fell slightly in 2012/13. In the previous survey, all local authorities provided advice to applicants when their resource consent application may have been of interest or concern to iwi/hapū, but this year three territorial authorities did not. The number using standard resource consent conditions for the discovery of sites or items significant to iwi/hapū also fell slightly, from 97 per cent to 92 per cent. All regional councils had standard conditions.

One-third of local authorities, largely regional councils, had a policy requiring consideration of cultural impact assessments where tangata whenua were an affected party. No unitary councils had such a policy.

In line with the previous survey, fewer than half made a budgetary commitment to tangata whenua participation in resource consent processes.

### Timeliness

Similar to the previous survey, most resource consents were processed on time (97 per cent), irrespective of consent or notification type. The results reverse the downward trend that occurred between 2001/02 and 2007/08.

Section 37 was used to extend timeframes slightly more often than in 2010/11 – it was applied to 17 per cent of all consent applications. This was still a marked decrease from the high of 2007/08 when it was used in nearly one-third of all applications.

## Charges

Consistent with previous surveys, across all councils, notified consent applications incurred the highest charges and non-notified consent applications incurred the lowest.

Half of the 1121 resource consent applications processed outside of statutory timeframes were discounted. While this represents less than 2 per cent of total consents processed, it is a nearly three-fold increase on the previous survey. Regional councils provided proportionately more discounts than other councils. As with the previous survey, only one local authority had a specific discount policy.

## Staffing

Since the last survey, staffing levels decreased across all three local authority types, by between one-quarter and one-third. Decreases occurred in all but two qualification classes – regional council scientists and unitary authority planners. The latter may be related to the transition to the Auckland Council.

## Decision-makers

Results are largely consistent with previous surveys, with local authority officers making the most decisions (89 per cent). Independent commissioners formed the next largest group of decision-makers (7 per cent), continuing the general upward trend in decisions made by independent decision-makers.

## Objections and appeals

Of resource consent applications processed to a decision, only 0.27 per cent were declined. While the number of declined applications has always been small, this result is less than half of that reported in the five previous years, and the lowest since 2001/02.

The trend towards fewer objections also continued in 2012/13. The total number was 317, a significant decrease from 480 in 2010/11. Similarly, there were fewer appeals reported, down one-third to 239 in 2012/13. The most significant decrease was in appeals to territorial authorities – down nearly half to 48.

## High-level challenges and issues

Councils reported they were under considerable pressure to meet consenting deadlines and keep costs down without compromising the quality of decisions and allowing genuine stakeholder consultation. The two most common challenges are associated with the poor quality of the applications and limited staff resources.

## Monitoring and enforcement (chapter 3)

### Total number of consents monitored by councils

More than 30,000 new consents were monitored for compliance, with each type of local authority responsible for about one-third of these.

### Number of complaints

More than 162,000 complaints were received during the 2012/13 survey period, an increase of about 37,000 on the previous survey. Of these, 13 per cent were followed up with enforcement action. Proportionately, 19 per cent of complaints to unitary authorities have led

to enforcement action, followed by territorial authorities (9 per cent) and regional councils (3 per cent).

### **Enforcement actions taken by councils**

More than 3400 enforcement actions were taken by local authorities. Abatement notices remained the most commonly used form of enforcement by all types of local authority (58 per cent), and their use nearly doubled from the previous survey, with a steady increase across all types of council.

The number of infringement notices issued decreased for the first time since 2005/06. As in previous years, enforcement orders were seldom used.

Most recommended prosecutions were approved by council decision-making groups.

### **Types of breaches where enforcement action was taken**

To enable a more comprehensive understanding of enforcement decision-making, local authorities reported their enforcement actions for breaches to eight different sections of the RMA. The largest single number (2212) was for breaches to section 9 of the RMA (land use), and abatement notices were most commonly used enforcement action (54 per cent). The number and type of enforcement actions for breaches of the other sections were:

- section 11: Subdivision – five abatement notices were issued. No other enforcement option was used
- section 12: Coastal marine area – 101 actions were taken, of which 44 per cent were abatement notices
- section 13: River and lake beds – 96 actions were taken, of which more than half were abatement notices
- section 14(2): Water – 163 actions were taken, with 58 per cent of them infringement notices
- section 15(1)(a): Discharge of contaminants to water – 205 actions were taken, with three-quarters being abatement notices
- section 15(1)(b): Discharge of contaminants to land – 822 actions were taken, using almost equal numbers of infringement and abatement notices
- section 15 other: Discharge of contaminants to air and land – 261 actions were taken, again almost equal numbers of infringement and abatement were used.

### **Māori participation**

This survey reflects the highest rate of Māori involvement in monitoring since information began to be collected in 2006 – 29 per cent of local authorities did so. The highest rate of involvement was among regional councils, where two-thirds reported enabling some form of Māori participation.

### **Staffing**

Almost all local authorities have monitoring and enforcement staff, though very few are employed full-time in those roles. The data indicated that only a portion of staff reported to work on monitoring and enforcement may be specifically dedicated to these processes.

The total number of full-time equivalent staff in RMA monitoring, enforcement, investigations and prosecutions roles was 436.7. Regional councils placed greater capacity in roles specifically

to manage compliance and monitoring, as well as investigations and prosecutions. Unitary and territorial authorities more typically employed staff to overlook all aspects of monitoring, compliance and enforcement. Further, territorial authorities generally employed enforcement-specific staff.

### **High-level challenges and issues**

Four-fifths of local authorities who provided a response reported limited resources for monitoring and enforcement activities made it difficult to meet many expectations of these processes. Issues included low staff levels, competing demands on staff time, lack of funding, and finding staff with appropriate skill sets.

The cost and time associated with enforcement was reported as a significant challenge, including the financial cost to ratepayers of taking court action (with no guarantee that costs will be recovered).

Other challenges were insufficient consideration by other parties of the capability required to implement regulatory frameworks, and the attitude and behaviour of some consent holders and landowners around compliance.

## **Plan making (chapter 4)**

### **Number of operative plan changes, by council type**

In 2012/13, 133 plan changes were undertaken. Of these, 111 were initiated by local authorities, an increase of 12 since the last survey. The number of privately-initiated plan changes completed by local authorities has dropped over the past three surveys. The number of plan changes declined or withdrawn by councils decreased.

The average timeframe for a council-initiated plan change from notification to being made operative was 24 months, 7 months longer than the previous survey. For privately-initiated plan changes, the average time taken rose from 16 months to 24 months over the same period.

### **Number of variations to plans**

Local authorities completed 18 variations to proposed plans, about one-third fewer than the previous survey. The number of declined or withdrawn variations also decreased. Variations were completed by 7 out of 78 local authorities, the same as the previous survey.

### **Number of notices of requirement**

A total of 104 notices of requirement were received. Proportionally, unitary authorities received more notices of requirement than territorial authorities. Further, Auckland Council dealt with nearly all notices of requirement received by unitary authorities (38 of the 42).

### **Māori participation**

The 46 per cent of local authorities that made a budgetary commitment to iwi or hapū participation in resource management plan preparation and plan change processes was similar to the previous survey. The average budget commitment was \$37,971. Of councils that did not make a budgetary commitment, three-quarters reported other ways they used to ensure tangata whenua participation.

## High-level challenges and issues

One third of councils identified limited resources – staff, time and funding – as a challenge to their plan change and variation activities. Other challenges were engaging with iwi, the cost of the process, and demands associated with extensive consultation.

## National policy statements (NPSs) and national environmental standards (NESs) (chapter 5)

### Percentage of councils who have given effect to NPSs

Three NPSs are in place. The extent to which NPSs have been given effect varies for different types of local authorities. Most regional councils have given effect to all three. Unitary authorities have given substantially less effect to NPSs. While territorial authorities also have a low rate of giving effect to NPSs, they achieved a higher rate than unitary authorities.

The cause of the variance is not clear as most local authorities did not describe the challenges they face.

### Percentage of councils who have given effect to NESs

Five NESs are in place. The extent to which these have been implemented also varies for different types of local authorities. Regional councils represent a large proportion of local authorities that have given effect to NESs that apply to them, followed by territorial authorities and then unitary authorities. It should be noted that where local authorities had not given effect to an NES, this could be because it did not apply to them. For example, two-thirds of territorial authorities reported the NES for Human Drinking Water did not apply, while at least one-third of unitary authorities reported that no NES applied.

### Number of certificates of compliance issued

A total of 71 certificates of compliance were issued, mostly by territorial authorities. This is eleven more than the previous survey.

### High-level issues encountered in implementing NPSs and NESs

Among reported challenges local authorities face in implementing NPS and NESs are the costs of implementation and enforcement, the difficulty in interpreting the national tools and a lack of appropriate guidance, and limited capacity and capability.

A lack of guidance and certainty particularly affects local authorities' ability to give effect to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health. It was reported that territorial authorities' capability and capacity gaps could in turn impact on regional councils' ability to carry out their own functions.

## A new future for monitoring of the RMA

This is the 11th and potentially final report in the RMA survey series. Change is under way in how we monitor and measure the performance of all parties involved in New Zealand's natural resource management, including local government.

The Ministry for the Environment has been working with councils and other organisations to develop a new national monitoring system, building on existing knowledge, processes and systems – including this survey.

For councils, the new framework will improve data collection efficiency, increase the amount of information collected and provide greater transparency about what councils are expected to achieve when implementing the RMA. Over time, council performance will be reported to enable communities to determine the relative performance of their council.

Consultation on the proposed changes was completed in August 2013, and submissions are currently being analysed. Further feasibility work is also under way to identify potential costs and benefits.

# 1 Introduction

## 1.1 A time of transition

Since 1995, 11 national surveys have monitored local government's implementation of the Resource Management Act 1991 (RMA). These surveys have been one of several tools used to capture RMA monitoring information – others are: implementation surveys, state of the environment reporting, data requests, and research.

However, how we monitor and measure the performance of all parties involved in New Zealand's resource management, including local government, is changing – described in section 1.6.

Therefore, this report on the 2012/13 RMA survey of local government is potentially the last in the series and marks the transition to the new national monitoring system.

## 1.2 Purpose of the RMA survey

The purpose of the RMA survey to date has been to help the Minister for the Environment monitor how the RMA is being put into practice. This includes reviewing how local authorities implement both the RMA and recommended good practices. The survey also:

- highlights trends over time in the RMA's implementation, including areas where performance by local authorities may require greater attention
- provides information to promote benchmarking, good practice and ways to improve local authorities' performance
- enables each local authority to compare its performance with others, and stimulates discussion about variations between similar local authorities.

The survey has not measured the performance of the RMA in delivering better environmental outcomes. Nor has it measured how well individual local authorities deliver these outcomes: this occurs through state of the environment monitoring and reporting at both the national and local level.

### Previous surveys

Results from earlier surveys, beginning with the full 1996/97 report, are available on the Ministry's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).

## 1.3 Current local authority reporting requirements

Section 35 of the RMA requires every local authority to gather sufficient information to fulfil its functions under the Act. This includes recording the details of every resource consent applied for, notified and granted (section 35[5][g]–[h]), and how those consents are actually applied (section 35[2][d]).

As described in the information box above, local authorities are currently required to record and report details of the resource consent applications they process. Collecting such



information allows their performance to be monitored and provides local ratepayers with a transparent record of their council's performance. It can also be used to:

- identify areas where improvements can be made in local authority practice
- maintain consistency in procedures within a council, and between councils.

## The 2012/13 RMA survey

A questionnaire was released to local authorities on 15 June 2012, and the responses were collected in July 2013. All 78 local authorities in New Zealand responded. A copy of the questions is in appendix F.

While core questions were similar to those in earlier surveys (to ensure comparability and enable trends to be identified), changes were made to provide greater clarity about each question's purpose and to streamline and simplify the survey. A 17-member focus group representing the diversity of councils across New Zealand based on size, type and geographical spread participated in reviewing and updating the survey. Key improvements in 2012/13 included:

- Survey questions were directly linked to desired end-outcomes of the RMA through a set of measures – questions from previous surveys that did not relate to an RMA outcome were removed or revised. Table 1.1 is an extract from the questionnaire, showing how specific outcomes were linked to measures, which in turn reflected the survey's questions.
- Councils could include qualitative information to provide context for their quantitative data and help create a more complete picture of how the RMA was implemented.

**Table 1.1: Extract from the 2012/13 RMA survey, linking specific questions to specific outcomes**

OBJECTIVE 1: Resource consent processing is robust and efficient		
Outcome	Measure	Question
<b>Pre-application:</b>		
Applicants know what is required	Local authority defines environmental effects that must be addressed in the resource consent application	1.1
	Local authority provides guidance material, particularly on environmental effects	1.2
	Local authorities advise applicants when their resource consent application may be of interest/concern to iwi/ hapū	1.3
	Whether your local authority checks a resource consent application for completeness (not correctness) within five working days of its arrival?	1.4
	Local authority has a set procedure for the pre-application phase	1.7
Local authority only accepts complete applications	Number of resource consent applications involving pre-arranged pre-application meetings	1.5
	Number of resource consent applications returned to the applicant	1.6

The changes have resulted in a more streamlined report with three fewer sections than in previous years. Analysis of the qualitative information provided by councils is discussed alongside analysis of the relevant quantitative measures.

A separate survey was addressed to the Environment Protection Authority (EPA), and is reported in chapter 6. The survey questions are in appendix G.

## 1.4 How the 2012/13 data is presented

While all 78 local authorities took part in the 2012/13 survey, not all answered every question. The number of local authorities responding to each question is therefore indicated by (n = ##). A council may not have responded if:

- it did not process a particular type of consent
- activities occurred outside the survey period
- the data sought by the survey was not recorded at that time
- it was held in a format that did not allow it to be readily extracted.

Analysis aims to highlight long-term trends and/or marked differences between this survey's results and others. In most cases, percentage results have been rounded to the nearest whole number.

Information boxes are used to clarify terms and/or provide good practice guidance for local authorities.

### Limitations of the data

As described above, in some cases either no data, or partial data, was provided. The information presented is therefore as complete as the data received allows. Any data limitations are identified.

Changes to improve the questionnaire in 2012/13 mean some results are not able to be compared over all 11 surveys. Where this is the case, the most recent comparable data has been analysed or similar questions from past surveys presented.

Occasional variation in the interpretation of some questions means some results were estimated. Where this occurs it is noted in the report.

### Source data

Detailed data provided by local authorities is contained in the appendices. To enable useful comparisons to be drawn, local authorities with similar characteristics have been grouped. Appendix A records which group each local authority has been placed in, along with the number of consents it processed. The local authority groups are:

- regional councils
- unitary authorities, including the Chatham Islands Council and the Auckland Council
- territorial authorities – these have been grouped according to the volume of consents processed:
  - group 1: 0–110 consents
  - group 2: 111–300 consents
  - group 3: 301–650 consents
  - group 4: over 650 consents.

## 1.5 The changing resource management context: developments since the last survey

Substantive changes to New Zealand's planning and resource management laws and systems have been made, or are under way, since the last RMA survey in 2010/11. They are summarised here to provide an overview of the reforms and how resource management regimes may change in the coming years.

### Overview

Since 2008, the Government has introduced reforms to planning and resource management law to enable economic growth as well as provide for good environmental outcomes. The first phase of amendments in 2009 aimed to simplify and streamline the RMA to reduce costs, uncertainties and delays. The 2009 changes established the Environmental Protection Authority, to make consenting for nationally significant proposals faster and simpler. They introduced a discount policy for applicants if their consents were delayed, to encourage councils to meet timeframes.

The second phase of amendments is currently under way. It includes three new pieces of legislation enacted in September 2013 (formerly known collectively as the *Resource Management Reform Bill 2012*).

### New resource management legislation – 2013

The three new resource management laws enacted in September 2013 are the:

- Resource Management Amendment Act 2013
- Local Government (Auckland Transitional Provisions) Amendment Act 2013
- Local Government Official Information and Meetings Amendment Act 2013.

These work together to:

- streamline the process to develop Auckland's first unitary plan
- improve resource consent processes – such as by providing clearer directions for applicants about the information they need to provide; and creating a 6-month time limit for processing consents for medium-sized projects
- make it easier for major regional projects to get direct referral to the Environment Court
- create stronger requirements for councils to base planning decisions on thorough cost-benefit analyses – such as considering the positive economic and social outcomes of objectives, policies or methods.
- improve the workability of the RMA through minor and technical amendments, including changes relating to district rules for trees, environmental monitoring data, and RMA emergency provisions.

## 1.6 The future: a new national monitoring regime

This is potentially the final report in a series of surveys begun in 1995 to assess how well local authorities have implemented the RMA. A new regime to monitor RMA implementation is currently being developed.

The proposed National Monitoring System will provide a holistic and more accurate national picture on how effectively the RMA is being applied by all parties involved in resource management, and whether the desired outcomes are being achieved. It will do this by improving how nationally consistent and comparable information on the RMA is captured and shared.

## The drivers for change

Local government has the major role in implementing the RMA, while central agencies provide national guidance. Other than the RMA survey, there is no national framework to guide how we monitor RMA implementation, including what information should be collected. Councils therefore differ in what, when, where and how they do so, which makes it difficult to capture consistent and comparable information on the implementation of the RMA and how effectively it is achieving its purpose for New Zealanders.

Improving and standardising monitoring will enable a more detailed understanding of how effectively the RMA's tools and processes are being implemented, and how any amendments and national tools are working. In addition to this, there is a lack of clear direction on what councils are expected to achieve and how their performance will be measured. One result is that information on how well councils perform their functions and duties is limited. Another result is that communities are unable to judge how their local authority is performing, or hold them to account.

## What is happening

The Ministry has been working with councils and other organisations to explore how to better monitor resource management in New Zealand. The project's objectives are:

- Develop a clear and transparent national monitoring system that can provide:
  - information on RMA implementation
  - information about the performance of tools – national policy statements, national environmental standards and water conservation orders
  - a coherent and considered picture of the outcomes achieved.
- Improve the availability, consistency and comparability of RMA information.
- Achieve efficiencies by streamlining the collection of information.

The project is building on existing RMA monitoring knowledge, processes and systems – including the RMA survey – and proposes to develop a new model for collecting information systematically and transparently. It proposes to clarify what data will be collected, from where and when, and reduce the handling of data.

## Benefits of the proposed National Monitoring System

Overall benefits of the proposed National Monitoring System are expected to be:

- better availability of RMA information
- better understanding of how the RMA is being implemented
- more robust and dependable information to support the use, development and review of RMA policy and supporting measures
- assurance of a robust approach to managing RMA responsibilities.

Specific benefits to local government are:

- greater certainty on what, when and how information will be collected, organised and used to nationally monitor RMA performance
- reduced data handling and reporting by connecting to existing monitoring systems
- the ability to identify and share good monitoring and reporting systems, tools and processes
- better access to more consistent RMA information to help inform policy and business processes.

By giving councils clearer expectations, improved performance reporting will allow them to quickly identify and respond to any areas of under-performance.

## Next steps

For 10 weeks up to 30 August 2013, a discussion document was consulted on with organisations that have a role in implementing the RMA – councils, the Environmental Protection Authority, requiring authorities, heritage protection authorities, and other government agencies. The consultation included a national roadshow to explain the proposed system.

Submissions are currently being analysed, and further feasibility work is also under way to identify potential costs and benefits of the proposed National Monitoring System.

## 2 Resource consents processing

This chapter provides information on how local authorities have processed resource consent applications during the 2012/13 financial year. Emerging trends are highlighted where these are significant and/or of interest.

Most of the data is quantitative, supplemented with qualitative descriptions by councils about how some policies and procedures are applied.

The overall objective for this section is to monitor that:

**Objective 1: Resource consent processing is robust and efficient.**

### How this chapter is structured

The chapter's four sections match the themes used in the RMA survey that focus on different aspects of resource consent processing (appendix F, questions 1.1–1.36). The sections are:

- 2.1 Pre-application
- 2.2 Consent processing
- 2.3 Māori participation
- 2.4 Decision-making

The survey questions about resource consent processing address Objective 1 by measuring progress toward six desired outcomes. A set of measures for each outcome serves as indicators of progress toward achieving the objective – and these correspond with questions asked in the survey. The outcome(s) and measures relevant to chapter sections 2.1–2.4 are listed at the beginning of each section.

### 2.1 Pre-application

Outcome	Measure
<b>Pre-application:</b>	
Applicants know what is required	Local authority defines environmental effects that must be addressed in the resource consent application
	Local authority provides guidance material, particularly on environmental effects
	Local authority advises applicants when their resource consent application may be of interest / concern to iwi/hapū
	Local authority checks a resource consent application for completeness
	Local authority has a set procedure for the pre-application phase
Local authority only accepts complete applications	Number of resource consent applications involving pre-arranged pre-application meetings
	Number of resource consent applications returned to the applicant

Local authorities were asked a series of questions about their pre-application processes and practices (questions 1.1 to 1.7) to ascertain the level of engagement and information exchange between local authorities and resource consent applicants before applications are lodged.

## **Outcome sought: Applicants know what is required**

Providing applicants with clear direction about the resource consent process and the information that will be required of them can reduce delays for all parties and improve environmental outcomes. Five measures, reported on below, have been applied to gauge whether current practice provides applicants with adequate knowledge of what is required when applying for resource consent.

### **Local authority defines environmental effects that must be addressed in the resource consent application**

In this survey, 94 per cent of local authorities reported that they define the environmental effects that applicants must address for controlled and restricted discretionary activity resource consents (question 1.1). This is 12 per cent higher than for the 2010/11 survey period, when 82 per cent of local authorities reported that they did so.

### **Local authority provides guidance material, particularly on environmental effects**

A complete assessment of environmental effects is an essential part of any resource consent application. Applications submitted without comprehensive assessments of environmental effects are more likely to be subject to delays due to additional information requests or returned to the applicant under section 88(3).

In this survey, 87 per cent of local authorities reported that they produce written guidance material for applicants in preparing assessments of environmental effects (question 1.2). This is the first year this information was sought.

### **Local authority advises applicants when their resource consent application may be of interest / concern to iwi/hapū**

The RMA expressly requires persons exercising functions under the Act to recognise and provide for a range of matters relating to Māori. Therefore, matters relating to iwi/hapū sometimes need to be addressed in resource consent applications. For the 2012/13 financial year, 95 per cent of local authorities reported that they advise applicants when their resource consent application may be of interest to iwi/hapū (question 1.3). This is a decrease from 100% of local authorities in 2010/11.

### **Local authority checks a resource consent application for completeness**

All local authorities reported that they check resource consent applications for completeness (not correctness) within five working days of its arrival (question 1.4). This is the same proportion during the 2010/11 survey.

### **Local authority has a set procedure for the pre-application phase**

For the first time, local authorities were asked to describe the set procedures they followed during the pre-application phase (question 1.7). It appears councils are increasingly taking a proactive approach to improving the quality of applications by providing some form of information or advice to applicants before a consent is lodged. In the 2012/13 financial year, the pre-application processes varied across councils, and depending on the complexity of the application. The processes ranged from informal (eg, a conversation with the duty planner who answered questions, provided advice and referred the applicant to further sources of information), to a formal structured process that followed a case management approach.

Councils reported they dealt with a significant number of minor pre-application matters on a daily basis. Large or complex applications typically involved meetings and more extensive interaction with the applicant. A few councils mentioned that they followed relatively informal processes but were moving to a more formal process, in part to help with tracking of the consent.

It was common for councils to meet with applicants to discuss applications, sometimes on site. Several councils mentioned they actively encouraged a meeting because it could help save time and costs further down the track. For this reason, they aimed to provide some level of service for free, although several charged for advice once a threshold had been reached (eg, after 30 minutes or 2 hours).

For councils with more formal processes, the applicant needed to fill out a meeting request form and supply information about the application so that councils could determine who should attend the meeting. This process was considered most useful when applicants provided enough information so that all relevant internal advisors could be identified and have advance warning about any issues that may be discussed. For councils adopting a case management approach, an initial point of contact was assigned and it was that person's responsibility to schedule the meeting, determine who should attend, take minutes, and follow up any actions. Several councils said they strived to have a one-stop-shop meeting with the applicant that all relevant council staff attended. During the meeting, council staff answered questions and provided information about the process such as:

- rules that apply to the potential activity
- key issues or effects that may arise as a result of the activity
- fees and charges
- what type of information the applicant will need to provide.

In some cases, council staff were able to give an indication of the affected parties and status of the application. Minutes of the meeting were often supplied to the applicant.

Several councils said that information and advice provided to the applicant was documented and saved in their systems. This was often in the form of minutes from the pre-application meeting, but other forms of advice were also recorded, even if no meeting was held. It was also common for these notes to be transferred to the application when lodged and for the consent application to be assigned to the planner who was involved in the pre-application meeting.

Some councils reviewed draft consent applications before they were lodged to ascertain whether the assessment of environmental effects was adequate or further information required, whether all affected parties had been considered, or whether there are any other issues.

### **Outcome sought: Local authority only accepts complete applications**

By only accepting complete applications, local authorities increase the likelihood that consents lodged for processing can be progressed efficiently and expediently, without the delays associated with substantial additional information requests. Two measures, reported on below, have been established to gauge whether local authorities only accept complete applications.



## Number of resource consent applications involving pre-arranged pre-application meetings

The number of pre-application meetings held is a key indicator of whether there is active engagement between local authorities and applicants so that applications are complete when lodged. In the 2012/13 survey period, 5360 pre-application meetings were held (question 1.5). This is 27 per cent higher than during the 2010/11 survey period, in which 4224 pre-application meetings were held.

## Number of resource consent applications returned to the applicant

During the 2012/13 survey period, 6 per cent (2079) of resource consent applications were returned to the applicant under section 88(3) of the RMA before being lodged (table 2.1) (question 1.6). This is 3 per cent less than the 2010/11 survey period, in which 9 per cent (3219) of resource consents were returned.

**Table 2.1: Number of resource consent applications returned under section 88(3) of the RMA, by local authority type, 2010/11 and 2012/13**

Local authority type	Applications returned 2010/11 survey period	Applications returned 2012/13 survey period
Regional councils	472	217
Territorial authorities	937	1,093
Unitary authorities	1,810	769
Total	3,219	2,079

Source: 2012/13 and 2010/11 RMA survey data.

## 2.2 Consent processing

Outcome	Measure
<b>Consent processing:</b>	
Environmental effects of activities are accurately identified and assessed	Staff follow a set procedure to check that environmental effects are adequately identified and addressed in assessment of environmental effects
	Internal guidance notes or checklists are available to help staff decide when to notify a resource consent application
	Internal guidance notes or checklists are available to help staff decide how to identify affected parties
	Local authority ensures conditions on consents are Defensible, Intra vires, Certain, and Enforceable (DICE)
	Local authority has standard conditions in resource consents that cover discovery of sites or items that are culturally sensitive for tangata whenua
Resource consents processing is efficient and effective	Local authority uses a resource consents database that meets its needs
	Number of resource consents processed
	Number of certificates of compliance
	Number of further information requests
	Number of section 37 timeframe extensions
	Percentage of resource consents processed within statutory timeframes
	Amount of charges for consent applications

Outcome	Measure
<b>Consent processing:</b>	
	Number of resource consents subject to discount
	Total value of discounts
	Number of staff employed to process resource consents

Local authorities were asked a series of questions about their resource consent processes and practices (questions 1.8–1.27 and 1.35). These questions aim to ascertain whether resource consents processing and current practices for identifying and assessing environmental effects are efficient and effective.

### **Outcome sought: Environmental effects of activities are accurately identified and assessed**

Accurate identification and assessment of environmental effects by local authorities is essential if high quality environmental outcomes are to be achieved through the resource consent process. Five measures, reported on below, gauge whether current practice provides for environmental effects to be accurately identified and assessed.

#### **Staff follow a set procedure to check that environmental effects are adequately identified and addressed in assessments of environmental effects**

In 2012/13, 83 per cent of local authorities reported that staff followed set procedures to check that environmental effects were adequately identified and addressed in assessments of environmental effects (question 1.8).

#### **Internal guidance notes or checklists are available to help staff decide when to notify a resource consent application**

The proportion of local authorities who reported that internal guidance notes or checklists were available to advise staff when to notify a resource consent application (question 1.9) decreased from 68 per cent in 2010/11 to 65 per cent in 2012/13.

#### **Internal guidance notes or checklists are available to help staff decide how to identify affected parties**

In 2012/13, 51 per cent of local authorities reported that internal guidance notes or checklists were available to advise staff how to identify affected parties (question 1.10). This is a decrease from 53 per cent in 2010/11.

#### **Local authority ensures conditions on consents are Defensible, Intra vires, Certain, and Enforceable (DICE)**

For the first time, local authorities were asked to describe any processes followed to ensure that resource consent conditions are DICE (questions 1.11 and 1.12). There were 66 councils who provided a response to this question.

The most common method reported was peer review. Majority of councils undertook some form of peer review of consent conditions. It was common for a senior person (eg, a team manager) or experienced planner to be involved in the peer review and for there to be an explicit requirement for the peer reviewer to check the conditions were DICE. If required,

councils also involved staff with specialist knowledge and expertise to help draft or peer review the consent conditions. In some councils the individuals who drafted the consent conditions were also responsible for monitoring the consents, which helped reinforce the importance of DICE conditions.

Just over half of the councils who provided a response reported they used standard resource consent conditions when making recommendations. These standard conditions had been peer reviewed by appropriate staff and thoroughly tested over time. Feedback from monitoring and enforcement staff around particular issues was used to improve the standard conditions. Standard conditions may need to be supplemented with site- or activity-specific conditions – these typically involved a higher level of scrutiny than standard conditions (eg, vetting by specialists, or an opportunity for applicants to review draft conditions) to ensure the conditions were DICE. It was also common to use templates and checklists to guide the drafting of conditions. One council noted that checklists and standard procedures applied to common activities only – guidance from more experienced staff or technical experts may be sought for less common activities, those with a technical component, to check an assessment of environmental effects or to determine notification.

Suitable staff training was recognised as an important way to ensure that appropriate and effective conditions were imposed. Several councils noted they send staff on training workshops on how to write DICE conditions (eg, the New Zealand Planning Institute workshop on effective conditions), or provide in-house training.

### **Local authority has standard conditions in resource consents that cover discovery of sites or items that are culturally sensitive for tangata whenua**

In 2012/13, 94 per cent of local authorities reported that they have standard conditions in resource consents to cover the discovery of sites or items that are culturally sensitive to tangata whenua (question 1.13). This is a decrease from 97 per cent in 2010/11 but an increase from 88 per cent in 2007/08.

### **Outcome sought: Resource consents processing is efficient and effective**

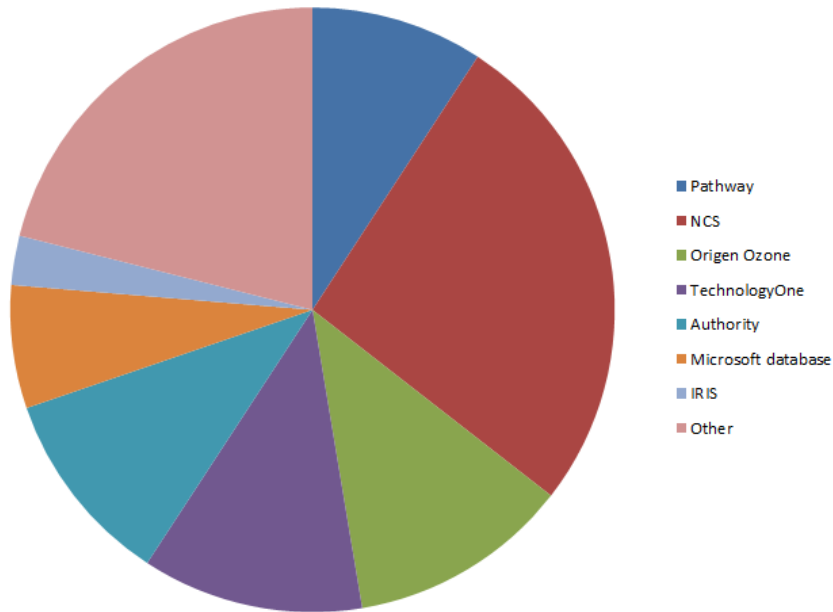
Ten measures, reported on below, gauge the efficiency and effectiveness of resource consent processing.

#### **Local authority uses a resource consents database that meets its needs**

Of the 78 local authorities surveyed, 76 provided a response on what type of database they use to store and retrieve resource consenting data (question 1.14). This was the first time this information was sought, and the responses are shown in figure 2.1.

Other databases/software used by councils include SQL, property and rating databases, and in-house council systems.

**Figure 2.1: Databases local authorities use to store and retrieve resource consenting data, 2012/13**

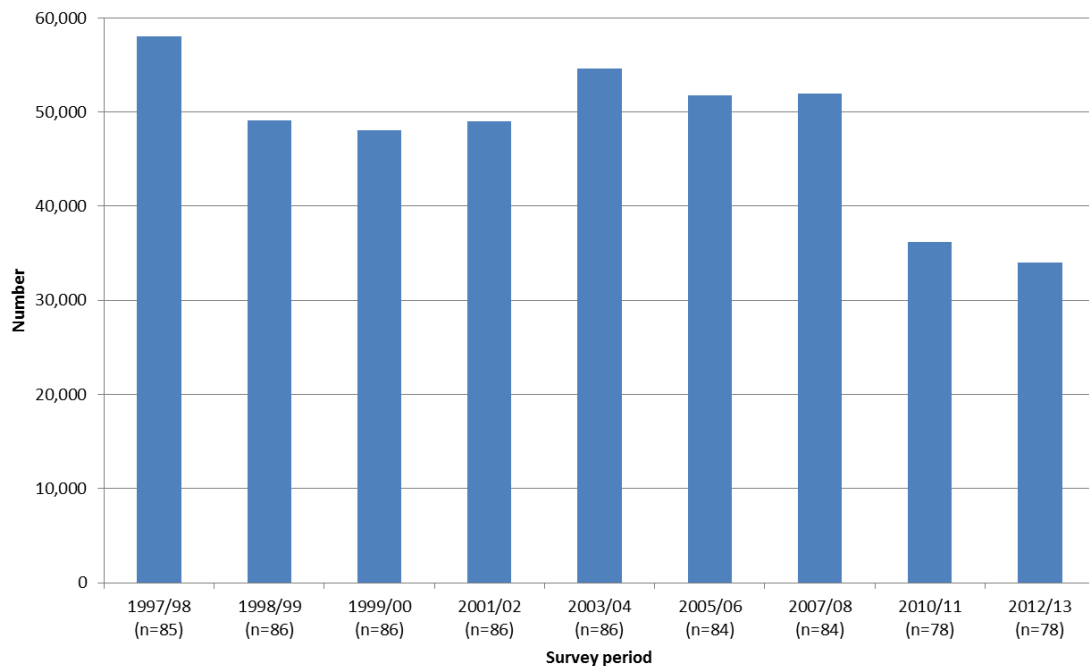


Source: 2012/13 RMA survey data.

### Number of resource consents processed

Local authorities were asked how many resource consent applications (defined in section 87 of the RMA) were processed through to a decision during the 2012/13 financial year (question 1.15). This was 34,055, lower than any previous survey period (figure 2.2, table 2.2). The number of resource consent applications processed to a decision was 5.75 per cent less than the next lowest survey period, 2010/11, in which 36,154 applications were processed.

**Figure 2.2: Number of resource consent applications processed to a decision, 1997/98–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

## Resource consent applications processed, by local authority type

Table 2.2 shows the number and proportion of resource consent applications processed by the different types of local authority, over nine survey periods. It shows that for the 2012/13 survey:

- 41 per cent of all resource consents were processed by territorial authorities – a slight increase on the previous survey (2010/11), when 39 per cent were processed by territorial authorities.
- The proportion of consents processed by unitary authorities also rose slightly, from 35 per cent in 2010/11 to 37 per cent in 2012/13.
- 22 per cent of resource consents were processed by regional councils – less than the 26 per cent processed during 2010/11.

**Table 2.2: Number and percentage of resource consent applications processed, by local authority type, 1997/98–2012/13**

Survey period	Regional councils		Unitary authorities		Territorial authorities		All Number of consent applications
	Number of consent applications	Percentage of total consents	Number of consent applications	Percentage of total consents	Number of consent applications	Percentage of total consents	
2012/13 (n=78)	7390	22%	12766	37%	13899	41%	34,055
2010/11 (n=78)	9,389	26%	12,591	35%	14,174	39%	36,154
2007/08 (n=84)	12,228	24%	4,070	8%	35,662	69%	51,960
2005/06 (n=84)	12,235	24%	3,979	8%	35,554	69%	51,768
2003/04 (n=86)	10,794	20%	4,308	8%	39,556	72%	54,658
2001/02 (n=86)	11,643	24%	4,210	9%	33,159	68%	49,012
1999/00 (n=86)	8,037	17%	4,008	8%	36,000	75%	48,045
1998/99 (n=86)	8,752	18%	3,229	7%	37,171	76%	49,152
1997/98 (n=85)	9,510	16%	3,575	6%	44,975	77%	58,060

Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

### Notes:

Data from seven former territorial authorities and one regional council in the Auckland region are now included under unitary authorities after the establishment of the Auckland Council.

The survey question on which this table is based was amended in 2005/06 to clarify its intent. However, the response from each survey period remains comparable.

Due to rounding, not all survey percentages add up to 100 per cent.

The (n = ##) is the number of local authorities that answered the question in each survey period.

## Applications processed, by consent type

Figure 2.3 and table 2.3 show that, as in previous surveys, the greatest proportion of resource consent decisions were for land use (66 per cent). This survey's result is the highest proportion of any survey period since 1997/98, and up 5 per cent from 2010/11.

As in previous years, the next most common resource consent application type was for subdivisions, at 17 per cent. This is unchanged from the previous survey period (2010/11). There has been a general downward trend in the proportion of subdivision consents since the high of 31 per cent in 1997/98.

The number of discharge consents as a proportion of total resource consents fell for the first time since 1997/98 – down 1 per cent from the previous survey, to 9 per cent in 2012/13.

