

Planning Under a Cooperative Mandate

A PGSF-FRST funded Programme on the Quality of Environmental Planning and Governance in New Zealand.

District Plan Implementation Under the RMA: Confessions of a Resource Consent

(Second PUCM Report to Government)

Prepared by

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at

The International Global Change Institute
Te Wānanga o ngā rere Kētanga-a-Taiao



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Glossary of Acronyms and Terms

FRST	Foundation for Research, Science and Technology
EQ	Environmental Quality
HDC	Horowhenua District Council
HURDC	Hurunui District Council
IQ	Implementation Quality
KDC	Kaipara District Council
MFE	Ministry for the Environment
PDC	Papakura District Council
PIE	Plan Implementation Evaluation
PQ	Plan Quality
PUCM	Planning Under a Co-operative Mandate research programme
RMA	Resource Management Act 1991
SW	Stormwater
TDC	Tauranga District Council
UA	Urban amenity
WCC	Waitakere City Council

‘Capacity’ is used in this report to denote the degree of resources, expertise, and time available to each council, hapū (nuclear and extended family) and iwi (sub-tribe or tribe), group, or individual to fulfil various functions.

‘Capability’ is comprised of capacity and commitment.

‘Commitment’ is defined as the willingness of participants to avoid adverse environmental effects, and to show responsibility towards the environment.

‘Implementation gap’ is defined as the difference between policy intentions in the plan and the actions taken in resource consents.

‘Plan implementation’ is a measure of the number of policies that are implemented through resource consents using the techniques stated in the plan.

‘Policy-rule gap’ occurs where policies in the plan are not implemented because they do not have associated rules and vice versa. Rules in this context refer to assessment criteria, standards, conditions, terms and matters over which council exercises control.

‘Range’ refers to the scope or breadth of policies and consents. More specifically, it illustrates the type of policies and consents used to implement plans.

‘Rate’ is a measure of frequency. It may refer to the frequency of management techniques articulated in plans, or used in consents, or to the frequency of policy implementation through consents.

‘Techniques’ are the practical mechanisms used to manage adverse effects of resource use and development, such as landscaping, sediment filters, building height restrictions, or colour controls, etc. (See full list of techniques in Appendix 3.)

‘Theme’ refers to any group of techniques with a common management goal (See Appendix 3)

PUCM Team Contributions

Information in this Second PUCM Report to Government has been extracted from a range of interim reports to councils and various in-house documents developed over the last 3-4 years. These notes indicate the team effort on Phase 2, while at the same time giving due credit to members directly responsible for preparing this report.

As noted in the report, the PUCM Research Programme is progressively examining governance and the quality of plans (1995-98), plan implementation (1998-2003), and plan outcomes (2002-2006). It is based at the University of Waikato and led by Professor Neil Ericksen (Director of the International Global Change Institute - IGCI).¹ The Phase 2 team involved six sub-contracts, including one from overseas (see Appendix 1). Over the four years of its duration, 13 staff worked on PUCM, amounting to 3.5 effective fulltime staff per year. This report is therefore the product of the joint efforts of a group of providers and researchers working collaboratively and contributing variously to both research and writing according to their expertise and availability.

In the absence of methods for evaluating the quality of plan implementation, the team had to generate their own, resulting in development of the PIE method (plan implementation evaluation), which evaluated policies in district plans in relation to resource consents (Laurian and Day, et al., in press). Supporting the application of the PIE method in six district councils were other methods developed for: gathering information about consents and consent processes from council staff (through face-to-face interviews), resource consent applicants (through telephone interviews), and hapu/iwi representatives (through face-to-face interviews); and understanding the socio-economic and political context within which council planning takes place (Horowhenua, Hurunui, Kaipara, Papakura, Tauranga, and Waitakere).

The theoretical and methodological basis of the report owes much to Professor Phil Berke at the University of North Carolina (UNC) at Chapel Hill, USA, where mandate design and implementation of land use and environmental plans is a specialty within the Department of City and Regional Planning -- one of the top planning departments in USA. He also helped mentor research officers and staff, especially Michael Backhurst from the University of Waikato, who joined the team in late 1999, and Lucie Laurian from the University of North Carolina (UNC), who joined the team in mid-2000.

Jan Crawford (Planning Consultants Ltd, Auckland) -- who also worked on the Phase 1 research -- ensured that methodological developments for the PIE method were applicable to New Zealand conditions, supervised research assistants who undertook the field work, managed the project process and transfer of information to end-users (including peer review groups and council workshops), and perceptively critiqued development of Phase 2 reports at every stage.

The content analysis of the 353 resource consents on urban amenity and storm water management selected from within the six councils was carried out by research assistants Michael Backhurst, Maxine Day and Cushla Barfoot in late 2000 and early

¹ PUCM commenced with Phase 1 as a joint programme between The University of Waikato (Hamilton) and Massey University (Palmerston North) co-led by Drs Neil Ericksen and Jennifer Dixon, respectively. Dr Dixon moved to Albany (Massey) and then The University of Auckland in early 2001.

2001. Ms Barfoot and especially Ms Day went on to analyse the related policies and methods within the six district plans, which were further analysed by Sarah Chapman for related purposes. Meanwhile, Professor Jennifer Dixon at the University of Auckland developed, with the help of Jan Crawford and Neil Ericksen, the context case study method and trialled it at Papakura District Council. The remaining five cases were analysed by Sarah Chapman, a Director of Lawrence, Cross, Chapman & Co Ltd (Thames).

In late 2000, FRST provided a small additional grant to enable the PUCM team to employ a Māori scholar to extend its work on iwi interests. Lucie Laurian, Jan Crawford, Phil Berke and others developed a questionnaire for interviewing Māori representatives of hapū/iwi within the councils, and Matthew Bennett commenced its application in mid-2001. Further funds permitted Richard Jefferies and Tricia Warren (Kōkōmuka Consultancy Ltd of Opotiki) to join the team in 2002 to complete the interviews and then work on environmental outcomes for Māori for Phase 3.

During the same year, 2002, Sherlie Gaynor of Palmerston North (who had helped to evaluate the quality of plans for Phase 1), carried out the telephone interviews with 277 resource consent applicants and consultants.

The bulk of the analysis of the extensive array of data sets generated by Phase 2 was carried out by Michael Backhurst, especially when at UNC for six months in 2002, and Dr Lucie Laurian and Maxine Day, when at the University of Arizona for six weeks in the same year.² Further analyses were undertaken in late 2002 and early 2003 by Michael Backhurst and Maxine Day at IGCI.

Maxine Day took the lead in developing the interim report for each of the six councils, while Sarah Chapman wrote the council reports for the context case studies. The final Phase 2 in-house report was written by Maxine Day with the help of Michael Backhurst, especially regarding interpretations and conclusions. Maxine Day went on to develop this Second PUCM Report to Government, for which Michael Backhurst wrote the section on iwi interests. Greg Mason³ extracted information from this report for the council summaries in Appendix 5, while Sarah Chapman developed the recommendations for each council. Neil Ericksen critiqued the various reports at each stage of their development and helped to edit and prepare this report for publication. Preparation for printing was completed by Claire Gibson, the IGCI Resource Officer.

² After completing her PhD in the Department of City and Regional Planning at The University of North Carolina (UNC), Dr Laurian became an Assistant Professor in the School of Planning at The University of Arizona and continued working on PUCM with resources channeled through UNC.

³ Greg Mason and Michael Backhurst recently enrolled in the IGCI PhD programme at the University of Waikato with topics related to the PUCM Phase 3 research programme.

Executive Summary

As the first nation to implement legislation for the sustainable management of natural and physical resources — the *Resource Management Act* (1991) — New Zealand is now, over a decade later, questioning how effective its management has been. Local councils in particular, to whom a major responsibility for enacting the legislation befell, are seeking to determine if their district plans have achieved all they set out to, and by extension the goals of the RMA. The answers to these questions are important for understanding the effectiveness of our devolved and co-operative system of governance and planning, and are particularly pertinent to the current RMA and the new LGA (*Local Government Act*, 2002).

Planning Under a Co-operative Mandate (PUCM)

To date, little research has been carried out on the relationship between environmental legislation and its desired outcomes. Thus, the *Planning Under a Co-operative Mandate* (PUCM) research programme, which is funded by FRST-PGSF, has been attempting to test the assumption that implementation of the RMA has resulted in sustainable management of the environment. PUCM Phase 1 evaluated the quality of policy statements and plans produced under the RMA and the organisational factors that influenced their preparation (1995-98); Phase 2 evaluated the quality of plan implementation through resource consents (1998-2002); Phase 3 is studying environmental outcomes from plans, including outcomes for iwi and hapū (2002-2006); and Phase 4 proposes to similarly evaluate the preparation and implementation of long-term council community plans under the new LGA.

Phase 1 Outcomes

Phase 1 on plan quality (PQ) found that most regional and district council documents struggled to fulfil the ambitious expectations of the RMA. The good to very poor quality of plans and policy statements was attributed largely to the failure of the Government to adequately fund its implementation agencies -- Ministry for the Environment (MfE) and Department of Conservation (DoC) -- so that they could help to resource councils and train staff to fulfil their RMA functions. Recommendations from the Phase 1 research were reported to Government in 2001 (Ericksen, et al., 2001). Despite relatively poor quality plans, how well councils implement their plans, and what implications there are for the ‘sustainable management’ of New Zealand’s natural and physical resources, is covered in this second Report to Government.

