



Report 07.219
Date 30 April 2007
File ENV/08/02/01

Committee Environment Committee
Author Al Cross, Manager, Environmental Regulation

Results of two-yearly Resource Management Act survey of local authorities 2005/2006

1. Purpose

To advise the Committee of the results of the Ministry for the Environment's (MfE) two-yearly Resource Management Act 1991 (the Act) survey for the 2005/06 financial year.

2. Background

For well over a decade, MfE has been conducting a survey of local authorities to determine how the Act is being implemented. This is the eighth iteration surveying all 85 regional, city and district councils in New Zealand. Survey results are often referred to across the national political divide, and by a range of sectors from the business fraternity to community and environmental groups.

The survey covers a wide range of areas, including consent processing timeframes, costs of processing consents and regional plans, monitoring and enforcement, good practice in resource consent processing, and Maori participation in resource management.

Basic comparative information is provided in this survey which enables us to benchmark Greater Wellington's (GW) performance against other councils in a number of areas. This report to you highlights some of the key results of the survey, and places our results in an overall national context.

GW's survey data for the period draws from across the region.

3. Survey results

Numbers of consents processed

51,768 consents were processed nationally, down 5% on the 2003/04 period, and 23.63% of these were processed by regional councils. Consents processed at GW fell from 748 to 697, noting that 2003/04 was considered an exceptional year in processing numbers for us.

4.1% of all consents were notified representing a slight decline (GW: 6.89% down from 9.09%), while consents processed limited notified nearly doubled to 1.5% (GW: 1.29% up from 0.53%).

Consent processing timeframes

These timeframes continue to be used as a barometer for good practice and overall consent processing efficiency and effectiveness.

We have continued our strong performance in meeting consent processing timeframes. Over ninety-seven percent of our resource consent applications were processed within processing timeframes set down by the Act. The regional councils' average is around 85% while the national median is 73% (down from 82% in 2001/02). Monitoring of performance against timeframes also declined from previous surveys.

Section 37 was used to extend timeframes for 17% of all regional council consents.

Good practice

The survey questioned a number of areas of practice and process to ascertain a measure of good practice nationally.

Thirty-two percent of all consents received further information requests during consent processing, down slightly from previous surveys. GW recorded around twenty-seven percent, while all regional councils ranged between around 10 and 53%. Providing for opportunities to dispute information requests also increased.

Use of pre-hearing meetings were down from the last two surveys although 28% of meetings resolved issues leading to no hearing, up from the previous two surveys. GW had three successful pre-hearings during the survey period.

Increases in the number of local authorities using certain areas of best practice were experienced. These included defining effects that must be addressed, providing a structured process to check for the adequacy of information and environmental assessment, and providing for internal guidance. High levels of pre-application assistance were also recorded. However, on a disappointing note checks for application completeness, prompt formal receipt of applications declined markedly.

Processing costs

Comparing costs is notoriously difficult to assess because councils' process consents and apportion costs differently, and it is probable many councils would have struggled to provide meaningful information. Despite this, the survey reported that the range of average median costs for notified consents increased to \$4,166 - \$10,801 for notified consents (up from \$3,198 - \$8,841), and \$425 - \$632 for non-notifieds (GW: \$280 - \$551).

Monitoring and enforcement

All regional councils monitor state of the environment, resource consent conditions and maintain a complaints' register.

Nationally, seventy-four percent of resource consents monitored for compliance complied with their consent conditions, and of those consents monitored by GW about 75% complied with their conditions. Only 59% of all consents were monitored nationally.

Sixty-three percent of consent breaches were resolved through informal means (GW: 75.7%). Infringement notices increased by over 50% to 1507, with regional councils issuing over half of these. GW issued 35 during the period, with 4 being withdrawn.

109,964 complaints were received nationally (GW: 1573) down from the 2003/04 period.

Maori participation

Thirty-eight percent of local authorities reported a budgetary commitment to Maori participation in the RMA process – a gradual and marked decrease from 65% in 1999/2000. Eighty-nine percent of councils have standard conditions covering discovery of sites, 61% have formal protocols and MOUs with local Maori, and 68% of councils provided advice to applicants that respective proposals may be of interest prior to lodging.

4. Comments

The results indicate overall that local authorities are performing reasonably well, and Greater Wellington compares quite favourably by comparison.

Good practice appears to be increasing in a number of areas (such as providing pre-application, and guidance for assessments), however a number of trends are concerning.

The number of consents being processed in statutory timeframes is declining – a result not lost on the media. Twenty councils sitting below the national average have been identified for closer attention from MfE.

Other trends worth noting include the effect of the 2005 RMA amendments is reflected in a greater number of limited notified applications and dispute procedures for further information requests. Enforcement has seen an increased use infringement notices, while resolution by informal means remains the most used tool for resolving enforcement matters.

5. **Communication**

It is disappointing that the media has focused mostly on statutory timeframe issues in reporting of the survey results. We have provided a press release to the media, citing a slightly broader range of matters and highlighting GW's good performance in 2005/06.

6. **Recommendations**

It is recommended that the Committee:

1. ***Receives the report; and***
2. ***Notes the contents.***

Report prepared by:

Report approved by:

Al Cross
Manager, Environmental
Regulation

Nigel Corry
Divisional Manager,
Environment Management