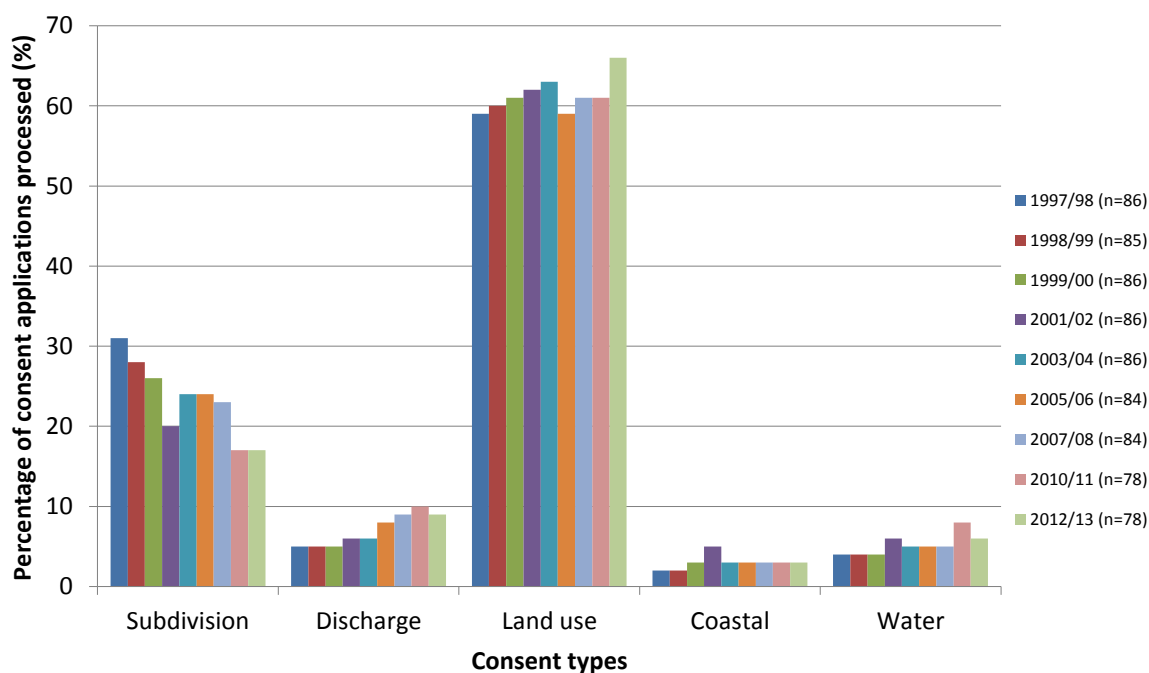
Despite this small drop, the proportion of discharge consents has nearly doubled since 1997/98.

The number of water consents as a proportion of total resource consents has fallen to 6 per cent, down from 8 per cent in the previous survey.

Three per cent of all resource consents processed to a decision were coastal permits. The proportion of coastal permits as a resource consent type has remained relatively constant over the nine survey periods.

The breakdown of resource consents processed, by type, from the 1997/98 survey is shown in figure 2.3 and table 2.3.

**Figure 2.3: Percentage of resource consent applications processed, by consent type, 1997/98–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Table 2.3: Percentage of consent applications processed, by consent type, 1997/98–2012/13**

Survey period	Subdivision	Discharge	Land use	Coastal	Water
2012/13 (n=78)	17%	9%	66%	3%	6%
2010/11 (n=78)	17%	10%	61%	3%	8%
2007/08 (n=84)	23%	9%	61%	3%	5%
2005/06 (n=84)	24%	8%	59%	3%	5%
2003/04 (n=86)	24%	6%	63%	3%	5%
2001/02 (n=86)	20%	6%	62%	5%	6%
1999/00 (n=86)	26%	5%	61%	3%	4%
1998/99 (n=85)	28%	5%	60%	2%	4%
1997/98 (n=86)	31%	5%	59%	2%	4%

Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

## Notification of resource consent applications

### What the categories mean

There are three different types of notification for resource consent applications.

Notified consents happen when a local authority considers an application could have more than minor effects on the environment, or may adversely affect someone who has not given their written approval.

There are two types of notified consent.

- 'Publicly notified' involves advising the public of the application through a public notice and direct communication. This allows anyone who has an interest in the application to lodge a submission.
- 'Limited notified' requires only directly affected parties to be advised of an application. These were introduced part way through the 2003/04 survey period.

The third type of consent, 'non-notified', does not require any other parties to be advised of the application.

Applications that are publicly notified or limited notified generally take longer to process than non-notified applications because they provide the opportunity for other parties to have input into the decision-making process by making a submission and participating in a hearing. They may also involve pre-hearing meetings. Notified consents generally cost applicants more than non-notified consents.

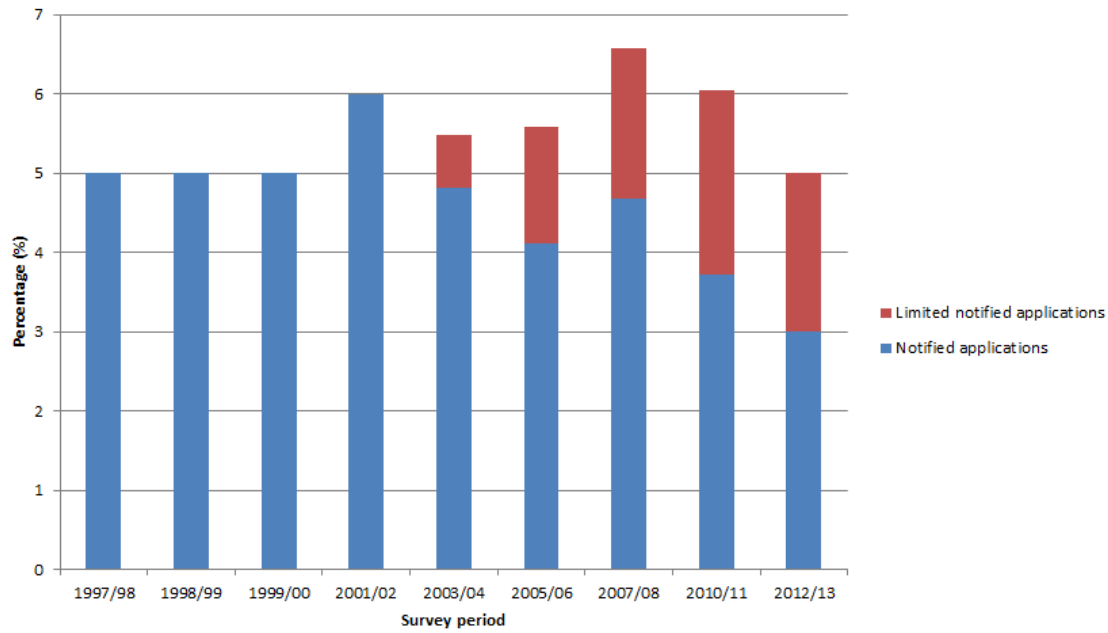
In 2012/13, as in previous survey periods, most resource consent applications processed were non-notified (95 per cent). This is similar to the 94 per cent reported in 2010/11.

Figure 2.4 shows the percentage of resource consent applications that were either notified or limited notified over the 10 survey periods. The proportion of notified and limited notified resource consent applications has remained between 4 and 6 per cent since the 1996/97 survey.

Since 2003/04, when limited notified consents were introduced, the two types of notified consents have been recorded separately. Figure 2.4 shows that the proportion of limited notified consents has increased over each of the five surveys since then, rising four-fold from 0.68 per cent in 2003/04 to 2.10 per cent in 2012/13. However, it should be noted that the 2003/04 data does not record a full year, because the limited notified category came in part way through that survey period.

Since the 2003/04 survey, the proportion of notified consents has generally trended downwards: from 4.8 per cent in 2003/04 to 2.64 per cent in the latest survey.

**Figure 2.4: Percentage of resource consent applications notified, 1996/97–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:**

The percentages of notified consent applications for the period 1997/98–1999/00 have been rounded to a whole per cent. Before the 2003/04 survey the limited notified category did not exist. Because the limited notified process came into effect after the 2003/04 survey period began, the results from that year do not represent a full year’s data.

**Notification of resource consent applications, by type**

The proportions of coastal, water and discharge consents that were publicly notified have decreased by 6 per cent, 2 per cent and 1 per cent respectively since the previous survey period (table 2.4). The largest single change was in the proportion of publicly notified coastal consent applications, which decreased from 16 per cent in 2011/12 to 10 per cent in 2012/13.

Appendices B and C provide the percentage of publicly notified and limited notified consent applications processed by individual local authorities.



**Table 2.4: Percentage of notified resource consent applications, by consent type, as a proportion of applications processed, 1997/98–2012/13**

Survey period	Subdivision		Land use		Coastal		Water		Discharge		Total	
	Publicly notified	Limited notified	Publicly notified	Limited notified	Publicly notified	Limited notified	Publicly notified	Limited notified	Publicly notified	Limited notified	Publicly notified	Limited notified
2012/13	2%	2%	1%	2%	10%	6%	13%	3%	4%	4%	3%	2%
2010/11	2%	2%	2%	2%	16%	7%	15%	3%	5%	3%	4%	2%
2007/08	3%	1%	2%	2%	21%	5%	24%	3%	9%	3%	5%	2%
2005/06	3%	1%	2%	1%	15%	3%	20%	2%	7%	2%	4%	1%
2003/04	3%	1%	3%	1%	14%	< 0.5%	26%	1%	11%	1%	5%	1%
2001/02	5%	–	3%	–	21%	–	15%	–	18%	–	6%	–
1999/00	4%	–	3%	–	17%	–	15%	–	17%	–	5%	–
1998/99	3%	–	3%	–	14%	–	15%	–	22%	–	5%	–
1997/98	3%	–	4%	–	15%	–	24%	–	21%	–	5%	–

Source: 2010/11 RMA survey data and published survey reports for the periods indicated.

**Notes:**

The percentages of publicly notified consent applications for the period 1997/98–1999/00 have been rounded to a whole per cent. Before the 2003/04 survey, the limited notified category did not exist. Because the limited notified process came into effect part way through the 2003/04 survey, the results from that year do not represent a full year’s data.

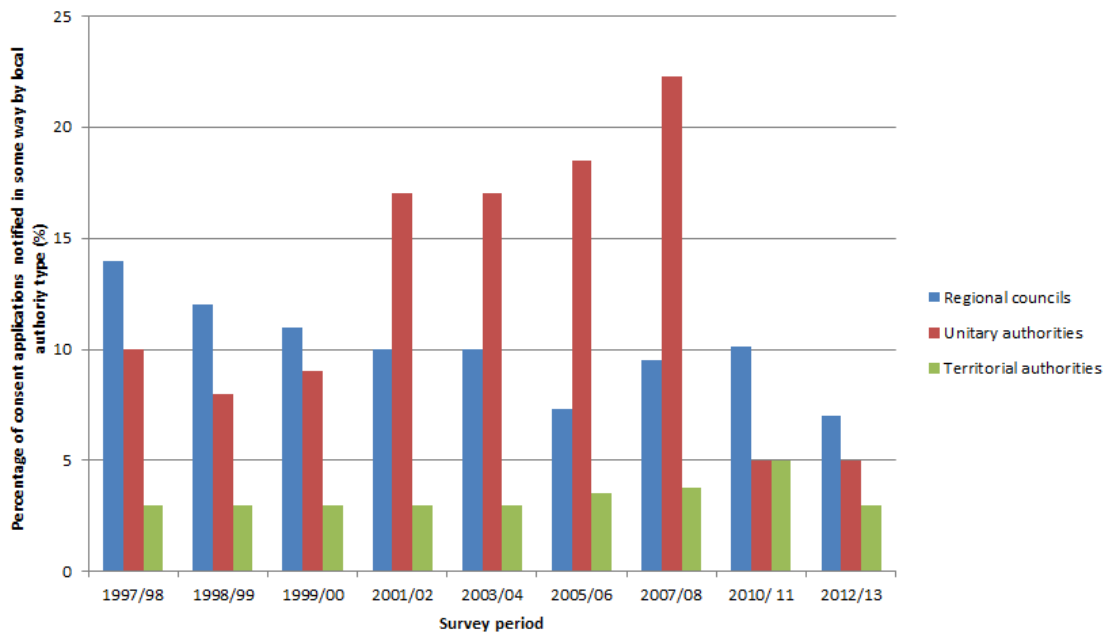
**Notification of resource consent applications, by local authority type**

Figure 2.5 shows the proportion of notified resource consent applications handled by each of the three types of local authority over the nine survey periods since 1997/98.

- In 2012/13, regional councils processed proportionately fewer limited and publicly notified resource consent applications, down from 10 per cent in 2010/2011 to 7 per cent in 2012/13.
- Unitary councils processed the same number of limited or publicly notified consents as the previous survey – 5 per cent.
- Territorial authorities processed 2 per cent fewer limited and publicly notified resource consent applications, down from 5 per cent in 2010/11 to 3 per cent in 2012/13.

As was the case for the 2010/11 survey period, regional councils processed the greatest proportion of notified resource consent applications.

**Figure 2.5: Percentage of resource consent applications notified, by local authority type, 1997/98–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

## Changes to consent conditions

Local authorities were asked how many applications they processed to a decision that dealt with changes to resource consent conditions under sections 127 or 128 of the RMA (questions 1.16 and 1.17).

### Changing consent conditions

Consent conditions can be changed using sections 127 or 128 of the RMA.

Section 127 allows a consent holder to apply to change or cancel a condition of the consent, except where the condition relates to how long the consent is for.

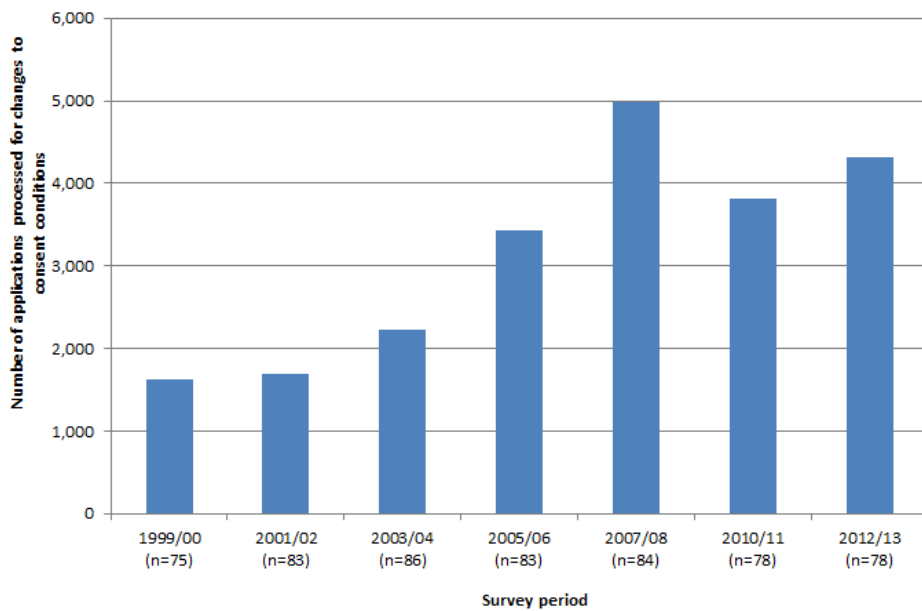
Section 128 allows a local authority to notify a consent holder if it intends to review the consent conditions. The circumstances under which such a review can take place are set out in section 128.

In 2012/13, 4216 applications to change consent conditions under section 127 and 92 reviews of consent conditions under section 128 were processed through to a decision. This is up from 3634 for changes to consent conditions and down from 176 section 128 reviews in the 2010/11 survey period. This reflects the generally upward trend since the 1999/00 survey period (figure 2.6).

Of these change/review of consent condition processes, 98 per cent (4216) were initiated by consent holders under section 127. This proportion is an increase on the previous survey (2010/11), when 95 per cent were initiated by consent holders.

The number of applications for changes to consent conditions as a proportion of the total number of active consents is unknown.

**Figure 2.6: Number of applications processed for changes to consent conditions (s127 and s128), 1999/00–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:**

The survey question on which this figure was based was amended in 2005/06 to differentiate between consent changes under section 127 and those under section 128. Nonetheless, the response from each survey period remains comparable.

The (n = ##) along the x-axis refers to the number of local authorities that answered the question(s) on which this analysis is based.

### Consents processed by activity status

Local authorities were asked how many resource consent applications they processed through to a decision for each type of activity status described in the information box below (question 1.19).

#### Explaining the activity status of resource consents

Local authorities assess every application for a resource consent against their district or regional plans to see if a resource consent is required. Four categories of activities require a consent, and each category has a different level of local authority involvement. The four categories for activity status are:

- *Controlled* – consent must be granted for such activities, but the local authority can impose conditions over matters it has identified in its district or regional plan.
- *Restricted discretionary* – a local authority can determine whether or not to grant a consent and impose any conditions, but only for matters it has specifically reserved discretion over in its district or regional plan.
- *Discretionary* – a local authority can exercise full discretion over whether or not to grant a consent and what, if any, conditions to impose.
- *Non-complying* – a local authority can grant consent with associated conditions as long as it is satisfied that the adverse effects on the environment will be minor, or that the activity will not be contrary to the objectives and policies of the relevant plan.
- A fifth category – *other* – covers activities that require a resource consent but some district and regional plans do not have a classification for them.

The profile of resource consent activity types is changing, particularly for discretionary and restricted discretionary activities. Over the past three surveys, the proportion of discretionary activity has generally decreased, while that for restricted discretionary has increased (table 2.5, figure 2.7a-c). This is most marked for regional councils and unitary authorities. For instance, in 2007/08, 71 per cent of consents processed by regional councils were discretionary, but by 2012/13 this had dropped to 55 per cent. There has been a corresponding increase in the proportion of restricted discretionary consents processed.

For unitary authorities, the proportion of discretionary consents has fallen from 60 per cent to 38 per cent. The variation in the results for unitary councils between 2007/08 and 2010/11 is thought to be explained by the establishment of the Auckland Council.

Within each local authority type, there has been little variation in the proportion of controlled, non-complying and 'other' types of consent over the three surveys. Note that regional councils generally process proportionately fewer non-complying consents compared with the other council types. Unitary authorities, in general, use the 'other' category proportionately more frequently than the other council types.

The change in profile for territorial authorities is more subtle. Discretionary consents do not dominate the profile as they do for regional and unitary councils. In 2007/08, they accounted for 42 per cent of all consents processed and this has declined to 33 per cent in 2012/13. The proportion of restricted discretionary consents has increased only slightly.

**Table 2.5: Percentage of consent applications, by activity type and local authority type, 2007/08–2012/13**

Local authority type	Controlled			Restricted discretionary			Discretionary		
	2012/13	2010/11	2007/08	2012/13	2010/11	2007/08	2012/13	2010/11	2007/08
Regional	20%	22%	18%	21%	13%	9%	55%	62%	71%
Unitary	10%	10%	15%	27%	33%	15%	45%	38%	60%
Territorial	16%	17%	21%	34%	26%	28%	33%	39%	42%
All	14%	16%	20%	29%	25%	23%	42%	45%	50%

Local authority type	Non-complying			Other		Total consents processed		
	2012/13	2010/11	2007/08	2012/13	2010/11	2012/13	2010/11	2007/08
Regional	2%	2%	2%	2%	1%	7,390	9,389	12,228
Unitary	9%	7%	10%	10%	11%	12,766	12,591	4,070
Territorial	13%	14%	10%	3%	3%	13,899	14,174	35,662
All	9%	9%	8%	6%	6%	34,055	36,154	51,960

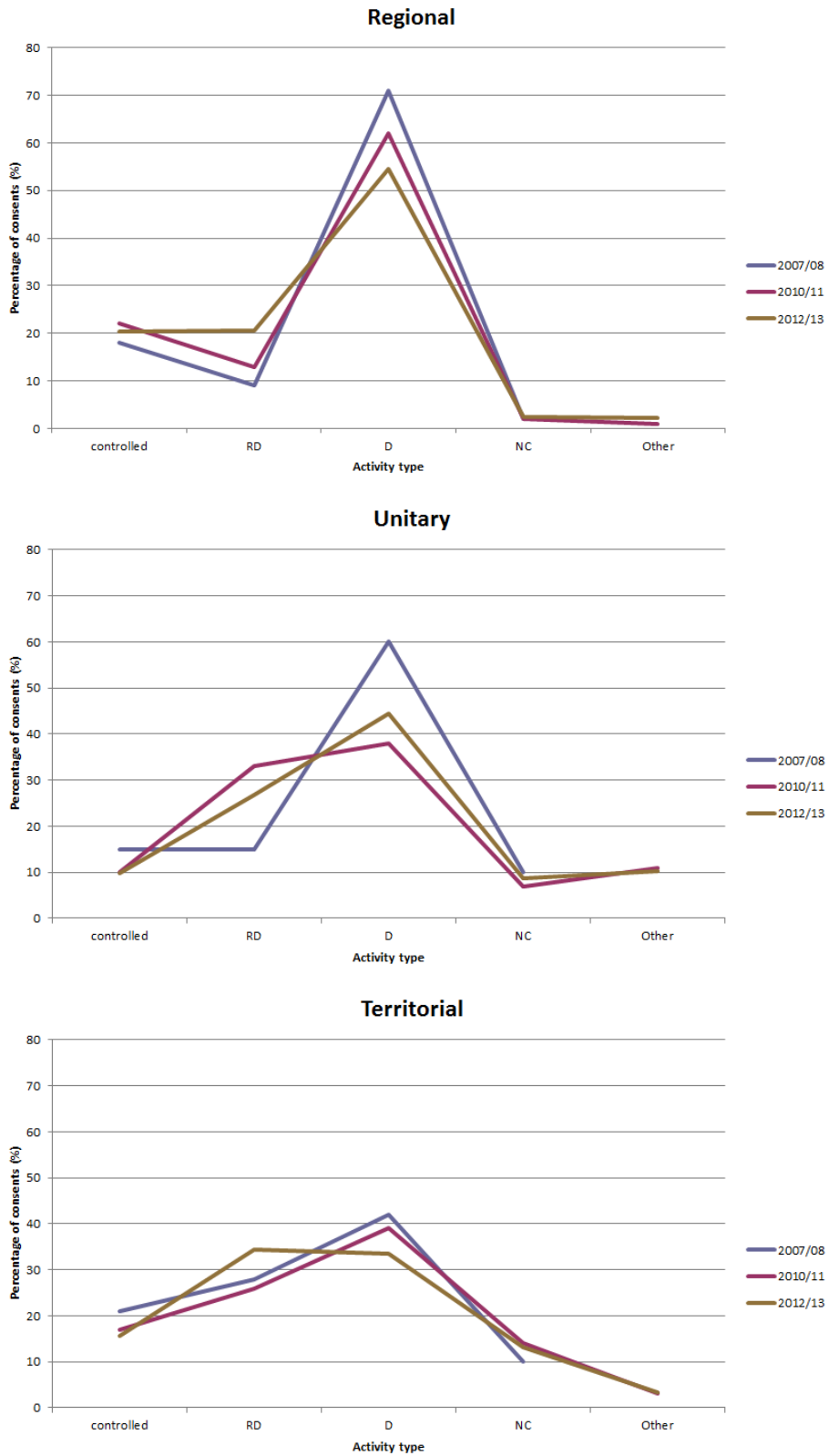
Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:**

Due to rounding, not all survey percentages for the 2007/08 year add up to 100 per cent.

The 'other' column captures data where activities need a resource consent but some district and regional plans do not have a classification for them. This 'other' data was not collected in 2007/08.

**Figure 2.7a-c: Profile of resource consent activity type for each type of council, 2007/08–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

## Number of certificates of compliance

Local authorities were asked for the number of certificates of compliance they issued under section 139 of the RMA (question 1.20).

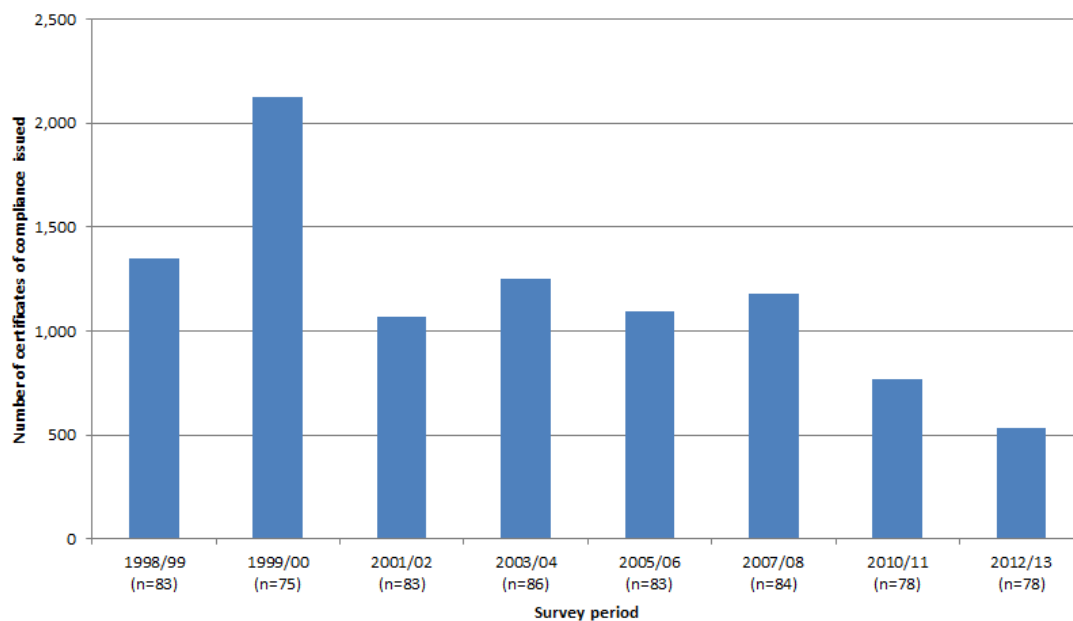
### Getting the tick of compliance

A certificate of compliance can be issued by a local authority when a proposed activity is permitted under either a district plan or a national environmental standard, or when it does not need resource consent.

The certificate confirms the activity is allowed and no further consent is required.

In 2012/13, 530 certificates of compliance were issued by local authorities. This is a decrease of 31 per cent from 2010/11, when 771 were issued. Figure 2.8 shows the number of certificates of compliance issued over the eight survey periods since 1998/99. There has been a downward trend since 2007/08, and the number issued has more than halved since the 2001/02 survey.

**Figure 2.8: Number of certificates of compliance issued, 1998/99–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

## Number of further information requests

Local authorities were asked how many times they had to request more information for a resource consent application under section 92 of the RMA (question 1.21).

### Seeking more information from applicants

Local authorities can use sections 92(1) or 92(2) of the RMA to ask for further information from an applicant.

Section 92(1) allows a local authority to request further information from the applicant about the proposal.

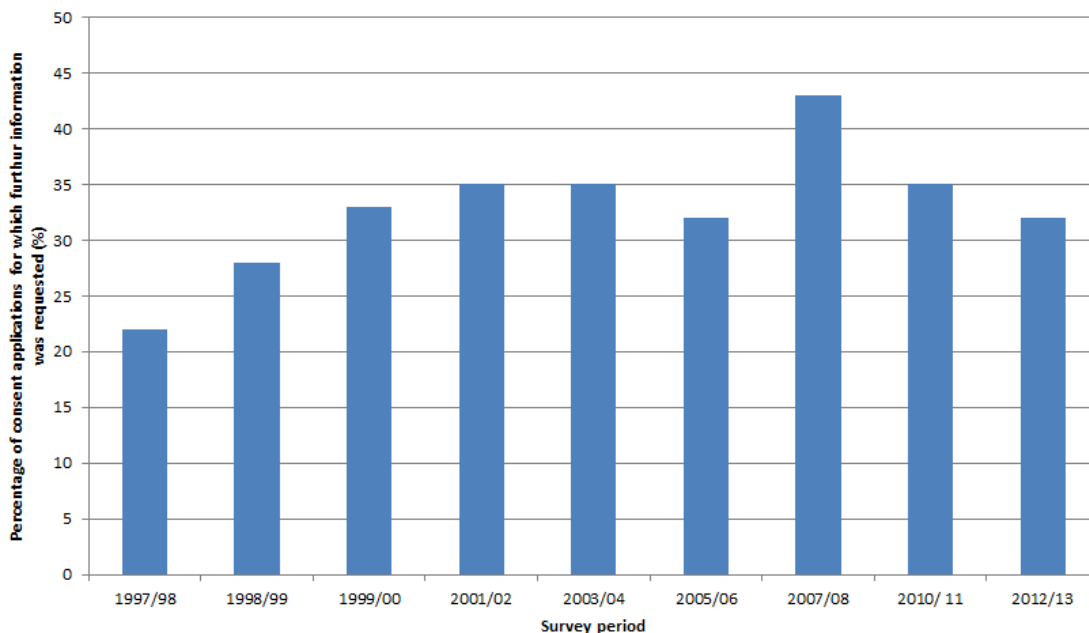
Section 92(2) allows a local authority to ask an applicant to agree to a report being commissioned if the council considers the activity could have a significant adverse environmental effect.

If the authority's request for further information is not met – either because the deadline is missed or the request is refused – section 95C(2) of the RMA says the local authority must publicly notify the application.

In the 2012/13 survey period, further information was sought for 32 per cent of resource consent applications. This is relatively constant to the proportions reported since 1999/00, with the exception of the 2007/08 survey when a high of 43 per cent was reported (figure 2.9).

It should be noted that, while the proportion of consents requiring extra information has remained relatively constant over the past seven surveys (since 1999/00), the actual number of consents processed has varied. The number for 2012/13 is the lowest of all surveys since 1997/98.

**Figure 2.9: Percentage of resource consent applications for which further information was requested under section 92 of the RMA, 1997/98–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Note:** Note change in wording from 2010/11 to 2012/13: previous survey had a series of questions which asked for information requests under section 92(1) and under section 92(2), which was then combined. The current survey asked for information under section 92. The question in 2010/11 on number of information requests under section 92 was not included in the current survey.

In 2012/13, 39 per cent of consents processed by unitary councils required further information, compared with territorial authorities at 32 per cent, and regional councils, at 19 per cent (table 2.6). Compared with the previous survey, this reflects a decline of 7 per cent and five per cent respectively for regional councils and territorial authorities. Proportions of consents processed by unitary councils requiring further information were similar across the two surveys.

**Table 2.6: Further information requests, by local authority type, 2012/13 and 2010/11**

Local authority type	Number of consents		Percentage of consents	
	2012/13	2010/11	2012/13	2010/11
Regional	1416	2446	19%	26%
Unitary	4493	4826	39%	38%
Territorial	5003	5292	32%	37%
All	10912	12564	32%	35%

Source: 2012/13 and 2010/11 RMA survey data.

Appendix D provides the percentage of further information requests for each individual local authority.

**Number of section 37 timeframe extensions**

In question 1.23, local authorities were asked whether they used section 37 of the RMA to extend the time limits set in the RMA for each type of resource consent application processed: notified, limited notified and non-notified. Extending the time limits can be done using the following clauses:

- Section 37A(2)(a) provides for the specified time limit to be exceeded, but not by more than twice the maximum specified in the RMA.
- Section 37A(2)(b) allows the time limit to be extended by more than twice the allowed maximum time if the applicant or requiring authority agrees or requests this.

**Changes to the use of section 37**

Amendments were introduced to the provisions of section 37 by the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

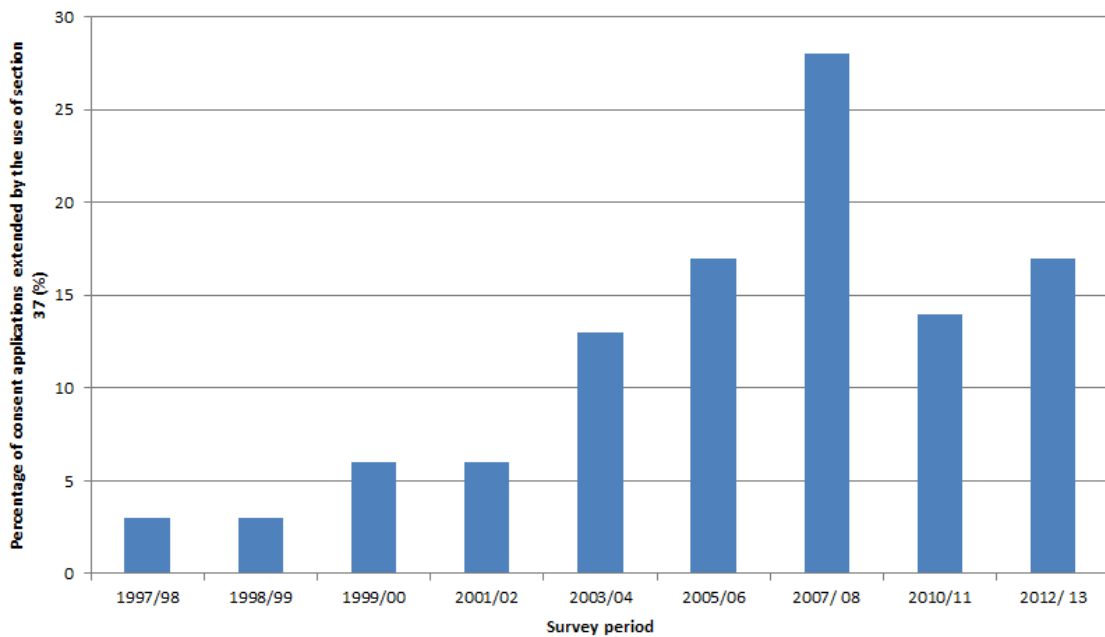
A consent authority may now only extend a time period under the Act if either:

- special circumstances apply, or
- the applicant agrees to the extension.

In the 2012/13 survey period, section 37 was used for 17 per cent of all consent applications processed, a 3 per cent increase from 2010/11 (figure 2.10), but still a marked decrease from the high of 2007/08.



**Figure 2.10: Percentage of total resource consent applications extended by the use of section 37, 1997/98–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:**

The data includes applications where the time limits were formally extended by local authorities under section 37 of the RMA. As a result of the Resource Management (Simplifying and Streamlining) Amendment Act 2009, section 37A now states that a consent authority may only extend the time period under section 37 up to twice the maximum specified in the RMA if special circumstances apply or the applicant agrees. Time periods may be extended more than twice only if the applicant agrees. This may influence comparisons with other surveys, as the restriction was not in place for the 2007/08 and earlier surveys.

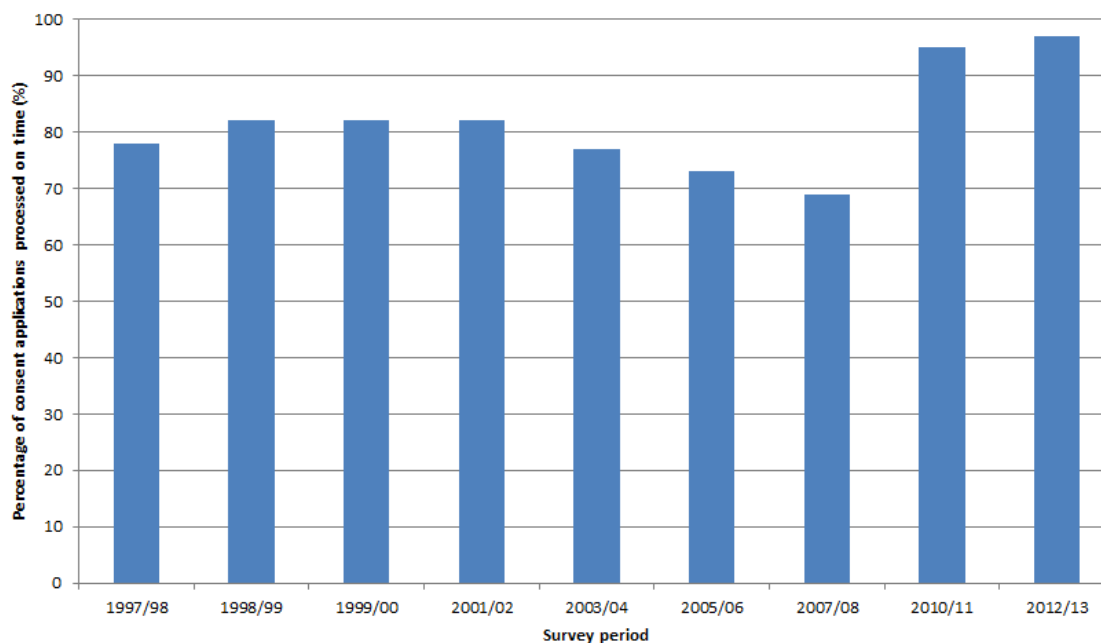
In 2012/13, 14 per cent of local authorities (11 out of 78) did not use section 37 for any type of resource consent application. This is a decrease from 2010/11, when 22 per cent of local authorities (17 out of 78) did not use section 37.

**Percentage of resource consents processed within statutory timeframes**

Local authorities were asked how many resource consent applications of each type were processed on time in the 2012/13 financial year (question 1.23). This includes resource consent applications where the time limits were formally extended by local authorities under section 37 of the RMA.

In 2012/13, 97 per cent of resource consent applications were processed on time. This result is a further increase to the 2010/11 result of 95 per cent. These results reverse the downward trend between 2001/02 to 2007/08. Figure 2.11 shows the percentage of resource consent applications processed on time over nine surveys.

**Figure 2.11: Percentage of resource consent applications processed on time, 1997/98–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Note:** The data includes applications where the time limits were formally extended by local authorities under section 37 of the RMA.

### Resource consent applications processed on time, by consent type

The 2012/13 results suggest that most resource consents are processed on time irrespective of consent type. This is a similar result to 2010/11 (table 2.7 and figure 2.12). Results before 2010/11 showed considerable variation for consent types across surveys (eg, discharge consents varied from 80 per cent in the 2005/06 survey and 59 per cent for the survey in 2007/08).