Phase 2 Research

Plan implementation can be considered as the extent to which the intentions in a plan are being met by practice. Thus, for the purpose of this research, implementation of district plans was evaluated on the strength of the relationship between policies in plans and resource consents as evidenced by the use of techniques for environmental

management. It did this with respect to the topics of residential urban amenity and stormwater management. A third topic, iwi and hapū consultation and participation in the implementation of plans was also studied, but through policy assessments and interviews because there were insufficient resource consents for a valid sample.

As for Phase 1 on plan quality, we expected the plan implementation quality to be influenced by the capability of councils (i.e., their commitment and capacity to comply with their plan) and a range of related organisational factors. Thus, research was also done on the ‘state of practice’ surrounding decision-making on consents and factors that influence implementation quality, in order to better understand how implementation of district plans can be improved. Implementation of policies through permitted activities and non-plan methods, such as education or incentives, is to be studied in Phase 3 (2002-2006).

Phase 2 Findings

An implementation gap

The results from the evaluation of six district councils (which ranged from relatively high to low council capacity and plan quality) showed a substantial implementation gap. That is, there was a gap between the environmental management techniques advocated in district plans and those being applied in resource consents. The lower the council capacity and plan quality, the greater the implementation gap. For a number of reasons, most plans are more ambitious in their scope and intentions than is realised in practice through techniques used in consents.

In daily practice, consents tend to rely on only a small range of traditional techniques for environmental management. Despite policy efforts in plans to increase the range of techniques available, implementation is highly dependant on the capacity of the council to apply them. The results suggest that when capacity increases (through such things as staff experience and training), the quality of implementation also increases.

Traditional rather than innovative techniques

The implication of these results is that in low to medium capacity councils, where the range of environmental management techniques has not greatly changed since the *Town and Country Planning Act* (1977), movement towards the goal of sustainably managed natural and physical resources is unlikely to be significant. The reliance on traditional measures, that tend to compromise achieving environmental values, can be attributed to a number of interrelated factors including:

- the lack of central government guidance, especially with regard to national policy statements and/or standards;
- poor plan quality, particularly inconsistencies between policies and rules, and vaguely written policies, with little direction shown to implementing staff for how policies can be implemented in practice (i.e., a policy-rule gap);
- lag-time between the adoption of new concepts in policies in the plan and the development of techniques to implement them; and
- limited council capacity to test, modify if necessary, and promote new environmentally robust techniques.

Government culpability

The extent of the implementation gap suggests that without minimum national standards combined with serious and meaningful efforts to improve the capacity of local government, the anticipated environmental results articulated in district plans are unlikely to be achieved, unless non-plan methods (e.g., education or incentives) have a significant and positive effect on the environmental outcomes. Permitted activities were not studied in Phase 2, and their incremental effects on the environment may have a significantly countervailing effect.

Capacity affects iwi/hapū participation

The capacity of councils was also found to affect the extent of hapū and iwi involvement in implementing the plans. Despite encouraging efforts by most councils to establish governance relationships, only the highest capacity councils could afford to enhance capacity of local hapū and iwi to participate effectively in the consent process. While developing relationships with hapū and iwi at a governance level is an essential pre-cursor to effective participation, hapū and iwi still require greater means to engage in council processes.

Research on iwi interests in PUCM Phase 1 found that many plans concentrated on developing issues, objectives and policies about *processes* for hapū and iwi participation, rather than substantive resource issues. However, Phase 2 results show little evidence of these processes, due in part to the issues of capacity as described above, as well as to a lack of clarity surrounding the role of hapū and iwi in the consent process.

Linking PQ and IQ

Importantly, the research showed that improving the quality of plans (PQ) was found to improve the quality of their implementation (IQ). Councils with higher quality plans tended to implement their policies more often and with a greater range of environmental management techniques than those councils with poorer quality plans. The results showed that higher plan quality and, more specifically, better internal consistency of plans between policies and rules gave greater guidance to decision-makers in enacting the objectives of the plans, and subsequently better implementation.

Commitment to planning

Commitment to issues in plans was found to have less direct importance in determining implementation quality than the factors of council capacity and plan quality. Indirectly, however, commitment affects implementation through its inextricable link with the direction and allocation of funding and resources, political priorities, and the political understanding of district planning processes.

Commitment may also have been a significant factor in the highly variable levels of “information quality” found in consents. It appears a substantial number of consents are being granted without clear or detailed information, due in part to pressures for time-compliance as commitment to economic growth - often to obtain more funding through rates to fulfil functions - prevails over environmental protection and enhancement.

Council-specific summaries of main findings and recommendations for each of the six councils studied are included in Appendix 5 at the end of this Report.

Phase 2 Recommendations

The plan implementation gap as evidenced by the analysis of plans and resource consents in six district councils suggests that a number of changes need to be made in order to realise the objectives set out in district plans. Section 8 of this report explains in detail the recommendations for councils and the Government.

Recommendations to Government and its agencies (MfE, DoC and DIA)⁴, include: building the capacity of councils to enhance their ability to reduce the implementation gap between policies and practices; building hapū and iwi capacity to better participate in planning processes; building commitment and capacity of councillors to better participate in plan review and plan implementation processes; and facilitating improvement of regional and district council relationships.

In addition, local councils could improve plan implementation by: increasing the quality of their district plans (especially by improving internal consistency of the plan by reducing the policy-rule gap), building capacity and further developing the relationships between themselves and hapū and iwi; improving consent processes by making them not simply more time-efficient, but more effective in their application (as for example by providing better guidance to staff for implementing policy intentions and requiring better quality information from consent applicants); building councillor capacity to participate in planning; and developing better relationships between local and regional councils.

Many of these recommendations reinforce and further substantiate the findings and recommendations in the PUCM Phase 1 “Report to Government”, which are summarised in Appendix 4 to this report. Importantly, many of these findings and recommendations (Phases 1 and 2) would also be useful for planning under the new *Local Government Act 2002*.

⁴ The Department of Internal Affairs (DIA) has a role in developing policy recommendations to Government on governance matters, including local government reform and capacity building.

PART I:
PLANNING UNDER A CO-OPERATIVE MANDATE

1.0 Introduction

As the first nation to implement legislation for the sustainable management of natural and physical resources, New Zealand is now facing the challenge of determining how effectively the goal has been achieved. Although the goal has not been addressed at a national level through national policy statements (except for that mandated for the coast), regional and local councils have articulated local environmental goals in their policy statements and plans.

District plans are developed by local councils (cities and districts) to ensure that quality environmental outcomes will result from the use, development and protection of natural and physical resources. This assumes that not only will the plans be of good quality, but also the processes and procedures for implementing them.

Until now, these assumptions have remained untested because, internationally, robust methods have not been available for evaluating plan quality, implementation quality, and environmental quality, let alone how these qualities interlink. Nor have there been systematic attempts to identify factors that influence these three qualities.

1.1 The PUCM Research Programme

To know whether or not planning is successful in achieving its objectives, all three qualities (plan, implementation, and outcome) and the factors influencing them need to be evaluated in a linked system. That has been the overall goal of the FRST-funded Research Programme called Planning Under a Co-operative Mandate (PUCM), which commenced mid-1995. Its premise is that good quality plans that are well implemented will achieve good environmental outcomes.

By 1998, the PUCM Phase 1 team (see Appendix 1) had developed and applied a new method for evaluating notified policy statements and plans prepared under the *Resource Management Act (1991)* (RMA), and studied the inter- and intra-organisational factors that influence plan-making and thereby plan quality (e.g. Berke, Ericksen, Dixon and Crawford, 1999; Ericksen, Crawford, Berke, and Dixon, 2001). Summary results and recommendations from Phase 1 (1995-1998) are available through the PUCM website (www.waikato.ac.nz/igci/pucm).

By 2002, the PUCM Phase 2 team had developed and applied a new method for evaluating the quality of plan implementation in six district councils by linking policies in their district plans to the resource consents process (Day, Backhurst, et al., 2002; Laurian, Day et al., forthcoming).

The PUCM Phase 3 team is currently developing a new method for evaluating the quality of environmental outcomes by studying the link between anticipated environmental results in district plans and the actual state of the environment. Funding permitting, it will also consider planning and governance under the newly amended *Local Government Act* (see PUCM website).

1.2 About This Report

This report focuses on results from Phase 2 of PUCM — the quality of plan implementation in six district councils selected for their range of plan quality and capacity to plan. Only those results considered to be important for assisting the six councils (and others) to improve implementation of their plans are included in this report. Other results — including those from ongoing analyses — will appear in future reports.

The district councils are: Kaipara (KDC), Waitakere (WCC), Papakura (PDC), Tauranga (TDC), Horowhenua (HDC), and Hurunui (HURDC). The topics focused on in this report are urban amenity, storm water management, and iwi and hapū interests.

Between 2001 and 2003, results from the Phase 2 research were progressively fed back to the six participating councils for comment, and workshops were held with councillors and staff in late 2002 to discuss the main findings. A final report was sent to each council in 2003. This included not only the main findings and recommendations from the overall study, but also those that were specific to each council, to make it easier for councils to review their plans and procedures and take necessary actions. The six “council summaries” have been included at the end of this report as Appendix 5.

The findings and recommendations, both specific and general, ought to be instructive for other councils, thereby helping to improve their plans and implementation processes. Since hapu/iwi interests formed a key component of the research, the outcomes will help enhance their case for better consideration of their interests when dealing with local government. As well, many of the findings and recommendations relate to matters of governance and capacity building that require Government action, which until done will make it difficult for councils to achieve quality plans and implementation processes. For that reason, our report is sub-titled: A Report to Government, and should be seen as a natural follow-on from the PUCM Phase 1 Report to Government.

This report is divided into four parts. Firstly, PART I summarises the research programme on *Planning Under a Co-operative Mandate* (PUCM) and provides context for this report. Next, PART II explains the plan evaluation method (PIE) and then details the results from its application. The findings from the evaluation of plan policies and resource consents are presented along with their analysis in relation to plan implementation quality. The extent to which external and internal factors influence plan implementation quality is explained, and other state of practice results arising from the research are presented, namely best practice, information quality, and anticipated environmental results.

Because there were insufficient resource consents involving iwi interests in each of the six councils selected for study, a different kind of analysis was undertaken for this topic. This forms the subject of PART III of this report. It presents the results from a survey of representatives that focussed on resources of concern to iwi, the capacity of hapū and iwi to participate in resource consent processes; and hapū and iwi relationship with councils and resource consent applicants.

Finally, PART IV of the report discusses the findings and draws some conclusions. These lead to a set of recommendations to central and local government about improving the quality of plan implementation in district councils.

PART II:

**PLAN IMPLEMENTATION EVALUATION OF
URBAN AMENITY AND STORMWATER MANAGEMENT**

2. Measuring Plan Implementation Quality

The design for our PUCM Phase 2 research is schematised in Figure 2.1. It depicts the evaluation process of matching *policies* in district plans to techniques used in the resource *consents* for *implementing* the plan. In order to explain the results of the evaluation, the key factors *influencing implementation* were also examined. During the course of the research additional *state of practice* results (i.e. results not directly contributing to the evaluation of implementation quality) emerged and are included in this report. The final component of the research was an *analysis* of the results that includes a discussion of the outcomes, and their implications for plan implementation. A simplified version of the diagram below is used to guide the reader to the focus area (shaded) at the start of each major section.

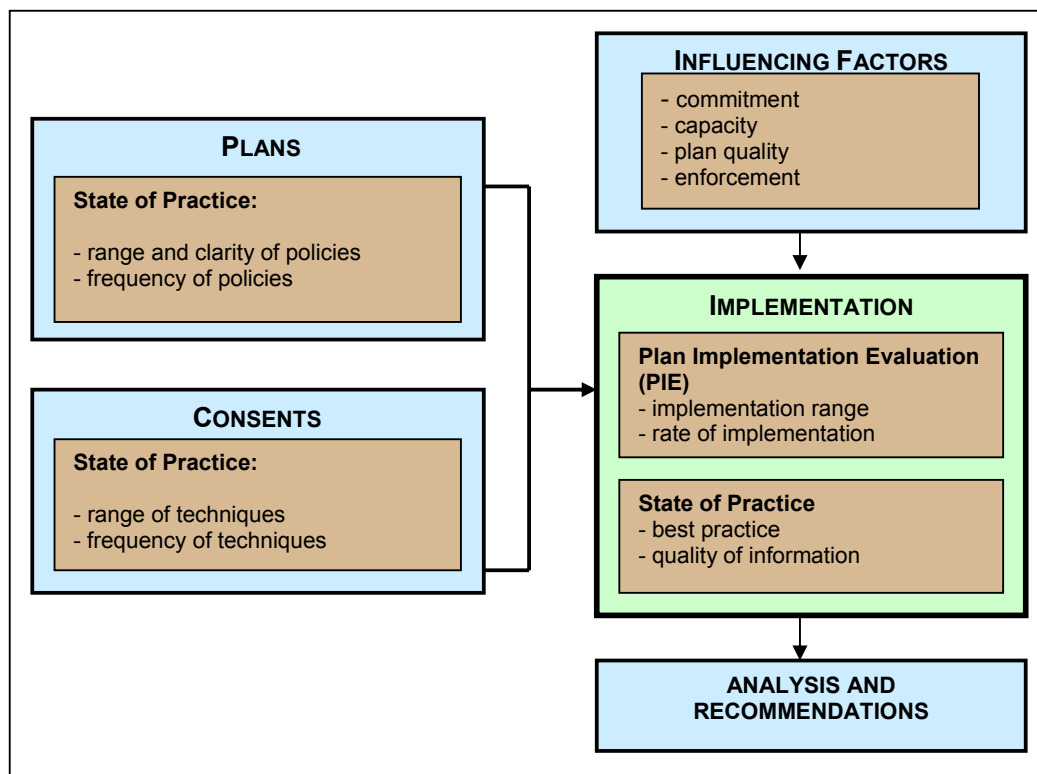


Figure 2.1: Schematic Diagram of PUCM 2 Research

2.1 Developing New Methods

Quantitative and qualitative research methods were employed to gather data for the evaluation of district plan implementation. Empirical evidence of implementation quality came from an analysis of environmental management techniques used in

district plans and 353 resource consents in six case-study councils⁵ during the period 2000-2001⁶. Qualitative data came from surveys of councils, hapū and iwi representatives in the six districts, 220 consent applicants, 57 consultants and further interviews with council staff, as well as reviewing relevant council documents.

Developing methods for evaluating the links between policies in the plan and the consents used by councils to fulfil their policies was an important part of our research. These methods enabled us to examine the state of practice in councils regarding both policies and consents, including the extent to which ecologically oriented techniques have been adopted. However, much more important was the development of a new method for linking the policies and consents so that the *quality of plan implementation* could be evaluated. We have called this new method Plan Implementation Evaluation or PIE method for short. Appendix 3 provides more detail on the method and how it works. It contains the evaluation forms used to measure implementation in consents and policies. A more comprehensive version of the methodology is available through the PUCM website.

2.2 Topics

Phase 2 focused only on regulatory methods with respect to the two topics of residential urban amenity and stormwater management. Stormwater and urban amenity were chosen because they:

- allow for the inclusion of both urban and rural areas;
- allow for the consideration of the management of both natural and anthropogenic resources;
- allow an examination of the relationship between regional and district councils;

More details on the specific techniques used in the management of these two topics are provided in Appendix 3.

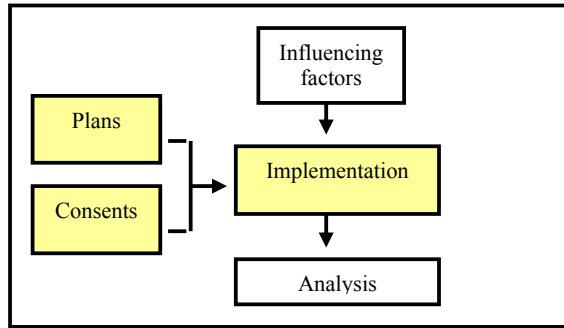
The extent and role of iwi consultation in the resource consent process was proposed in the initial stages of the research, however, due to an insufficient number of consents involving iwi consultation the research was re-focused onto iwi-council relationships and iwi participation.

2.3 Influencing Factors

Plan implementation was also considered in relation to the factors that influence implementation quality. Understanding how external and internal factors affect the implementation of plans is critical if the effectiveness of plan implementation is to be improved. Internal factors, such as council commitment to planning provisions and capacity to implement and enforce the plan were also analysed, as were the external factors of applicant and consultant capacity and commitment to implement plans. The purpose of examining these factors is to identify which factors have the most potential to improve plan implementation.

⁵ At least 60 consents were sampled in each council so as to provide a statistically relevant example of average implementation practice.

⁶ Consents were selected from the period between 1999 and since the date the plan had become effectively operative.



3.0 Plan Implementation Evaluation (PIE)

Assuming a well-implemented plan does make a difference, the PIE method is used to determine if, and the degree to which, plans have been implemented. Implementation is measured as the extent to which a plan achieves its stated objectives (and policies) through the consent process. It is assumed a well-implemented plan would utilise a high proportion of its policies (i.e. range of policies implemented) in a high proportion of the consents (i.e. rate of implementation).

The PIE evaluation method attempts to match the techniques articulated in plans with those applied in consents. Policies are the foci in plans as, theoretically, they articulate how objectives are to be achieved. In practice the evaluation process also considered techniques if described in methods and objectives.

Two groups of consents were evaluated. One group consisted of a random sample of consents in each of the six district councils, which illustrated ordinary practice. The remaining non-random sample consisted of consents that staff said exemplified best practice. One aim of the research was to be able to show if there was a discernable difference between the sample of ordinary (random) and best practice (non-random) consents, and ultimately through Phase 3 to see if best practice results in better environmental outcomes.

3.1 Range of Policies Implemented

The term ‘range’ refers to the scope or breadth of policies and consents. More specifically, it illustrates the type of policies and consents used to implement plans.

3.1.1 Range of Policies in Plans

The range and clarity of policies in plans for urban amenity and stormwater management are demonstrated in Table 3.1. It shows a summary of the type and number of policies each plan has for stormwater and urban amenity management, as well as indicating the number of policies that clearly articulate how implementation will be achieved. These results are later drawn upon to determine if plans with a greater range of policies are implemented better than those with few policies.

The results show that despite a lack of clarity in many policies, the range of policies for stormwater and urban amenity management is generally quite high. Waitakere has the highest number of policies (110) and Kaipara the lowest (23). The number of policies in Tauranga District (64) is marginally higher than Horowhenua (57) and Hurunui (56), while Papakura has slightly less with 42.