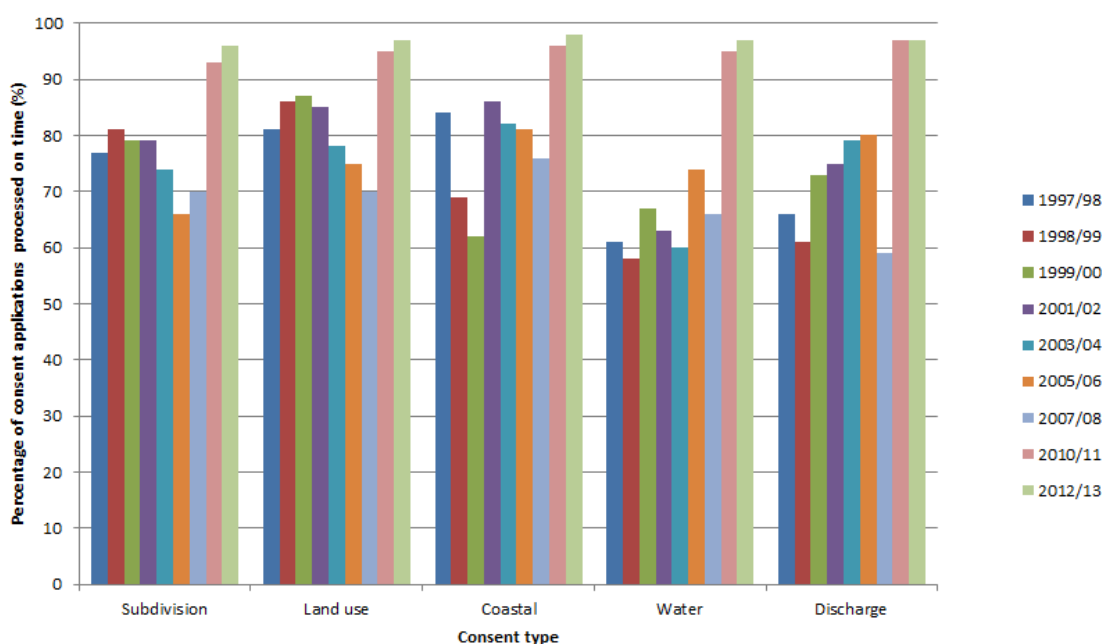
**Table 2.7: Percentage of resource consent applications processed on time, by consent type, 1997/98–2010/11**

Survey period	Subdivision	Land use	Coastal	Water	Discharge	Total
2012/13	96%	97%	98%	97%	97%	97%
2010/11	93%	95%	96%	95%	97%	95%
2007/08	70%	70%	76%	66%	59%	69%
2005/06	66%	75%	81%	74%	80%	73%
2003/04	74%	78%	82%	60%	79%	77%
2001/02	79%	85%	86%	63%	75%	82%
1999/00	79%	87%	62%	67%	73%	82%
1998/99	81%	86%	69%	58%	61%	82%
1997/98	77%	81%	84%	61%	66%	78%

Source: 2010/11 RMA survey data and published survey reports for the periods indicated.

**Note:** The data includes applications where the time limits were formally extended by local authorities under section 37 of the RMA.

**Figure 2.12: Percentage of resource consent applications processed on time, by consent type, 1997/98–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

### Resource consent applications processed on time, by notification type

Local authorities were asked for the number of notified, limited notified or non-notified resource consent applications processed on time. (These notification types are explained in an information box earlier in the chapter). This data includes resource consent applications where the time limits were formally extended by local authorities under section 37 of the RMA.

Table 2.8 and figure 2.13 show the percentage of resource consent applications processed on time, by notification type, for the five most recent survey periods. As for the findings with consent type, the proportion of applications processed on time in the 2012/13 survey sustains and improves on the 2010/11 findings across all notification types:

- 97 per cent of non-notified consent applications were processed on time, a slight increase on 2010/11.
- 92 per cent of partially and fully notified consents were processed on time, an increase of 6 and 5 per cent respectively.

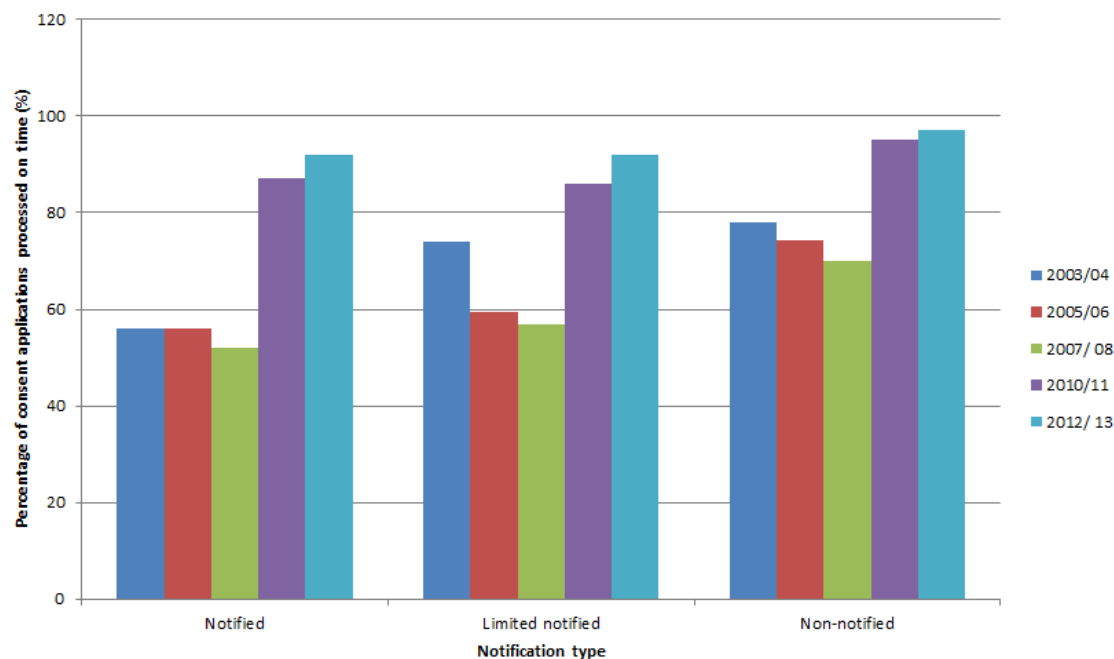
**Table 2.8: Percentage of applications processed on time, by notification type, 2003/04–2012/13**

	2003/04	2005/06	2007/08	2010/11	2012/13
Publicly notified	56%	56%	52%	87%	92%
Limited notified	74%	60%	57%	86%	92%
Non-notified	78%	74%	70%	95%	97%

Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:** The data includes applications where the time limits were formally extended by local authorities under section 37 of the RMA. This table excludes some results from a previous survey, when one local authority provided notified and non-notified consent application numbers as a combined figure.

**Figure 2.13: Percentage of resource consent applications processed on time, by notification type, 2003/04–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:** The data includes applications where the time limits were formally extended by local authorities under section 37 of the RMA. Data for this figure excludes some results from a previous survey, when one local authority provided notified and non-notified consent application numbers as a combined figure.

Appendix E provides the percentage of consent applications processed on time by each local authority in 2012/13.

### Amount of charges for consent applications

This section provides information on resource consent application charges, including:

- resource consent processing charges to applicants
- Resource Management (Discount on Administrative Charges) Regulations 2010.

Under the Local Government Act 2002 (the LGA), local authorities must adopt funding and financial policies to provide predictability and certainty about the sources and levels of their funding. Although most local authority funding of resource consent application processing is derived from fees and charges to the applicant, some local authorities subsidise their fees and costs using other income streams (eg, rates).

Section 36 of the RMA allows a local authority to charge for resource consent application processing (including receiving and granting resource consents). Such charges must be fixed in accordance with the LGA.

Local authorities were asked what their lowest, median, highest and total charges were for resource consent applications for each notification type (question 1.24).

The question about total charges was first asked in the previous survey, in 2010/11.

### Data limitations

The 2012/13 survey was simplified from previous years where councils had been asked for fees charged for each consent type and notification status. In response to council feedback, in 2012/13, councils were only asked for charges by notification type.

This means that it is not possible to compare 2012/13 estimates of average minimum, median and maximum charges with those from previous surveys.

The data below is presented by council type.

### Regional council charges

Table 2.9 and figure 2.14 show the average minimum, median and maximum charges and the total charges levied by regional councils for each notification type in 2012/13.

Notified consent applications incurred the highest charges and non-notified consent applications incurred the lowest, which is consistent with previous surveys.

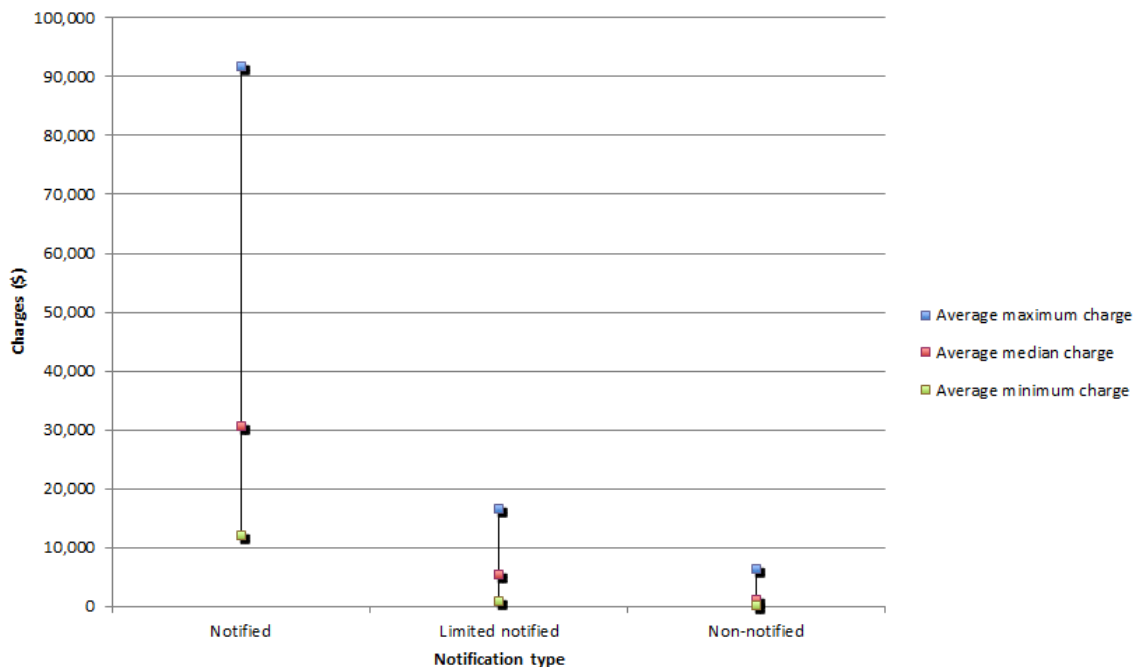
In the 2010/11 survey, total charges amounted to \$14,412,090 (2013 dollars).

**Table 2.9: Regional council average charges to applicants for resource consent application processing, by notification type, 2012/13**

Notification type	Average minimum charge	Average median charge	Average maximum charge	Total charges	Number of local authorities providing data
Notified	\$6,274	\$16,564	\$91,796	\$3,154,951	10
Limited notified	\$1,111	\$5,320	\$30,608	\$1,019,225	10
Non-notified	\$176	\$816	\$11,970	\$8,268,973	11
All				\$12,443,149	11

Source: 2012/13 RMA survey data.

**Figure 2.14: Average charges by notification type (regional councils), 2012/13**



Source: 2012/13 RMA survey data.

### Unitary authority charges

Table 2.10 and figure 2.15 show the average minimum, median and maximum charges, and the total charges levied by unitary authorities for each notification type in 2012/13.

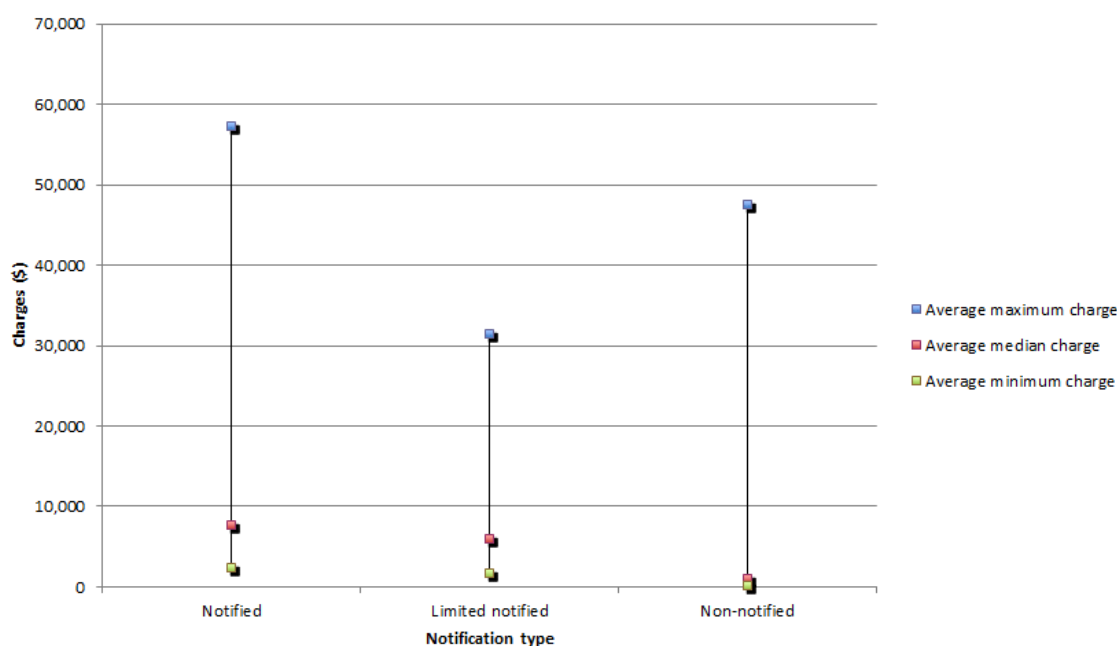
In the 2010/11 survey, total charges amounted to \$30,945,079 (2013 dollars).

**Table 2.10: Unitary authority average charges to applicants for resource consent application processing, by notification type, 2012/13**

Notification type	Average minimum charge	Average median charge	Average maximum charge	Total charges	Number of local authorities providing data
Notified	2,389	7,687	57,237	2,552,194	5
Limited notified	1,786	6,051	31,473	2,149,392	5
Non-notified	216	1,055	47,563	31,677,944	6
All				36,379,530	6

Source: 2012/13 RMA survey data.

**Figure 2.15: Average charges by notification type (unitary authorities), 2012/13**



Source: 2012/13 RMA survey data.

### Territorial authority charges

Table 2.11 and figure 2.16 show the average minimum, median and maximum charges, and the total charges levied by territorial authorities in 2012/13.

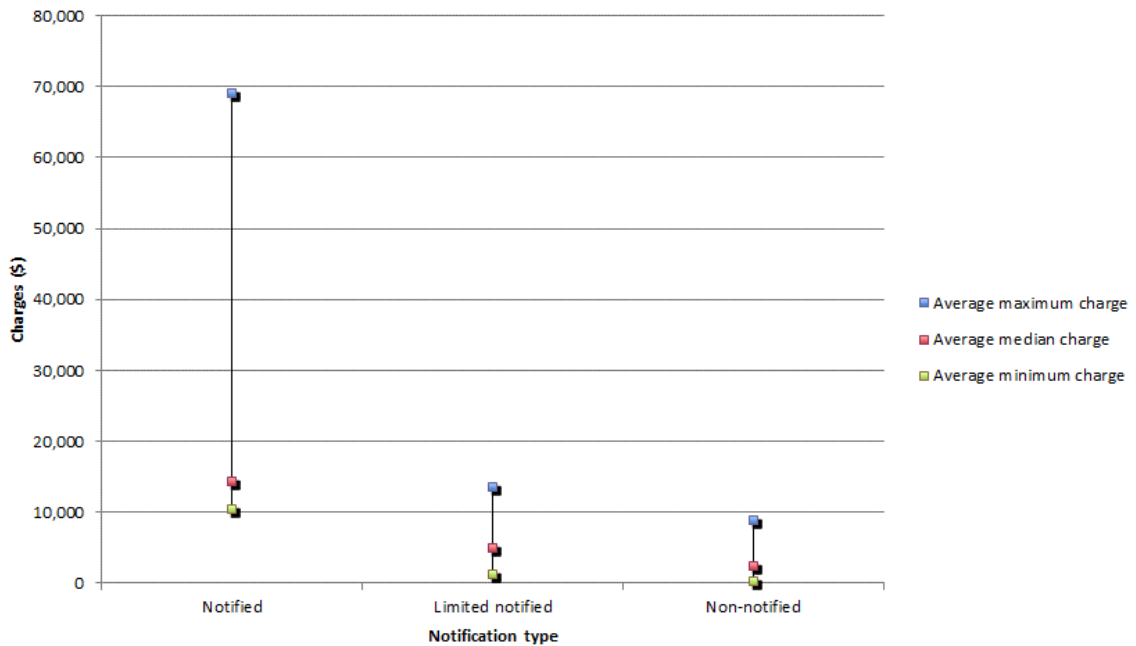
In the 2010/11 survey, total charges amounted to \$25,028,196 (2013 dollars).

**Table 2.11: Territorial authority average charges to applicants for consent application processing, by consent type and notification type, 2012/13**

Notification type	Average minimum charge	Average median charge	Average maximum charge	Total charges	Number of local authorities providing data
Notified	8,963	13,600	69,143	4,013,204	38
Limited notified	2,385	4,996	14,326	1,764,372	49
Non-notified	285	1,308	40,506	28,180,504	60
All				33,958,080	61

Source: 2012/13 RMA survey data.

**Figure 2.16: Average charges by notification type (territorial authorities), 2012/13**



Source: 2012/13 RMA survey data.

### Number of resource consents subject to discount and the total value of discounts

Local authorities were asked for the number of resource consent applications subject to a discount in 2012/13, the total value of such discounts, whether they applied a local-authority-specific discount policy and, if so, what sort of policy it was (questions 1.25–1.27). Discount questions were asked for the first time in 2010/11 following the enactment of the Resource Management (Discount on Administrative Charges) Regulations in July 2010.

#### Providing discounts

Local authorities are required to adopt a policy to discount the administrative charges they impose under section 36 if they do not process resource consent applications, or applications to change or cancel conditions, within RMA timeframes. The aim of providing discounts is to encourage local authorities to process resource consent applications within statutory timeframes. Local authorities can apply discounts through:

- the provisions of the Resource Management (Discount on Administrative Charges) Regulations
- a council-specific discount policy.

#### Presence of local-authority-specific discount policies

One of the 78 local authorities had a local authority specific discount policy in 2012/13, which is the same as in 2010/11.

## Resource consents subject to discounts

In 2012/13, 573 of the 1121 (51 per cent) resource consent applications processed outside of statutory timeframes were discounted. This represents 1.7 per cent of total consents processed.

This is a nearly three-fold increase since the last survey (2010/11), when 19 per cent of consents processed outside of statutory timeframes were provided discounts (table 2.12).

Unlike 2010/11, there was some variation between local authority types:

- Regional councils provided discounts to 81 per cent of resource consent applications processed outside of statutory timeframes, an increase on the 11 per cent discounted in 2010/11.
- Unitary and territorial authorities provided discounts to 38 per cent and 55 per cent respectively.

Total discounts amounted to \$241,614 in 2012/13 compared with \$204,109 in 2010/11.

Table 2.12 shows the value of discounts provided by local authority type:

- regional council discounts were 0.2 per cent of the revenue collected on resource consent applications
- unitary authority discounts were 0.4 per cent
- territorial authority discounts were 0.3 per cent.

**Table 2.12: Number and value of discounts provided by local authorities, 2010/11 and 2012/13**

	Regional		Unitary		Territorial		Total	
	2010/11	2012/13	2010/11	2012/13	2010/11	2012/13	2010/11	2012/13
Number of discounted consent applications	39	183	189	234	140	156	368	573
% of total overdue	11%	81%	20%	38%	20%	55%	19%	51%
Total value of all discounts (2013 values in brackets)	\$59,226 (\$63,372)	\$27,480	\$91,020 (\$97,391)	130,274	\$53,862 (\$57,632)	\$83,861	\$204,109 (\$218,397)	241,615

Source: 2012/13 and 2010/11 RMA survey data.

## Number of staff employed to process resource consents

In 2010/11, local authorities were asked for the first time about how many staff were employed to process resource consents (question 1.35). Table 2.13 indicates the number of full-time equivalents employed in 2010/11 and in 2012/13, by qualification.

Overall, staffing levels have decreased across all three local authority types, by 31 per cent for regional councils, 29 per cent for unitary authorities, and 24 per cent for territorial authorities.

There were decreases in all qualification classes between the two surveys, with two exceptions. Regional councils employ a significant number of scientists, and their number increased slightly. Within unitary authorities, the number of planners increased from 148 to 224. At the same time the number in the 'other' category within unitary authorities decreased



from 180 to 14. The differences in the numbers employed in these qualification categories may be related to the transition to the Auckland Council.

**Table 2.13: Local authority staff levels for resource consent processing, 2010/11 and 2012/13**

	Regional			Unitary			Territorial		
	2010/11	2012/13	% change	2010/11	2012/13	% change	2010/11	2012/13	% change
Senior planners	43	30	-30%	71	45	-37	98	82	-16%
Planners	65	44	-33%	148	224	+51	201	143	-29%
Scientists	12	14	+17%	1	1	0	0	2	
Planning technicians	12	9	-25%	5	4	-20	37	30	-19%
Other	37	20	-46%	180	14	-92	61	45	-26%
Total	169	116	-31%	405	288	-29	397	300	-24%

Source: 2012/13 and 2010/11 RMA survey data.

## 2.3 Māori participation

Outcome	Measure
<b>Māori participation:</b>	
Māori are actively involved in the resource consent process	Local authority has a process to ensure Māori participation at appropriate points in resource consent processing

### Outcome sought: Māori are actively involved in the consent process

#### Local authority process to ensure Māori participation at appropriate points in resource consent processing

Local authorities were asked about the processes they use to involve tangata whenua in resource consent processing (question 1.28). Specifically, whether they:

- determine in each resource consent application whether tangata whenua are considered to be an affected party
- have standard resource consent conditions that cover discovery of sites or items that are culturally sensitive for tangata whenua
- make a budgetary commitment to tangata whenua participation in resource consent processes
- have a written policy that requires consideration of the need for a cultural impact assessment as part of the resource consent application where tangata whenua are determined to be an affected party.

**Table 2.14: Number and proportion of local authorities that identified using processes for involving Māori in resource consent processing, 2012/13**

Processes for involving Māori in resource consent processing	2012/13 (n=78)	
	Number of local authorities	Percentage of local authorities
Determine whether tangata whenua are an affected party	75	96%
Standard conditions that cover the discovery of sites or items	72	92%
Budgetary commitment to tangata whenua participation	34	44%
Written policy requiring consideration of cultural impact assessment where tangata whenua are an affected party	24	31%

Source: 2012/13 and 2010/11 RMA survey data

### Tangata whenua as affected parties

In total, 96 per cent (75 out of 78) of local authorities reported that for each resource consent they determine whether tangata whenua are considered to be an affected party. This includes all regional councils and unitary authorities, and 95 per cent of territorial authorities.

### Standard conditions

Standard resource consent conditions were used by 92 per cent (72 out of 78) of local authorities to cover the discovery of sites or items that are culturally sensitive for tangata whenua. These results were highest for regional councils (100 per cent reported having a standard condition) and lowest for unitary authorities (83 per cent had a standard condition). A similar question was asked in 2010/11 and 97 per cent of local authorities reported having a standard condition.

### Funding for Māori participation

Fewer than half (44 per cent) of local authorities had made a budgetary commitment to tangata whenua participation in resource consent processes. This is similar to the result of the last survey, where 45 per cent of local authorities reported such a budgetary commitment.

### Cultural impact assessment

Thirty-one per cent (24 out of 78) of local authorities had a policy to require consideration of the need for cultural impact assessments in 2012/13. The proportion of local authorities with such a policy was much higher for regional councils (64 per cent) than for unitary and territorial authorities (0 per cent and 28 per cent respectively).

### Cultural impact assessments

Preparing a cultural impact assessment report to form part of an assessment of environmental effects is good practice for any proposal that may have a significant effect on tangata whenua. It may include:

- identification of any likely effects a proposal may have on tangata whenua
- methods to avoid, remedy, or mitigate any potential effects of a proposal on cultural values and associations
- suggestions for conditions of consent that could be applied if a resource consent is granted.

The survey also asked local authorities if they had other forms of process for involvement of tangata whenua. Forty-eight of the 78 councils responded to this question (61 per cent). Among those councils who provided a response, the other processes identified for involving tangata whenua were:

- agreements with iwi, including formal agreements, protocols, iwi contacts (44 per cent)
- summary of consent applications sent to iwi (not just affected parties) – eg, weekly email lists (33 per cent)
- regular meetings with iwi (21 per cent)
- policy or rules in regional policy statements or plans (15 per cent)
- use of iwi management plans or policy (15 per cent)
- processes specifically related to statutory acknowledgement areas (13 per cent)
- dedicated staff resources – eg, iwi liaison officers (13 per cent)
- joint management agreements (JMA) (13 per cent)

Half the councils that provided additional information reported some form of agreement with iwi (or hapū/rūnanga) around consenting processes. The agreements were varied in nature and scope. Examples included:

- joint management agreements (eg, in relation to the Waikato River) that included processes for consultation around consenting and jointly agreed criteria for decision-making on process matters. However, the JMAs had a broader scope of co-governance and were not just related to consenting processes
- memorandum of understanding with iwi establishing protocols around consenting
- iwi consultative or advisory groups made up of representatives of local iwi
- informal arrangements with local iwi to identify areas of interest and contacts for advice.

Broadly speaking, several of these arrangements were in place for iwi to provide advice and support to councils on how they could better recognise and provide for tangata whenua values and interests. Their specific input around consenting might be to advise whether consultation with iwi was necessary and, if so, with whom, and to advise on whether there were any particular sites of interest. They may also play a role in coordinating the consultation. Typically, the iwi involved in these arrangements regularly received a list of all consents lodged (not just those where they were affected parties or located next to statutory acknowledgement areas), such as weekly or fortnightly. They also regularly met with councils to discuss decisions, issues

and other matters. A few councils mentioned that these meetings were sometimes held at local marae.

Councils have a variety of other processes they use to include tangata whenua – for example, specific protocols around engagement with iwi and hapū, cultural monitoring of earthworks and cultural impact assessments. Some of these protocols can be part of iwi management plans or plans and policy statements.

## 2.4 Decision-making

Outcome	Measure
<b>Decision-making:</b>	
Local authority decision-making is robust and transparent	Number of resource consent decisions grouped by decision-maker
	Number of resource consent application declined
	Number of pre-hearing meetings
	Number of objections to decision by local authority
	Number of appeals of local authority decisions to the Environment Court.

### Outcome sought: Local authority decision-making is robust and transparent

#### Number of resource consents grouped by decision-maker

Local authorities were asked to quantify how many of their resource consent decisions were made by different types of decision-makers: local authority officers, independent commissioners, councillors or community boards acting as commissioners, councillors as part of a hearings panel, or other options (question 1.29).

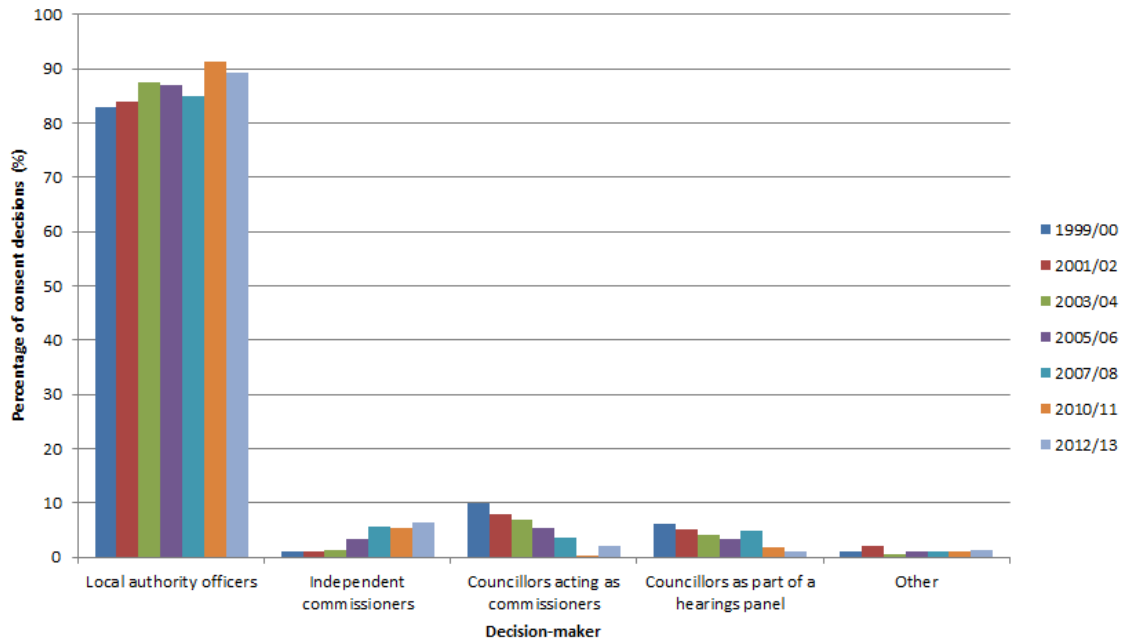
Results for 2012/13 are largely consistent with previous surveys, with local authority officers again making by far the most decisions (89 per cent). The increase in the proportion of consent decisions made by local authority officers fits with the general upwards trend evident since 1999/00 (figure 2.17).

Aside from local authority officers, the greatest proportion of decisions was made by independent commissioners (7 per cent). Since 2005/06, there has been a general upward trend in decisions made by independent decision-makers.

Of the remaining categories:

- ‘Other’ remained constant at 1 per cent, as it has done since 2005/06.
- Councillors or community boards acting as commissioners increased to 2 per cent in 2012/13, from less than 0.5 per cent in 2010/11. This category has otherwise had a generally decreasing trend since 1999/2000.
- The proportion of decisions being made by councillors as part of a hearings panel decreased from 2 per cent in 2010/11 to 1 per cent in 2012/13. This matches the general downward trend of the past six surveys.

**Figure 2.17: Percentage of resource consent decisions made, by decision-maker, 1999/00–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

Table 2.15 shows decision-makers for each local authority type. Key points to note are:

- The unitary authority use of council officers as decision-makers decreased to 86 per cent. This follows the increase reported in 2011/12, when the proportion leapt from 48 per cent in 2007/08 to 95 per cent.
- The unitary authority use of independent commissioners increased to 6 per cent in 2012/13 from 3 per cent in 2010/11.
- The regional council and unitary authority use of councillors/community board members as commissioners increased from less than 0.5 per cent in 2010/11 to 2 per cent in 2012/13.

**Table 2.15: Percentage of resource consent decisions made, by decision-maker and local authority type, 1997/98–2010/11**

Local authority type		Regional	Territorial	Unitary	All
Local authority officers	1997/98 (n = 83)	89%	93%	55%	90%
	1998/99 (n = 86)	90%	84%	65%	84%
	1999/00 (n = 86)	90%	84%	54%	83%
	2001/02 (n = 86)	91%	85%	53%	84%
	2003/04 (n = 85)	90%	90%	54%	87%
	2005/06 (n = 84)	93%	89%	50%	87%
	2007/08 (n = 84)	92%	87%	48%	85%
	2010/11 (n = 78)	91%	88%	95%	91%
	2012/13 (n = 78)	95%	89%	86%	89%
Independent commissioners	1997/98 (n = 83)	1%	< 0.5%	1%	1%
	1998/99 (n = 86)	1%	1%	1%	1%
	1999/00 (n = 86)	1%	1%	1%	1%
	2001/02 (n = 86)	2%	1%	1%	1%
	2003/04 (n = 85)	1%	1%	1%	1%
	2005/06 (n = 84)	1%	4%	1%	3%
	2007/08 (n = 84)	3%	7%	2%	6%
	2010/11 (n = 78)	3%	9%	3%	5%
	2012/13 (n = 78)	3%	9%	6%	7%
Councillors/community boards acting as commissioners	1997/98 (n = 83)	1%	1%	38%	3%
	1998/99 (n = 86)	2%	7%	30%	8%
	1999/00 (n = 86)	1%	8%	39%	10%
	2001/02 (n = 86)	1%	8%	29%	8%
	2003/04 (n = 85)	1%	5%	41%	7%
	2005/06 (n = 84)	< 0.5%	3%	45%	5%
	2007/08 (n = 84)	0%	0%	42%	4%
	2010/11 (n = 78)	< 0.5%	< 0.5%	< 0.5%	< 0.5%
	2012/13 (n = 78)	2%	< 0.5%	2%	2%
Councillors as part of a hearings panel	1997/98 (n = 83)	8%	6%	5%	6%
	1998/99 (n = 86)	6%	6%	4%	6%
	1999/00 (n = 86)	6%	6%	6%	6%
	2001/02 (n = 86)	4%	5%	5%	5%
	2003/04 (n = 85)	6%	4%	4%	4%
	2005/06 (n = 84)	4%	3%	5%	3%
	2007/08 (n = 84)	3%	5%	8%	5%
	2010/11 (n = 78)	3%	2%	1%	2%
	2012/13 (n = 78)	0%	1%	1%	1%

Local authority type		Regional	Territorial	Unitary	All
Other (eg, mixed panel of councillors/commissioners)	1997/98 (n = 83)	1%	0%	1%	< 0.5%
	1998/99 (n = 86)	1%	1%	< 0.5%	1%
	1999/00 (n = 86)	2%	1%	1%	1%
	2001/02 (n = 86)	2%	< 0.5%	12%	2%
	2003/04 (n = 85)	2%	< 0.5%	0%	< 1%
	2005/06 (n = 84)	2%	1%	0%	1%
	2007/08 (n = 84)	2%	1%	0%	1%
	2010/11 (n = 78)	3%	< 0.5%	< 0.5%	1%
	2012/13 (n = 78)	< 0.5%	< 0.5%	3%	1%

Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:**

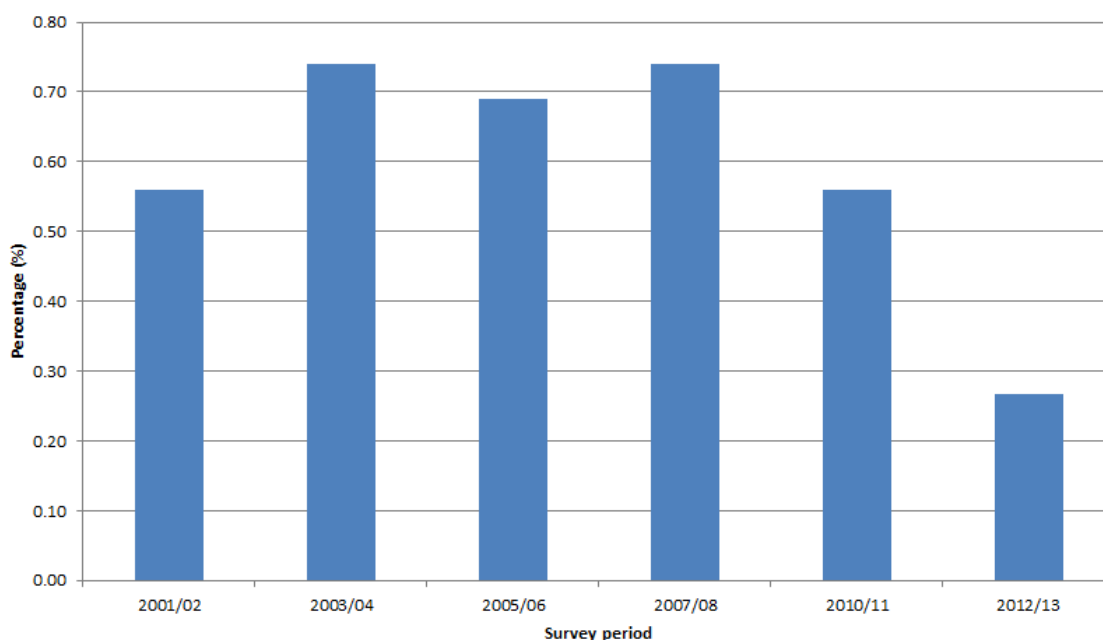
The survey question on which this table was based was amended in 2005/06 to clarify its intent. Nonetheless, the response from each survey period remains comparable. Due to rounding, the percentages do not always add to 100 per cent.

### Number of resource consents declined

Local authorities were asked how many resource consent applications, processed to a decision, were declined in the 2012/13 financial year (question 1.30). Figure 2.18 shows that 0.27 per cent of resource consents were declined during this period.

In the five previous surveys, conducted from 2001/02 to 2011/12, the proportion of consents that were declined fluctuated between 0.56 per cent and 0.74 per cent. The 2012/13 results is less than half of that reported in previous years, and the lowest since the 2001/02 survey.

**Figure 2.18: Percentage of resource consents declined over six survey periods, 2001/02–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

## Number of pre-hearing meetings

Local authorities were asked how many publicly notified and limited notified resource consent applications had a pre-hearing meeting under section 99 of the RMA (question 1.31). The survey also asked how many pre-hearing meetings resulted in issues being resolved so that no hearing was subsequently required (question 1.32).

### Pre-hearing meetings are good practice

Pre-hearing meetings are a good practice tool for clarifying and/or resolving issues associated with an application for resource consent. Pre-hearing meetings may not always be appropriate, but when they are, they can save time and costs for the local authority, the submitters and the applicants. They can also improve the decisions made.

Another way local authorities can resolve issues associated with a resource consent application is to refer matters to mediation under section 99A of the RMA.

In 2012/13, 9 per cent of resource consent applications that were notified in some way (publicly notified and limited notified) had pre-hearing meetings. This is lower than for the three previous surveys, and just half of the 2005/06 figure, when pre-hearing meetings were held for 18 per cent of notified consents (figure 2.19). The figure also shows that, while the proportion of pre-hearing meetings has fluctuated over the past four surveys, a downward trend appears to be emerging. At the same time, the proportion of pre-hearing meetings that resolved issues so that no subsequent hearing was needed has risen (figure 2.20, table 2.16).

Key points are:

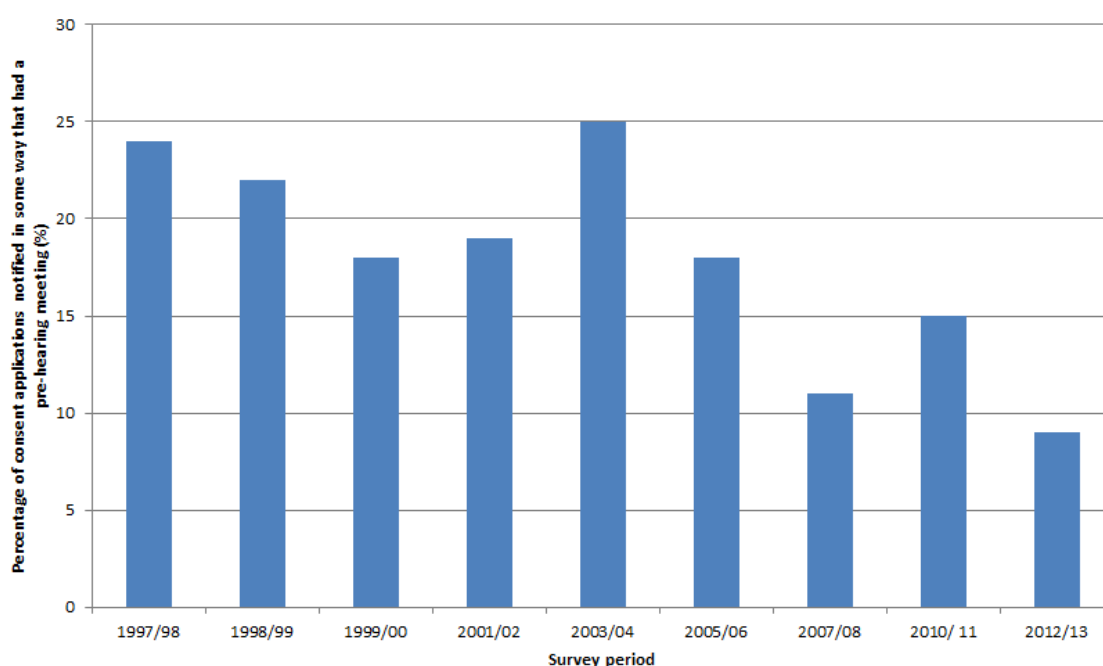
- The resource consents notified in some way in which pre-hearing meetings were held decreased from 15 per cent to 9 per cent between 2010/11 and 2012/13.
- The overall proportion of pre-hearing meetings that successfully resolved issues rose from 28 per cent to 52 per cent. The 2012/13 result is the greatest proportion of successful pre-hearings since 2005/06.

The largest increase in the actual number of pre-hearing meetings between 2010/11 and 2012/13 was for territorial local authorities – from 52 to 134. Territorial authorities also reported the greatest proportion of successful pre-hearing meetings, with 54 per cent of pre-hearing meetings resolving issues so that hearings were not required.

Regional councils reported the largest drop in the actual number of pre-hearing meetings over the same period – from 165 to 13. However, these councils also recorded an increase in the proportion of successful pre-hearing meetings, with 38 per cent of pre-hearing meetings resolving issues, up from 23 per cent in 2010/11.



**Figure 2.19: Percentage of resource consent applications notified in some way for which pre-hearing meetings were held, 1997/98–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:**

Before 2005/06, the survey question asked for the number of pre-hearing meetings held for publicly notified consent applications. In 2005/06 and subsequent surveys, the question asked for the number of pre-hearing meetings for both publicly notified and limited notified applications.

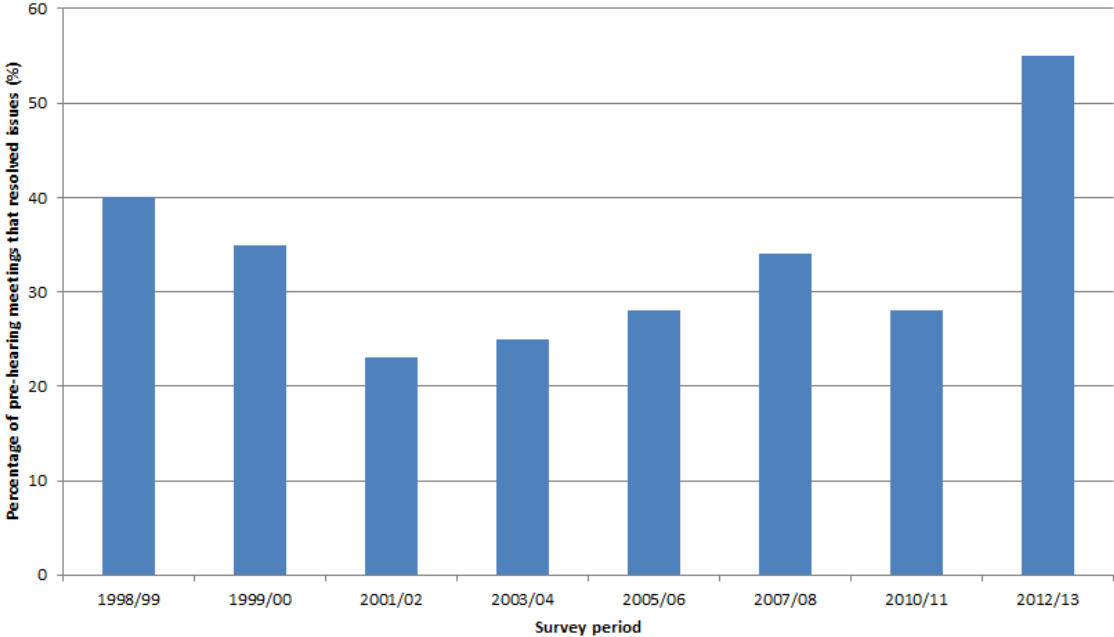
These figures do not include informal meetings, which are frequently used by local authorities to assist the resource consent process.

**Table 2.16: Number of pre-hearing meetings held on consent applications notified in some way, and the percentage of pre-hearing meetings that resolved issues so that hearings were not required, by local authority type, 2007/08–2012/13**

Local authority type	Number of pre-hearing meetings held			Percentage which resolved issues so that no hearing was needed		
	2012/13	2010/11	2007/08	2012/13	2010/11	2007/08
Regional	13	165	249	38%	23%	33%
Unitary	3	22	13	33%	73%	85%
Territorial	134	52	117	54%	25%	29%
All	150	239	379	52%	28%	34%

Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Figure 2.20: Percentage of pre-hearing meetings that resolved issues so that hearings were not required, 1998/99–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Notes:** Before 2005/06, the survey question asked for the number of pre-hearing meetings held for publicly notified consent applications. In 2005/06 and subsequent surveys, the question asked for the number of pre-hearing meetings for both notified and limited notified applications.

**Number of objections to decisions by local authority**

**Objecting and appealing council decisions**

Under sections 357(1), 357A(1) and 357B(1) of the RMA, an applicant can object to a local authority decision on matters such as the completeness of a resource consent application.

The local authority may choose either to hear and determine the objection, or, where officers have delegation to do so, they may deal with it. If an applicant is dissatisfied with the decision, he or she can lodge an appeal to the Environment Court under section 358 of the RMA.

Appeals to the Environment Court are also possible under section 120 of the RMA. An applicant or submitter can appeal under section 120 to the Environment Court on a local authority decision on a resource consent application or any change or review of consent conditions.

As in previous surveys, local authorities were asked how many objections applicants made on resource consent decisions (question 1.33). In 2012/13, the total number of objections to consent decisions made under section 357 of the RMA was 317 (table 2.17). This is a decrease from the 2010/11 survey, when 480 decisions were objected to. The 2012/13 result continues the reduction in objections evident over the past two surveys.

**Table 2.17: Number and percentage of objections under section 357, by local authority type, 2012/13 and 2011/12**

Type	2012/13		2010/11	
	Number	%	Number	%
Regional	26	8%	18	4%
Territorial	178	56%	257	54%
Unitary*	113	36%	205	43%
Total	317	100%	480	100%

\* Auckland Council alone had 192 objections in 2010/11 and 97 objections in 2012/13.

Source: 2012/13 and 2010/11 RMA survey data.

### Number of appeals of local authority decisions to the Environment Court

Local authorities were asked how many resource consent decisions were appealed under section 120 of the RMA (question 1.34). The total number of resource consent decisions appealed to the Environment Court dropped by one-third, from 351 in 2010/11 to 239 in 2012/13. Table 2.18 shows the data for each type of local authority. It shows a significant decrease in the number of appeals to territorial authorities – down nearly half from 98 in 2010/11, to 48 in 2012/13. The number of appeals to regional councils also dropped, by about one-third – from 158 in the previous survey to 104 in 2012/13.

**Table 2.18: Number of consent decisions appealed to the Environment Court, 2010/11 and 2012/13**

Survey period	Regional councils		Unitary authorities		Territorial authorities		All	
	Number of appeals	% of consents	Number of appeals	% of consents	Number of appeals	% of consents	Number of appeals	% of consents
2012/13 (n=78)	104	1.41%	87	0.68%	48	0.35%	239	0.7%
2010/11 (n = 78)	158	1.68%	95	0.75%	98	0.69%	351	1.0%

Source: 2012/13 and 2010/11 RMA survey data.

## 3 Monitoring and enforcement

This chapter provides information on local authority monitoring and enforcement activities, including any significant and/or notable trends that have emerged from previous survey results. Along with quantitative data, it also incorporates feedback from local authorities on challenges they face in their monitoring compliance and enforcement.

The overall objective for councils' RMA monitoring and enforcement activities is:

**Objective 2: Resource consents are effectively monitored and enforced to ensure compliance.**

Monitoring involves checking the state of the environment and analysing the effectiveness of policy responses to promote the sustainable management of the environment. It ensures resource management processes achieve their objectives. The results of monitoring can be used to inform policies and resource management decisions. Monitoring is, therefore, integral to determining whether policies are working as intended and indicating what else may need to be done to ensure policies promote sustainable management.

Enforcement involves managing breaches of the RMA and plans, which local authorities can undertake in a number of ways – infringement notices, abatement notices, enforcement orders, and prosecutions. Enforcement of breaches ensures activities comply with the RMA, relevant regulations and, if applicable, any resource consent conditions. Enforcing breaches helps local authorities achieve their objectives for resource management and the environment.

The RMA enables local authorities to carry out monitoring and enforcement activities. The objective of this chapter is to monitor how local authorities are ensuring consented activities comply with the RMA.

### How this chapter is structured

The chapter's five sections match the themes used in the RMA survey to group questions about monitoring and enforcement (appendix F, questions 2.1–2.14). The sections are:

- 3.1 Monitoring and reporting
- 3.2 Compliance monitoring and complaints
- 3.3 Enforcement decision-making
- 3.4 Māori participation
- 3.5 Resources.

The survey questions about monitoring and enforcement address Objective 2 by measuring progress toward five desired outcomes. A set of measures for each outcome serves as indicators of progress toward achieving the objective – and these correspond with questions asked in the survey. The outcome and measures relevant to chapter sections 3.1–3.4 are listed at the beginning of each section.

Note that, while the chapter's sections match the themes used in the RMA survey, the subheadings do not directly reflect the measures or questions. The chapter begins with an analysis of monitoring and reporting in accordance with section 35 of the RMA, followed by an analysis of compliance monitoring and complaints. A discussion on enforcement decision-making is then presented. The chapter ends with information about Māori participation in monitoring and enforcement.

## 3.1 Monitoring and reporting

Outcome	Measure
<b>Monitoring and reporting:</b>	
Local authority fulfils RMA section 35 monitoring requirements	Local authority conducts state of the environment, plan effectiveness and compliance monitoring and reporting
	Local authority prepares a full report under section 35(2A) and a complaints register under section 35(5)(i) of the RMA
	Local authority formally monitors and reports consent processing performance

Five matters that local authorities may monitor or report on are considered in this section. They are:

- The state of the environment.
- The efficiency and effectiveness of policy statements and plans.
- Compliance with resource consent conditions.
- Compliance with a plan in regard to permitted activities.
- Complaints register.

### State of the environment monitoring and reporting

State of the environment monitoring and reporting may indicate any environmental issues that exist and can inform councils on what responses are needed and where. This information is important because it highlights whether a resource management regime is achieving council aspirations for the environment (question 2.1.1). State of the environment monitoring or reporting was carried out by:

- 91 per cent of regional councils
- 100 per cent of unitary authorities
- 21 per cent of territorial authorities.

### Efficiency and effectiveness of policy statements and plans

The RMA requires local authorities to monitor the efficiency and effectiveness of policies, rules, or other methods in their policy statements or plans. This monitoring is important as it determines whether councils are implementing policies and plans that work. Local authorities were asked if they monitored or reported on the suitability and effectiveness of policies and plans (question 2.1.2).

In 2012/13, monitoring or reporting was carried out by:

- 91 per cent of regional councils
- 83 per cent of unitary authorities
- 34 per cent of territorial authorities.

### Compliance with resource consent conditions

Local authorities are required under section 35(2)(d) of the RMA to monitor compliance with resource consent conditions (question 2.1.3). The 2012/13 survey found this was carried out by:

- 100 per cent of regional councils
- 67 per cent of unitary authorities
- 80 per cent of territorial authorities.

During the survey period, the majority of local authorities monitored or reported on compliance with resource consent conditions.

### Compliance with a plan in regard to permitted activities

Another matter local authorities may monitor and report on is compliance in regard to permitted activities. Activities can be permitted if prescribed in the RMA, in regulations (including national environmental standards) or in a plan. Resource consent is not required for these types of activities.

Monitoring this compliance is not required by the RMA, yet it represents a proactive approach to ensuring resource management is carried out according to what is allowed. Local authorities were asked whether they monitored or reported on the compliance of permitted activities (question 2.1.4). The survey found this was carried out by:

- 100 per cent of regional councils
- 83 per cent of unitary authorities
- 43 per cent of territorial authorities.

All regional councils and most unitary authorities have monitored or reported on compliance in regard to permitted activities. Fewer than half of all territorial authorities have monitored or reported on this matter.

### Reports on efficiency and effectiveness of policy statements and plans

Local authorities have a responsibility to report the results of monitoring the efficiency and effectiveness of policy statements and plans once every five years. Local authorities were, therefore, asked whether they prepared a full report on the efficiency and effectiveness of policy statements and plans in the 2012/13 survey period (question 2.2.1). However, it must be noted that councils may be at different stages of the 5-year reporting cycle. Table 3.1 illustrates the percentages of the different types of councils that prepared a full report.

**Table 3.1: Percentage of councils that prepared a full report under section 35(2A), 2010/11 and 2012/13**

Responsibility	Regional councils		Unitary authorities		Territorial authorities		All	
	2010/11	2012/13	2010/11	2012/13	2010/11	2012/13	2010/11	2012/13
Full report s35(2A)	55%	64%	33%	50%	10%	5%	18%	17%

Source: 2012/13 and 2010/11 RMA survey data.

## Complaints register

Local authorities are required under section 35(5)(i) of the RMA to keep a summary of all written complaints received concerning alleged breaches of the Act, and information on how each complaint was dealt with. Local authorities were asked whether they compiled a complaints register (question 2.2.2).

Table 3.2 shows the proportion of regional councils, unitary authorities and territorial authorities that have compiled a register of written complaints and corresponding responses during this survey period compared with the previous survey.

As table 3.2 shows, all regional councils maintain a summary of all written complaints and how these were addressed. The survey found that only 50 per cent of unitary authorities carried out this responsibility, which is a decrease from the 2010/11 financial year where 83 per cent of unitary authorities maintained a complaints register. On the other hand, 84 per cent of territorial authorities registered complaints and how these were addressed, indicating an increase of 10 per cent since the previous survey.

**Table 3.2: Percentage of councils who compiled a complaints register under section 35(5)(i), 2010/11 and 2012/13**

Responsibility	Regional councils		Unitary authorities		Territorial authorities		All	
	2010/11	2012/13	2010/11	2012/13	2010/11	2012/13	2010/11	2012/13
Complaints register	100%	100%	83%	50%	74%	84%	78%	83%

Source: 2012/13 and 2010/11 RMA survey data.

## Consent processing performance

This year, local authorities were asked whether they formally monitored and reported consent processing performance (question 2.2.3). This may include preparing an annual report on consent processing performance that has been made available to ratepayers. The survey found that this monitoring and reporting was carried out in the 2012/13 survey period by:

- all regional councils
- 83 per cent of unitary authorities
- 67 per cent of territorial authorities.

## 3.2 Compliance monitoring and complaints

Outcome	Measure
<b>Compliance monitoring and complaints</b>	
Local authority has effective processes for handling complaints	Number of complaints
	Local authority follows a set procedure for handling complaints
Compliance with consent conditions is effectively monitored	Number of resource consents monitored for compliance with consent
	Local authority has an appropriate monitoring and enforcement strategy
	Number of staff employed to monitor compliance and enforcement
	Challenges to monitoring compliance and enforcement

## Outcome sought: Local authority has effective processes for handling complaints

To measure progress towards this outcome, local authorities were asked for the following information about compliance, monitoring and complaints:

- the number of excessive noise complaints recorded (question 2.3.1)
- the number of complaints recorded for other breaches of the RMA (question 2.3.2)
- the number of complaints that led to enforcement action (question 2.4)
- whether a set procedure is in place to deal with complaints (questions 2.5).

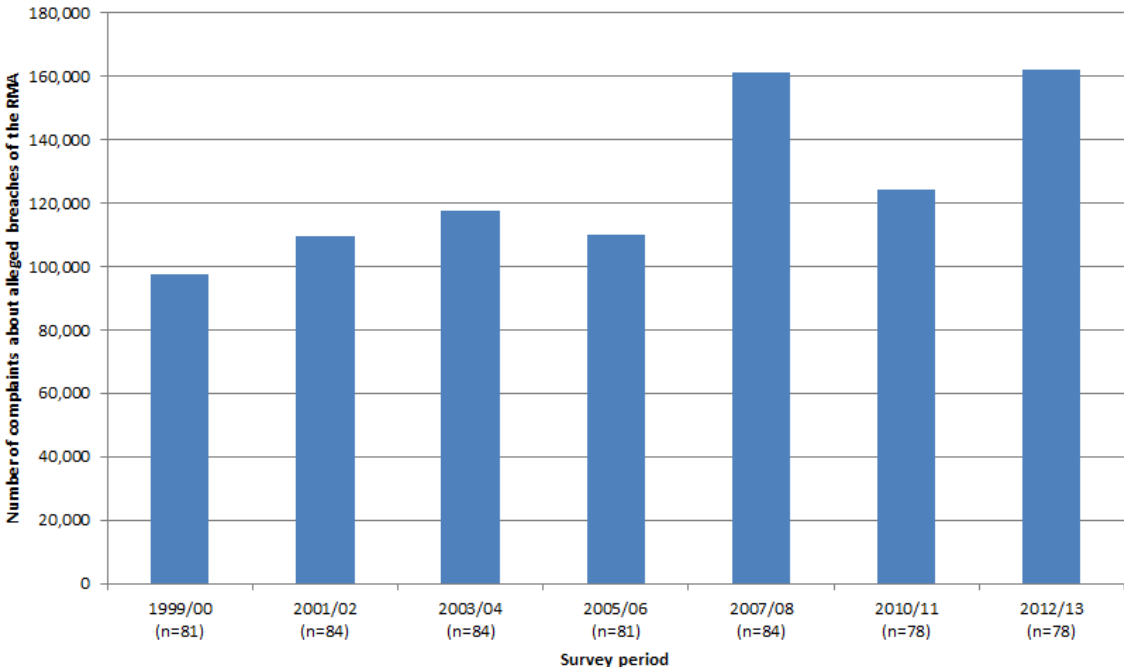
### Recording and handling complaints

Monitoring complaints can help local authorities identify any actual or perceived breaches to the RMA arising from activities that are either permitted or have been granted resource consent. Local authorities have a number of enforcement tools to respond to complaints and ensure permitted activities comply with the RMA.

Local authorities were asked how many complaints they recorded under section 35(5)(i) concerning alleged breaches of the RMA for excessive noise and other issues (question 2.3.1 and 2.3.2). Figure 3.1 shows the number of complaints reported over the past eight surveys.

During the 2012/13 financial year, 162,119 complaints were received by local authorities. While relatively similar to the numbers reported in 2007/08, figure 3.1 shows it is the highest number of complaints since the 1999/00 survey.

**Figure 3.1: Number of complaints about alleged breaches of the RMA, 1999/00–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Note:** The (n = ##) along the x axis refers to the number of local authorities that answered the question on which this analysis is based.

Table 3.3 shows the proportion of complaints for excessive noise and for other breaches of the RMA recorded by local authority type for 2012/13 and 2010/11. Key findings were:



- Of complaints recorded in the 2012/13 survey period, 82 per cent (133,621) were for excessive noise.
- Noise complaints increased by 34 per cent since the previous survey period.
- Territorial authorities received the most noise complaints with 79,349 (59 per cent) while unitary authorities received 54,262 (41 per cent). Regional councils received 10 complaints for noise during the survey period.

RMA breaches other than noise comprised 18 per cent of all complaints. Regional councils registered the largest proportion (46 per cent), with unitary authorities recording 32 per cent, and territorial authorities reporting 22 per cent.

**Table 3.3: Number of complaints about alleged breaches of the RMA, 2010/11 and 2012/13**

Local authority type	Excessive noise complaints		Other complaints		Total	
	Number of complaints	Percentage of complaints recorded by each local authority type	Number of complaints	Percentage of complaints recorded by each local authority type	Number of complaints	Percentage of total complaints
2010/11 results						
Regional councils (n = 11)	5	<0.05%	11,301	>99%	11,306	9%
Unitary authorities (n = 6)	27,443	75%	9,154	25%	36,597	29%
Territorial authorities (n = 61)	72,455	97%	3,814	5%	76,269	61%
All (n = 78)	99,903	80%	24,269	20%	124,172	100%
2012/13 results						
Regional councils (n = 11)	10	>0.0%	13,197	>99%	13,207	8%
Unitary authorities (n = 6)	54,262	86%	8,984	14%	63,246	39%
Territorial authorities (n = 61)	79,349	93%	6,317	7%	85,666	53%
All (n = 78)	133,621	82%	28,498	18%	162,119	100%

Source: 2012/13 and 2010/11 RMA survey data.

**Note:** The (n = ##) along the x-axis refers to the number of local authorities that answered the question on which this analysis is based.

## Complaints leading to enforcement action

Local authorities were asked how many complaints led to formal enforcement (question 2.4). The number of complaints that led to enforcement action were:

- regional councils – 443 complaints
- unitary authorities – 12,159 complaints
- territorial authorities – 8,561 complaints.

The total number of complaints that led to formal enforcement in the 2012/13 survey period was 21,163. This is a slight increase since the 2010/11 survey period, when 20,874 complaints led to formal enforcement.

## Set procedures for handling complaints

Local authorities were also asked whether they have a set procedure for handling complaints (question 2.5). The survey found that set procedures were established by:

- all regional councils
- 83 per cent of unitary authorities
- 92 per cent territorial authorities.

## Outcome sought: Compliance with consent conditions is effectively monitored

To measure progress towards this outcome, local authorities were asked to report:

- the number of resource consents monitored for compliance
- whether there is a strategy for monitoring and enforcement.

Local authorities were also able to provide information on enforcement staff numbers, as well as any challenges they faced in monitoring compliance and enforcement.

## Resource consents monitored for compliance with consent

During the 2012/13 financial year, a total of 30,513 new consents were monitored for compliance, as follows:

- regional councils reported 9,847 new consents monitored
- unitary authorities reported 11,519 new consents monitored
- territorial authorities stated 9,147 new consents monitored (question 2.6).

## Monitoring and enforcement strategies

Monitoring consents and ensuring activities comply with the RMA may be guided by a monitoring and enforcement strategy. A monitoring and enforcement strategy is a document that sets out the mechanisms the council has in place to ensure its monitoring and enforcement powers are resourced and exercised appropriately. Local authorities were asked to describe their strategy for monitoring and enforcement, and 74 per cent of councils provided information (question 2.7).

Responses varied in detail. Many stated they have formal procedures, processes or policies around monitoring and/or enforcement without describing what these are. Key findings for councils who reported they have a strategy were:

- 84 per cent reported some proactive monitoring of resource consents. The extent and frequency of monitoring was not always clear from the information supplied.
- Less than five per cent reported their strategy is reactive only – that is, due to limited staff resources they do not monitor consents conditions and only act in response to complaints about breaches to the Act.

- 16 per cent stated their strategy was to monitor all resource consents, while a further 14 per cent said they only monitor land-use consents.

Twelve per cent of local authorities that responded adopt a risk-based approach to prioritising monitoring depending on factors such as the history of compliance and the number and complexity of consent conditions. These councils reported trying to balance the need for continuous and consistent compliance with the need to keep monitoring costs reasonable for the consent holder.

A small proportion of local authorities (10 per cent) co-ordinate monitoring of resource and building consents to avoid duplication of effort. For example, minor activities granted resource consent may be examined by a building inspector if monitoring is required of the proximity of a building to a boundary or of the relocation of a building.

The preferred enforcement approach for 36 per cent of local authorities that responded was to encourage voluntary compliance before deciding whether to execute formal action or prosecution. Enforcement actions depend on factors, such as the seriousness of the breach, the attitude and past history of the offender, and/or whether non-compliance was deliberate. Some local authorities noted that they are moving to a more proactive monitoring and compliance approach where, for example, council staff will call a consent holder soon after the consent has been issued to discuss consent conditions and answer any questions about what is required.

Twelve per cent of local authorities that responded were concerned about consistency of enforcement for different activities and areas within their respective jurisdictions. A very small number of councils have enforcement decision groups that decide what enforcement action to take based on recommendations from enforcement officers. One council uses its enforcement decision group for all formal enforcement decisions to ensure consistency and fairness.

Ten per cent of local authorities that responded use electronic systems to schedule and track monitoring and enforcement activity. Scheduling of monitoring for many resource consents is often done when the consent is issued and some councils mentioned that land-use consents would be monitored within specific time periods.

### 3.3 Enforcement decision-making

Outcome	Measure
<b>Enforcement decision-making</b>	
Enforcement decisions are robust and transparent	Local authority has written policy on making appropriate enforcement decisions
	Number of formal enforcement actions
	Number of prosecutions

#### Outcome sought: Enforcement decisions are robust and transparent

The 2012/13 survey sought to develop an understanding of whether enforcement decisions are robust and transparent. Local authorities were asked for information on: written policy for enforcement decision-making (question 2.8), enforcement actions (question 2.9) and prosecutions (question 2.10).

## Written policy on appropriate enforcement decision-making

Local authorities are able to adopt a number of enforcement actions to ensure compliance with the RMA and plans, which may be guided by written policy. A written policy on enforcement decisions is a document that sets out how a council meets the Crown Law Office's Prosecution Guidelines when making decisions on prosecutions.

Local authorities were asked whether they have a policy on making formal enforcement decisions (question 2.8). The survey found a written policy is held by:

- all regional councils
- 50 per cent of unitary authorities
- 43 per cent of territorial authorities.

The data collected in the survey shows that, while all regional councils have a written policy to guide their enforcement decision-making, fewer than half of territorial authorities have a written policy.

## Formal enforcement actions

The RMA has a graduated compliance and enforcement regime that offers a range of formal options to manage breaches of the RMA and plans.

Local authorities were asked for information on the number and types of formal enforcement actions they used in relation to the breaches of the RMA during the 2012/13 financial year (question 2.9). Table 3.4 presents the findings by local authority type. It shows that infringement notices were largely used by regional councils (used 664 times) and unitary authorities (used 535 times) – 85 per cent of the total 1410 times this type of enforcement action was used. However, abatement notices remain the most commonly used form of enforcement (used 2013 times, or 58 per cent) for all local authority types.

**Table 3.4: Number of enforcement actions, by type, used by each type of local authority in the 2012/13 financial year**

Local authority type	Infringement notices	Abatement notices	Enforcement orders	Total
Regional councils	664	774	10	1,448
Unitary authorities	535	860	7	1,402
Territorial authorities	211	379	5	595
Total	1,410	2,013	22	3,445

Source: 2012/13 RMA survey data.

The second most common form of enforcement across all local authority types is infringement notices (41 per cent). The least common is enforcement orders, and table 3.5 confirms that they are not often used by local authorities since they only comprised 1 per cent of the total enforcement actions issued by local authorities.

More data on each of the three enforcement options is provided below.

**Table 3.5: Number and percentage of enforcement actions, by type, used to resolve breaches to the RMA in the 2012/13 financial year**

Enforcement option	Breaches to the RMA		
	Total number issued by all types of local authority	Percentage across all types of local authority	Number of local authorities who used this option
Infringement notices	1,410	41%	44
Abatement notices	2,013	58%	58
Enforcement orders	22	1%	13
Total	3,445	100%	61

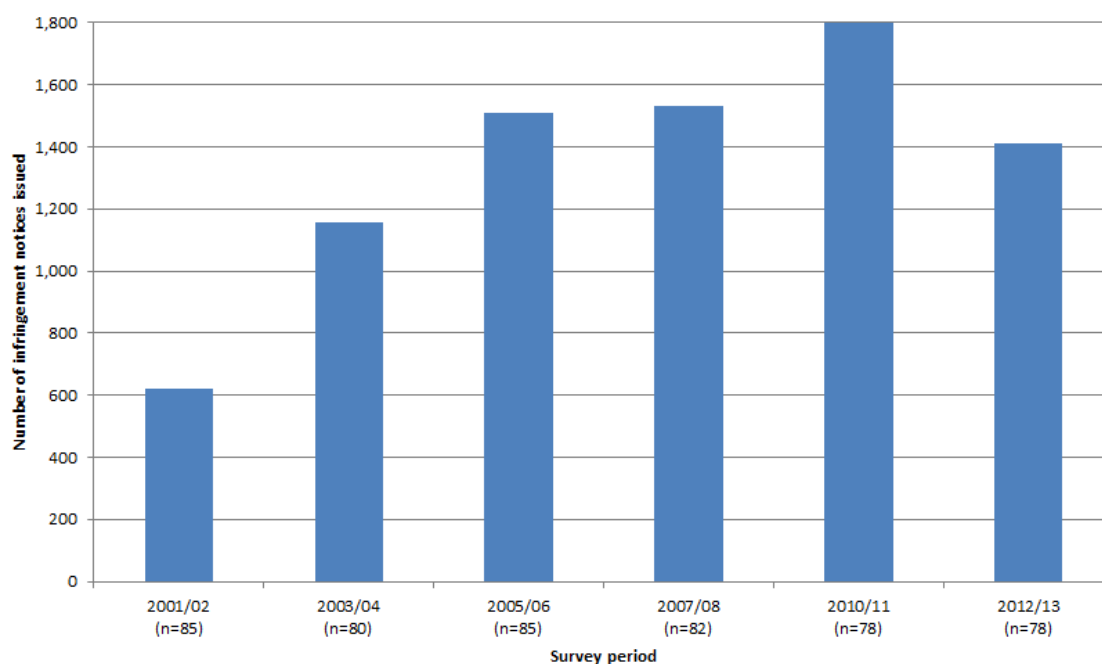
Source: 2012/13 RMA survey data.

### Infringement notices

The 1410 infringement notices issued in the 2012/13 financial year is a decrease from the last survey period, when 1800 such notices were issued. As figure 3.2 shows, this also marks an end to the generally upward trend in the use of infringement notices since 2001/02.

The slight decrease in infringement notices issued during 2012/13 is largely because territorial authorities issued substantially fewer notices than in previous surveys. Table 3.6 shows the number and proportion of infringement notices issued by local authority type.

**Figure 3.2: Number of infringement notices used to resolve breaches to the RMA, 2001/02–2012/13**



Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Note:** The (n = ##) along the x axis refers to the number of local authorities that answered the question on which this analysis is based.

**Table 3.6: Number and percentage of infringement notices used to resolve breaches to the RMA, 2003/04–2012/13**

Local authority Type	2003/04		2005/06		2007/08		2010/11		2012/13	
	Number	%	Number	%	Number	%	Number	%	Number	%
Regional	503	43%	785	52%	680	44%	660	37%	664	47%
Unitary	93	8%	86	6%	88	6%	732	41%	535	38%
Territorial	561	48%	636	42%	762	50%	408	23%	211	15%
All	1,157	100%	1,507	100%	1,530	100%	1,800	100%	1,410	100%

Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

### Abatement notices

Similar to the previous survey in 2010/11, local authorities were asked for information on abatement notices. Table 3.7 compares the number and percentage of abatement notices issued by the different local authority types during the 2010/11 and 2012/13 survey periods.

Since the last survey, the use of abatement notices has nearly doubled, largely because regional councils have doubled their use. Unitary authorities have also increased their use by more than a third. However, territorial authorities use of this enforcement option has risen only slightly – from 335 to 379. The overall result is a steady increase in the use of abatement notices across all types of council.

While regional council’s use of abatement notices increased the most of all local authorities, unitary authorities maintain the highest proportional use, issuing 43 per cent of all abatement notices during the 2012/13 financial year.

**Table 3.7: Number and percentage of abatement notices used to resolve breaches to the RMA, 2010/11 and 2012/13**

Local authority type	2010/11		2012/13	
	Number	Percentage	Number	Percentage
Regional councils	354	27%	774	38%
Unitary authorities	601	47%	860	43%
Territorial authorities	335	26%	379	19%
All	1,290	100%	2,013	100%

Source: 2012/13 and 2010/11 RMA survey data.

### Enforcement orders

The use of enforcement orders is relatively low, in comparison to other enforcement processes and in comparison to the previous survey. During the 2012/13 financial year, 22 enforcement orders were issued by local authorities, which is slightly fewer than the 33 issued during the previous survey period. Enforcement orders represented one per cent of all enforcement tools adopted by local authorities.

### Enforcement actions for breaches to specific sections of the RMA

For a more comprehensive understanding of enforcement decision-making, local authorities were specifically asked about their enforcement actions for breaches to eight different sections of the RMA. This information elaborates on trends highlighted above and provides

insight into the specific activities for which councils decide to issue an enforcement action. Table 3.8 shows the breaches to the sections of the RMA relevant to the different local authority types and for which information was provided.

**Table 3.8: Breaches to the different sections of the RMA responded to by local authorities**

	Section 9	Section 11	Section 12	Section 13	Section 14(2)	Section 15(1)(a)	Section 15(1)(b)	Section 15 other
Regional	✓		✓	✓	✓	✓	✓	✓
Unitary	✓	✓	✓	✓	✓	✓	✓	✓
Territorial	✓	✓						

Source: Resource Management Act 1991.

### Section 9: Land use

All three local authority types were asked for the number and type of enforcement actions employed in response to breaches of section 9 of the RMA, which includes provisions for land use. The survey found:

- 29 per cent of enforcement actions were infringement notices
- 54 per cent of enforcement actions were abatement notices
- 17 per cent of enforcement actions were enforcement orders.

Table 3.9 shows the number and type of enforcement action used in section 9 breaches by council type. Results show that 51 per cent of enforcement of breaches for land-use activities was carried out by unitary authorities. Territorial authorities and regional councils carried out the remaining 43 per cent and 6 per cent, respectively.

Infringement notices were used 40 per cent of the time by regional councils, but abatement notices remained their most frequently used enforcement action (58 per cent).

**Table 3.9: Number of enforcement actions, by type, used by each type of local authority to resolve breaches to section 9 of the RMA, 2012/13**

Local authority type	Infringement notices		Abatement notices		Enforcement orders		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Regional councils	52	40%	75	58%	2	2%	129	6%
Unitary authorities	371	33%	745	67%	3	<0.3%	1,119	51%
Territorial authorities	211	22%	374	39%	5	39%	590	43%
Total	634	29%	1,194	54%	10	17%	1,838	100%

Source: 2012/13 RMA survey data.

### Section 11: Subdivision

Unitary and territorial authorities were asked for the number and type of enforcement actions employed in response to breaches of section 11 of the RMA, which includes provisions for the subdivision of land. As table 3.10 shows, five abatement notices were issued for breaches of section 11 – all were issued by territorial authorities. No other enforcement option was used.

**Table 3.10: Number and percentage of enforcement actions, by type, used by unitary and territorial authorities to resolve breaches to section 11 of the RMA, 2012/13**

Local authority type	Infringement notices		Abatement notices		Enforcement orders		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Unitary authorities	0	0	0	0	0	0	0	0%
Territorial authorities	0	0	5	100%	0	0	5	100%
Total	0	0%	5	100%	0	0%	5	100%

Source: 2012/13 RMA survey data.

## Section 12: Coastal marine area

Regional councils and unitary authorities were asked for the number and type of enforcement actions employed in response to breaches of section 12 of the RMA, which includes provisions for the use of the coastal marine area. The survey found:

- 20 per cent of enforcement actions were infringement notices
- 80 per cent of enforcement actions were abatement notices
- no enforcement orders were issued for breaches to section 12.

As table 3.11 shows, abatement notices were typically employed by regional councils and unitary authorities to ensure activities that affect the coastal marine area comply with section 12 – they made up 80 per cent of all enforcement actions.

**Table 3.11: Number and percentage of enforcement actions, by type, used by regional councils and unitary authorities to resolve breaches to section 12 of the RMA, 2012/13**

Local authority type	Infringement notices		Abatement notices		Enforcement orders		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Regional councils	7	15%	39	85%	0	0%	46	84%
Unitary authorities	4	4%	5	6%	0	0%	9	16%
Total	11	20%	44	80%	0	0%	55	100%

Source: 2012/13 RMA survey data.

## Section 13: River and lake beds

Regional councils and unitary authorities were asked for the number and type of enforcement actions employed in response to breaches of section 13 of the RMA, which includes provisions for the use of river and lake beds. The survey found:

- 44 per cent of enforcement actions were infringement notices
- 55 per cent of enforcement actions were abatement notices
- one enforcement order was issued by a regional council.

As table 3.12 shows, abatement notices were typically used by both types of local authority to ensure compliance with section 13 (55 per cent). The vast majority of these notices were issued by regional councils. Unitary authorities issued more infringement notices during the 2012/13 financial year than abatement notices, and they issued no enforcement orders.



**Table 3.12: Number and percentage of enforcement actions, by type, used by regional councils and unitary authorities to resolve breaches to section 13 of the RMA, 2012/13**

Local authority type	Infringement notices		Abatement notices		Enforcement orders		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Regional councils	33	40%	48	59%	1	1%	82	85%
Unitary authorities	9	64%	5	36%	0	0%	14	15%
Total	42	44%	53	55%	1	1%	96	100%

Source: 2012/13 RMA survey data.

### Section 14(2): Water

Regional councils and unitary authorities were asked for the number and type of enforcement actions employed in response to breaches of section 14(2) of the RMA, which relates to the taking, using, damming and diverting of water. The survey found:

- 58 per cent of enforcement actions were infringement notices
- 41 per cent of enforcement actions were abatement notices
- one enforcement order was issued by a regional council.