The urban amenity results show greater variation between councils than seen for the stormwater results with Waitakere again having the highest score (74), and Kaipara the lowest (14). The high number of policies in the Waitakere District Plan reflects the numerous and diverse areas identified within the plan that are given separate and specific policies. Other councils also use zones to define levels of environmental effects, but tend to use the same policies with different rules.

Table 3.1: Number and Clarity of Policies for Stormwater and Urban Amenity

	HDC	HURDC	KDC	PDC	TDC	WCC
1. Number of policies pertaining to stormwater	22	25	9	22	34	36
2. Number of policies pertaining to urban amenity	35	31	14	20	32	74
3. Total number of relevant policies	57	56	23	42	66	110
4. Number of policies clearly articulating techniques - either stormwater or amenity	9	13	10	11	46	52
Percent of clear policies	15.8%	23.2%	43.4%	26.2%	69.7%	47.3%

Results also show that the clear articulation of techniques in policies is not a widespread practice. Tauranga (69.7%) and Waitakere (47.3%) have the highest percent of clear policies. Kaipara (43.4%) is ranked third, while Horowhenua (15.8%) has the lowest rate of policies clearly articulating management techniques. These results imply that in the majority of cases consent decision-makers do not have clear direction on the type of actions that could be taken to implement the policy, and do have considerable discretion.

3.1.2 Range of Techniques Applied in Consents

The range of techniques applied in resource consents for urban amenity and stormwater for the six councils is shown in Table 3.2 (next page). Across all councils and consents sampled, results reveal that only a small range of techniques identified in each plan was used per consent, and there is little variation in the techniques applied.

Table 3.2 shows that in the consents sampled for urban amenity, techniques for managing ‘onsite amenity’ was most widely applied. However, despite there being a wide range of techniques in plans for managing ‘safety and accessibility’, continuity with ‘existing buildings’ and ‘natural features’ only about half of the possible techniques were ever applied. Similar results were seen in the stormwater sample, particularly with regard to the ‘treatment’ of stormwater and techniques for

‘energy dissipation and erosion mitigation’. The widest range of techniques used were for ‘infiltration and drainage’ of stormwater, and the ‘retention of natural features and the use of ecological solutions’.

Table 3.2: Total Range of Techniques Used in Consents

Issue	Theme	HDC	HURDC	KDC	PDC	TDC	WCC	Median	Total Possible
Urban Amenity	On-site amenity	6	6	5	5	6	6	6.0	6
	Continuity with existing buildings	1	4	1	5	3	5	3.5	7
	Continuity with natural features	3	6	2	4	5	4	4.0	8
	Safety and accessibility	5	5	4	5	6	5	5.0	12
	Total number of UA techniques	15	21	12	19	20	20	20.0	33
Storm Water	Retention of natural features and use of ecological solutions	2	6	7	3	5	6	4.8	8
	Controlling development site	2	2	3	2	3	2	2.3	4
	Infiltration and detention	1	6	5	5	5	8	5.0	10
	Drainage	2	3	3	4	4	4	3.3	4
	Treatment of stormwater	0	1	1	1	2	3	1.3	7
	Landscaping	0	2	1	1	1	2	1.2	3
	Energy dissipation and erosion mitigation	0	1	3	1	0	4	1.5	8
	Total number of stormwater techniques	7	21	23	17	20	29	19.5	44

3.1.3 Plan Implementation Range

The range of plan implementation shows the proportion of plan policies that are implemented at least once by one or more consent. This indicates the proportion of policies that are in fact enacted, and the proportion of policies that are *never* implemented. Some policies may never be implemented because they are too vague, too ambitious, or not applicable to the type of development occurring in the area. It was, however, expected that a high proportion of plan policies have been implemented at least once. It was also expected that plans with a high number of

policies would more likely have lower range scores, and conversely a small number of policies would achieve higher range scores, because implementing a few policies is an easier task than implementing many.

The results from the evaluation of the range of policies implemented can be seen in Figure 3.1. It illustrates the percentage of policies that are implemented by one or more consents. Policy implementation ranges from 100% in Kaipara, to 39% in Horowhenua. Waitakere is the only other council that has implemented less than 50% of its policies through resource consents. Papakura and Kaipara districts both have low-to-medium numbers of policies and thus more easily attain high implementation scores.

When policies are considered separately for stormwater and urban amenity, Kaipara, Waitakere and Hurunui have all implemented more stormwater management policies than urban amenity policies. In contrast, Horowhenua, Tauranga and Papakura have implemented their urban amenity policies to a greater extent than stormwater policies.

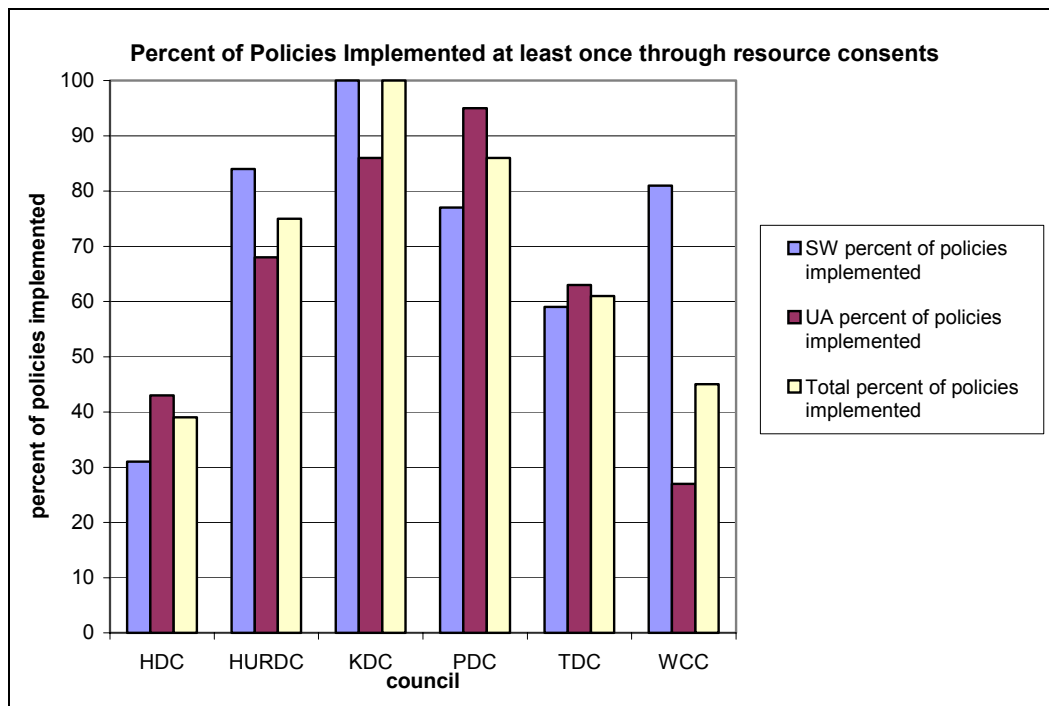


Figure 3.1: Percent of policies implemented per plan

The following data in Table 3.3 shows the findings for implementation range in more detail, including a presentation of results by each management theme (or group of techniques) for stormwater and urban amenity. The two districts with high quality plans (Tauranga and Waitakere), and high number of policies, have lower than average plan implementation range as they implement a lower proportion of their policies. For instance, Waitakere’s implementation score for urban amenity management is low because of the high number of policies (74) compared to the number of different techniques used in consents (20). Waitakere’s ambitious plan achieves a medium implementation level, while Kaipara’s less ambitious plan (i.e. has low number of policies) achieves all it sets out to (i.e. 100% implementation).

Table 3.3: Range of Policies Implemented by Consents

Theme	Total possible range of techniques (max.)	HDC		HURDC		KDC		PDC		TDC		WCC	
		Range of techniques used (R)	Number of Policies (NP)	R	NP	R	NP	R	NP	R	NP	R	NP
SW													
Retention of natural features and ecological solutions	8	2	9	6	11	7	4	3	9	5	16	6	16
Controlling development	4	2	6	2	9	3	2	2	6	3	9	2	4
Infiltration and Detention	10	1	0	6	0	5	0	5	0	5	2	8	4
Drainage	4	2	2	3	0	3	3	4	0	4	2	4	2
Treatment	7	0	3	1	2	1	0	1	7	2	4	3	9
Landscaping	3	0	0	2	0	1	0	1	0	1	0	2	0
Erosion mitigation and energy control	8	0	2	1	3	3	0	1	0	0	1	4	1
<i>SW Total</i>	44	7	22	21	25	23	9	17	22	20	34	29	36
UA													
On-site amenity	6	6	2	5	7	5	0	6	8	6	7	6	19
Continuity with facades	7	1	5	4	5	1	1	5	1	3	4	5	8
Continuity with natural features	8	3	12	6	16	2	10	4	8	5	11	4	29
Safety and Accessibility	12	5	16	5	3	4	3	5	3	6	10	5	18
<i>UA Total</i>	33	15	35	21	31	12	14	19	20	20	32	20	74
Total –All		22	57	42	56	35	23	36	42	40	66	49	110

The figures in Table 3.3 above show that in some circumstances the number of policies far exceeds the number of techniques available. For example, in Horowhenua, there are 16 policies for safety and accessibility, yet only five possible techniques are used. These results suggest that plans are using the same techniques (or technique themes) in multiple policies.

3.2 Rate of Implementation

The term ‘rate of implementation’ refers to the frequency with which policies and consents occur. This type of analysis seeks to determine how often a policy is implemented through the consent process.