As table 3.13 shows, overall, more infringement notices were issued than abatement notices in the 2012/13 survey period – 58 per cent compared to 41 per cent. The vast majority of infringement notices (80 out of 95) were issued by regional councils.

**Table 3.13: Number and percentage of enforcement actions, by type, used by regional councils and unitary authorities to resolve breaches to section 14(2) of the RMA, 2012/13**

Local authority type	Infringement notices		Abatement notices		Enforcement orders		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Regional councils	80	55%	63	44%	1	1%	144	88%
Unitary authorities	15	79%	4	21%	0	0%	19	12%
Total	95	58%	67	41%	1	1%	163	100%

Source: 2012/13 RMA survey data.

### Section 15(1)(a): Discharge of contaminants to water

Regional councils and unitary authorities were asked for the number and type of enforcement actions used in relation to breaches of section 15(1)(a) of the RMA, which relates to the discharge of contaminants to water. The survey found:

- 27 per cent of enforcement actions were infringement notices
- 73 per cent of enforcement actions were abatement notices
- one enforcement order was issued by a unitary authority.

As the percentages in table 3.14 show, abatement notices were typically used by both regional councils and unitary authorities to respond to breaches of section 15(1)(a).

**Table 3.14: Number and percentage of enforcement actions, by type, used by regional councils and unitary authorities to resolve breaches to section 15(1)(a) of the RMA, 2012/13**

Local authority type	Infringement notices		Abatement notices		Enforcement orders		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Regional councils	51	28%	130	72%	0	0%	181	88%
Unitary authorities	4	17%	19	79%	1	4%	24	12%
Total	55	27%	149	73%	1	<0.5%	205	100%

Source: 2012/13 RMA survey data.

### Section 15(1)(b): Discharge of contaminants to land

Regional councils and unitary authorities were asked for the number and type of enforcement actions used in relation to breaches of section 15(1)(b) of the RMA, which relates to the discharge of contaminants to land that may lead to the contamination of water. The survey found:

- 52 per cent of enforcement actions were infringement notices
- 47 per cent of enforcement actions were abatement notices
- 1 per cent of enforcement actions were enforcement orders.

While this data indicates that both types of local authority typically issue infringement notices for breaches of section 15(1)(b) (52 per cent), table 3.15 shows that regional councils have issued a similar number of infringement and abatement notices (335 and 345, respectively). Unitary authorities, on the other hand, have issued more than twice the number of infringement notices as abatement notices (94 and 44, respectively).

**Table 3.15: Number and percentage of enforcement actions, by type, used by regional councils and unitary authorities to resolve breaches to section 15(1)(b) of the RMA, 2012/13**

Local authority type	Infringement notices		Abatement notices		Enforcement orders		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Regional councils	335	49%	342	50%	4	1%	681	83%
Unitary authorities	94	67%	44	31%	3	2%	141	17%
Total	429	52%	386	47%	7	1%	822	100%

Source: 2012/13 RMA survey data.

## Section 15 other: Discharge of contaminants to air and land

Regional councils and unitary authorities were asked for the number and type of enforcement actions used in relation to breaches of provisions of section 15 other – not including sections 15(1)(a) and 15(1)(b) – which relate to the discharge of contaminants to air or land. The survey found:

- 55 per cent of enforcement actions were infringement notices
- 44 per cent of enforcement actions were abatement notices
- two enforcement orders were issued by regional councils.

Overall, infringement notices make up most of the enforcement actions for discharges to air or land (55 per cent). As table 3.16 shows, however, unitary authorities issued an equal number of infringement notices and abatement notices.

**Table 3.16: Number and percentage of enforcement actions, by type, used by regional councils and unitary authorities to resolve breaches to other provisions of section 15 of the RMA, 2012/13**

Local authority type	Infringement notices		Abatement notices		Enforcement orders		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Regional councils	106	57%	77	42%	2	1%	185	71%
Unitary authorities	38	50%	38	50%	0	0%	76	29%
Total	144	55%	115	44%	2	1%	261	100%

Source: 2012/13 RMA survey data.

## Prosecutions

Prosecutions are another type of enforcement action available to local authorities under the RMA. Local authorities were asked to provide information on processes used to support decision-making about prosecutions (question 2.10). However, as a number of local authorities may not record this information, the data collected can only provide indication of the way prosecutions are dealt with.

### Regional councils

Regional councils were asked to identify the number of prosecutions recommended by enforcement staff to their decision-making group. Regional councils reported a total of 64 prosecutions were recommended in the 2012/13 financial year (table 3.17) – more than half of which (40) relate to section 15(1)(b) of the RMA.

Of the 64 prosecutions that were recommended, 60 were approved by a decision-making group – an average approval rate of 94 per cent. There were no recommended prosecutions relating to sections 12 and 14(2) during the survey period.

Local authorities were given an opportunity to explain why recommended prosecutions were not approved. Three councils responded with the following:

- Enforcement decision group changed the recommendation based on individual circumstances.

- Prosecution decision group decided that the offender proactively informed the council of the incident and, for other effects, showed exemplary mitigation practices.
- Prosecution decision group decided there were no environmental effects of the breach.

**Table 3.17: Prosecutions, recommended and approved for regional councils, 2012/13**

Sections of the RMA	Prosecutions		Percentage of recommended prosecutions that were approved
	Recommendations to prosecute	Prosecutions approved	
Section 9: Land use	4	3	75%
Section 12: Coastal marine area	0	0	N/A
Section 13: River and lake bed	5	5	100%
Section 14(2): Water	0	0	N/A
Section 15(1)(a): Discharges to water	7	7	100%
Section 15(1)(b): Discharges to land	40	37	93%
Section 15 other	8	8	100%
Total	64	60	94%

Source: 2012/13 RMA survey data.

Regional councils were asked to identify the number of decisions released by the courts and the number of convictions. As table 3.18 shows, regional councils reported 63 court decisions were made in the 2012/13 financial year – 61 (97 per cent) of which were convictions.

Some court decisions did not lead to convictions and no reasons were provided by the court for the decisions.

**Table 3.18: Court decisions and convictions for regional councils, 2012/13**

Sections of the RMA	Court decisions		Percentage of decisions that were convictions
	Court decisions released	Convictions	
Section 9: Land use	8	8	100%
Section 12: Coastal marine area	0	0	N/A
Section 13: River and lake bed	1	1	100%
Section 14(2): Water	1	0	0%
Section 15(1)(a): Discharges to water	5	5	100%
Section 15(1)(b): Discharges to land	43	42	98%
Section 15 other	5	5	100%
Total	63	61	97%

Source: 2012/13 RMA survey data.

## Unitary authorities

Unitary authorities were asked to identify the number of prosecutions recommended by enforcement staff to their decision-making group. Unitary authorities reported 23 prosecutions were recommended in the 2012/13 financial year – 13 of which relate to section 9 of the RMA.

Table 3.19 shows, of the 23 prosecutions recommended to a decision-making group, 20 were approved – an approval rate of 87 per cent. Local authorities were given an opportunity to explain why the three recommended prosecutions were not approved. One council responded, stating one case was not expedient to deal with through formal prosecution proceedings and another case was addressed with an alternative method.

**Table 3.19: Prosecutions, recommended and approved for unitary authorities, 2012/13**

Sections of the RMA	Prosecutions		Percentage of recommended prosecutions that were approved
	Recommendations to prosecute	Prosecutions approved	
Section 9: Land use	13	11	85%
Section 11: Subdivision of land	0	0	N/A
Section 12: Coastal marine area	1	1	100%
Section 13: River and lake bed	0	0	N/A
Section 14(2): Water	1	1	100%
Section 15(1)(a): Discharges to water	2	2	100%
Section 15(1)(b): Discharges to land	5	4	80%
Section 15 other	1	1	100%
Total	23	20	87%

Source: 2012/13 RMA survey data.

Unitary authorities were asked to identify the number of court decisions released by the courts and the number convictions. Unitary authorities reported 12 decisions were released – eight (67 per cent) of which were convictions. As table 3.20 shows, all court decisions relating to sections 15(1)(a) and 15(1)(b) were convictions, while no decisions relating to section 12 were convictions. More than half of all court decisions relating to section 9 were convictions (five out of eight, or 63 per cent).

**Table 3.20: Court decisions and convictions for unitary authorities, 2012/13**

Sections of the RMA	Court decisions		Percentage of decisions that were convictions
	Court decisions released	Convictions	
Section 9: Land use	8	5	63%
Section 11: Subdivision of land	0	0	N/A
Section 12: Coastal marine area	1	0	0%
Section 13: River and lake bed	0	0	N/A
Section 14(2): Water	0	0	N/A
Section 15(1)(a): Discharges to water	1	1	100%
Section 15(1)(b): Discharges to land	2	2	100%
Section 15 other	0	0	N/A
Total	12	8	67%

Source: 2012/13 RMA survey data.

## Territorial authorities

Territorial authorities were asked to identify the number of prosecutions recommended by enforcement staff to their decision-making group. The survey found for breaches relating to:

- section 9 of the RMA, 22 prosecutions were recommended
- section 11 of the RMA, five prosecutions were recommended.

As table 3.21 shows, 19 (86 per cent) of the recommended prosecutions relating to section 9 were approved, while all five prosecutions relating to section 11 were approved.

Local authorities were given an opportunity to explain why the three prosecutions relating to section 9 were not approved. Three councils responded with the following:

- No enforcement was required.
- Low probability of success in court.
- Rules in a plan contradicted each other and, as a result, did not provide certainty to justify prosecution.

**Table 3.21: Prosecutions, recommended and approved, for territorial authorities, 2012/13**

Sections of the RMA	Prosecutions		Percentage of recommended prosecutions that were approved
	Recommendations to prosecute	Prosecutions approved	
Section 9: Land use	22	19	86%
Section 11: Subdivision of land	5	5	100%
Total	27	24	89%

Source: 2012/13 RMA survey data.

Territorial authorities were asked to identify the number of court decisions released by the courts and the number of convictions. As table 3.22 shows, eight court decisions were released during the 2012/13 survey period – five (63 per cent) of which were convictions. All decisions released by the court relate to section 11.

Territorial authorities were asked what the reasons were for recommended prosecutions heard in court not leading to convictions. Responses included:

- A minor offence led to the court issuing a fine.
- The court ordered the offender to immediately comply with consent conditions.

**Table 3.22: Court decisions and convictions for territorial authorities, 2012/13**

Sections of the RMA	Court decisions		Percentage of decisions that were convictions
	Court decisions released	Convictions	
Section 9: Land use	8	5	63%
Section 11: Subdivision of land	0	0	N/A
Total	8	5	63%

Source: 2012/13 RMA survey data.

## Summary

This section has analysed data relating to enforcement decision-making and has found that, overall, abatement notices were the most common type of enforcement action used in the 2012/13 financial year, which has doubled since the previous survey.

A more in-depth analysis of the data for specific sections of the RMA generally supports this, but also reveals that infringement notices were the most common type used for breaches to:

- section 4(2) – Water
- section 15(1)(b) – Discharge of contaminants to land
- other provisions (not including section 15(1)(a)) of section 15 – Discharge of contaminants to air and land.

More in-depth analysis also highlights that an almost equal number of infringement and abatement notices were issued for breaches relating to:

- section 13 – River and lake beds
- section 15(1)(b) – Discharge of contaminants to land
- other provisions (not including section 15(1)(a)) of section 15 – Discharge of contaminants to air and land.

Most recommended prosecutions were approved by council decision-making groups.

## 3.4 Māori participation

Outcome	Measure
<b>Māori participation</b>	
Māori are involved in resource consent monitoring	Local authority involves tangata whenua in resource consent monitoring

### Outcome sought: Māori are involved in resource consent monitoring

The RMA has several provisions that require councils, to varying extents, to enable Māori participation in resource consent processes, including monitoring. Enabling Māori involvement in monitoring resource consents may ensure that activities are carried out in ways that meet councils' obligations to tangata whenua as set out under the RMA. To that end, since 2006, local authorities have been asked if they involve tangata whenua in resource consent monitoring (question 2.11).

The survey found that 29 per cent of local authorities involved Māori in monitoring. As table 3.23 shows, this is the highest rate of involvement in monitoring that Māori have experienced since information began to be collected in 2006.

Table 3.23 also shows that the increase in Māori participation has not been steady in previous years with the lowest level of participation during the 2010/11 financial year (15 per cent) – the level of Māori involvement in monitoring in the 2012/13 financial year has nearly doubled since.

**Table 3.23: Number and percentage of local authorities that have involved tangata whenua in monitoring consent processes, 2005/06–2012/13**

Type of input into consents	2012/13 (n = 78)		2010/11 (n = 78)		2007/08 (n = 84)		2005/06 (n = 85)	
	Number and percentage of local authorities		Number and percentage of local authorities		Number and percentage of local authorities		Number and percentage of local authorities	
Māori involvement in monitoring	23	29%	12	15%	20	24%	18	21%

Source: 2012/13 RMA survey data and published survey reports for the periods indicated.

**Note:** The (n = ##) along the top row refers to the number of local authorities that answered the question on which this analysis is based.

During the 2012/13 financial year, 64 per cent of regional councils, 50 per cent of unitary authorities, and 20 per cent of territorial authorities reported that they enabled some form of Māori participation in monitoring.

Local authorities that indicated they involve tangata whenua in monitoring were asked to describe this involvement (question 2.12). Responses included that Māori were involved in monitoring:

- if a resource consent included specific provision for Māori participation
- if they expressed an interest to be involved
- through cultural monitoring of activities
- if required by a joint management agreement
- through financial assistance to an iwi authority or iwi consultancy to participate in monitoring.

Māori participation in monitoring is largely enabled through conditions on a resource consent. This approach has been employed by eight local authorities.

Some local authorities have reported they proactively involve Māori in monitoring. Five local authorities notified or advised iwi of resource consents, offering an opportunity for iwi to identify whether they may be affected and to decide if they wanted to participate in monitoring.

Some territorial authorities reported they involve Māori in cultural monitoring. In addition to this, local authorities reported they involve Māori in monitoring processes as a result of a joint management agreement.

Other forms of engagement with Māori include contributing funding to an iwi consultancy and developing an agreement to enable formal Māori involvement in monitoring.

## 3.5 Resources

### Number of staff employed for monitoring and enforcement

Because the capacity local authorities have to fulfil their monitoring and enforcement responsibilities may influence how effective they can be in ensuring activities comply with resource consent conditions, local authorities were asked for data on their number of monitoring and enforcement staff (question 2.13). The survey found:



- 20 councils have staff specifically employed for compliance and monitoring – 41 per cent of these are based in four regional councils, 48 per cent in one unitary authority, and the remaining 11 per cent are based across 15 territorial authorities.
- 10 councils have staff specifically employed for enforcement – 10 per cent are based in two regional councils, 70 per cent are in one unitary authority, and the remaining 19 per cent are based in seven territorial authorities.
- Seven councils have staff specifically employed for investigations and prosecutions – 99 per cent are based in six regional councils; and the remaining 1 per cent is in one territorial authority
- 14 councils have staff with a combined monitoring and enforcement role – 79 per cent of which are based in five regional councils; 13 per cent are based at one unitary authority and 8 per cent are shared across three territorial authorities.
- 60 councils have staff that work across all aspects of monitoring and enforcement, including investigations and prosecutions – 58 per cent are employed by regional councils; 12 per cent are employed by five unitary authorities; and 30 per cent are employed across 45 territorial authorities.
- Nine councils do not have staff for these processes – eight are territorial authorities while one is a regional council.

Table 3.24 shows the total number of staff (in full-time equivalents) that regional councils, unitary authorities and territorial authorities each employed to monitor compliance with the RMA, enforce the RMA, and conduct investigations and prosecutions during the 2012/13 financial year.

The data suggests that nearly all local authorities have dedicated monitoring and enforcement staff, although there are two key issues: first, different councils focus on particular processes; and second, monitoring and enforcement staff are often not employed full-time to carry out their responsibilities.

Regional councils place greater capacity in roles specifically to manage compliance and monitoring, as well as investigations and prosecutions. Unitary authorities also place high emphasis on these roles, they typically employ staff to overlook all aspects of monitoring, compliance and enforcement. Territorial authorities generally employ enforcement-specific staff and, like unitary authorities, staff with roles overlooking all aspects of monitoring, compliance and enforcement.

Very few staff are employed to carry out monitoring and enforcement processes full-time. For example, territorial authorities employ a total of 67.65 full-time equivalents to overlook all aspects of monitoring, compliance and enforcement. This suggests that many district and city councils may dedicate a portion of their staff's time to this process in addition to other resource consent processes.

**Table 3.24: Number of staff (full-time equivalents) employed in RMA monitoring, enforcement, investigations and prosecutions, 2012/13**

Local authority	RMA compliance monitoring	RMA enforcement	Investigations and prosecutions	Both monitoring and enforcement	All aspects: monitoring, enforcement, investigations and prosecutions	Total
Regional councils (n= 11)	37.5	5.8	14.6	41.3	130.8	229.9
Unitary authorities (n= 6)	44.0	37.5	0	7.0	26.7	115.2
Territorial authorities (n = 61)	9.7	10.1	0.2	4.0	67.65	91.6
Total	91.2	53.4	14.8	52.3	225.15	436.7

Source: 2012/13 RMA survey data.

**Note:** The (n = ##) in the left-hand column refers to the number of local authorities that answered the question on which this analysis is based.

## Challenges to monitoring compliance and enforcement

The ability of local authorities to effectively carry out monitoring, compliance and enforcement can be affected by a number of challenges. To enable a more comprehensive understanding of the context for this work, local authorities were asked to describe any challenges they face in monitoring, compliance and enforcement (question 2.14). Seventy-three per cent of local authorities took the opportunity to explain some of their issues.

Most local authorities (81 per cent) that responded have limited resources for monitoring and enforcement activities – a combination of low staff levels, competing demands on staff time, lack of funding, and other staffing issues. As a result, many have found it difficult to meet many expectations of these processes.

Twelve per cent of local authorities that responded reported that monitoring and enforcement either involved too many varied activities, or that their geographical areas were too large to monitor. Further, 11 per cent described enforcement as resource-intensive, time-consuming, and expensive, especially if these costs cannot be recovered.

The cost and time associated with enforcement posed a significant challenge, including time delays in getting prosecutions to court and the financial cost to ratepayers of taking court action (with no guarantee that costs will be recovered). An extreme case cited was when it took five years of court proceedings to provide an offender with an enforcement order to remediate the adverse environmental effects caused by an unlawful activity.

For 11 per cent of local authorities that responded, lack of political will from their council affected their ability to fulfil monitoring, compliance or enforcement responsibilities, in part because resourcing this work was, in some instances, not a council priority.

Finding staff with appropriate skills was reported to be challenging. Most councils (77 per cent) that responded have appropriately skilled staff but, when work loads were too great, it was reported that other staff were brought in who may not have the required skill sets (eg, building inspectors and scientists).

Insufficient consideration of what was required to implement regulatory frameworks was an issue reported by 12 per cent of local authorities that responded to this question. A suggestion was made that local authorities' capability needs should be factored into national and local

regulatory processes while these are being developed. This includes considering a council's resourcing issues, as well as the costs of monitoring and enforcement on ratepayers and the costs of compliance on consent holders.

Further, some local authorities highlighted that:

- the recovery of costs of enforcement was expected under the Local Government Act 2002, but it could be resource-intensive and not guaranteed
- statutory timeframes for issuing an infringement notice under the Summary Proceedings Act 1957 were too restrictive
- penalties for infringement notices were not stringent enough to deter offending
- increasing the range of penalties associated with infringements could result in fewer prosecutions.

A major challenge for 25 per cent of local authorities that responded was the attitude and behaviour of some consent holders and land owners around compliance. Councils reported that some consent holders thought the process was completed when the consent was issued and either did not understand or disregarded the conditions imposed. This could happen despite a council's proactive efforts to explain the conditions. On occasion, it was reported that issues arose due to a lack of coordination and communication between the consent holder and other parties involved in the consented activity, such as builders or engineers, who may therefore not understand what the consent allowed for.

Another issue raised was that there is no requirement for consent holders to notify the council when a consented activity was under way, which made it difficult for local authorities to know when monitoring should begin.

Monitoring was also difficult for some local authorities because no charges can be made for monitoring permitted activities.

## 4 Plan making

This chapter provides information on local authority plan making activities, including any emerging trends from previous survey results that are significant and/or of interest. Along with quantitative data, it also incorporates feedback from local authorities on challenges they face in changing and reviewing plans.

The overall objective for councils' RMA plan making activities is:

**Objective 3: Plan changes and variations are effectively prepared and made operative**

### How this chapter is structured

The chapter's six sections match the themes used in the RMA survey to group questions about plan making (appendix F, questions 3.1–3.18). The sections are:

- 4.1 Plan changes to operative plans
- 4.2 Variations to proposed plans
- 4.3 Designations and notices of requirement
- 4.4 Plan and policy reviews
- 4.5 Māori participation
- 4.6 Challenges and issues with plan changes and reviews.

The survey questions about plan making address Objective 3 by measuring progress toward five desired outcomes. A set of measures for each outcome serves as indicators of progress toward achieving the objective – and these correspond with questions asked in the survey. The outcome and measures relevant to chapter sections 4.1–4.5 are listed at the beginning of each section. Section 4.6 only deals with qualitative information, for which there is no outcome or measures.

### 4.1 Plan changes to operative plans

Outcome	Measure
<b>Plan changes to operative plans:</b>	
Plan changes are made operative in accordance with Schedule 1 of the RMA	Number of local authority-initiated changes to operative plans
	Number of privately-initiated changes to operative plans
	Number of proposed operative plan changes declined or withdrawn

### Outcome sought: Plan changes are made operative in accordance with Schedule 1 of the RMA

This section of the survey focuses on the efficiency of the plan-change process. The survey asked how many council initiated- and privately-initiated plan changes were made operative or were declined / withdrawn in the 2012/13 survey period (questions 3.1–3.3). Councils were also asked to describe their pre-application process for privately-initiated plan changes (question 3.4).

### What is an operative plan?

An operative plan is a plan that has been approved by the local authority and on which any appeals have been resolved, under Schedule 1 of the RMA.

### What is a plan change?

A plan change is a change to an operative plan, and this can be initiated by a local authority or by any person. Plan changes follow the process set out in Schedule 1 of the RMA.

A plan change will become operative within an operative plan once it has been approved by the local authority and any appeals have been resolved, under Schedule 1 of the RMA.

## The number of plan changes that were made operative

During the 2012/13 financial year, 133 plan changes were undertaken – 83 per cent initiated by local authorities and 17 per cent privately initiated. The number of local authorities that made plan changes that became operative was:

- 27 per cent (3 out of 11) of regional councils
- 67 per cent (4 out of 6) of unitary authorities
- 49 per cent (30 out of 61) of territorial authorities.

The latest survey shows an increase in the number of council-initiated plan changes completed and a decrease in number of plan changes declined or withdrawn by councils since the previous survey. The number of privately-initiated plan changes completed by local authorities has decreased since the previous survey.

Key findings for 2012/13 are:

- 42 per cent (33 out of 78) of local authorities advised that they had completed a council-initiated plan change, which is about the same as the 2010/11 survey (46 per cent) and the 2007/08 survey (43 per cent).
- The proportion of local authorities reporting that they had completed a privately-initiated plan change was 23 per cent (18 out of 78), less than the 2010/11 survey (29 per cent) and 2007/08 survey (30 per cent).
- There were 111 council-initiated plan changes made operative during the survey period, up from 101 in 2010/11, but fewer than 176 in 2007/08.
- There were 22 privately-initiated plan changes made operative in 2012/13, fewer than the 34 privately-initiated plan changes in 2010/11, and also fewer than the 41 made operative in 2007/08.
- 12 per cent (9 out of 78) of local authorities reported they had declined or withdrawn a council- or privately-initiated plan change, which is the same as the 2010/11 figure (nine out of 78), but less than the 2007/08 figure of 21 per cent.
- 18 council- and privately-initiated plan changes were declined or withdrawn, which is far fewer than the 54 reported in the 2010/11 survey, but comparable to 18 in 2007/08.
- The average timeframe for both a council-initiated and privately-initiated plan change completed in 2012/13 was 24 months. This is up from 2010/11 when the average timeframe for completing a council-initiated plan change was 17 months, and a privately-initiated plan change was 16 months. These timeframes are the period from notification of the plan change to when it becomes operative.

## Pre-application process for privately-initiated plan changes

Local authorities were asked a qualitative question about what pre-application processes councils had in place for privately-initiated plan changes (question 3.4). Twenty-one per cent of local authorities explicitly noted that privately-initiated plan changes were rare in their jurisdiction, and 32 per cent of local authorities noted they did not have a set procedure.

Most councils stated that they encourage applicants to meet with them before lodging any plan change to provide advice about the proposed changes, how they fit with plan objectives, policies and rules, the process associated with the plan change, and any likely fees. Some councils stated that they did not charge for any pre-lodgement advice.

## 4.2 Variations to proposed plans

Outcome	Measure
<b>Variations to proposed plans:</b>	
Variations are made operative in accordance with Schedule 1 of the RMA	Number of variations to a proposed plan completed
	Number of variations to a proposed plan declined or withdrawn

### What is a plan variation?

A plan variation is a change to a proposed plan. A plan variation can only be initiated by a local authority.

### What is a proposed plan?

A proposed plan is a plan that is being developed by the local authority, which has not yet been approved (made operative).

## Outcome sought: Variations are made operative in accordance with Schedule 1 of the RMA

This section of the survey looks at the number of variations that were completed (question 3.6), how many were declined or withdrawn (question 3.7) and the length of time it took for variations to be processed within councils.

The latest survey shows that the number of variations to proposed plans completed by local authorities has decreased since the previous survey, as has the number of declined or withdrawn variations.

Key findings for 2012/13 are:

- 9 per cent (seven out of 78) of local authorities completed a variation to a proposed plan. This is the same as reported in 2010/11, and a decrease from the 19 per cent (15 out of 80) reported in 2007/08.
- One local authority reported it had declined or withdrawn a variation to a proposed plan, a fall from the two reported in 2010/2011 and the four reported in 2007/08.
- 18 variations to proposed plans were completed within the survey period, compared to 35 in 2010/11 and 35 in 2007/08.

## 4.3 Designations and notices of requirement

Outcome	Measure
<b>Designations and notices of requirement:</b>	
Designation process is robust and efficient	Number of notices of requirement received from requiring authorities
	Number of notices of requirement recommended to be confirmed
	Number of notices of requirement declined
	Number of notices of requirement appealed

### Outcome sought: Designation process is robust and efficient

#### Designations

A **requiring authority** is defined under section 166 of the RMA. It includes a Minister of the Crown, a local authority, or a network utility operator approved under section 167 of the RMA.

A notice of requirement, served on a local authority by a requiring authority, is a proposal for a designation and provides interim protection on the identified land for the designated purpose, until the designation is confirmed and included in an operative plan. The requiring authority has the final decision on the matter, so the territorial authority can only make a recommendation.

Designations only apply to district plans and proposed district plans, and they restrict the use of land for specific purposes, such as network facilities or public works. They can only be given effect to by requiring authorities.

A designation can be established for long-term purposes without specific work being identified for a site. When work emerges, an outline plan is submitted to the local authority to provide more detail about the proposed work or to identify subsequent changes and updates to proposed work. An outline plan is not always required where sufficient information is provided at the designation stage. As for the notice of requirement, the local authority only has a recommendation role for outline plans.

The local authority or any submitter can appeal the requiring authority's decision to the Environment Court.

Territorial and unitary authorities were asked how many notices of requirement they processed, confirmed for approval, recommended for withdrawal and appealed during the 2012/13 survey period (questions 3.9–3.12). It is important to note that designations do not apply to regional plans.

Table 4.1 shows the number of notices of requirement, by type of authority. It shows that, proportionally, the six unitary authorities received more notices of requirement than the 61 territorial authorities. Further, Auckland Council dealt with 38 of the 42 notices of requirement received by unitary authorities in 2012/13.

**Table 4.1: Number of notices of requirement, by local authority type, 2012/2013**

Local authority type	Number of notices of requirement		
	Received from requiring authorities	Recommended to be confirmed	Recommended for withdrawal
Unitary authorities (n = 6)	42	13	2
Territorial authorities (n = 61)	62	74	3
All	104	87	5

Source: 2012/13 RMA survey data.

Key findings for 2012/13 are:

- 44 per cent (30 out of 67) of unitary and territorial authorities received a total of 104 notices of requirement from requiring authorities. This is a decrease compared with 53 per cent of unitary and territorial authorities receiving 188 notices of requirement from requiring authorities in the 2010/11 survey period.
- 87 notices of requirement were confirmed by 32 unitary and territorial authorities (47 per cent). This is a decrease from 147 notices of requirement confirmed by 49 per cent of unitary and territorial authorities in the 2010/11 survey period.
- 5 per cent of unitary and territorial authorities (4 out of 67) had a total of five notices of requirement appealed over the survey period. This is a decrease from 10 per cent of unitary and territorial authorities which had nine notices of requirement appealed over the 2010/11 survey period.

A new question in this survey enquired about the number of notices of requirement recommended for withdrawal (question 3.11). The result was that four unitary and territorial authorities (6 per cent) stated they had recommended five notices of requirement for withdrawal.

## 4.4 Policy and plan reviews

Outcome	Measure
<b>Designations and notices of requirement:</b>	
Local authority reviews plans as required by Section 79(1) of the RMA	Local authority reviewed policy statements or plans as required under Section 79(1) of the RMA



## Outcome sought: Local authority reviews plans as required by section 79(1) of the RMA

### Review of a plan

Under section 79(1) of the RMA, local authorities must begin a review of a provision of a policy statement or plan if the provision has not been the subject of a proposed policy statement or plan, a review, or a change by a local authority during the previous 10 years. Notwithstanding this requirement, section 79(4) allows a local authority to undertake a full review of a policy statement or plan at any time.

Section 79(1) of the RMA was amended in 2009 to allow for ‘rolling reviews’. This means that, rather than the entire plan requiring review within 10 years, provisions within plans are to be reviewed within 10 years.

Local authorities were asked whether they have undertaken a review of any policy statements or plans under section 79(1) of the RMA over the survey period (question 3.13). Thirty-two per cent of all local authorities conducted a plan review during the survey period.

## 4.5 Māori participation

Outcome	Measure
<b>Māori participation:</b>	
Māori are actively involved in plan-making processes	Local authority made a budgetary commitment to tangata whenua participation in resource management plan preparation and plan change processes

### Outcome sought: Māori are actively involved in plan-making processes

Local authorities were asked whether they made a budgetary commitment to tangata whenua (iwi or hapū) participation in resource management plan preparation and plan change processes in the 2012/13 financial year (questions 3.15–3.17). Forty-six per cent of local authorities said they did, which is a slight increase on the proportion reported in the previous survey (45 per cent). The average budget commitment to tangata whenua was \$37,971.

Of councils that did not make a budgetary commitment to tangata whenua, 76 per cent described other forms of commitment to ensure tangata whenua participation during the 2012/13 financial year. These included:

- regular meetings with iwi groups or iwi representation on committee groups
- specifically identifying iwi groups for consultation, including consulting with iwi advisory groups
- formal agreements to consult with iwi throughout plan decision-making processes.

## 4.6 Challenges and issues with plan changes and reviews

Local authorities were given the opportunity to provide qualitative feedback identifying the main challenges and issues encountered in their work to change and/or review plans (question 3.18). Seventy-two per cent of local authorities took the opportunity to explain some of their issues.

The most commonly identified themes were:

- 36 per cent identified limited resources – staff, time and funding
- 25 per cent identified engagement with iwi
- 21 per cent identified the cost of the process
- 20 per cent identified demands associated with extensive consultation.

### Resourcing

Several councils stated they struggled with the demands of extensive consultation and maintaining community input and interest in what can be a lengthy process. Councils said some groups and organisations may experience consultation overload as they endeavour to respond to plan changes, as well as other council documents and processes. In addition, some stakeholders may be under-resourced, which makes it difficult for them to commit to assisting councils.

### Engagement with iwi

Several councils stated that they found engaging with iwi to be challenging. Some councils said engagement and consultation with numerous marae, hapū and iwi was difficult to resource. It was also noted that resourcing iwi so they could engage effectively in the process was challenging. It was stated that reconciling the Māori world view of interconnected resources with the RMA's traditionally compartmentalised management of natural and physical resources can be complex.

There are also issues around the level of consultation. For example, concern from Māori about consulting through iwi organisations, rather than through hapū level.

### Policy framework

Some councils identified changing political environments as key challenges – such as, the triennial local government election cycle, changing council priorities, and policy and legislative changes at regional and central government level.

Coordinating and aligning with adjacent councils can also prove challenging within the lengthy timeframes of plan changes and variations. Some councils noted that achieving regional consistency and/or alignment is difficult due to the different stage and nature of district plans.

## Process

Plan changes and variations often deal with complex issues, with a variety of public views. Councils reported that the often competing interests of community members can be challenging, including opposition from land owners when property rights are affected, and individuals and organisations with self-serving interests. This can result in expensive and time-consuming appeals.

## 5 National policy statements and national environmental standards

This chapter examines how local authorities have given effect to national environmental standards (NES) and national policy statements (NPS). Along with quantitative data, it also incorporates feedback from local authorities on challenges they face in implementing NESs and NPSs.

The overall objective for councils in implementing these national tools is:

**Objective 4: National environmental standards and national policy statements provisions are given effect by local authorities**

National policy statements and national environmental standards are instruments developed under the RMA. NPSs guide local authorities in making balanced local policy decisions on matters of national significance. NESs are regulations that prescribe technical standards, methods or requirements. Local authorities are required to give effect to NPSs and NESs through their plans and policy statements.

There are currently three NPSs:

- The NPS on Electricity Transmission.
- The NPS for Renewable Electricity Generation.
- The NPS for Freshwater Management.

And five NESs:

- The NES for Air Quality.
- The NES for Sources of Human Drinking Water.
- The NES for Telecommunications Facilities.
- The NES for Electricity Transmissions Activities.
- The NES for Assessing and Managing Contaminants in Soil to Protect Human Health.

Previous surveys have only taken NESs into account and only for the number of certificates of compliance issued by local authorities. This year, the survey has sought greater information about NESs, and also NPSs, and whether local authorities have given effect to them through their plans and policy statements. This means few trends can be identified and reported from previous survey results.

This chapter provides information on whether local authorities have given effect to NPSs and NESs. Along with quantitative data, this chapter incorporates qualitative feedback from local authorities on challenges they face in implementing NESs and NPSs.

### How this chapter is structured

The chapter's two sections match the themes used in the RMA survey questions to group questions about NPSs and NESs (appendix F, questions 4.1–4.13). The sections are:

- 5.1 NES and NPS implementation
- 5.2 NES for Assessing and Managing Contaminants in Soil to Protect Human Health.

All survey questions about NESs and NPSs address Objective 4 by measuring progress toward two desired outcomes. A set of measures for each outcome serves as indicators of progress toward achieving the objective – and these correspond with questions asked in the survey. The outcome and measures relevant to chapter sections 5.1 and 5.2 are listed at the beginning of each section.

Note that, while the chapter’s sections match the themes used in the RMA survey, the subheadings do not directly reflect the measures or survey questions. The chapter begins with an analysis of the extent to which local authorities have given effect to NPSs, followed by an analysis of their implementation of NESs. The chapter ends with information received from local authorities about the NES for Assessing and Managing Contaminant in Soil to Protect Human Health, and a short summary.

## 5.1 NPS and NES implementation

Outcome	Measure
<b>NPS &amp; NES Implementation:</b>	
Local authority has given effect to NPSs/NESs	Local authority has given effect to the following national policy statements: <ul style="list-style-type: none"> <li>• NPS on Electricity Transmission</li> <li>• NPS for Renewable Electricity Generation</li> <li>• NPS for Freshwater Management</li> </ul>
	Local authority has actively implemented any of the following national environmental standards: <ul style="list-style-type: none"> <li>• NES for Air Quality</li> <li>• NES for Sources of Human Drinking Water</li> <li>• NES for Telecommunication Facilities</li> <li>• NES for Electricity Transmission Activities</li> <li>• NES for Assessing and Managing Contaminants in Soil to Protect Human Health</li> </ul>
	Number of certificates of compliance local authority has issued in compliance with a NES
	Number of issues local authority has encountered with the implementation of NESs and NPSs

Local authorities are required under specific provisions of the RMA to make their policy statements and plans consistent with NPSs and NESs. The extent to which these national tools have been implemented can, therefore, be understood by identifying the proportion of local authorities that have done so. Accordingly, the survey asked local authorities whether they have given effect to NPSs and NESs. Local authorities were also given the opportunity to identify if any national tool was not relevant.

### Outcome sought: Local authority has given effect to NPSs and NESs

#### National policy statements

Section 55 of the RMA requires local authorities to amend regional policy statements, proposed regional policy statements, plans, proposed plans, and variations to give effect to any provision in an NPS that affects those documents.

NPSs have been introduced at different times since 2008, with local authorities being required to give effect to these by the prescribed dates. The first NPS to be introduced was the NPS on Electricity Transmission, which was introduced in 2008. Local authorities were required to give effect to this NPS by April 2012.

The second NPS was the NPS for Renewable Electricity Generation, was introduced in 2011. Local authorities were required to notify their implementation of this NPS by May 2013.

The NPS for Freshwater Management is the most recent NPS to be introduced in July 2011. Local authorities are required to fully implement this NPS as soon as reasonable practicable or no later than December 2030.

To understand the extent to which these three NPSs have been implemented, local authorities were asked whether they had given effect to any of them (question 4.1). As table 5.1 shows, the survey found that:

- 82 per cent of regional councils, 50 per cent of unitary authorities, and 51 per cent of territorial authorities reported they have given effect to the NPS on Electricity Transmission.
- 82 per cent of regional councils, 17 per cent of unitary authorities, and 41 per cent of territorial authorities have given effect to the NPS for Renewable Electricity Generation.
- 64 per cent of regional councils, 33 per cent of unitary authorities and 61 per cent of territorial authorities have given effect through their regional, combined and district plans, respectively, to the NPS for Freshwater Management.

All three NPSs have largely been given effect by regional councils. Unitary authorities have given substantially less effect to NPSs. While territorial authorities also have a low rate of giving effect to NPSs, they achieved a higher rate than unitary authorities.