3.2.1 Groups of Techniques (policy themes) in Plans

Table 3.4 illustrates in detail the frequency with which each group of techniques (i.e. policy themes) occur in the plan. These groups of techniques provide an indication of the range and minimum frequency of techniques expected to be used in practice.

Table 3.4: Number of Policies per Groups of Techniques (i.e. management themes)

Issue	Groups of Techniques	HDC	HUR	KDC	PDC	TDC	WCC
Urban Amenity	On-site amenity	2	7	0	8	7	19
	Continuity with existing buildings	5	5	1	1	4	8
	Continuity with natural features	12	16	10	8	11	29
	Safety and accessibility	16	3	3	3	10	18
Storm-water	Retention of natural features and use of ecological solutions	9	11	4	9	16	16
	Controlling development site	6	9	2	6	9	4
	Infiltration and detention	0	0	0	0	2	4
	Drainage	2	0	3	0	2	2
	Treatment of stormwater	3	2	0	7	4	9
	Landscaping	0	0	0	0	0	0
	Energy dissipation and erosion mitigation	2	3	0	0	1	1

The results demonstrate that in all of the plans, policies pertaining to urban amenity most frequently use ‘continuity of natural features’, such as maintaining landforms and landscapes, retaining native vegetation and specimen trees, and planting trees to mitigate or avoid the effects of development. In particular, Waitakere, Tauranga and Hurunui adopt a high number of policies aimed at retaining natural features. These results are likely to be a consequence of the councils having residential urban areas in close proximity to significant natural landscapes. Hurunui and Waitakere in particular, have undertaken extensive consultation processes in order to define the values of these landscapes and consequently have relatively higher numbers of policies for this issue. Policies on ‘safety and accessibility’ are also commonly used to manage amenity, particularly in relation to traffic, pedestrian and bicycle access and parking.

There is, however, significant variation in the number of policies used by councils to manage ‘on-site amenity’. For example, Waitakere has over 19 policies, while Kaipara has none. The number of policies in each plan for this issue more accurately reflects the urban/rural differences (excluding Hurunui, which has specific on-site amenity policies for Hanmer Springs alone). Urban councils tend to have more policies for the on-site amenity issue than rural councils, where issues of density, privacy, sunlight, etc., are less prevalent (despite many rural councils having a number of urban townships). Policies for managing the environmental effects of development on stormwater tend to promulgate the *retention and use of natural features* and *low impact mechanisms* more frequently than techniques such as erosion mitigation, infiltration, or drainage. Except for Kaipara, policies on the *treatment* of stormwater are commonly found in most of the district plans and are most frequently referred to by Waitakere and Papakura. These two councils have significant urban populations and are both within the Auckland region. As such, both councils are guided by the Auckland Regional Council’s Regional Policy Statement and Urban Stormwater Management Project Strategy Statement for managing stormwater quality and quantity.

Kaipara tends to rely more on policies that use drainage and retention of natural features to manage stormwater, rather than treating the environmental effects of stormwater. Limited effects-based planning is not restricted to the Kaipara District Plan. Papakura, Horowhenua and Hurunui also tend to have more policies for controlling development in order to protect property than policies for managing effects of development on the environment.

3.2.2 Frequency of Techniques Applied to Consents

The results presented in Table 3.5 show the percentage of consents using at least one technique for managing stormwater and urban amenity. Overall, the highest number of consents use techniques pertaining to ‘on-site amenity’ for urban amenity management and traditional ‘drainage’ techniques for stormwater management. In the urban amenity sample, a much lower percent of consents use techniques for managing ‘continuity with existing buildings’, and ‘continuity with natural features’.

On average, techniques for managing safety and accessibility are applied in over 70 percent of consents. The stormwater sample shows divergence between each council in their application of techniques. On average, less than half of all the consents use techniques for managing the ‘retention of natural features and use of ecological solutions’, ‘controlling development on site’, ‘infiltration and development’, ‘treatment’, ‘landscaping’ and ‘energy dissipation’.

Table 3.5: Percent of Consents Using One or More Technique (random sample only)

Issue	Theme	HDC	HURDC	KDC	PDC	TDC	WCC
Urban Amenity	On-site amenity	61	93	83	85	83	81
	Continuity with existing buildings	3	23	3	27	13	23
	Continuity with natural features	3	20	3	24	40	26
	Safety and accessibility	71	67	53	73	87	71
	Total number of consents using urban amenity techniques	27 (87%)	30 (100%)	27 (90%)	32 (97%)	29 (97%)	27 (87%)
	Total number of urban amenity consents sampled	31	30	30	33	30	31
Stormwater	Retention of natural features and use of ecological solutions	16	31	50	13	19	65
	Controlling development site	19	6	40	17	23	39
	Infiltration and detention	3	41	20	60	39	55
	Drainage	10	69	63	97	68	100
	Treatment of stormwater	0	3	3	3	6	19
	Landscaping	0	6	3	3	3	10
	Energy dissipation and erosion mitigation	0	31	17	3	0	19
	Total number of consents using stormwater techniques	10 (32%)	30 (94%)	23 (77%)	30 (100%)	27 (87%)	31 (100%)
	Total number of stormwater consents sampled	31	32	30	30	31	31

3.2.3 Rate of Policy Implementation Results

The rate of plan implementation is measured to illustrate the average implementation of policies per consent. The results in Figure 3.2 (next page) demonstrate that an average consent only implements a small proportion of relevant policies, ranging from a low of 7% to a high of 14%. In other words, although relatively high numbers of plan policies promulgate the use of environmental management techniques, there is little evidence of the use of these techniques in the average consent.

The results show that the rate or depth of implementation is low for all plans. While this general finding varies somewhat when implementation depth is considered

separately for urban amenity and stormwater management, the scores still tend to be low. For example, Waitakere City plan's implementation scores show a large difference between stormwater issues (24.5%) and urban amenity issues (9.7%). This low score for urban amenity is due to the large number of policies (74) within the plan pertaining to urban amenity. In practice, the average consent implements very few of these policies.

In contrast, Kaipara implements the least amount of its policies per consent (7.72%). This is despite having the lowest number of policies (23). When implementation is studied by issue, there is only a small difference between Kaipara's implementation of stormwater (9.05%) and urban amenity (5.72%) policies. Tauranga similarly has only a small difference in the implementation of policies for both stormwater (11.64%) and urban amenity (9.6%). In Papakura District, the average consent implements 11.92% of all the plan's policies on stormwater and urban amenity. However, within this score Papakura implements 22.16% of urban amenity policies and only 0.7% of stormwater policies. Hurunui and Horowhenua both implement a greater percent of policies for urban amenity than stormwater. For Hurunui, the results reflect the high level of activity and the efforts of the Council to control development in an urban village with highly significant landscape values. Horowhenua's results are reflective of an attitude within the Council that discounts the effects of stormwater, and values on-site amenity and safety.

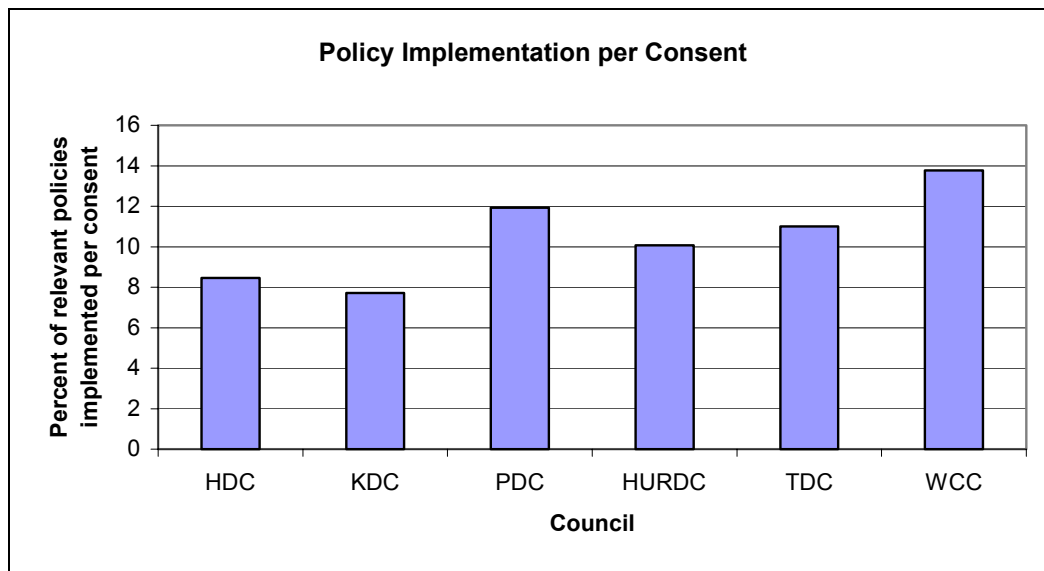


Figure 3.2: Rate of Plan Implementation

While the overall rate of policy implementation is small, the results in Figure 3.3 (next page) show that most councils have higher implementation of either stormwater or urban amenity policies, and rarely implement both to the same extent. For example, Tauranga, Waitakere and Kaipara all implement stormwater policies more than urban amenity, although the latter two councils have only a small difference between the issues. The remaining three councils implement more urban amenity policies than stormwater and show a greater difference in the degree of implementation for each issue.

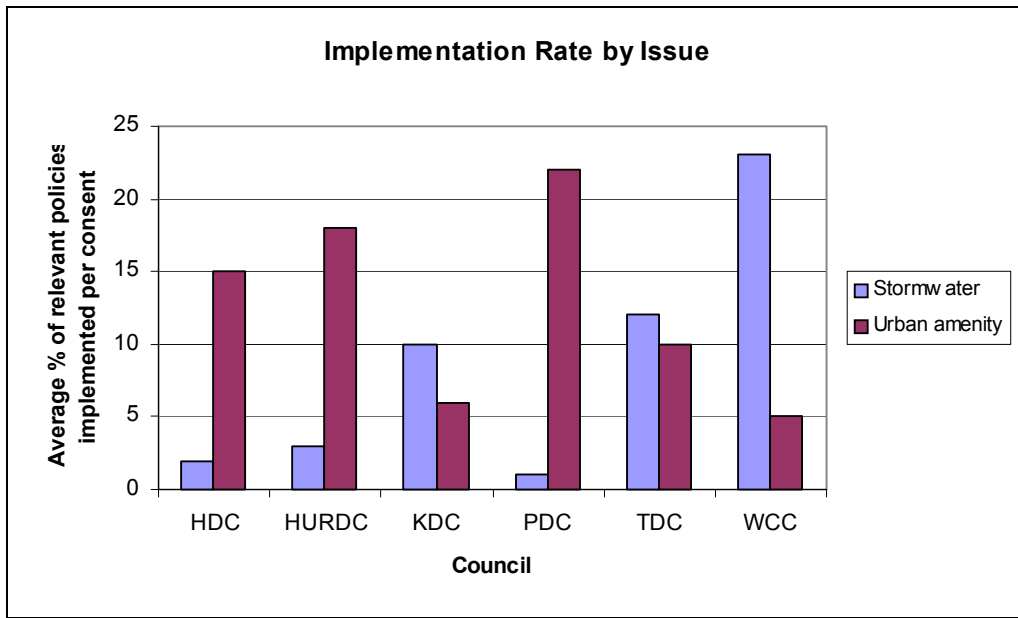


Figure 3.3: Implementation Rate by issue of Stormwater and Urban Amenity

Breaking down the results from Figure 3.3 further highlights themes that have been most frequently implemented (Table 3.6, next page). It was found that while the overall implementation scores are low, urban amenity policies relating to on-site amenity and safety and accessibility tend to be implemented to a greater degree than the other urban amenity policy themes.

It is worth noting that although Kaipara scored zero for on-site amenity it had no policies for this theme. The same cannot be said for policies relating to the protection and retention of natural features, where Kaipara and Horowhenua both score zero for implementation depth, yet have relatively large numbers of policies in the plan for this theme. Interestingly, all the councils have a relatively high proportion of policies in their plans for protecting and retaining natural features, yet failed to implement those policies to any great extent.

Similarly, the results show that the retention of natural features and use of ecological solutions for managing the effects of stormwater are well provided for in the plans, yet score poorly for implementation. For example, both Hurunui and Tauranga have nine policies on this theme, yet the average percent of policies implemented per consent is only three and one respectively.

Implementation scores for the drainage theme are high in all councils, yet tend to make up only a small proportion of the policies in plans for stormwater management. These results suggest that drainage has high importance, but this is not necessarily a result of the importance imposed on it through the district plan.

Table 3.6: Rate of Policy Implementation for each Theme (i.e. Group of Techniques) shown as the Average Percent of Policies Implemented per consent

	Theme	HDC	HURDC	KDC	PDC	TDC	WCC	Mean
Urban Amenity	On-site amenity	53	37	0	20	18	9	20
	Continuity with existing buildings	1	7	3	27	4	3	8
	Continuity with natural features	1	2	1	5	5	2	3
	Safety and accessibility	6	27	19	36	11	5	17
	Total: Urban Amenity IQ average	15	18	6	22	10	5	13
Stormwater	Retention of natural features and use of ecological solutions	2	5	21	2	3	10	7
	Controlling development site	3	1	20	3	3	12	7
	Infiltration and detention	0	0	0	0	24	19	4
	Drainage	6	0	29	0	55	95	24
	Treatment	0	2	0	0	2	4	1
	Landscaping	0	0	0	0	0	0	0
	Energy dissipation and erosion mitigation	0	10	0	0	0	19	24
	Total: Stormwater IQ average	2	3	10	1	12	23	8

3.3 Council Rank: Range and Rate

Under the RMA district plans were set up to manage a wide range of environmental effects. Consequently, the range of policies implemented at least once is always likely to be more extensive than the rate of implementation. That is, because plans must consider the possibilities of effects with low probability but high impact, and effects with high probability but low impact, it is unlikely that all policies will be implemented frequently. Therefore, the relationship between range and rate is not causal, but related through factors such as plan quality (internal consistency, accuracy, etc), and council capacity and commitment to implement policies. It is useful,

however, to see the relative ranking of range and rate for each council to gain an overall perspective on plan implementation (see Figures 3.4, 3.5, and 3.6).

Plan Implementation	Rate (Range 8.6-18.1%)			
		Highest (15-18)	Medium (12-<15)	Lowest (9-<12)
Range (Range 39-100%)	Highest (80-100%)			Kaipara Papakura
	Medium (59 - <80%)		Tauranga	Hurunui
	Lowest (39 - <59%)	Waitakere		Horowhenua

Figure 3.4: Council implementation rank

Figure 3.4 illustrates the combined urban amenity and stormwater implementation scores and demonstrates that Waitakere with its high number of policies does poorly for the range of policies implemented, but ranks highest for the rate at which those policies are implemented. Conversely, Kaipara has few policies and scores highly for the range of policies implemented, but poorly for the rate of implementation. Tauranga is the only council that has medium ranking for both range and rate of implementation. Horowhenua, Hurunui and Papakura all have low implementation rates, despite having medium numbers of policies in their plans. This suggests that factors other than the number of policies affect the rate at which policies are implemented through resource consents. Indeed, despite having a seemingly high priority in plans (i.e. multiple policies), many of the policies receive little attention in consents.

Overall, it was found that plans with few policies tended to score highly for the range of policies implemented, yet poorly for their rate of implementation. Similarly, plans with a high number of policies scored poorly for range but better for rate.

When the data was considered separately for urban amenity and stormwater the results were somewhat different. It was found that in the urban amenity sample (Figure 3.5), Papakura significantly improves its rate of policy implementation, as do Hurunui and Horowhenua. Waitakere, however, moves from having a good combined implementation rate to a poor implementation rate for urban amenity policies. It is worth noting that the high number of policies on urban amenity in the Waitakere district plan (74) makes achieving a high urban amenity implementation rate more difficult.

Plan Implementation: Urban Amenity	Rate (range 6 –22%)			
		Highest (17 – 22)	Medium (11 - <17)	Lowest (6 - <11)
Range (Range 27-95%)	Highest (72-95)	Papakura		Kaipara
	Medium (50 - <72)	Hurunui		Tauranga
	Lowest (27 - <50)		Horowhenua	Waitakere

Figure 3.5: Plan Implementation Rank: Urban Amenity

The stormwater results (Figure 3.6, next page) show Waitakere does significantly better for its rate of policy implementation than seen in the urban amenity sample. Papakura and Hurunui shift from having relatively high implementation rates in urban amenity to low depth in stormwater. In contrast, Tauranga and Kaipara raise their implementation rates for stormwater over that seen for urban amenity. The difference in scores between urban amenity and stormwater for each council suggests that councils focus on particular environmental matters in plans at the expense of other issues, thus lowering the overall implementation scores.

Plan Implementation: Stormwater	Rate (Range 1-23%)			
		Highest (15 - 23)	Medium (8 - <15)	Lowest (1 - <8)
Range (Range 31-100 %)	Highest (77-100)	Waitakere	Kaipara	Hurunui Papakura
	Medium (54 - <77)		Tauranga	
	Lowest (31 - <54)			Horowhenua

Figure 3.6: Plan Implementation Rank: Stormwater

3.4 Implementation of Techniques: Beyond Policy Requirements

The use of techniques not specified in the district plans has been studied in order to determine the extent to which non-plan policy techniques are used in consents (Figure 3.7). It is recognised that techniques may occur in rules, assessment criteria or through other policy documents. In determining the effectiveness of policies, however, it is useful to see where non-plan policy initiated activity is occurring.

The results in Figure 3.7 show that in most of the councils the use of techniques not specified in the plans is so low as to be insignificant. While Horowhenua has very few techniques that are being applied through non-plan means, it is worth noting that they only use a small range of techniques in general practice, especially for managing stormwater. Hurunui also uses few non-plan techniques, except in relation to stormwater infiltration, detention and drainage. The results for Kaipara indicate that as the plan has no on-site amenity policies, consents are frequently using techniques not specified in the plan. In Papakura, non-plan techniques for drainage constitute almost all the techniques used in each consent. As Papakura has no policies on drainage, the planners look outside the plan for guidance from Codes of Practice and regional council documents to manage the effects of stormwater etc.

Figure 3.7 also demonstrates that the techniques being applied in consents are nearly always those articulated in the plan, and suggests that planners are not utilising a high number of non-plan techniques to any great extent. The exceptions are those techniques relating to drainage and infiltration and detention that come from codes of practice and engineering standards.