**Table 5.1: Implementation of NPSs by local authority type, 2012/13**

Type of local authority	NPS on Electricity Transmission (due April 2012)			NPS for Renewable Electricity Generation (due May 2013)			NPS for Freshwater Management (due by 2030)		
	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
Regional councils	82%	18%	0%	82%	18%	0%	64%	36%	0%
Unitary authorities	50%	33%	17%	17%	66%	17%	33%	50%	17%
Territorial authorities	51%	48%	2%	41%	56%	3%	7%	33%	61%

Source: 2012/13 RMA survey data.

The cause of the variance in implementation is not clear. Table 5.1 demonstrates this is not attributed to the length of time that local authorities have had to implement NPSs. For example, similar numbers of local authorities have given effect to the NPS on Electricity Transmission and NPS for Freshwater Management despite them being introduced three years apart, and Freshwater Management having a deadline of 2030.

## Challenges

Local authorities were given an opportunity to describe any challenges they faced in giving effect to NPSs (question 4.4). A number of local authorities stated they were in the process of carrying out plan reviews or plan changes to give effect to NPSs.

While most local authorities did not clarify why they had not given effect to NPSs, those that did reported that costs to implement and monitor NPSs is a challenge. Some councils also raised that there was a lack of guidance on how to give effect to NPSs.

It was noted that it was difficult to understand how to implement the NPS for Freshwater Management since:

- the policies are highly complex
- there is a lack of data needed to set limits and targets
- there are substantial costs associated with collecting necessary data, especially for allocation, water quality, and interactions with land use.

A few local authorities said greater consistency was needed for national instruments to assist policy development. For example, inconsistencies were cited for the Freshwater Management NPS and the NPS for Renewable Electricity Generation. Contradicting provisions in these NPSs, together with the New Zealand Coastal Policy Statement, were also seen to make implementing the NPSs difficult.

Some responses have cited that delays to give effect to the NPS on Electricity Transmission were externally driven. Engaging with required agencies can add considerable time to the process of giving effect to the NPS.

Because many local authorities did not provide qualitative information the extent to which NPSs are implemented is difficult to substantiate, along with solid reasons for any variance. However, the feedback from some local authorities, reported above, provides some insight into the challenges they face.

## National environmental standards

Section 44A of the RMA requires local authorities to give effect to an NES by making any relevant provisions within a plan or proposed plan consistent with that NES, unless the NES allows provisions to be more stringent.

NESs have been established at different times since 2004:

- The NES for Air Quality was introduced in 2004.
- The NES for Sources of Human Drinking Water was introduced in 2008.
- The NES for Telecommunication Facilities was introduced in 2008.
- The NES for Electricity Transmission Activities was introduced in 2010.
- The NES for Assessing and Managing Contaminants in Soil to Protect Human Health was introduced in 2012.

Unlike NPSs, local authorities are not required to amend their policy statements and plans to be consistent with NESs by a Government-prescribed time. This is because NESs override existing plan rules and take immediate effect. As such, local authorities are expected to comply with NESs whether or not they have amended their policy statements and plans to give effect to them.

To understand the extent to which NESs have been implemented, the survey asked local authorities if they have given effect to NESs (question 4.2). As local authorities are expected to comply with NESs, only information on the amendment of policy statements and plans was sought from local authorities. As table 5.2 shows, the survey found:

- The NES for Air Quality has been given effect by 73 per cent of regional councils, 50 per cent of unitary authorities, and 69 per cent of territorial authorities.

- The NES for Sources of Human Drinking Water has been given effect by 73 per cent of regional councils, 50 per cent of unitary authorities, and 8 per cent of territorial authorities.
- The NES for Telecommunication Facilities has been given effect by 18 per cent of regional councils, 33 per cent of unitary authorities, and 51 per cent of territorial authorities.
- The NES for Electricity Transmission Activities has been given effect by 55 per cent of regional councils, 50 per cent of unitary authorities, and 56 per cent of territorial authorities.
- The NES for Assessing and Managing Contaminants in Soil to Protect Human Health has been given effect by 36 per cent of regional councils, 33 per cent of unitary authorities, and 48 per cent of territorial authorities.

**Table 5.2: The implementation of NESs by local authority type, 2012/13**

Type of local authority	NES for Air Quality			NES for Sources of Human Drinking Water			NES for Telecommunication Facilities			NES for Electricity Transmission Activities			NES for Assessing and Managing Contaminants in Soil to Protect Human Health		
	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
Regional	73%	27%	0%	73%	27%	0%	18%	18%	64%	55%	18%	27%	36%	18%	45%
Unitary	50%	17%	33%	50%	17%	33%	33%	17%	50%	50%	17%	33%	33%	33%	33%
Territorial	5%	26%	69%	10%	30%	61%	51%	49%	0%	56%	43%	2%	48%	48%	5%

Source: 2012/13 RMA survey data.

### Regional councils

Regional councils have given greater effect to the NESs for Air Quality (73 per cent) and Sources of Human Drinking Water (73 per cent) than other councils. While few regional councils have given effect to the NESs for Telecommunication Facilities (18 per cent) or for Electricity Transmission Activities (55 per cent), most reported this was because these NESs did not apply to them.

### Unitary authorities

Unitary authorities reported relatively consistent rates of NES implementation, with three unitary authorities (50 per cent) giving effect to the NESs for Air Quality, for Sources of Human Drinking Water, and for Electricity Transmission. Unitary authorities have given the least effect to the NES for Telecommunication Facilities (33 per cent) and the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (33 per cent). However, 50 per cent reported the former did not apply to them, and one-third reported that the latter did not apply.

### Territorial authorities

Most territorial authorities have given effect to the NES for Air Quality. More than half have given effect to the NESs for Electricity Transmission Activities and for Telecommunication Facilities. While the NES for Sources of Human Drinking Water has been implemented by very few territorial authorities, two-thirds reported that they it did not apply to them.



## Challenges

The implementation of NESs is varied. For example, the NES for Air Quality, which was introduced in 2004, has been given effect by most local authorities for whom it is relevant. The outcome is similar for the NES for Sources of Electricity Transmission Activities, introduced in 2010. However, very few local authorities have given effect to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health, which was introduced in 2012. This could suggest that the length of time that an NES has been in place affects the capability of local authorities to give effect to it. However, an exception to this is the NES for Telecommunication Facilities – although introduced in 2008, territorial authorities report a relatively low rate of implementation (51 per cent), even though it applies to all of them.

To determine whether the length of time local authorities have had to give effect to NESs has contributed to this variance, they were asked to describe the challenges they have confronted in implementing NESs (question 4.4). Sixty-two per cent of local authorities took the opportunity to explain some of their issues. Of these:

- 51 per cent considered NESs and NPSs too difficult to interpret
- 20 per cent stated NESs and NPSs are too costly to enforce
- 16 per cent have limited staff resources and technical expertise to implement NESs.

More than half the local authorities that provided a response identified the ambiguity of NESs as a major challenge, particularly the NES for Assessing and Managing Contaminants in Soil to Protect Human Health. In fact, nearly all the responses referred to this NES, with councils describing these regulations as hard to understand and unclear, leaving too much room for differing interpretations. Note that section 5.2 focuses on this NES and elaborates on the challenges local authorities face in giving effect to these regulations.

Difficulty in interpreting the regulations was also a factor when trying to implement the NES for Electricity Transmission Activities, and the NPS on Electricity Transmission. Some councils stated a need for greater clarification and specification on electricity transmission corridor widths. Further to this, it was reported that there needed to be more consistency across the country, while another view was there needed to be area-specific standards. Essentially, local authorities seek certainty, which they argue is still lacking with even with the the NES and the NPS in place.

Regional councils reported concerns with implementing the NES for Air Quality. It was cited that with the need to keep the air clean there is the corresponding need to keep warm. On the other hand, it was suggested that the NES for Air Quality should go further to also encompass motor vehicle emissions.

As with NPSs, six local authorities that have not yet given effect to NESs reported they were in the process of either a plan change or plan review to achieve this.

Councils are looking for greater certainty through engagement, direction, consistency and clarification to better enable them to give effect to NESs.

## Certificates of compliance

Certificates of compliance must be issued by local authorities for an activity if an NES allows it to be undertaken without a resource consent, unless that NES says the activity must comply with the rules of a plan and/or any condition the NES sets out.

Local authorities were asked how many such certificates of compliance they issued (question 4.3). A total of 67 certificates were issued, 66 of them by territorial authorities. This is slightly

higher than the total of 60 certificates issued in the 2010/11 financial year, most of which were also issued by territorial authorities.

The specific numbers (and percentages) of certificates issued during the 2010/11 and 2012/13 survey periods in compliance with an NES are in table 5.3.

**Table 5.2: Numbers and percentages of certificates of compliance issued in compliance with an NES, 2010/11 and 2012/13**

Local authority type	2010/11		2012/13	
	Number	Percentage	Number	Percentage
Regional councils	1	2%	3	4%
Unitary authorities	5	8%	2	3%
Territorial authorities	54	90%	66	93%
Total	60	100%	71	100%

Source: 2012/13 and 2010/11 RMA survey data.

## 5.2 NES for Assessing and Managing Contaminants in Soil to Protect Human Health

Outcome	Measure
<b>NES for Assessing and Managing Contaminants in Soil to Protect Human Health:</b>	
Local authority observes the NES for Assessing and Managing Contaminants in Soil to Protect Human Health	Number of sites that were identified as HAIL (Hazardous Activities and Industries List) land in the 2012/2013 financial year that were previously not recorded as HAIL?
	Number of sites that were identified as HAIL land are there in total as at 30 June 2013?
	Number of sites that had their status changed from “unverified HAIL” to “confirmed as HAIL” in the 2012/2013 financial year?
	Number of sites that had their status changed to “recorded in error as HAIL” in the 2012/2013 financial year?
	Number of sites that had their status changed to “not contaminated” as a result of a detailed site investigation in the 2012/2013 financial year?
	Number of sites that were confirmed as exceeding the soil contaminant standards in the NES by a detailed site investigation in the 2012/2013 financial year?
	Number of activities that required a preliminary site investigation to comply with the NES in the 2012/2013 financial year?
	Number of activities that required a detailed site investigation to comply with the NES in the 2012/2013 financial year?
	Number of contaminated sites that had management or remediation works initiated by a consent in the 2012/2013 financial year?

Sections 30 and 31 of the RMA stipulate the functions of local authorities, which include identifying land contamination and ensuring the effects are controlled. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health is intended to ensure consistent planning and decision-making when identifying, assessing and developing contaminated sites where hazardous substances may have been discharged.

## Outcome sought: Local authority observes the NES for Assessing and Managing Contaminants in Soil to Protect Human Health

### Number and status of HAIL sites

The Ministry's Hazardous Activities and Industries List (HAIL) identifies activities and facilities that are hazardous to allow potentially contaminated land to be identified. Local authorities are expected to collect and maintain the best information, identifying HAIL sites and recording these in their own register.

To understand whether the NES is being implemented by local authorities, the survey sought information on the number and status of HAIL sites (questions 4.5–4.10). Regional councils and unitary authorities reported the following information:

- Number of HAIL sites identified in 2012/13 financial year that were not previously recorded as HAIL land – regional councils reported 2233 HAIL sites; unitary authorities reported 91.
- Total number of sites identified as HAIL land as at 30 June 2013 – regional councils reported 16,508 sites; unitary authorities reported a total of 3060 sites.
- Number of sites that had their status changed from “unverified HAIL” to “confirmed as HAIL” – regional councils reported 388; unitary authorities reported 30 sites.
- The number of sites that had their status changed to “recorded in error” – regional councils reported 172 sites; unitary authorities reported 11 sites.
- The number of sites that had their status changed to “not contaminated” as a result of a detailed site investigation – regional councils reported 76 sites; no sites were reported by unitary authorities.
- The number of sites confirmed as exceeding the soil contaminant standards in the NES by a detailed site investigation – regional councils reported 114 sites; unitary authorities reported 13 sites.

The data collected in the survey demonstrates that regional councils and unitary authorities are collecting and maintaining information on contaminated land.

### Investigations and remediation

Unitary and territorial authorities are responsible for regulating the development of contaminated land, which requires them to identify sites where hazardous substances may have been discharged. Investigations, including preliminary site investigations and detailed site investigations, may be undertaken to identify such sites.

Unitary and territorial authorities were asked for the number of sites requiring preliminary site investigations to comply with the NES (question 4.11). Unitary authorities reported 70 sites, while territorial authorities reported 61 sites. The survey also asked for the number of pieces of land that required a detailed site investigation (question 4.12). Unitary and territorial authorities reported 25 and 259 pieces of land respectively.

Contaminated land that is to be developed may be managed or remediated, if necessary, to at least ensure that human health is protected. The NES is intended to promote national consistency in the management and remediation of contaminated land. Local authorities were asked for the number of pieces of land that had management or remediation works initiated by consent (question 4.13). Unitary authorities reported 14 pieces of land, while territorial authorities reported 156 pieces of land.

The data collected in the survey suggests that management and remediation works are both necessary and observed by local authorities in the development of contaminated land.

## Challenges

As section 5.1.2 previously reported, local authorities face significant challenges in trying to give effect to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health. Specific issues with the NES raised by local authorities included the following:

- Definitions are missing in the legislation.
- There are no clear criteria around accepting a suitably qualified and experienced practitioner.
- Some uncertainty around how the NES applies to subdivision in rural areas and lifestyle blocks.
- Often a duplication of information with both regional councils and territorial authorities trying to gather information for their HAIL registers.
- Potential for inconsistent decision-making protocols and, consequently, decisions on classifications between regional councils and territorial authorities on the suitability of land for the same land-use activity.
- Ministry's guidance is out-of-date and in need of urgent review.

The lack of clarity has led to any interpretation being subjective and discretionary and, as a result, inconsistent, which contradicts the purpose of an NES. The level of understanding of the specific responsibilities of local authorities under the NES was considered low which has led to difficulties in enforcing the NES.

Several local authorities identified capability issues as a major hindrance. This NES has required a significant amount of information from territorial authorities to inform HAIL databases, which they must provide to regional councils. Many territorial authorities felt they were not resourced to accommodate this and were, as a result, struggling to fulfil their responsibilities.

Both regional councils and territorial authorities acknowledged the pressures on territorial authorities to give effect to this NES. Land-use information was considered unreliable without the territorial authority input, while regional councils were seen to have sufficient resources to give effect to the NES without assistance from territorial authorities.

The time, effort and expertise required of territorial authorities to fulfil their responsibilities under this NES were reported to be immense and affect the ability of regional councils to carry out their own functions. Some territorial authorities often sought advice from regional council technical experts on functions that are outside their legal responsibility. There were cases where the amount of information that regional councils received and reviewed had increased to the point where the Ministry needed to be more proactive in developing programmes to support councils in implementing the NES (for example, an online geospatially referenced HAIL register).

Qualitative information received in the survey suggests greater certainty and guidance will support more consistent processes for identifying and managing contaminated land.

## 6 Environmental Protection Authority

This chapter presents information on the Environmental Protection Authority's (EPA) national consenting function.

The EPA was established in October 2009 as part of the Resource Management (Simplifying and Streamlining) Amendment Act 2009. Initially it was a statutory office within the Ministry for the Environment under the Secretary for the Environment. On 1 July 2011, the Environmental Protection Authority Act 2011 established the EPA as a separate Crown entity.

The EPA's responsibilities include receiving and processing proposals of national significance under the RMA. Applications for building roads, large-scale wind farms, power transmission lines, and geothermal power stations are examples of major infrastructure or public works projects that are managed by the EPA. People seeking resource consents, notices of requirement or private plan changes for such projects can lodge an application for resource consent, a notice of requirement, or a request for a private plan change.

The questions addressed to the EPA, (appendix G) are entirely separate to the 2012/13 RMA survey questions given to local authorities, and no specific objectives, outcomes or measures apply.

Also, the timeframe over which the EPA information was gathered is one year longer than the timeframe for the local authority survey. The EPA questions cover 1 July 2011 to 30 June 2013. This is the second EPA survey, with the first covering the period from its establishment in October 2009 to June 2011.

### How this chapter is structured

The chapter sections are:

- 6.1 Matters processed by the EPA
- 6.2 Matters processed to a decision, by type
- 6.3 Decisions on proposals
- 6.4 Requesting further information or commissioning reports
- 6.5 Timeliness
- 6.6 Charges
- 6.7 Best practice
- 6.8 Staff levels
- 6.9 Plan changes and variations.

Further information on the role of the EPA is available at [www.epa.govt.nz](http://www.epa.govt.nz).

### EPA terminology

The EPA uses some different terminology for resource consent applications to that used by councils. These include:

- A *matter* may be a resource consent, change or cancellation of a resource consent condition, notice of requirement, or change to a plan as part of a proposal of national significance.
- A *proposal* encompasses everything that an applicant lodges with the EPA or is called in by the Minister. A proposal typically is composed of a number of matters.
- A *decision* is the final decision made by either a board of inquiry or the Environment Court.

## 6.1 Matters processed by the EPA

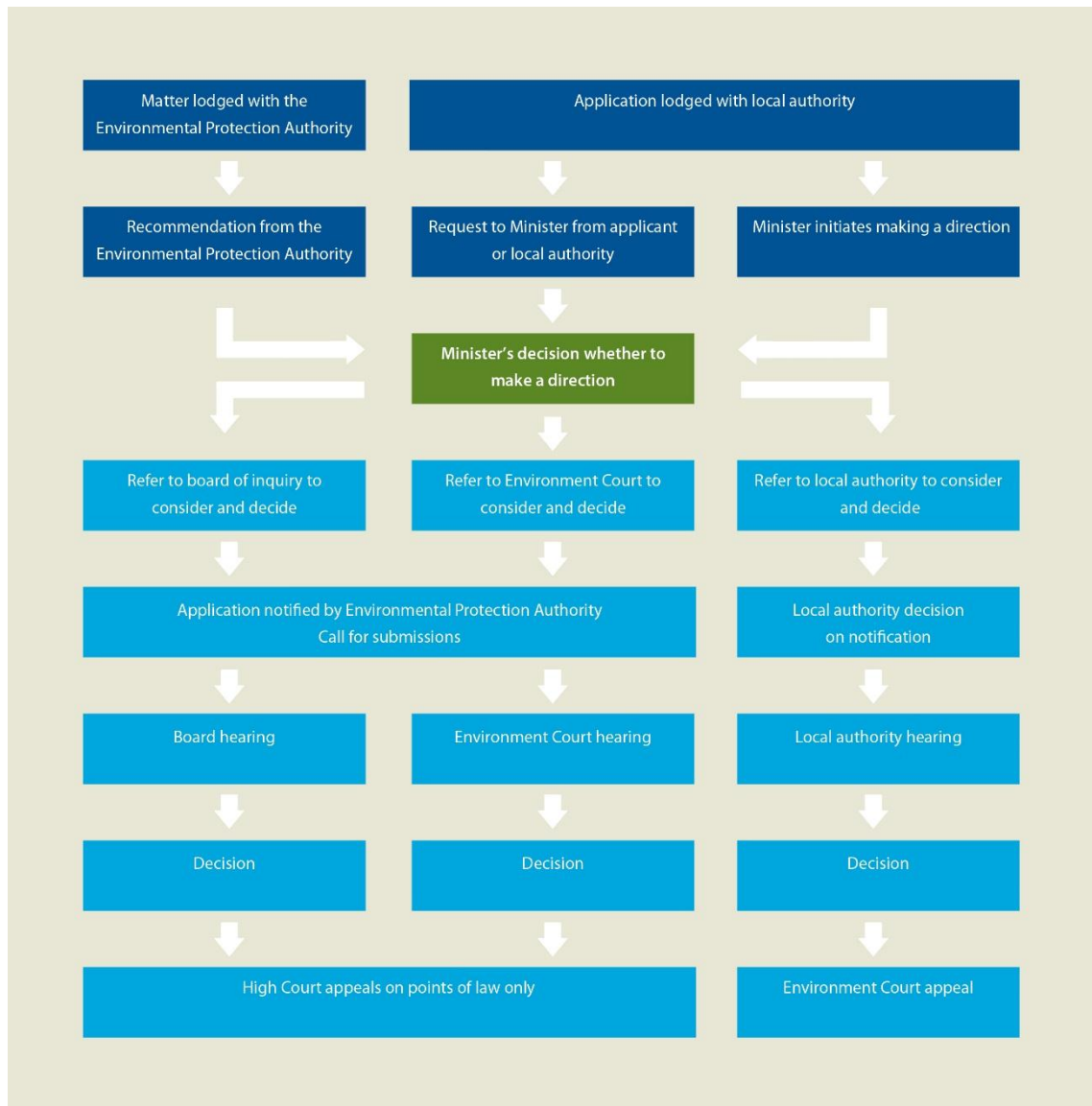
This section looks at how many matters the EPA processed between 1 July 2011 and 30 June 2013. The EPA can receive matters in two ways:

- The Minister for the Environment calls in an application under section 142 of the RMA – the Minister has discretion to call in a matter that is considered to be part of a proposal of national significance.
- An applicant directly lodges a matter with the EPA under section 145 of the RMA.

Once a matter is with the EPA, it provides a recommendation to the Minister, who then refers it to a board of inquiry, the Environment Court or a local authority for decisions.

Applications initially lodged with a local authority may be called in by the Minister either at the Minister's initiative or at the request of the applicant or local authority. In these cases, the Minister will make a direction to refer the application to a board of inquiry or the Environment Court. This process is shown in figure 6.1.

**Figure 6.1: Processing of matters lodged with the EPA**



### Matters called in by the Minister

The EPA was asked how many applications it received as a result of the Minister’s decision to call in a matter under section 142 of the RMA; and, of those matters, how many were referred to either a board of inquiry or the Environment Court for decision (appendix G, questions 1.7–1.8).

Since 1 July 2011, no matters were called in by the Minister for the Environment.

### Minister’s direction on matters lodged with the EPA

The EPA was asked how many applications lodged during the survey period were directed by the Minister to a board of inquiry, the Environment Court or a local authority for decision (question 1.9). A total of 150 matters were lodged with the EPA during the survey period, shown in table 6.1. The Minister directed all these matters to a board of inquiry for decision.

**Table 6.1: Matters referred by the Minister to a board of inquiry, July 2011 to June 2013**

Proposal	Number of matters
NZTA Transmission Gully	30
New Zealand King Salmon	11
NZTA MacKays to Peka Peka	30
*NZTA Christchurch Southern Motorway	18
*NZTA Peka Peka to Otaki Expressway	51
*Hawke's Bay Regional Council Tukituki Catchment	10
Total	150

Note: Current proposals are indicated with an \*.

## 6.2 Matters processed to a decision, by type

This section looks at the various types of applications the EPA processed to a decision within the two-year survey period. The types of applications that can be made to the EPA include:

- applications for resource consent
- an application for a change to or cancellation of conditions of a resource consent
- a request for the preparation of a regional plan (other than a regional coastal plan)
- a request for a change to a plan
- a variation to a proposed plan
- a notice of a requirement for a designation or to alter a designation
- a notice of requirement for a heritage order or to alter a heritage order.

### Resource consent applications

The EPA was asked how many resource consent applications were lodged with it under section 145 of the RMA and processed to a decision during the survey period (question 1.1). Between 1 July 2011 and 30 June 2013, 60 resource consents were processed to a decision. Of those resource consents:

- 29 related to the NZTA MacKays to Peka Peka Proposal
- 22 related to the Transmission Gully Proposal
- 9 related to the New Zealand King Salmon Proposal.

No applications for the cancellation of resource consent conditions or change of resource consent conditions have been received by the EPA during either of the two survey periods.

### Notice of requirement

The EPA was asked how many notices of requirement were processed to a decision for designations or changes to designations (section 145[3]) or heritage orders, or changes to heritage orders (section 145[4]) (question 1.4). Ten notices of requirement were processed to a decision during the survey period. As shown in table 6.2, nine were for designations and one was for a change to a designation. The change to a designation relating to the Department of Corrections Wiri Men's Prison Proposal was lodged before the survey period. There were



no applications for heritage orders or changes to a heritage order received within the survey period.

**Table 6.2: Notices of requirement processed to a decision, July 2011 to June 2013**

Proposal	Designations	Changes to a designation
Transmission Gully	8	
NZTA MacKays to Peka Peka	1	
Department of Corrections, Wiri Men's Prison		1
Total	9	1

## Regional/district plans

The EPA was asked how many requests for the preparation of a regional plan (section 145[1][b]) or a change to a regional or district plan (section 145[1][c]) were processed to a decision during the survey period (questions 1.5 and 1.6).

There were two requests for the preparation of a regional plan lodged with the EPA during the survey period. One related to the New Zealand King Salmon Proposal and one to the NZTA Transmission Gully Plan Change Proposal, which was lodged before the survey period.

In total, 73 matters were processed by the EPA during the survey period. The breakdown of these matters by type is shown in table 6.3.

**Table 6.3: Summary of matters processed to a decision, by type, July 2011 to June 2013**

Resource consents	Consent conditions		Notice of requirement				Regional/district plans		Total matters
	Cancellation of resource consents conditions	Change of resource consent conditions	Designation	Change to designation	Heritage order	Change to heritage order	Change to a regional or district plan	Preparation of a regional plan	
60	0	0	9	1	0	0	2	0	72

## 6.3 Decisions on proposals

This section outlines the number of proposals that were processed through to a decision within the survey period by either a board of inquiry or the Environment Court.

### Decision on called-in applications

The EPA was asked how many proposals called in by the Minister were processed to a decision by a board of inquiry or the Environment Court (question 1.11). One proposal was called in by the Minister in December 2008 under prior legislation, and was largely processed while the EPA was still part of the Ministry for the Environment. This proposal related to the Turitea Wind Farm Proposal, and the decision on this proposal was made within the survey period.

No matters have been called in by the Minister and decided upon by the Environment Court since these surveys began in October 2009.

## Decisions by a board of inquiry or the Environment Court

The EPA was asked how many matters lodged directly with it were processed to a decision within the survey period by a board of inquiry or the Environment Court (question 1.10). Over the survey period, 72 matters were processed to a decision and all 72 were decided by a board of inquiry. This is comprised of the matters listed in table 6.3.

No matters lodged directly with the EPA were processed to a decision within the survey period by the Environment Court.

## Resource consents declined or returned as incomplete

Section 88(3) of the RMA provides for the EPA to return an application if it does not include an adequate assessment of environmental effects or information required by regulations. If the EPA determines an application is incomplete, it must return it to the applicant within five working days after the application was originally lodged. Section 104 of the RMA also allows a board of inquiry or the Environment Court to decline a resource consent application.

The EPA was asked how many resource consent applications were declined by a board of inquiry or the Environment Court, (question 1.14), and how many resource consent applications were returned to an applicant by the EPA one or more times (question 1.15) under section 88(3) of the RMA.

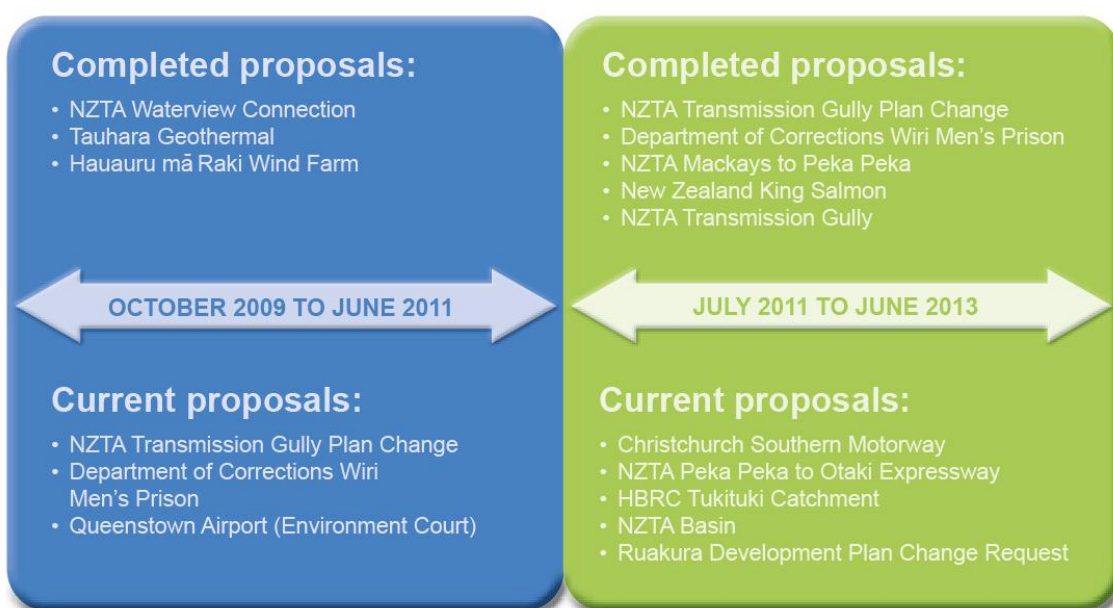
Five resource consents were declined by a board of inquiry during this survey period. All five related to the New Zealand King Salmon Proposal. No application was returned as incomplete by the EPA, board of inquiry or the Environment Court within the survey period.

## Appeals made on decisions

There were five appeals made to the High Court relating to the New Zealand King Salmon (2), NZTA MacKays to Peka Peka (2) and NZTA Transmission Gully Plan Change (1) proposals.

Figure 6.2 shows all the completed proposals the EPA has processed since the EPA survey began, and current proposals that are still being processed.

**Figure 6.2: Summary of completed and current proposals of the EPA, October 2009 to June 2013**



## 6.4 Requesting further information or commissioning reports

Section 149 of the RMA allows the EPA to request an applicant to provide further information relating to a matter. Section 149 also enables the EPA to direct an employee or to commission any person to prepare a report relating to a matter (including in relation to information contained in the matter or provided through a request for further information).

### Proposals requiring further information requests and the preparation of a report

The EPA was asked how many applications received during the survey period required further information under section 149(2)(a) of the RMA (question 1.12). The New Zealand King Salmon Proposal, required further information under s149(2)(a).

No proposal required the preparation of a report under section 149(2)(b) within the survey period.

## 6.5 Timeliness

This section provides information on the EPA's timeframes for processing applications. The EPA and the national consenting process are bound by a number of statutory timeframes:

- Under section 146(1), the EPA must make a recommendation to the Minister within 20 working days to make a direction on a matter lodged under section 145.
- Under section 149R, a board of inquiry has a 9-month timeframe after public notice of the Minister's direction is made to produce its final report.
- Under section 149S, the Minister can at any time extend the time by which a board must produce its final report.

### Applications processed on time

#### Making a recommendation to the Minister

The EPA was asked how many applications received within the survey period were assessed within the 20-working-day timeframe for it to make a recommendation to the Minister under section 146(1) of the RMA (question 2.1). Eight proposals comprised of 166 matters were assessed within the 20 working days. The matters consisted of 146 resource consent applications, 17 notices of requirement, and three plan changes from both completed and current proposals.

#### Decisions on applications

The EPA was also asked how many applications were processed to a decision within the nine-month timeframe set out in section 149R(2)(a)–(c), or within any extension under section 149S(1). (question 2.2). Seventy-three matters from five proposals were processed to a decision within the nine-month or agreed extension period. This included proposals for the NZTA Transmission Gully Plan Change and the Department of Corrections Wiri Men's Prison, which were lodged before the survey period.

In total, all proposals (70 matters) received and processed to a decision during the survey period were processed on time. Two proposals (two matters) lodged before this survey period, but processed to a decision within its timeframe, were also processed on time.

### Use of section 149S(1) to extend time limits

The EPA was asked how many applications were processed within the timeframe using an extension under section 149S(1) (question 2.3). Two proposals (12 matters) were processed within an extended timeframe. These applications related to the New Zealand King Salmon and Department of Corrections Wiri Men’s Prison proposals.

### Timeframes for Environment Court decisions

The EPA was asked what the average duration was for processing applications referred to the Environment Court during the survey period (question 2.4). No applications were referred to the Environment Court and completed to a decision. Note that the Queenstown Airport Corporation’s Notice of Requirement, referred to the Environment Court is still awaiting a decision.

## 6.6 Charges

This subsection outlines the costs and charges made by the EPA. Under section 149ZD of the RMA, the EPA may recover costs incurred in providing assistance to a person before a matter is lodged with the EPA. The EPA may also recover from an applicant the actual and reasonable costs incurred in exercising its functions and powers under the RMA. This would include the costs of:

- assessing a matter when it is first lodged
- costs of commissioning reports
- costs of secretarial and support services to a board or inquiry.

The EPA was asked to provide the total amount charged to applicants for matters processed to a decision during the survey period (question 3.1). This is contained in table 6.4. The costs range from more than \$1.2 million to more than \$2.5 million. Not all the costs for the NZTA Waterview Connection and Hauauru Wind Farm Proposals were invoiced at the end of the first survey and the cost reported was therefore a partial cost for these proposals. The total charge for the NZTA Waterview Connection Proposal was \$2,009,374.57, while the total charge for the Hauauru Wind Farm Proposal was \$1,434,401.00.

**Table 6.4: Total charges, by proposal processed to a decision, July 2011 to June 2013**

Proposal	Total charged (\$)
Department of Corrections Wiri Men’s Prison (one change to a notice of requirement)	\$1,286,112.00
NZTA Transmission Gully Plan Change (one plan change)	\$1,700,000.00
New Zealand King Salmon (nine resource consents and two plan change requests)	\$2,588,607.00
NZTA MacKays to Peka Peka Expressway (one notice of requirement and 29 resource consents)	\$2,093,620.00
NZTA Transmission Gully Proposal (eight notices of requirement and 22 resource consents)	\$1,633,424.00
Turitea Wind Farm	\$2,038,310.85

The EPA was also asked for its average hourly staff charge-out rate for cost recovery for processing resource consents/matters during the survey period (question 3.2). The average hourly charge-out rate across the different role descriptions (that is, from project administrator through to team leader) ranged from \$91 to \$131. The average of the standard hourly charge-out rates for a project leader and adviser increased to \$114 in 2011/13, up from \$100.22 in the previous 2009/11 survey period.

## 6.7 Best practice

This section reports on best practices relating to the EPA's consenting responsibilities. The components below reflect the same questions posed to local authorities about their consenting responsibilities. Specifically, the following section reports on the EPA's performance in:

- the resource consent pre-application phase
- information needed at the application phase
- assessments of environmental effects
- engagement with Māori
- monitoring processing timeframes
- monitoring customer satisfaction.

### Pre-application process

The EPA was asked how many applications involved pre-application meetings during the survey period (question 4.1), and whether it assisted applicants to identify the environmental effects that must be addressed in their application (question 4.2). This subsection outlines the engagement the EPA has with an applicant before a potential matter is lodged with them.

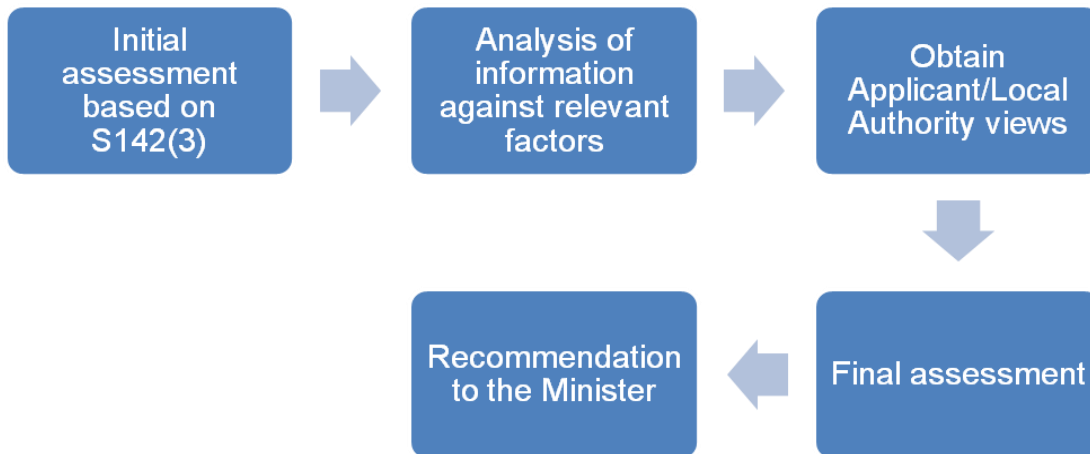
All eight proposals received during the survey period involved pre-application discussions with the applicant. The Ara Tuhono – Puhoi to Wellsford Road of National Significance: Puhoi to Warkworth Proposal, which was lodged after the survey period, also involved a pre-application discussion conducted during the survey period.

The EPA responded that it continues to help applicants identify environmental effects in their applications.

### Assessments of national significance

The EPA was asked to describe the process staff follow to assess whether an application is of national significance (question 4.4). The EPA's response is summarised in figure 6.3.

**Figure 6.3: Process followed by EPA staff to assess whether a proposal is of national significance**



### Engagement with Māori

The EPA was asked if it provides advice or indicates to applicants that their resource consent application may be of interest/concern to iwi/hapū, (question 4.5) and whether this advice is provided before or after formal lodgement (question 4.6). In the previous survey (2009/11), the EPA responded that it did not usually provide advice regarding any interest/concern to Māori, but usually included liaising with iwi in pre-lodgement conversations with the applicant.

The EPA now provides this advice to applicants. This discussion generally occurs before formal lodgement through pre-application meetings, which the EPA has conducted for all the proposals received during the current survey period.

### Customer satisfaction

The EPA was asked whether it had undertaken a formal documented consent-processing customer satisfaction survey during the survey period and, if so, the overall level of satisfaction reported by applicants (questions 4.10 and 4.11).

The EPA conducted a customer survey for the NZTA Waterview Connection Proposal to seek feedback on what worked well during the process and what could be improved. When asked its level of satisfaction with the quality of service provided by the EPA, on a scale of 1 to 10, with 10 being “very satisfied”, the applicant’s response was 9/10.

The EPA also held debrief meetings with two other applicants to seek customer feedback. These involved a focus group format to seek feedback on the EPA’s clarity of advice, access to information, communication flow, and the thoroughness of decision-making processes to address risks, costs and benefits. No major issues were raised by the applicants. They noted that hearing information and process were well communicated and that the decision reflected applicants’ input. One of the applicants raised the difficulty they had in accessing specific information from the EPA’s website.

## 6.8 Staff levels

The EPA was asked how many staff (full-time equivalents) it employed to process resource consents during the 2011/13 survey period (question 4.11).

The EPA responded with the number of staff that processed proposals rather than resource consents, because staff generally work in proposal teams rather than on specific matters, such

as resource consents. The number of staff employed to process proposals changed considerably over the survey period, which is why the figures provided in table 6.5 show the average number of staff by role. The total number of staff increased from 13 in 2009/11 to 19 in 2011/13, while the number of staff remained the same for the proposal teams.

**Table 6.5: Number of staff employed (full-time equivalents), by role and proposal processed by the EPA, July 2011 to June 2013**

Number of staff	Senior EPA adviser	EPA adviser	Project leaders	Project administrators	Other	Totals
Number of staff per proposal	1	1	1	1	0	4
Total number of staff over the survey period	5	5	4	5	0	19

## 6.9 Plan changes and variations

This final section highlights the timing and number of plan reviews or changes that were processed to a final decision during the survey period (table 6.6).

**Table 6.6: Plan changes processed to a decision, July 2011 to June 2013**

Plan change	Type	Origin	Notification date	Decision date
New Zealand King Salmon Main Plan Change	District plan change	Privately-initiated	31 March 2012	22 February 2013
NZTA Transmission Gully Plan Change	Regional plan change	Privately-initiated	6 October 2010	5 October 2011

One district plan change application relating to the New Zealand King Salmon Proposal was withdrawn after it was notified.

# Appendix A: Number of resource consent applications processed

Group	Local authority	2003/04	2005/06	2007/08	2010/11	2012/13
Territorial authorities group 1	Carterton District Council	66	74	106	47	39
	Central Hawke's Bay District Council	150	177	150	80	59
	Clutha District Council	108	121	133	71	59
	Gore District Council	79	48	75	51	53
	Grey District Council	105	144	161	95	65
	Hauraki District Council	134	212	185	121	97
	Horowhenua District Council	239	298	332	123	88
	Kaikoura District Council	103	97	87	69	46
	Kawerau District Council	11	17	18	5	1
	Mackenzie District Council	113	98	97	58	62
	Masterton District Council	196	176	234	77	86
	Opotiki District Council	49	62	75	35	19
	Otorohanga District Council	87	115	92	85	55
	Rangitikei District Council	66	89	Not provided	45	50
	Ruapehu District Council	121	133	171	103	62
	South Waikato District Council	90	107	112	56	41
	South Wairarapa District Council	191	136	238	114	100
	Stratford District Council	52	92	93	50	59
	Tararua District Council	64	92	107	34	41
	Waimate District Council	56	51	70	46	38
Wairoa District Council	44	41	62	38	62	
Waitomo District Council	66	87	62	28	30	
Westland District Council	148	155	183	123	87	
Whakatane District Council	313	311	287	122	100	
Territorial authorities group 2	Ashburton District Council	216	231	310	183	149
	Buller District Council	88	150	130	117	154
	Central Otago District Council	424	454	519	300	276
	Far North District Council	827	815	609	350	293



Group	Local authority	2003/04	2005/06	2007/08	2010/11	2012/13
	Hurunui District Council	256	220	258	109	140
	Invercargill City Council	244	233	345	192	161
	Kaipara District Council	251	226	271	126	126
	Kapiti Coast District Council	323	379	317	225	132
	Manawatu District Council	270	315	294	189	161
	Matamata–Piako District Council	184	225	281	193	194
	Napier City Council	354	351	339	222	195
	Porirua City Council	305	372	331	258	152
	Rotorua District Council	530	664	564	334	224
	South Taranaki District Council	195	268	272	151	146
	Southland District Council	253	233	395	280	211
	Taupo District Council	659	419	399	191	198
	Timaru District Council	276	Not provided	368	242	190
	Upper Hutt City Council	241	248	291	176	164
	Waitaki District Council	169	144	157	121	128
	Wanganui District Council	195	280	249	155	151
	Western Bay of Plenty District Council	655	541	431	271	256
Whangarei District Council	570	471	487	287	224	
Territorial authorities group 3	Dunedin City Council	1,073	879	1,010	674	623
	Hamilton City Council	782	795	669	354	608
	Hastings District Council	569	523	632	331	323
	Hutt City Council	641	551	597	411	348
	New Plymouth District Council	600	624	532	564	398
	Palmerston North City Council	641	489	344	371	400
	Selwyn District Council	591	496	494	295	528
	Tauranga City Council	607	450	677	417	446
	Thames–Coromandel District Council	602	565	562	349	345
	Waikato District Council	577	517	721	460	396
	Waimakariri District Council	790	608	596	201	433
	Waipa District Council	645	554	603	421	370

Group	Local authority	2003/04	2005/06	2007/08	2010/11	2012/13
Territorial authorities group 4	Christchurch City Council	2,721	2,520	2,535	1,201	1,575
	Queenstown–Lakes District Council	1,029	1,095	1,246	910	912
	Wellington City Council	1,423	1,200	1,051	867	770
Regional councils	Bay of Plenty Regional Council	1,022	1,115	1,200	1,088	803
	Environment Canterbury Regional Council	2,420	3,381	3,373	1,596	1,739
	Environment Southland Regional Council	621	749	868	841	844
	Greater Wellington Regional Council	748	697	703	591	437
	Hawke's Bay Regional Council	629	825	671	945	407
	Horizons Regional Council	284	300	334	519	374
	Northland Regional Council	1,076	867	904	1,284	436
	Otago Regional Council	784	819	734	492	359
	Taranaki Regional Council	568	433	401	376	370
	Waikato Regional Council	1,091	1,384	1,216	987	1,024
	West Coast Regional Council	554	493	662	540	597
Unitary authorities	Auckland Council	16,920	14,688	13,808	9,715	10,114
	Chatham Islands Council	5	2	4	9	5
	Gisborne District Council	676	554	525	409	351
	Marlborough District Council	1,955	1,939	1,934	1,100	1,184
	Nelson City Council	507	572	472	445	330
	Tasman District Council	1,165	912	1,135	913	782
<b>Total</b>		<b>54,658</b>	<b>51,768</b>	<b>51,960</b>	<b>36,024</b>	<b>34,055</b>

## Appendix B: Percentage of notified resource consent applications, by individual authorities

Group	Local authority	% of consents that are notified			
		2005/06	2007/08	2010/11	2012/13
Territorial authorities group 1	Carterton District Council	4.05%	15.09%	2.13%	0.00%
	Central Hawke's Bay District Council	0.56%	0.00%	0.00%	0.00%
	Clutha District Council	1.65%	0.75%	1.41%	3.39%
	Gore District Council	0.00%	1.33%	0.00%	3.77%
	Grey District Council	6.94%	5.59%	0.00%	0.00%
	Hauraki District Council	0.00%	1.62%	1.65%	5.15%
	Horowhenua District Council	0.67%	1.51%	0.81%	0.00%
	Kaikoura District Council	9.28%	19.54%	8.70%	2.17%
	Kawerau District Council	5.88%	0.00%	0.00%	0.00%
	Mackenzie District Council	2.04%	5.15%	8.62%	0.00%
	Masterton District Council	2.27%	3.42%	3.90%	0.00%
	Opotiki District Council	0.00%	1.33%	2.86%	0.00%
	Otorohanga District Council	0.00%	0.00%	0.00%	0.00%
	Rangitikei District Council	1.12%	Not provided	0.00%	0.00%
	Ruapehu District Council	3.76%	1.75%	0.97%	3.23%
	South Waikato District Council	0.00%	0.89%	1.79%	0.00%
	South Wairarapa District Council	16.91%	5.88%	2.63%	1.00%
	Stratford District Council	0.00%	0.00%	0.00%	0.00%
	Tararua District Council	2.17%	0.93%	0.00%	0.00%
	Waimate District Council	1.96%	2.86%	2.17%	0.00%
Wairoa District Council	2.44%	3.23%	0.00%	0.00%	
Waitomo District Council	1.15%	0.00%	0.00%	0.00%	
Westland District Council	2.58%	2.19%	1.63%	6.90%	
Whakatane District Council	2.57%	3.14%	1.64%	2.00%	
Territorial authorities group 2	Ashburton District Council	1.30%	1.61%	4.92%	3.36%
	Buller District Council	2.67%	4.62%	6.84%	5.84%
	Central Otago District Council	9.47%	14.07%	7.33%	5.07%
	Far North District Council	4.91%	4.11%	1.71%	2.73%
	Hurunui District Council	0.00%	2.71%	0.92%	0.71%
	Invercargill City Council	2.58%	3.77%	0.00%	3.11%

Group	Local authority	% of consents that are notified			
		2005/06	2007/08	2010/11	2012/13
	Kaipara District Council	8.85%	5.54%	0.79%	2.38%
	Kapiti Coast District Council	0.53%	1.89%	0.00%	0.00%
	Manawatu District Council	0.00%	1.70%	1.06%	0.62%
	Matamata–Piako District Council	0.00%	1.42%	0.52%	0.00%
	Napier City Council	1.99%	1.77%	2.70%	0.51%
	Porirua City Council	1.61%	0.00%	0.00%	0.66%
	Rotorua District Council	1.05%	0.89%	1.80%	2.68%
	South Taranaki District Council	0.37%	0.37%	0.66%	0.00%
	Southland District Council	2.09%	3.04%	8.21%	1.42%
	Taupo District Council	6.21%	5.26%	3.66%	0.00%
	Timaru District Council	Not provided	0.27%	6.20%	0.53%
	Upper Hutt City Council	0.00%	4.47%	1.70%	2.44%
	Waitaki District Council	3.47%	5.10%	0.00%	0.78%
	Wanganui District Council	0.36%	0.00%	2.58%	0.66%
	Western Bay of Plenty District Council	2.22%	1.16%	0.74%	1.17%
	Whangarei District Council	11.68%	14.78%	4.88%	1.79%
Territorial authorities group 3	Dunedin City Council	4.89%	4.65%	2.97%	3.21%
	Hamilton City Council	1.01%	0.60%	8.47%	0.33%
	Hastings District Council	2.87%	1.58%	0.30%	0.00%
	Hutt City Council	1.81%	2.85%	0.97%	0.57%
	New Plymouth District Council	0.64%	0.19%	0.53%	0.00%
	Palmerston North City Council	1.43%	0.87%	0.00%	1.25%
	Selwyn District Council	5.04%	6.88%	1.69%	2.27%
	Tauranga City Council	5.33%	2.51%	1.44%	0.22%
	Thames–Coromandel District Council	1.42%	1.25%	1.15%	0.87%
	Waikato District Council	0.19%	0.42%	1.52%	0.51%
	Waimakariri District Council	5.26%	2.01%	4.98%	1.39%
	Waipa District Council	0.36%	1.00%	0.95%	0.27%
Territorial authorities group 4	Christchurch City Council	0.95%	0.59%	1.33%	0.38%
	Queenstown–Lakes District Council	4.02%	4.65%	4.95%	3.73%
	Wellington City Council	1.17%	0.57%	0.35%	0.65%
Regional councils	Bay of Plenty Regional Council	8.07%	3.33%	2.48%	2.99%
	Environment Canterbury	4.08%	5.81%	2.94%	1.61%
	Environment Southland	8.81%	3.80%	7.85%	2.61%

Group	Local authority	% of consents that are notified			
		2005/06	2007/08	2010/11	2012/13
	Greater Wellington Regional Council	6.89%	3.56%	4.23%	7.55%
	Hawke's Bay Regional Council	1.33%	12.67%	23.39%	0.98%
	Horizons Regional Council	15.33%	9.61%	1.35%	6.15%
	Northland Regional Council	7.61%	9.18%	5.92%	7.80%
	Otago Regional Council	12.09%	16.35%	5.89%	2.79%
	Taranaki Regional Council	1.15%	1.50%	1.33%	0.00%
	Waikato Regional Council	3.83%	5.26%	9.42%	2.44%
	West Coast Regional Council	5.68%	0.00%	3.89%	7.04%
Unitary authorities	Auckland Council			1.26%	1.44%
	Chatham Islands Council	0.00%	25.00%	22.22%	0.00%
	Gisborne District Council	5.60%	9.90%	6.60%	10.83%
	Marlborough District Council	25.53%	27.35%	18.55%	21.11%
	Nelson City Council	2.62%	1.69%	4.94%	2.12%
	Tasman District Council	7.89%	16.74%	2.96%	2.69%

## Appendix C: Percentage of limited notified resource consent applications, by individual authorities

Group	Local authority	% of consents that are limited notified			
		2005/06	2007/08	2010/11	2012/13
Territorial authorities group 1	Carterton District Council	14.86%	3.77%	4.26%	0.00%
	Central Hawke's Bay District Council	0.00%	0.67%	0.00%	0.00%
	Clutha District Council	2.48%	3.76%	1.41%	5.08%
	Gore District Council	4.17%	1.33%	0.00%	0.00%
	Grey District Council	2.08%	2.48%	2.11%	4.62%
	Hauraki District Council	0.47%	0.54%	8.26%	4.12%
	Horowhenua District Council	0.67%	1.20%	1.63%	1.14%
	Kaikoura District Council	2.06%	0.00%	4.35%	2.17%
	Kawerau District Council	0.00%	0.00%	0.00%	0.00%
	Mackenzie District Council	0.00%	0.00%	3.45%	0.00%
	Masterton District Council	1.14%	2.56%	0.00%	1.16%
	Opotiki District Council	0.00%	4.00%	14.29%	10.53%
	Otorohanga District Council	0.87%	0.00%	4.71%	3.64%
	Rangitikei District Council	2.25%	Not provided	0.00%	0.00%
	Ruapehu District Council	2.26%	4.68%	6.80%	1.61%
	South Waikato District Council	1.87%	0.00%	0.00%	0.00%
	South Wairarapa District Council	2.94%	3.78%	0.00%	1.00%
	Stratford District Council	2.17%	4.30%	0.00%	15.25%
	Tararua District Council	0.00%	2.80%	0.00%	0.00%
	Waimate District Council	3.92%	1.43%	2.17%	0.00%
	Wairoa District Council	0.00%	3.23%	0.00%	3.23%
Waitomo District Council	2.30%	3.23%	0.00%	6.67%	
Westland District Council	1.94%	3.83%	11.38%	5.75%	
Whakatane District Council	3.22%	3.83%	3.28%	5.00%	
Territorial authorities group 2	Ashburton District Council	1.30%	0.97%	2.19%	1.34%
	Buller District Council	12.67%	10.00%	11.97%	12.99%
	Central Otago District Council	1.54%	1.73%	2.33%	4.35%
	Far North District Council	2.58%	2.13%	1.71%	4.10%
	Hurunui District Council	1.36%	3.49%	0.92%	1.43%
	Invercargill City Council	4.29%	1.45%	1.56%	2.48%

Group	Local authority	% of consents that are limited notified			
		2005/06	2007/08	2010/11	2012/13
	Kaipara District Council	2.65%	1.85%	0.79%	1.59%
	Kapiti Coast District Council	0.79%	1.89%	0.89%	2.27%
	Manawatu District Council	1.90%	5.78%	4.76%	1.24%
	Matamata–Piako District Council	4.44%	2.14%	7.77%	5.15%
	Napier City Council	0.28%	0.59%	0.00%	1.54%
	Porirua City Council	2.69%	2.11%	2.71%	1.97%
	Rotorua District Council	2.11%	2.30%	1.80%	2.68%
	South Taranaki District Council	2.99%	5.15%	3.97%	6.85%
	Southland District Council	0.84%	3.04%	5.36%	2.84%
	Taupo District Council	1.19%	1.75%	0.52%	1.01%
	Timaru District Council	Not provided	1.90%	2.48%	1.05%
	Upper Hutt City Council	1.61%	1.72%	2.27%	0.00%
	Waitaki District Council	0.69%	0.64%	0.83%	1.56%
	Wanganui District Council	0.71%	0.40%	2.58%	0.66%
	Western Bay of Plenty District Council	0.92%	2.55%	1.48%	0.00%
Whangarei District Council	2.12%	0.00%	2.09%	0.89%	
Territorial authorities group 3	Dunedin City Council	1.25%	0.0079	1.48%	1.28%
	Hamilton City Council	2.89%	1.20%	2.54%	0.49%
	Hastings District Council	0.96%	0.16%	2.11%	1.24%
	Hutt City Council	1.81%	2.68%	2.68%	1.44%
	New Plymouth District Council	1.12%	2.07%	1.42%	3.77%
	Palmerston North City Council	1.23%	2.03%	0.81%	0.00%
	Selwyn District Council	4.03%	4.05%	4.75%	3.41%
	Tauranga City Council	0.89%	1.18%	1.44%	1.35%
	Thames–Coromandel District Council	2.48%	2.85%	3.15%	1.74%
	Waikato District Council	0.77%	1.25%	0.65%	1.52%
	Waimakariri District Council	0.82%	1.51%	1.49%	0.69%
Waipa District Council	2.71%	1.66%	1.43%	1.62%	
Territorial authorities group 4	Christchurch City Council	1.63%	0.95%	1.92%	1.46%
	Queenstown–Lakes District Council	0.64%	0.48%	1.54%	0.88%
	Wellington City Council	1.33%	0.95%	2.54%	0.65%
Regional councils	Bay of Plenty Regional Council	0.0135	1.42%	0.55%	3.49%
	Environment Canterbury	1.27%	1.01%	1.32%	1.73%
	Environment Southland	1.20%	1.73%	4.40%	5.21%
	Greater Wellington Regional Council	1.00%	1.28%	1.69%	0.00%

Group	Local authority	% of consents that are limited notified			
		2005/06	2007/08	2010/11	2012/13
	Hawke's Bay Regional Council	0.48%	1.49%	0.85%	0.98%
	Horizons Regional Council	2.00%	4.50%	2.70%	1.60%
	Northland Regional Council	1.85%	3.21%	3.27%	7.80%
	Otago Regional Council	1.47%	7.77%	12.20%	5.29%
	Taranaki Regional Council	2.08%	2.00%	1.33%	6.22%
	Waikato Regional Council	1.37%	5.67%	2.53%	2.64%
	West Coast Regional Council	2.64%	6.19%	4.26%	7.71%
Unitary authorities	Auckland Council			1.04%	0.78%
	Chatham Islands Council	50.00%	0.00%	0.00%	0.00%
	Gisborne District Council	3.07%	0.57%	1.47%	1.99%
	Marlborough District Council	4.85%	4.91%	8.45%	6.17%
	Nelson City Council	1.92%	1.06%	0.67%	0.61%
	Tasman District Council	0.11%	2.03%	5.91%	3.71%



## Appendix D: Percentage of resource consent applications for which further information was requested

Group	Local authority	2003/2004	2005/2006	2007/2008	2010/11	2012/13
Territorial authorities group 1	Carterton District Council	25.76%	39.19%	28.30%	17.02%	10.26%
	Central Hawke's Bay District Council	18.00%	23.16%	32.00%	12.50%	23.73%
	Clutha District Council	0.93%	Not provided	22.56%	12.68%	6.78%
	Gore District Council	11.39%	2.08%	34.67%	5.88%	15.09%
	Grey District Council	63.81%	55.56%	32.30%	35.79%	61.54%
	Hauraki District Council	47.01%	55.66%	69.19%	38.84%	43.30%
	Horowhenua District Council	18.83%	Not provided	55.72%	46.34%	43.18%
	Kaikoura District Council	47.57%	36.08%	40.23%	34.78%	21.74%
	Kawerau District Council	45.45%	0.00%	5.56%	0.00%	0.00%
	Mackenzie District Council	44.25%	39.80%	46.39%	27.59%	8.06%
	Masterton District Council	20.92%	22.16%	24.79%	12.99%	4.65%
	Opotiki District Council	36.73%	32.26%	69.33%	37.14%	52.63%
	Otorohanga District Council	44.83%	44.35%	44.57%	23.53%	30.91%
	Rangitikei District Council	40.91%	74.16%	Not provided	17.78%	8.00%
	Ruapehu District Council	50.41%	36.09%	95.32%	42.72%	29.03%
	South Waikato District Council	43.33%	34.58%	16.96%	44.64%	31.71%
	South Wairarapa District Council	0.00%	55.15%	38.66%	0.00%	13.00%
	Stratford District Council	26.92%	26.09%	73.12%	34.00%	8.47%
	Tararua District Council	7.81%	5.43%	10.28%	23.53%	39.02%
	Waimate District Council	53.57%	17.65%	12.86%	30.43%	13.16%
Wairoa District Council	43.18%	24.39%	77.42%	23.68%	25.81%	
Waitomo District Council	9.09%	10.34%	16.13%	3.57%	13.33%	
Westland District Council	9.46%	14.19%	19.13%	45.53%	29.89%	
Whakatane District Council	39.62%	67.85%	31.71%	18.03%	25.00%	
Territorial authorities group 2	Ashburton District Council	20.83%	15.15%	12.26%	24.59%	26.85%
	Buller District Council	50.00%	42.00%	39.23%	52.99%	51.30%
	Central Otago District Council	36.79%	40.09%	37.19%	17.00%	15.94%

Group	Local authority	2003/2004	2005/2006	2007/2008	2010/11	2012/13
	Far North District Council	32.77%	43.44%	48.44%	41.43%	46.76%
	Hurunui District Council	55.47%	52.27%	46.12%	33.03%	43.57%
	Invercargill City Council	65.57%	65.67%	76.81%	28.65%	17.39%
	Kaipara District Council	35.46%	45.13%	66.79%	38.89%	24.60%
	Kapiti Coast District Council	30.34%	32.19%	42.59%	27.56%	25.00%
	Manawatu District Council	7.41%	25.71%	22.45%	22.22%	19.25%
	Matamata–Piako District Council	60.87%	48.00%	9.96%	20.21%	19.59%
	Napier City Council	25.99%	18.80%	25.66%	21.62%	29.74%
	Porirua City Council	54.43%	47.85%	65.26%	53.49%	51.97%
	Rotorua District Council	40.19%	Not provided	39.54%	30.84%	31.25%
	South Taranaki District Council	31.28%	39.93%	51.47%	57.62%	60.96%
	Southland District Council	41.11%	36.48%	49.11%	62.86%	63.98%
	Taupo District Council	43.55%	62.53%	70.18%	41.36%	47.98%
	Timaru District Council	63.41%	Not provided	44.57%	8.68%	29.47%
	Upper Hutt City Council	27.39%	42.34%	42.96%	48.30%	25.61%
	Waitaki District Council	25.44%	20.14%	22.93%	25.62%	22.66%
	Wanganui District Council	18.46%	42.14%	26.10%	19.35%	13.25%
Western Bay of Plenty District Council	48.85%	43.25%	73.09%	61.99%	26.95%	
Whangarei District Council	50.70%	51.38%	64.68%	28.92%	32.59%	
Territorial authorities group 3	Dunedin City Council	32.34%	34.93%	26.14%	14.54%	14.93%
	Hamilton City Council	17.65%	6.42%	30.19%	29.66%	32.07%
	Hastings District Council	30.40%	43.21%	51.90%	53.47%	22.91%
	Hutt City Council	13.88%	55.90%	39.36%	31.14%	26.44%
	New Plymouth District Council	25.17%	23.88%	21.05%	25.71%	25.38%
	Palmerston North City Council	23.24%	33.13%	52.03%	25.88%	26.75%
	Selwyn District Council	54.48%	45.56%	49.60%	45.42%	28.03%
	Tauranga City Council	48.93%	60.89%	29.99%	29.98%	21.97%
	Thames–Coromandel District Council	0.00%	49.56%	48.22%	49.57%	26.67%
	Waikato District Council	63.43%	33.27%	57.14%	63.48%	41.41%
	Waimakariri District Council	42.41%	74.84%	60.07%	43.28%	27.71%
	Waipa District Council	24.19%	22.38%	51.74%	21.38%	25.41%

Group	Local authority	2003/2004	2005/2006	2007/2008	2010/11	2012/13
Territorial authorities group 4	Christchurch City Council	51.64%	50.00%	66.35%	48.13%	39.49%
	Queenstown–Lakes District Council	64.92%	65.02%	69.58%	57.25%	46.60%
	Wellington City Council	42.73%	56.92%	62.51%	41.98%	50.65%
Regional councils	Bay of Plenty Regional Council	49.51%	52.56%	39.25%	23.99%	9.84%
	Environment Canterbury	13.22%	9.85%	20.13%	11.53%	21.22%
	Environment Southland	33.49%	43.66%	54.38%	66.35%	23.93%
	Greater Wellington Regional Council	31.55%	27.26%	26.32%	27.92%	2.75%
	Hawke’s Bay Regional Council	9.86%	12.36%	35.77%	29.95%	24.32%
	Horizons Regional Council	56.34%	38.00%	56.16%	23.12%	25.94%
	Northland Regional Council	16.82%	15.22%	26.33%	31.07%	25.69%
	Otago Regional Council	22.83%	25.64%	16.89%	13.82%	12.81%
	Taranaki Regional Council	9.68%	11.55%	9.73%	5.05%	18.38%
	Waikato Regional Council	29.33%	30.78%	31.25%	26.65%	26.46%
	West Coast Regional Council	31.77%	17.85%	8.31%	5.19%	10.22%
Unitary authorities	Auckland Council				38.23%	41.77%
	Chatham Islands Council	0.00%	0.00%	0.00%	22.22%	0.00%
	Gisborne District Council	38.31%	23.47%	25.90%	21.76%	19.94%
	Marlborough District Council	5.22%	6.70%	24.41%	37.91%	31.08%
	Nelson City Council	38.86%	38.99%	40.04%	45.62%	43.33%
	Tasman District Council	28.58%	35.96%	49.78%	41.07%	25.19%

## Appendix E: Percentage of resource consent applications processed on time and use of section 37

Group	Local authority	2005/06	2007/08	2010/11	2012/13	Use of s37 2012/13
		% on time	% on time	% on time	% on time	% of total consents processed
Territorial authorities group 1	Carterton District Council	88	42	100	100	13
	Central Hawke's Bay District Council	83	79	100	97	2
	Clutha District Council	69	75	100	97	5
	Gore District Council	69	81	98	100	4
	Grey District Council	53	69	97	100	0
	Hauraki District Council	79	68	99	98	20
	Horowhenua District Council	61	60	98	100	10
	Kaikoura District Council	49	75	96	98	2
	Kawerau District Council	88	72	100	100	0
	Mackenzie District Council	97	76	88	95	13
	Masterton District Council	91	71	99	100	1
	Opotiki District Council	77	89	97	100	21
	Otorohanga District Council	99	78	99	93	0
	Rangitikei District Council	93	Not provided	100	100	0
	Ruapehu District Council	44	80	98	100	6
	South Waikato District Council	53	56	98	100	2
	South Wairarapa District Council	56	90	92	97	0
	Stratford District Council	100	100	100	100	0
	Tararua District Council	90	93	91	95	5
	Waimate District Council	80	41	78	100	16
Wairoa District Council	73	77	100	95	6	
Waitomo District Council	97	95	100	100	7	
Westland District Council	55	30	99	95	5	
Whakatane District Council	89	45	90	84	11	
Territorial authorities group 2	Ashburton District Council	90	70	98	88	1
	Buller District Council	69	100	100	100	8
	Central Otago District Council	90	72	98	100	2
	Far North District Council	51	37	95	94	20

Group	Local authority	2005/06	2007/08	2010/11	2012/13	Use of s37 2012/13
		% on time	% on time	% on time	% on time	% of total consents processed
	Hurunui District Council	94	83	98	100	8
	Invercargill City Council	91	81	99	100	13
	Kaipara District Council	23	79	93	98	10
	Kapiti Coast District Council	75	99	93	81	0
	Manawatu District Council	100	97	94	100	3
	Matamata–Piako District Council	96	99	96	99	2
	Napier City Council	81	88	93	95	1
	Porirua City Council	100	82	99	100	9
	Rotorua District Council	80	95	98	100	6
	South Taranaki District Council	81	94	100	100	0
	Southland District Council	65	53	95	99	5
	Taupo District Council	85	92	100	98	4
	Timaru District Council	Not provided	54	100	98	1
	Upper Hutt City Council	91	76	97	100	2
	Waitaki District Council	72	99	98	99	0
	Wanganui District Council	84	69	99	100	14
Western Bay of Plenty District Council	91	99	100	100	4	
Whangarei District Council	56	66	91	99	14	
Territorial authorities group 3	Dunedin City Council	97	57	90	99	8
	Hamilton City Council	97	99	94	98	14
	Hastings District Council	71	81	95	99	3
	Hutt City Council	88	83	99	99	1
	New Plymouth District Council	89	94	98	98	9
	Palmerston North City Council	93	93	77	99	5
	Selwyn District Council	48	62	99	98	1
	Tauranga City Council	56	82	98	89	11
	Thames–Coromandel District Council	76	78	98	95	11
	Waikato District Council	83	65	96	99	23
	Waimakariri District Council	63	82	74	94	3
Waipa District Council	97	98	96	99	10	
Territorial authorities group 4	Christchurch City Council	88	67	90	98	2
	Queenstown–Lakes District Council	62	76	96	100	0
	Wellington City Council	81	73	99	100	8

Group	Local authority	2005/06	2007/08	2010/11	2012/13	Use of s37 2012/13
		% on time	% on time	% on time	% on time	% of total consents processed
Regional councils	Bay of Plenty Regional Council	95	74	100	100	40
	Environment Canterbury Regional Council	72	29	97	93	40
	Environment Southland	68	74	92	92	23
	Greater Wellington Regional Council	97	99	99	99	21
	Hawke's Bay Regional Council	100	96	98	100	21
	Horizons Regional Council	100	74	98	100	37
	Northland Regional Council	98	99	99	100	41
	Otago Regional Council	81	67	99	99	50
	Taranaki Regional Council	100	100	100	100	49
	Waikato Regional Council	84	81	90	98	43
Unitary authorities	West Coast Regional Council	87	93	98	97	22
	Auckland Council			92	95	19
	Chatham Islands Council	100	100	100	100	20
	Gisborne District Council	68	50	96	91	6
	Marlborough District Council	56	53	95	99	8
	Nelson City Council	41	57	89	88	5
	Tasman District Council	67	90	99	99	28

# Appendix F: 2012/13 RMA survey of local authorities questionnaire

# 2012/2013 RMA Survey of Local Authorities



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

## Instructions

**Please save a copy of these instructions and the accompanying survey form.**

These instructions are intended to assist your local authority in completing the Resource Management Act 1991 (RMA) Survey of Local Authorities 2012/2013.

The survey is required to be completed between **1 July 2013 and 30 July 2013**.

When completing the survey please use the following approach:

- Unless otherwise stated, please only consider resource consents as defined by **section 87** of the RMA.
- Include resource consent applications that have been processed through to a decision during the 2012/2013 financial year.
- Include resource consent applications lodged before the 2012/2013 financial year if the decisions to grant or decline them were made within the 2012/2013 financial year.
- If multiple resource consents arise out of one application form, then include each of those resource consents individually.
- Do not include resource consent applications withdrawn before a decision was made, even if staff time was taken to deal with it before it was withdrawn.

## What's changed in 2012/2013?

The 2012/13 RMA Survey has been redesigned in consultation with representatives from regional, unitary and district councils to provide greater clarity around the purpose of the survey questions and to reduce the burden to councils in completing the survey.

Key improvements include:

- survey questions have been linked to desired end-outcomes of the RMA
- qualitative information will be collected to provide better context to quantitative data
- smart features have been included to make completing the survey faster and easier by eliminating questions which are not relevant to your council.

A number of questions in previous surveys have been retained to ensure comparability over the different surveys (the 2012/13 RMA survey is the 11th survey since 1995).

Even though the survey is not due to be completed until **30 July 2013** you can begin filling it out anytime and retain your changes by saving a copy of the form to your local computer.

**Definitions of terms, survey objectives and an explanation of the questions are provided in the following sections of this document.**



**OBJECTIVE 1: Resource consent processing is robust and efficient**

Outcome	Measure	Question
<b>Pre-application:</b>		
Applicants know what is required	Local authority defines environmental effects that must be addressed in the resource consent application.	1.1
	Local authority provides guidance material, particularly on environmental effects.	1.2
	Local authorities advise applicants when their resource consent application may be of interest/ concern to iwi/hapū.	1.3
	Whether your local authority checks a resource consent application for completeness.	1.4
	Local authority has a set procedure for the pre-application phase.	1.7
Local authority only accepts complete applications	Number of resource consent applications involving pre-arranged pre-application meetings.	1.5
	Number of resource consent applications returned to the applicant.	1.6
<b>Consent processing:</b>		
Environmental effects of activities are accurately identified and assessed	Staff follow a set procedure to check that environmental effects are adequately identified and addressed in Assessment for Environmental Effects (AEEs)	1.8
	Internal guidance notes or checklists are available to help staff decide when to notify a resource consent application	1.9
	Internal guidance notes or checklists are available to help staff decide how to identify affected parties	1.10
	Local authority ensures conditions on consents are Defensible, Intra vires, Certain, and Enforceable (DICE)	1.11,1.12
	Local authority has standard conditions in resource consents that cover discovery of sites or items that are culturally sensitive for tangata whenua.	1.13
Resource consents processing is efficient and effective	Local authority uses a resource consents databases that meets its needs	1.14
	Number of resource consents processed	1.15, 1.16, 1.17, 1.18, 1.19
	Number of certificates of compliance	1.20
	Number of further information requests	1.21
	Number of section 37 timeframe extensions	1.22
	Percentage of resource consents processed within statutory timeframes	1.23
	Amount of charges for consent applications	1.24
	Number of resource consents subject to discount	1.25, 1.26
	Total value of discounts	1.27
Number of staff employed to process resource consents	1.35	
<b>Māori Participation:</b>		
Māori are actively involved in the resource consent process	Local authority has a process to ensure Māori participation at appropriate points in resource consent processing.	1.28
<b>Decision-making:</b>		
Local authority decision-making is robust and transparent	Number of resource consent decisions grouped by decision-maker	1.29
	Number of resource consent applications declined	1.30
	Number of pre-hearing meetings	1.31, 1.32
	Number of objections to decisions by local authority	1.33
	Number of appeals of local authority decisions to the Environment Court	1.34

<b>OBJECTIVE 2: Resource consents are effectively monitored and enforced to ensure compliance</b>		
<b>Outcome</b>	<b>Measure</b>	<b>Question</b>
<b>Monitoring and reporting:</b>		
Local authority fulfils RMA section 35 monitoring requirements	Local authority conducts State of the Environment, plan effectiveness and compliance monitoring and reporting	2.1
	Local authority prepares a full report under section 35(2A) and a complaints register under section 35(5)(i) of the RMA	2.2.1, 2.2.2
	Local authority formally monitors and reports consent processing	2.2.3
<b>Compliance monitoring and complaints:</b>		
Local authority has effective processes for handling complaints	Number of complaints	2.3
	Local authority follows a set procedure for handling complaints	2.4, 2.5
Compliance with consent conditions is effectively monitored	Number of resource consents monitored for compliance with consent	2.6
	Local authority has an appropriate monitoring and enforcement strategy	2.7
	Number of staff employed to monitor compliance and enforcement	2.13
	Challenges to monitoring compliance and enforcement	2.14
<b>Enforcement decision-making:</b>		
Enforcement decisions are robust and transparent	Local authority has written policy on making appropriate enforcement decisions	2.8
	Number of formal enforcement actions	2.9
	Number of prosecutions	2.10.1, 2.10.2
<b>Māori participation:</b>		
Māori are involved in resource consent monitoring	Local authority involves tangata whenua in resource consent monitoring	2.11, 2.12

<b>OBJECTIVE 3: Plan changes and variations are effectively prepared and made operative</b>		
<b>Outcome</b>	<b>Measure</b>	<b>Question</b>
<b>Plan changes to operative plans:</b>		
Plan changes are made operative in accordance with schedule 1 of the RMA	Number of local authority-initiated changes to operative plans	3.1, 3.5
	Number of privately-initiated changes to operative plans	3.2, 3.4, 3.5
	Number of proposed operative plan changes declined or withdrawn	3.3
<b>Variations to proposed plans:</b>		
Variations are made operative in accordance with schedule 1 of the RMA	Number of variations to a proposed plan completed	3.6, 3.8
	Number of variations to a proposed plan declined or withdrawn	3.7, 3.8
<b>Designations and notices of requirement:</b>		
Designation process is robust and efficient	Number of notices of requirement received from requiring authorities	3.9
	Number of notices of requirement recommended to be confirmed	3.10
	Number of notices of requirement declined	3.11
	Number of notices of requirement appealed	3.12
<b>Plan and Policy Reviews:</b>		
Local authority reviews plans as required by section 79(1) of the RMA	Local authority reviewed policy statements or plans as required under section 79(1) of the RMA	3.13, 3.14
<b>Māori Participation:</b>		
Māori are actively involved in plan-making process	Local authority made a budgetary commitment to tangata whenua participation in resource management plan preparation and plan change processes	3.15, 3.16, 3.17

**OBJECTIVE 4: National Environmental Standards (NES) & National Policy Statements (NPS) provisions are given effect by Local authorities**

Outcome	Measure	Question
<b>NES &amp; NPS Implementation:</b>		
Local authority has given effect to NESs/NPSs	Local authority has given effect to the following National Policy Statements: • NPS on Electricity Transmission • NPS for Renewable Electricity Generation • NPS for Freshwater Management	4.1
	Local authority has actively implemented any of the following National Environmental Standards: • NES for Air Quality • NES for Sources of Human Drinking Water • NES for Telecommunication Facilities • NES for Electricity Transmission Activities • NES for Assessing and Managing Contaminants in Soil to Protect Human Health	4.2
	Number of certificates of compliance issued by your local authority in compliance with a NES	4.3
	Number of issues local authority has encountered with the implementation of NESs and NPSs.	4.4
<b>NES for Assessing and Managing Contaminants in Soil to Protect Human Health:</b>		
Local authority observes the NES for Assessing and Managing Contaminants in Soil to Protect Human Health	Number of sites that were identified as HAIL (Hazardous Activities and Industries List) land in the 2012/2013 financial year that were previously not recorded as HAIL	4.5
	Number of sites that are identified as HAIL land are there in total as at 30 June 2013	4.6
	Number of sites that had their status changed from “unverified HAIL” to “confirmed as HAIL” in the 2012 / 2013 financial year	4.7
	Number of sites that had their status changed to “recorded in error as HAIL” in the 2012 / 2013 financial year	4.8
	Number of sites that had their status changed to “not contaminated” as a result of a Detailed Site Investigation in the 2012 / 2013 financial year	4.9
	Number of sites that were confirmed as exceeding the soil contaminant standards in the NES by a Detailed Site Investigation in the 2012 / 2013 financial year	4.10
	Number of activities that required a Preliminary Site Investigation to comply with the NES in the 2012 / 2013 financial year	4.11
	Number of activities that required a Detailed Site Investigation to comply with the NES in the 2012 / 2013 financial year	4.12
	Number of contaminated sites that had management or remediation works initiated by a consent in the 2012 / 2013 financial year	4.13

## DEFINITIONS AND EXPLANATIONS

When completing the survey, please remember:

- A resource consent is *processed* when the local authority has approved or declined the application.
- Do not include resource consent applications withdrawn before a decision was made (even if that application involved staff time before it was withdrawn).
- Include resource consents for applications lodged before the start of the 2012/2013 financial year where the decision was made within the 2012/ 2013 financial year.