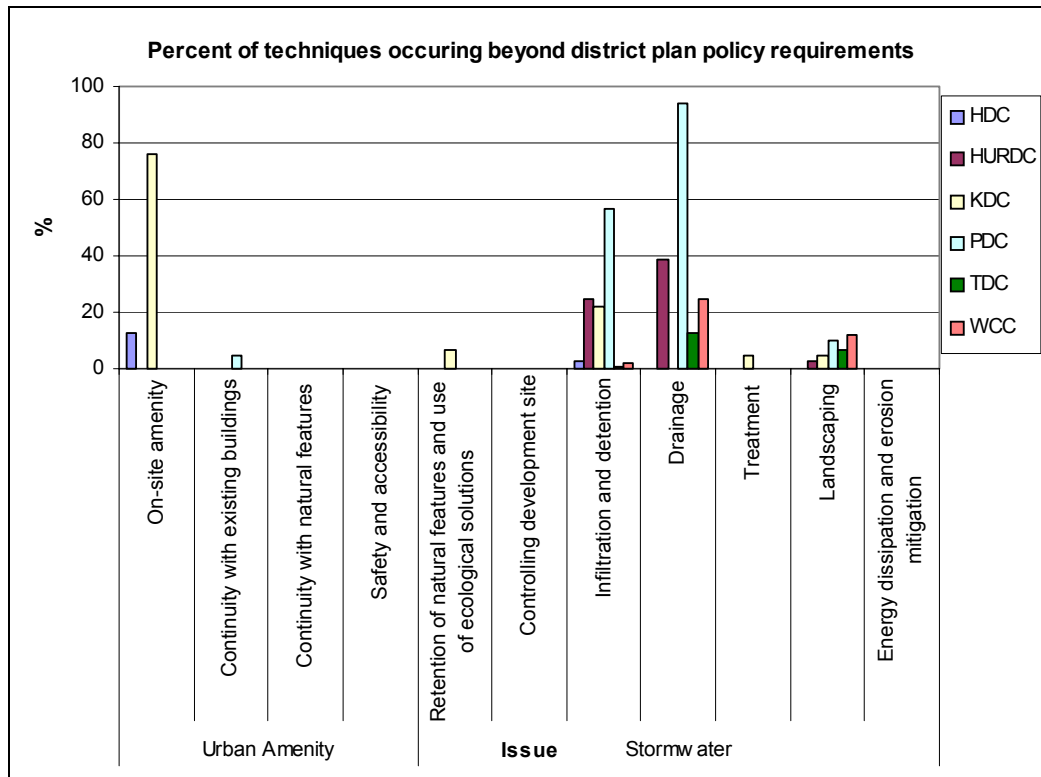
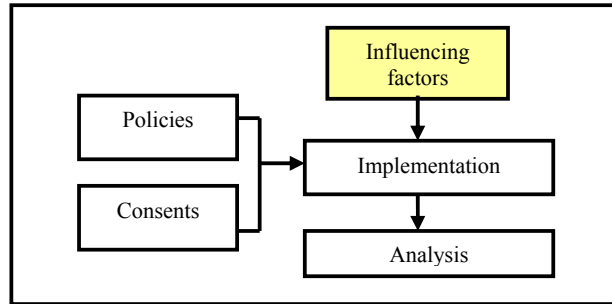


Figure 3.7: Techniques in Consents: Beyond District Plan Policy Requirements



4.0 Factors Influencing Implementation

The observed “implementation gap” between plans and consents suggests that implementation quality is affected by factors external and/or internal to plan implementation. To date, little quantitative research has been undertaken internationally to identify and measure the extent of their influence. Research conducted through Phase 1 of the PUCM programme revealed that council capability (i.e. capacity and commitment) were highly influential in determining plan quality. These factors and the influence of plan quality on implementation were again studied in this second phase of research, as was the added factor of ‘enforcement style’. In effect, the research sought to determine whether good quality plans result in good quality implementation, and to identify the extent of influence of other factors.

The factors of capacity and commitment were studied in both an internal (i.e. councils) and external (i.e. consent-applicants and consultants) context as plan implementation relies on both parties. The purpose of establishing which factors influence implementation, and the degree to which they are influential, is to provide practitioners and theorists with information for improving implementation.

The findings for each council regarding the internal factors of capacity, commitment, enforcement and plan quality are presented and analysed using a regression model to determine the degree of influence (Appendix 2 lists the specific components used to measure commitment, capacity, plan quality and enforcement). External factors of applicant and consultant capacity and commitment are also presented in order to determine the extent to which these factors affect plan implementation.

4.1 Capacity

The capacity of councils and applicants to implement the district plans was tested to determine whether or not an increase in capacity leads to an increase in the quality of plan implementation. The data below sets out the results, starting with section 4.1.1 which shows the relative influence of council capacity on implementation.

4.1.1 Council Capacity

Council capacity is calculated from the survey data on the number of consent processing staff, the number of consultants employed to process consents, the number

of staff with degrees and the number of staff per 100 consents processed. The results in Figure 4.1 show the relative ranking of council capacity and the capacity scores attained by each council. Tauranga has the highest capacity, followed closely by Waitakere. Papakura and Kaipara have medium capacity, while Horowhenua and Hurunui have the least capacity to implement their plans.

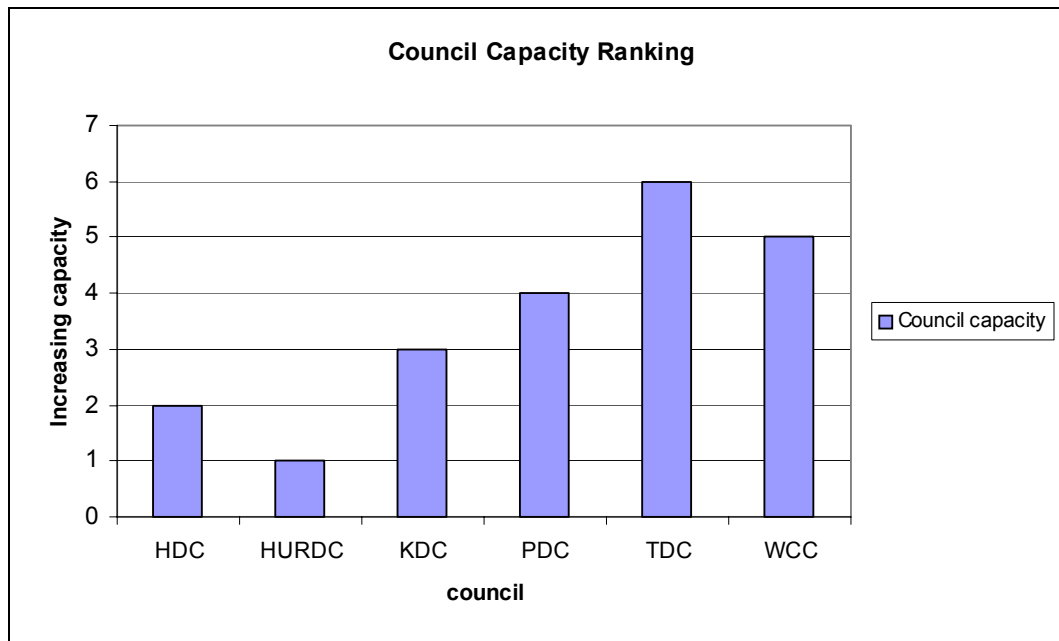


Figure 4.1: Council Capacity to Implement Plan

4.1.2 Applicant Capacity

The capacity of resource consent applicants is considered in the study of external factors of plan implementation because the ability of the applicants to implement plans is partially determined by their knowledge of the plan and the resources they have to comply with it. Capacity was measured through a correlated and combined survey of between 10-24 applicants and their consultants in each council. Results were combined as both parties contribute to the final application.

The applicant-only data includes information on the experience with their consent process, their yearly income, familiarity with the provisions of the plan and their understanding of the impact of development on the environment. Similarly, the consultant-only data included information on their profession, the number of years experience, number of consents handled per year, understanding of the impact of development, and familiarity with provisions in the plan.

The results in Figure 4.2 show that while there is little variation between applicants' knowledge, their knowledge of urban amenity issues is slightly better or equal to knowledge on stormwater. Waitakere applicants have the combined highest knowledge and Kaipara the lowest. The low range of results suggests that applicant capacity is reasonably constant between districts. The overall scores are considered 'medium' which indicates that applicants have some understanding of the plan and an ability to implement the provisions within it.

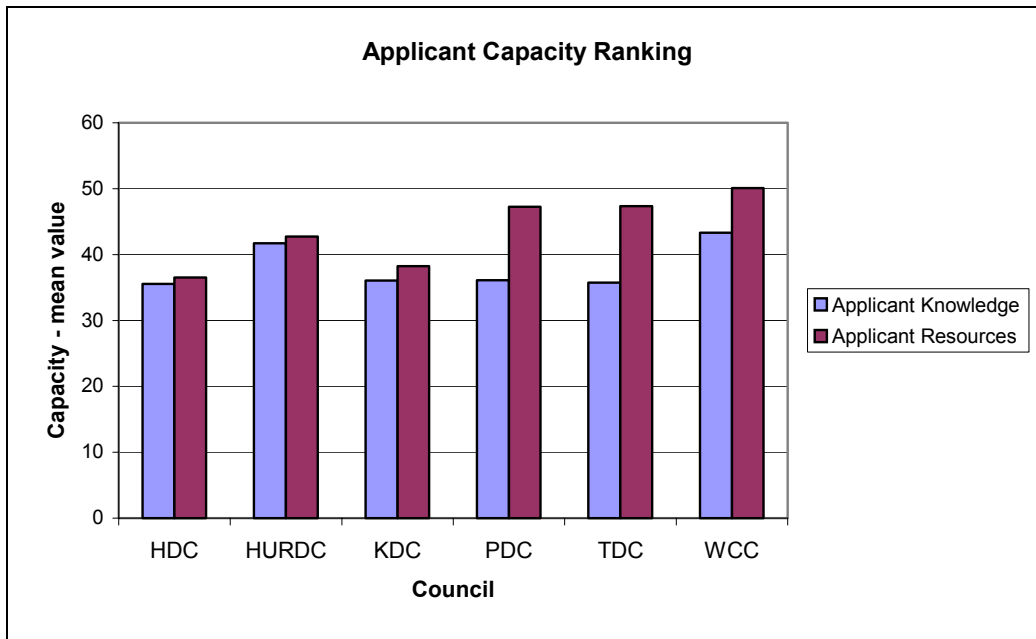


Figure 4.2: Applicant Capacity: knowledge and resources

Other results from the surveys showed that the vast majority of resource consents are prepared by consultants — 72% of whom were surveyors, 18% planners and the remaining 10% architects and engineers.