Section 1: Resource Consent Processing	
1.1	This question refers to more than a photocopy of the Fourth Schedule, for example having checklists.
1.3	Providing advice to applicants can be over the counter, telephone advice or via email letter or pamphlet.
1.5	Pre application meetings are formal appointments made to meet with staff.
1.8	A set procedure refers to the use of any standardised guidance material such as templates, checklists and protocols (for example, those available on the quality planning website).
1.11	DICE is identified by the Environment Court and others as being fundamental attributes of quality resource consent conditions. See also - <a href="http://www.qualityplanning.org.nz/consents/conditions-res-con.php">www.qualityplanning.org.nz/consents/conditions-res-con.php</a>
1.12	For example this might include the use of peer review processes or the development and use of standard conditions.
1.14	This question refers to the type of database (electronic or otherwise) used by the local authority. For example: Tech 1, Napier Computer Systems regulatory package, in-house council system.
1.15	Processed means when the local authority has approved or declined an application. It does not include applications withdrawn prior to decision. It does not include resource consent applications withdrawn before a decision was made (even if that application involved staff time before it was withdrawn) It does include applications lodged before the start of the 2012/2013 financial year where the decision was made within the 2012/ 2013 financial year.
1.16	This question refers to applications made <b>under section 127</b> (Change or cancellation of consent condition by the consent holder). Note that applications under section 127 must be treated as if they were resource consents for a discretionary activity.
1.17	This question refers to consent conditions made under section 128 (Circumstances when consent conditions can be reviewed).
1.21	This question refers to requests for further information made under sections 92(1) and 92 (2).
1.23	<p>Resource consent applications are considered to be 'within time' if they are processed within:</p> <ul style="list-style-type: none"> <li>• 70 working days for notified and limited-notification consent applications involving a hearing;</li> <li>• 50 working days for notified and limited-notification consent applications not involving a hearing;</li> <li>• 85 working days for notified and limited notification applications involving a hearing where pre-hearing circulation of evidence has been directed;</li> <li>• 40 working days for non-notified consent applications where a hearing was held;</li> <li>• 20 working days for non-notified consent applications where no hearing was held; or</li> <li>• time limits using section 37.</li> </ul> <p><b>When completing this section exclude</b> resource consent applications withdrawn before a decision was made (even if that application involved staff time before it was withdrawn).</p> <p><b>When completing this section include</b> the length of time taken to get to the initial decision - that is, disregard section 357 decisions.</p> <p>The processing time clock should be stopped on the date the notice of decision is sent to the applicant and every person that made a submission, <b>NOT</b> the date the decision was made.</p>

1.24	<p>When calculating the charges to the applicant please count the total cost to the applicant as billed by your local authority, <b>including</b> any initial charges and any supplementary charges as a result of hearings, information gathered etc. However, this does not include financial or development contributions.</p> <p>Where more than one resource consent has been processed at the same time for the same project, and billed together in one invoice, average the total cost over the number of consents issued.</p> <p>Please ensure your answers are <b>GST exclusive</b>.</p> <p>The Ministry for the Environment collects information on the <b>median</b> charge to applicants for resource consent processing. The median is the number in the middle of a set of numbers when they are in ascending order. That is, half the numbers have values that are greater than the median, and half have values that are less. If there is an even number of numbers in a set, then the median is the average of the two numbers in the middle.</p> <p>Note: the median is NOT the same thing as the mean or average.</p> <p>The easiest way to calculate a median is to use Excel:</p> <ol style="list-style-type: none"> <li>1. Open the Excel spreadsheet where your charges data is stored, or export the data from the programme where it is stored into a single column in an Excel spreadsheet.</li> <li>2. Click on the first empty cell at the bottom of the column containing the charges data.</li> <li>3. Click on the = button on the Formula bar. From the drop-down menu, select 'MEDIAN'.</li> <li>4. Make sure the array (cells containing the data) includes <b>all</b> the cells with the data (e.g. A1:A100).</li> <li>5. Click 'OK' to complete the calculation.</li> </ol>
1.26	<p>The 2009 amendments to the RMA introduced s36AA, which requires a discount policy on administration charges for resource consents. The regulations for this were introduced in 2010. Section 36AA also allows councils to develop their own discount policy. This policy must be adopted in accordance with the consultative procedure under s83 of the Local Government Act 2002.</p> <p>Section 36AA also specifies that:</p> <ul style="list-style-type: none"> <li>• the policy must relate to circumstances where the consent is not processed within statutory time frames and the responsibility rests with the council</li> <li>• the policy must specify the discount, or method for determining the discount, and the procedure the applicant must follow to obtain the discount</li> <li>• the policy adopted must be more generous than provided for in the regulations.</li> </ul>
1.28	<p>Written criteria and policies should be more than a policy that just sees all consents automatically circulated to Maori groups for comment. Criteria and policies should relate to the circumstances when Maori or their interests will be deemed to be affected and which iwi or hapu should receive copies of applications.</p> <p>A budgetary commitment includes the budget for internal staff costs, direct payment to iwi, and costs of consulting with iwi to facilitate Maori/iwi participation in resource consent processes.</p>
1.34	<p>When completing this question exclude any objections made to further information requests <b>under section 92</b> and applications for certificates of compliance <b>under section 139</b>.</p>

<b>Section 2: Monitoring and Enforcement</b>	
2.1	Monitoring involves capturing a record of what was monitored. A record of the results of monitoring does not by itself constitute a report.  Reporting is defined as making the results of monitoring available in an understandable format for a defined audience. Reporting can range from informal internal council documents to publicly available published reports.
2.2.3	Formally reporting on consent processing performance can include reporting against performance benchmarks in long term plans in an annual report made publically available.
2.3	Minor issues are often resolved on the spot and not recorded. Complete the questions for recorded issues only which might include those received via telephone, personal visit or email. This section refers to complaints about alleged breaches of the RMA (section 35(5)(i)). Do not include information about complaints related to other local authority functions.
2.4	Enforcement action refers to any action that rectifies the situation through a legal procedure (for example an infringement notice, abatement notice or excessive noise direction).
2.5	This question refers to how council manages externally driven and registered concerns related to Resource Management Act consent compliance breaches and breaches of rules in plans. Do not refer to complaint management systems related to other local authority functions.
2.6	A resource consent is defined as requiring monitoring if it is written in the resource consent conditions that it shall be monitored during the period July 1 2012 to June 30 2013.
2.7	A monitoring and enforcement strategy is a document (either internal or adopted by council) that sets out the mechanisms that the council has in place to ensure that its monitoring and enforcement powers are resourced and exercised appropriately. The strategy may provide guidelines to be followed by staff exercising monitoring or enforcement roles.
2.8	A written policy on enforcement decisions is a document that sets out how the council meets the Crown Law Office's Prosecution Guidelines in relation to making decisions on prosecutions.
2.9	Consent compliance breaches are those that were monitored or noted in the first instance through compliance monitoring or by council officers. Enforcement or informal action taken as a result of public complaints that led to unscheduled consent compliance monitoring should be recorded in the complaints column.
2.11	Maori involvement can mean different forms of involvement, for example monitoring of consents and state of the environment monitoring.

<b>Section 3: Plan Changes and Variations</b>	
3.1-3.8	'Operative' means that the plan change or variation was successfully incorporated into the operative or proposed plan, potentially with some modifications. Do not include plan changes or variations under appeal to the Environment Court as these have not yet been made operative.
3.15	This includes internal council budgetary provision for staff costs and consultation with iwi, and any direct payments to iwi to assist them in participating in consultation, in regard to: <ul style="list-style-type: none"> <li>• Plan and policy development.</li> <li>• Incorporating Maori/iwi/hapū advice into plans and policy statements.</li> </ul> <p>It may also include any contribution paid towards assisting iwi in the development of planning documents recognised by the iwi authority (such as iwi management plans).</p>

## Section 4: National Policy Statements and National Environmental Standards

New questions have been added to the 2012/13 RMA Survey to identify the extent to which RMA national instruments are being implemented by local authorities and to update information gathered through earlier implementation surveys.

4.1	<p>Councils are required to implement National Policy Statements (NPSs) through amendments to their regional policy statements or regional/district plans. An NPS can direct whether or not councils use the Schedule 1 process to make any amendments.</p> <p>In all cases councils must make the amendments as soon as practicable, or within or before a time or event specified in an NPS.</p> <p>When an NPS comes into effect, councils need to assess their regional policy statement and region/district plans to determine the process needed to give effect to the NPS.</p> <p>For the purposes of this survey, your council has given effect to an NPS if:</p> <ul style="list-style-type: none"> <li>• amendments to your regional policy statement or region/district plan have been made to give effect to the NPS (without using the Schedule 1 process) and it has been notified</li> <li>• your council has notified a draft giving effect to the NPS (using the Schedule 1 process)</li> <li>• your council has assessed the NPS and decided that your regional policy statement or region/district plan already gives effect to the NPS.</li> </ul> <p>For the purposes of this survey, your council has not given effect to an NPS if:</p> <ul style="list-style-type: none"> <li>• you are currently drafting suitable amendments but have not notified them</li> <li>• you have not started drafting any amendments.</li> </ul> <p>Not applicable (N/A) applies if:</p> <ul style="list-style-type: none"> <li>• your council has assessed the NPS and decided that it does not apply</li> </ul>
4.1.1	Further information on the NPS on Electricity Transmission is available at: <a href="http://www.mfe.govt.nz/rma/central/transmission/index.html">www.mfe.govt.nz/rma/central/transmission/index.html</a> .
4.1.2	Further information on the NPS for Renewable Electricity Generation is available at: <a href="http://www.mfe.govt.nz/rma/central/nps/generation.html">www.mfe.govt.nz/rma/central/nps/generation.html</a> .
4.1.3	Further information on the NPS for Freshwater Management is available at: <a href="http://www.mfe.govt.nz/rma/central/nps/freshwater-management.html">http://www.mfe.govt.nz/rma/central/nps/freshwater-management.html</a> .
4.2	<p>National environmental standards are mandatory environmental regulations. Councils are required to observe and enforce NESs the extent to which their powers enable them to do so.</p> <p>For the purposes of this survey, your council has actively implemented an NES if:</p> <ul style="list-style-type: none"> <li>• your council considers NES requirements in making resource consent decisions</li> <li>• your council has made changes to consistently reflect any NES requirements</li> <li>• your council is currently taking steps to implement NES requirements.</li> </ul>
4.2.1	Further information on the NES for Air Quality is available at: <a href="http://www.mfe.govt.nz/laws/standards/air-quality/index.html">www.mfe.govt.nz/laws/standards/air-quality/index.html</a> .
4.2.2	Further information on the NES for Sources of Drinking Water is available at: <a href="http://www.mfe.govt.nz/laws/standards/drinking-water-source-standard.html">www.mfe.govt.nz/laws/standards/drinking-water-source-standard.html</a> .
4.2.3	Further information on the NES for Telecommunication Facilities is available at: <a href="http://www.mfe.govt.nz/laws/standards/telecommunication-standards.html">www.mfe.govt.nz/laws/standards/telecommunication-standards.html</a> .
4.2.4	Further information on the NES for Electricity Transmission Activities is available at: <a href="http://www.mfe.govt.nz/laws/standards/electricity-transmission.html">www.mfe.govt.nz/laws/standards/electricity-transmission.html</a> .
4.2.5	Further information on the NES for Assessing and Managing Contaminants in Soil to Protect Human Health is available at: <a href="http://www.mfe.govt.nz/laws/standards/contaminants-in-soil">www.mfe.govt.nz/laws/standards/contaminants-in-soil</a> .
4.4	Examples of issues may include conflicts with local rules or other NES or NPS requirements or understanding how to properly implement the national instruments.

4.5	HAIL land is land where an activity or industry described on the Hazard Activities and Industries List is being undertaken, has been undertaken, or is more likely than not to have been undertaken. Land is referred to in the NES as a 'piece of land'.
4.9 – 4.10	<p>“Detailed site investigation” is defined in regulation 3 of the NES as: an investigation that—</p> <ul style="list-style-type: none"> <li>(a) is done by a suitably qualified and experienced practitioner; and</li> <li>(b) is done in accordance with the current edition of Contaminated Land Management Guidelines No. 5 – Site Investigation and Analysis of Soils, Wellington, Ministry for the Environment; and</li> <li>(c) is reported on in accordance with the current edition of Contaminated Land Management Guidelines No. 1 – Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment; and</li> <li>(d) results in a report that is certified by the practitioner.</li> </ul> <p>A detailed site investigation involves intrusive techniques to collect field data and soil samples for analytical testing to determine the concentrations of contaminants of concern.</p>

**For enquiries regarding this survey please contact:**

Rapunzel Mulawin  
DDI: 04 439 7776  
Email: rmasurvey@mfe.govt.nz  
Monitoring, Evaluation, Review and Compliance  
Ministry for the Environment



# 2012/2013 RMA Survey of Local Authorities



Ministry for the  
**Environment**  
Manatū Mō Te Taiao

Local authority \*

All fields marked \* are mandatory.

## 1 RESOURCE CONSENT PROCESSING

### Pre-application:

- 1.1 Does your local authority define the environmental effects that applicants must address for controlled and restricted discretionary activity resource consents? \*  Yes  No
- 1.2 Does your local authority check a resource consent application for completeness (not correctness) within five working days of its arrival? \*  Yes  No
- 1.3 Does your local authority produce written guidance material for applicants in preparing assessments of environmental effects? \*  Yes  No
- 1.4 Does your local authority advise applicants when their resource consent application may be of interest/concern to iwi/hapū? \*  Yes  No
- 1.5 How many resource consent applications involved pre-application meetings during the 2012/2013 financial year? \*
- 1.6 How many resource consent applications were returned to the applicant by your local authority under section 88(3) of the RMA in the 2012/2013 financial year? \*
- 1.7 Describe the typical features of the set procedures your local authority follows during the pre-application phase.

### Consent processing:

- 1.8 Does staff follow set procedures to check that environmental effects are adequately identified and addressed in AEEs? \*  Yes  No
- 1.9 Are internal guidance notes or checklists available to advise staff when to notify a resource consent application? \*  Yes  No
- 1.10 Are internal guidance notes or checklists available to advise staff how to identify affected parties? \*  Yes  No
- 1.11 Does your council ensure that resource consent conditions are "DICE" (Defensible, Intra Vires, Certain and Enforceable)? \*  Yes  No
- 1.12 Describe the process followed by your local authority to ensure that resource consent conditions are "DICE".

- 1.13 Does your local authority have standard conditions in resource consents that cover discovery of culturally sensitive sites or items to tangata whenua? \*  Yes  No
- 1.14 What type of database is your local authority using to store and retrieve resource consent processing data?

- 1.15 How many resource consent applications (as defined in section 87 of the RMA) were processed through to a decision by your local authority in the 2012/2013 financial year? \*
- 1.16 How many resource consent applications processed to a decision by your local authority were initiated by changes in resource consent conditions (as defined under section 127 of the RMA) in the 2012/2013 financial year? \*
- 1.17 How many resource consent applications processed to a decision by your local authority were changes in resource consent conditions (as defined under section 128 of the RMA) in the 2012/2013 financial year? \*

1.18 Complete the following table with information about how many of each type of resource consent were processed to a decision by your local authority in the 2010/2011 financial year. \*

Type	Subdivision	Land Use	Coastal	Water	Discharge	Total
Notified						<b>0</b>
Limited Notification						<b>0</b>
Non-notified						<b>0</b>
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

1.19 Complete the following table with information about the activity status of resource consents that were processed to a decision by your local authority in the 2012/2013 financial year. \*

Activity status	Controlled	Discretionary	Restricted Discretionary	Non-complying	Other	Total
Consents processed						<b>0</b>

- 1.20 How many certificates of compliance were issued by your local authority under section 139 of the RMA in the 2012/2013 financial year? \*
- 1.21 How many resource consents processed in the 2012/2013 financial year required written requests for further information under section 92 of the RMA? \*
- 1.22 How many resource consent applications processed to a decision during the 2012/2013 financial year were subject to a timeframe extension under: \*
- 1.22.1 section 37A(4)(b)(i) - special circumstance?.....
- 1.22.2 section 37A(4)(b)(ii) - applicant agreed?.....
- Total

1.23 Complete the following tables with the number of resource consents (by type) processed to a decision within/outside statutory time limits in the 2012/2013 financial year. \*

Notified Resource Consents							Total
Type	Without hearing			With hearing			
	Processed within 50 days	Processed within timeframe extended under s 37	Processed outside statutory timeframe	Processed within 70 days (85 if directed to circulate evidence)	Processed within timeframe extended under s 37	Processed outside statutory timeframe	
Coastal							<b>0</b>
Discharge							<b>0</b>
Land use							<b>0</b>
Subdivision							<b>0</b>
Water							<b>0</b>

Limited Notification Resource Consents							
Type	Without hearing			With hearing			Total
	Processed within 50 days	Processed within timeframe extended under s 37	Processed outside statutory timeframe	Processed within 70 days (85 if directed to circulate evidence)	Processed within timeframe extended under s 37	Processed outside statutory timeframe	
Coastal							<b>0</b>
Discharge							<b>0</b>
Land use							<b>0</b>
Subdivision							<b>0</b>
Water							<b>0</b>

Non-notified Resource Consents							
Type	Without hearing			With hearing			Total
	Processed within 20 days	Processed within timeframe extended under s 37	Processed outside statutory timeframe	Processed within 40 days	Processed within timeframe extended under s 37	Processed outside statutory timeframe	
Coastal							<b>0</b>
Discharge							<b>0</b>
Land use							<b>0</b>
Subdivision							<b>0</b>
Water							<b>0</b>

1.24 In the 2012/2013 financial year, what were the lowest, median, highest and total amounts your local authority charged resource consent applicants for the following types of resource consents? \*

Type	Lowest charged (\$)	Median charged (\$)	Highest charged (\$)	Total (\$)
Notified				
Limited Notification				
Non-notified				

1.25 How many resource consent applications were subject to a discount during the 2012/2013 financial year?

Notified consents.....

Limited notification consents.....

Non-notified consents.....

Total

1.26 Does your local authority apply a local authority-specific discount policy?  Yes  No

1.26a Please describe your local authority's discount policy.

1.27 What was the total value of all discounts provided during the 2012/2013 financial year?

### Māori Participation:

1.28 Does your local authority use any of the following processes to ensure Māori participation in resource consents processing:

- determine in each resource consent application whether tangata whenua are considered to be an affected party? \*  Yes  No
- have standard resource consent conditions that cover discovery of sites or items that are culturally sensitive for tangata whenua? \*  Yes  No
- make a budgetary commitment to tangata whenua participation in resource consent processes? \*  Yes  No
- have a written policy that requires consideration of the need for a cultural impact assessment as part of the resource consent application where tangata whenua determined to be an affected party? \*  Yes  No

If you have other forms of process for involvement of tangata whenua, please describe these below:

1.29 How many resource consents processed during the survey period were decisions made by:\*

Decision-maker	Local authority officer	Independent commissioners	Councillors/ community boards	Councillor hearing panel	Other	Total
Consents						<b>0</b>

### Decision-making:

1.30 How many resource consent applications processed to a decision were declined by your local authority in the 2012/2013 financial year? \*

1.31 In how many cases of notified and limited notified resource consents processed in the 2012/2013 financial year was there a pre-hearing meeting held under section 99 of the RMA? \*

1.32 How many pre-hearing meetings resulted in issues being resolved so that a hearing was unnecessary? \*

1.33 How many objections under section 357 RMA were received by your local authority in relation to steps in resource consent processing during the 2012/2013 financial year? \*

1.34 How many resource consent decisions made by your local authority in the 2012/2013 financial year were appealed under section 120 of the RMA? \*

1.35 How many staff (full time equivalents) did your local authority employ to process resource consents during the 2012/13 financial year? \*

Category	Senior Planners	Planners	Scientists	Planning technicians	Other	Total
Number						<b>0</b>

1.36 What are the main challenges and issues your local authority encounters during the processing of resource consents?

## 2 MONITORING AND ENFORCEMENT

### Monitoring and reporting:

- 2.1 Did your local authority monitor or report results of any of the following during the 2012/2013 financial year?
- 2.1.1 State of the Environment (section 35(2)(a) RMA) \*  Yes  No
- 2.1.2 Suitability and effectiveness of policies and plans (section 35(2)(b) RMA) \*  Yes  No
- 2.1.3 Compliance with resource consent conditions (section 35(2)(d) RMA) \*  Yes  No
- 2.1.4 Compliance with your plan in regard to permitted activities \*  Yes  No
- 2.2 Did your local authority undertake any of the following during the 2012/2013 financial year?
- 2.2.1 Prepare a full report under section 35(2A) of the RMA \*  Yes  No
- 2.2.2 Compile a complaints register (section 35(5)(i) RMA) \*  Yes  No
- 2.2.3 Formally monitor and report consent processing performance (e.g., prepare an annual report on consent processing performance that is made available to ratepayer) \*  Yes  No

### Compliance monitoring and complaints:

- 2.3 How many complaints recorded under section 35(5)(i) concerning alleged breaches of the RMA were received by your local authority during the 2012/2013 financial year for the following: \*
- 2.3.1 Excessive noise complaints.....
- 2.3.2 Other complaints.....
- 2.4 How many of these complaints have led to enforcement action? \*
- 2.5 Does your local authority have a set procedure for handling complaints? \*  Yes  No
- 2.6 How many new resource consents were monitored for consent compliance during the 2012/2013 financial year? \*
- 2.7 Describe your local authority's monitoring and enforcement strategy:
- 
- 2.8 Does your local authority have a written policy on making formal enforcement decisions? \*  Yes  No
- 2.9 Complete the table below to show how many times your local authority used formal enforcement actions in relation to the breaches described: \*

#### For Regional Councils

Enforcement action	Section 9	Section 12	Section 13	Section 14(2)	Section 15(1)(a)	Section 15(1)(b)	Section 15 other	Total
Infringement notices (S343A(d))								0
Abatement notices (S322)								0
Enforcement orders (S314)								0
Total	0	0	0	0	0	0	0	0

**For Territorial Authorities**

Enforcement action	Section 9	Section 11	Total
Infringement notices (S343A(d))			0
Abatement notices (S322)			0
Enforcement orders (S314)			0
Total	0	0	0

**For Unitary Authorities**

Enforcement action	Section 9	Section 11	Section 12	Section 13	Section 14(2)	Section 15(1)(a)	Section 15(1)(b)	Section 15 other	Total
Infringement notices (S343A(d))									0
Abatement notices (S322)									0
Enforcement orders (S314)									0
Total	0	0	0	0	0	0	0	0	0

2.10 How many times did your local authority prosecute for these breaches?

**2.10.1a For Regional Councils**

Enforcement action	Section 9	Section 12	Section 13	Section 14(2)	Section 15(1)(a)	Section 15(1)(b)	Section 15 other	Total
In how many cases referred to your local authority's decision making group did enforcement staff make a recommendation to prosecute?								0
How many of these recommendations were approved by your local authority's decision making group?								0

**2.10.1a For Territorial Authorities**

Enforcement action	Section 9	Section 11	Total
In how many cases referred to your local authority's decision making group did enforcement staff make a recommendation to prosecute?			0
How many of these recommendations were approved by your local authority's decision making group?			0

**2.10.1a For Unitary Authorities**

Enforcement action	Section 9	Section 11	Section 12	Section 13	Section 14(2)	Section 15(1)(a)	Section 15(1)(b)	Section 15 other	Total
In how many cases referred to your local authority's decision making group did enforcement staff make a recommendation to prosecute?									0
How many of these recommendations were approved by your local authority's decision making group?									0

2.10.1b Please specify reasons why recommendations to prosecute were not approved:

2.10.1c Court Decisions

Enforcement action	Section 9	Section 12	Section 13	Section 14(2)	Section 15(1)(a)	Section 15(1)(b)	Section 15 other	Total
How many court decisions were released during the 2012/2013 financial year?								<b>0</b>
Of these decisions how many were convictions?								<b>0</b>

2.10.1c Court Decisions

Enforcement action	Section 9	Section 11	Total
How many court decisions were released during the 2012/2013 financial year?			<b>0</b>
Of these decisions how many were convictions?			<b>0</b>

2.10.1c Court Decisions

Enforcement action	Section 9	Section 11	Section 12	Section 13	Section 14(2)	Section 15(1)(a)	Section 15(1)(b)	Section 15 other	Total
How many court decisions were released during the 2012/2013 financial year?									<b>0</b>
Of these decisions how many were convictions?									<b>0</b>

2.10.1d Please specify reasons why prosecutions heard in court do not lead to convictions:

**Māori Participation:**

2.11 Does your local authority involve tangata whenua in resource consent monitoring? \*  Yes  No

2.12 If so, please describe your local authority's tangata whenua involvement programme(s):

**Resources:**

2.13 How many staff (full time equivalents (FTEs)) did your local authority employ to monitor compliance with the RMA, enforce the RMA, conduct investigations and prosecutions during the 2012/2013 financial year?

Staff dedicated to:	RMA compliance monitoring	RMA enforcement	Investigations and Prosecutions	Both Monitoring and Enforcement	All aspects: Monitoring, Enforcement, Investigations and Prosecutions	Total
FTEs						<b>0</b>

2.14 What are the main challenges and issues your local authority encounters in monitoring compliance and enforcement?

### 3 PLAN CHANGES AND VARIATIONS

#### Plan changes to operative plans:

- 3.1 How many local authority-initiated changes to operative plans were made operative by your local authority in the 2012/2013 financial year? \*
- 3.2 How many privately-initiated changes to operative plans were made operative by your local authority in the 2012/2013 financial year? \*
- 3.3 How many local authority-initiated and privately-initiated changes to operative plans were declined or withdrawn in the 2012/2013 financial year? \*
- 3.4 Describe your local authority's pre-application process for privately-initiated changes:

3.5 Complete the following table for each plan change processed by your local authority in the 2012/2013 financial year.

Description of plan change	Origin (Local authority or privately initiated)	Notification date	Local authority Decision date	Number of appeals	Operative date

#### Variations to proposed plans:

- 3.6 How many variations to a proposed plan were made by your local authority in the 2012/2013 financial year? \*
- 3.7 How many variations to a proposed plan were declined or withdrawn in the 2012/2013 financial year? \*
- 3.8 Complete the following table for each variation processed by your local authority in the 2012/2013 financial year.

Description of variation	Origin (Local authority or privately initiated)	Notification date	Local authority Decision date	Number of appeals	Operative date

#### Designations and notices of requirement:

- 3.9 How many notices of requirement were received from requiring authorities during the 2012/2013 financial year? \*
- 3.10 How many notices of requirement were recommended to be confirmed during the 2012/2013 financial year? \*
- 3.11 How many notices of requirement were recommended for withdrawal by your local authority during the 2012/13 financial year? \*
- 3.12 How many notices of requirement were appealed during the 2012/2013 financial year? \*

#### Plan and Policy reviews:

- 3.13 Did your local authority undertake a review of policy statements or plans as required under section 79(1) of the RMA? \*  Yes  No  N/A
- 3.14 Complete the following table for each plan review conducted by your local authority in the 2012/2013 financial year.

Description of review	Type (full or partial)	Notification date	Decision date	Operative date



### Māori Participation:

- 3.15 Did your local authority make a budgetary commitment to tangata whenua participation in resource management plan preparation and plan change processes during the 2012/2013 financial year? \*  Yes  No
- 3.16 If you answered yes, what was the amount of your local authority's budgetary commitment?
- 3.17 If you answered no, please describe other forms of commitment as to ensure tangata whenua participation in resource management plan preparation and plan change processes during the 2012/2013 financial year?
- 3.18 What are the main challenges and issues your local authority encounters in changing and reviewing plans?

## 4 NATIONAL POLICY STATEMENTS AND NATIONAL ENVIRONMENTAL STANDARDS

### NPS and NES implementation:

- 4.1 Has your local authority given effect to the following National Policy Statements in your plans?
- 4.1.1 NPS on Electricity Transmission \*  Yes  No  N/A
- 4.1.2 NPS for Renewable Electricity Generation \*  Yes  No  N/A
- 4.1.3 NPS for Freshwater Management \*  Yes  No  N/A
- 4.2 Has your local authority given effect to the following National Policy Statements in your plans?
- 4.2.1 NES for Air Quality \*  Yes  No  N/A
- 4.2.2 NES for Sources of Human Drinking Water \*  Yes  No  N/A
- 4.2.3 NES for Telecommunication Facilities \*  Yes  No  N/A
- 4.2.4 NES for Electricity Transmission Activities \*  Yes  No  N/A
- 4.2.5 NES for Assessing and Managing Contaminants in Soil to Protect Human Health \*  Yes  No  N/A
- 4.3 How many certificates of compliance were issued by your local authority in accordance with a National Environmental Standard in the 2012/2013 financial year? \*
- 4.4 Describe any issues your local authority has encountered in implementing NPSs and NESs:

### NES for Assessing and Managing Contaminants in Soil to Protect Human Health:

#### Questions for Regional councils and Unitary authorities:

- 4.5 How many sites were identified as meeting specifications in the (Hazardous Activities and Industries List) (HAIL) in the 2012/2013 financial year that were previously not recorded as HAIL land? \*
- 4.6 How many sites identified as HAIL land are there in total as at 30 June 2013? \*

- 4.7 How many sites had their status changed from "unverified HAIL" to "confirmed as HAIL" in the 2012/2013 financial year? \*
- 4.8 How many sites had their HAIL status changed to "recorded in error" in the 2012/2013 financial year? \*
- 4.9 How many sites had their status changed to "not contaminated" as a result of a Detailed Site Investigation in the 2012/2013 financial year? \*
- 4.10 How many sites were confirmed as exceeding the soil contaminant standards in the NES by a Detailed Site Investigation in the 2012/2013 financial year? \*

**Questions for Territorial and Unitary authorities:**

- 4.11 How many sites required a 'preliminary site investigation' to comply with the NES in the 2012/2013 financial year? \*
- 4.12 How many 'pieces of land' required a Detailed Site Investigation to comply with the NES in the 2012/2013 financial year? \*
- 4.13 How many 'pieces of land' required management or remediation works to comply with a resource consent issued under the NES in the 2012/ 2013 financial year? \*

**5 DECLARATION**

By submitting this form, you declare that the information supplied is true and correct to the best of your knowledge and acknowledge that the information submitted is official information and subject to the Official Information Act 1982.

I agree \*

# Appendix G: 2011/13 EPA survey questionnaire



All fields marked \* are mandatory.

**1. Statistics on matters processed by the EPA:**

**Resource consents**

1.1 How many resource consent applications lodged with EPA under section 145 of the RMA were processed to a decision from **1 July 2011** to **30 June 2013**? \*

**Change or cancellation of resource consent conditions**

1.2 How many applications for the cancellation of resource consent condition/s (lodged with the EPA under **section 145(2)** of the RMA) were processed to a decision within the survey period? \*

1.3 How many applications for a change of resource consent condition/s (lodged with the EPA under **section 145(2)** of the RMA) were processed to a decision within the survey period? \*

**Notice of requirement (NOR)**

1.4 How many NORs were processed to a decision within the survey period for: \*

1.4.1 Designations ( <b>section 145(3)</b> ).....	<input style="width: 95%; height: 20px;" type="text"/>
1.4.2 Changes to a designation ( <b>section 145(3)</b> ).....	<input style="width: 95%; height: 20px;" type="text"/>
1.4.3 Heritage orders ( <b>section 145(4)</b> ).....	<input style="width: 95%; height: 20px;" type="text"/>
1.4.4 Changes to a heritage order ( <b>section 145(4)</b> ).....	<input style="width: 95%; height: 20px;" type="text"/>
Total	<input style="width: 50px; height: 20px; border: 1px solid black;" type="text" value="0"/>

**Regional/District plans**

1.5 How many requests for a change to a regional or district plan (**section 145(1)(c)**) were processed to a decision during the survey period? \*

1.6 How many requests for the preparation of a regional plan (**section 145(1)(b)**) were processed to a decision during the survey period? \*

**Matters called in by the Minister**

1.7 How many matters originally lodged with a local authority were processed to a decision during the survey period by the EPA as a result of the Minister's decision to call in the matter under **section 142** of the RMA? \*

1.8 Of the matters called in by the Minister, how many were referred to: \*

1.8.1 a Board of inquiry.....	<input style="width: 95%; height: 20px;" type="text"/>
1.8.2 the Environment Court.....	<input style="width: 95%; height: 20px;" type="text"/>
Total	<input style="width: 50px; height: 20px; border: 1px solid black;" type="text" value="0"/>

**Minister's direction**

1.9 Upon receiving the EPA's recommendation on a matter (**section 146**) lodged with the EPA during the survey period, how many matters were directed by the Minister to be referred to: \*

1.9.1 a Board of inquiry.....	<input style="width: 95%; height: 20px;" type="text"/>
1.9.2 the Environment Court.....	<input style="width: 95%; height: 20px;" type="text"/>
1.9.3 a local authority.....	<input style="width: 95%; height: 20px;" type="text"/>
Total	<input style="width: 50px; height: 20px; border: 1px solid black;" type="text" value="0"/>

**Decisions on applications**

1.10 How many matters lodged directly with the EPA were processed to a decision within the survey period by: \*

1.10.1 a Board of inquiry.....

1.10.2 the Environment Court.....

Total

1.11 How many of the matters that were called in by the Minister and processed by the EPA were decided by: \*

1.11.1 a Board of inquiry.....

1.11.2 the Environment Court.....

Total

**Further information requests**

1.12 How many proposals received during the survey period required further information under **section 149(2)(a)** of the RMA? \*

1.12.1 Of these, how many proposals required more than one request for further information? \*

1.13 How many proposals received during the survey period required preparation of a report under **section 149(2)(b)** of the RMA? \*

**Resource consents declined**

1.14 How many resource consent applications lodged with the EPA were declined by either a Board of Inquiry or the Environment Court within the survey period? \*

**Resource consents returned as incomplete**

1.15 During the survey period, how many resource consent applications were: \*

1.15.1 returned to the applicant under section **section 88(3)** of the RMA

1.15.2 returned to the applicant more than once under **section 88(3)** of the RMA

**Appeals made by the applicant on decisions**

1.16 How many appeals to the High Court (under **section 149V** of the RMA) were made in relation to a proposal processed by the EPA within the survey period? \*

**2. Time**

2.1 How many matters received during the survey period did the Minister receive the EPA's recommendation under **section 146(1)** of the RMA within the 20 working days timeframe? \*

2.2 How many matters during the survey period were processed to a decision within the 9 month requirements set out in **section 149R(2)(a)-(c)** or within any extension under **section 149S(1)**? \*

2.3 How many matters were processed within the timeframe using an extension under **section 149S(1)**? \*

2.4 What was the average duration (days) for the processing of matters referred to the Environment Court during the survey period? \*

2.5 For matters directed to the Environment Court, how many days on average did it take the EPA to provide submissions to the Environment Court under **section 149G(2)(c)** after receiving the Minister's Direction? \*

**3. Cost**

3.1 What was the total amount charged to applicants by the EPA for proposals processed to a decision during the survey period (GST exclusive)? \*

Application (Name of Proposal)	Total charged (\$)

**Charges**

3.2 What was the standard hourly charge out rate the EPA used for cost recovery for each category of EPA staff for the processing of matters during the survey period? \*

Type	Project Leader	Senior Advisor	Advisor	Project Administrator	Other
Rate					

**4. Good Practice in Resource Consent Processing**

**Pre-application process**

4.1 How many proposals involved pre-application meetings during the survey period? \*

4.2 Does the EPA assist applicants in identifying issues that could lead to their proposals being deemed incomplete under section 88 or require further information or reports under section 149? \*  Yes  No

**Application process**

4.3 Before commissioning specialist reports under **section 149(2)(b)**, does the EPA:

4.3.1 Provide applicants with the opportunity to discuss or dispute the requirements to provide such information? \*  Yes  No

4.3.2 Allow applicants to obtain information or reports themselves? \*  Yes  No

**Assessments of national significance**

4.4 Please describe the process staff follow to assess whether a proposal is of national significance. \*

**Engagement with Maori**

4.5 Does the EPA provide advice or indicate to applicants that their resource consent may be of interest/concern to iwi/hapū? \*  Yes  No

4.6 If the answer to 4.5 above was "Yes", does this generally occur before or after formal lodgement? \*

**Monitoring timeframes**

4.7 Does the EPA check a proposal for **completeness** (not correctness) within five working days of its arrival? \*  Yes  No

4.8 Does the EPA formally monitor and report processing performance (e.g. prepare an annual report on proposal processing performance) that is made available to the public? \*  Yes  No

**Customer satisfaction**

4.9 Did the EPA run a formal, documented consent processing customer satisfaction survey during the survey period? \*  Yes  No

4.10 If the answer to 4.9 above was "Yes", indicate the overall level of satisfaction reported by applicants: \*

4.11 How many staff (full time equivalents) did the EPA employ to process resource consents during the survey period?

Category	Senior Advisors	Advisors	Project Leaders	Project Administrators	Other	Total
Number of staff per matter						<b>0</b>
Total number of staff over the survey period						<b>0</b>

## 5. Plan Changes and Variations

### *Plan preparation, changes and variations*

5.1 Complete the following table for each request received, or matter processed by the EPA within the survey period? \*

<b>Name</b> (Description of plan prepared or changed)	<b>Type</b> (Regional/district; plan preparation/change)	<b>Origin</b> (Council or privately initiated)	<b>Notification Date</b>	<b>Decision Date</b>

## 6. Comments

Please take the opportunity to comment on any issues that may be relevant when considering the responses of the EPA to this questionnaire.

## 7. Declaration

By submitting this form, you declare that the information supplied is true and correct to the best of your knowledge and acknowledge that the information submitted is official information and subject to the Official Information Act 1982.

I agree \*