4.2 Commitment

The following results examine the influence of both councils’ and applicants’ commitment to implement plans.

4.2.1 Council Commitment

Council commitment is calculated as the political and staff commitment to implement the provisions in the plan and their commitment to enforce consent compliance for both stormwater and urban amenity. The data is based on a self-reported survey by senior managers in each of the six councils.

The combined results in Figure 4.3 demonstrate that overall there is high commitment to implement the plans (mean 80.65). Hurunui, Papakura and Tauranga rank the highest, and Kaipara the lowest.

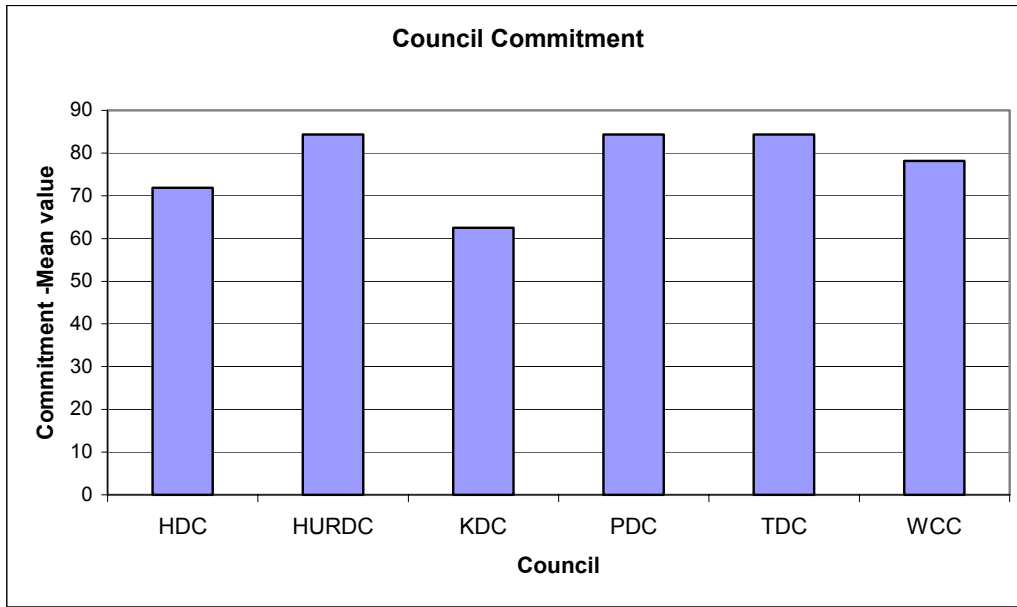


Figure 4.3: Perceived Council Commitment to the Plan

When the results for staff and politicians are considered separately in Figures 4.4 and 4.5 the results show greater variation. The perceived political commitment to the plan is highest in Hurunui and Papakura, and Tauranga, with only marginally lower scores for Waitakere, Horowhenua and Kaipara. Tauranga is most committed to enforce stormwater provisions, while Hurunui and Papakura are equally committed to enforce their urban amenity provisions. Only Kaipara and Waitakere show relatively constant commitment to each issue. Note that these perceptions were surveyed during 2001, and have not been sourced from councillors themselves.

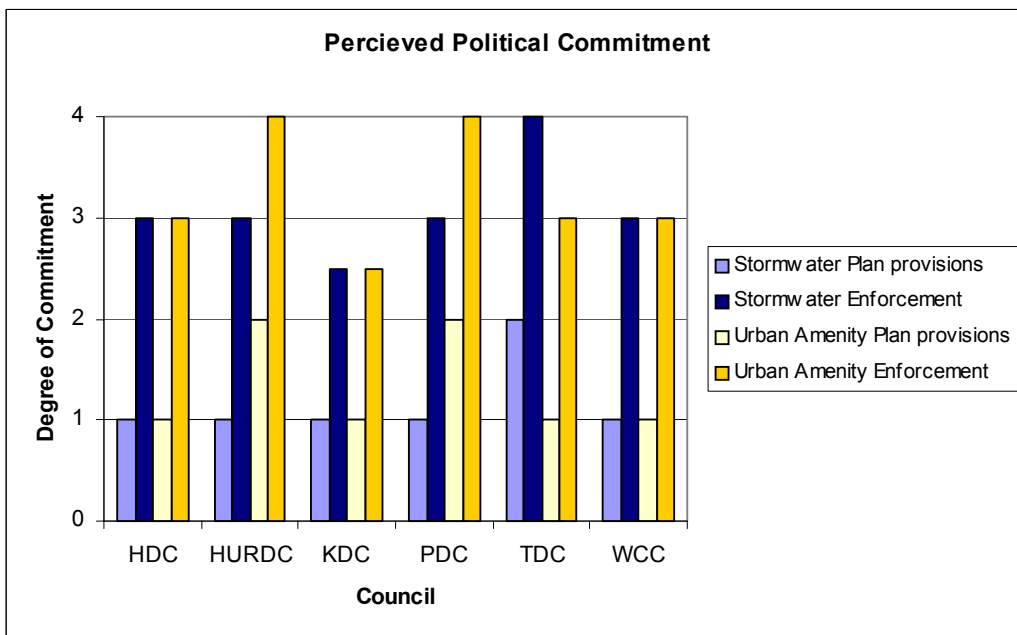


Figure 4.4: Perceived Political Commitment

The results in Figure 4.5 show a reasonably high level of staff commitment towards urban amenity and stormwater. Stormwater is marginally less important than urban amenity to staff in Horowhenua and Hurunui, while the opposite is true of Papakura and Tauranga.

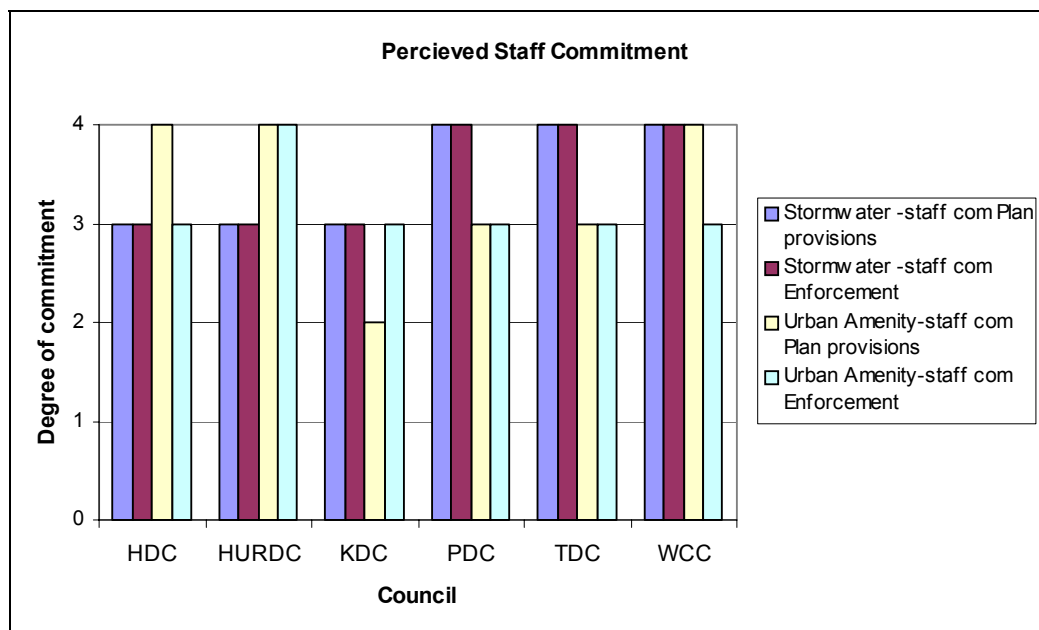


Figure 4.5: Perceived Staff Commitment

4.2.2 Applicant Commitment

The commitment of resource consent applicants is calculated as the applicant's commitment to avoid adverse effects on the environment and the perception they have of their responsibility for protecting the environment from those effects. The applicant commitment score also includes the applicant's consultant's commitment to avoid adverse effects of development on the environment.

The results in Figure 4.6 show that applicant commitment is very high in all of the study areas. Variation between the districts was almost insignificant, as was variation between stormwater and urban amenity. Yet separating the results into 'perceptions of responsibility' and 'commitment to avoid effects' illustrates that 'commitment to avoid effects' scores more highly than 'perceptions of responsibility'.

Significant divergence in applicant commitment is found in Kaipara, where commitment to avoid effects of their development was well above their perceptions of responsibility for protecting the environment. Similarly all the other district's applicants feel committed towards avoiding effects, but do not necessarily feel it is their responsibility.

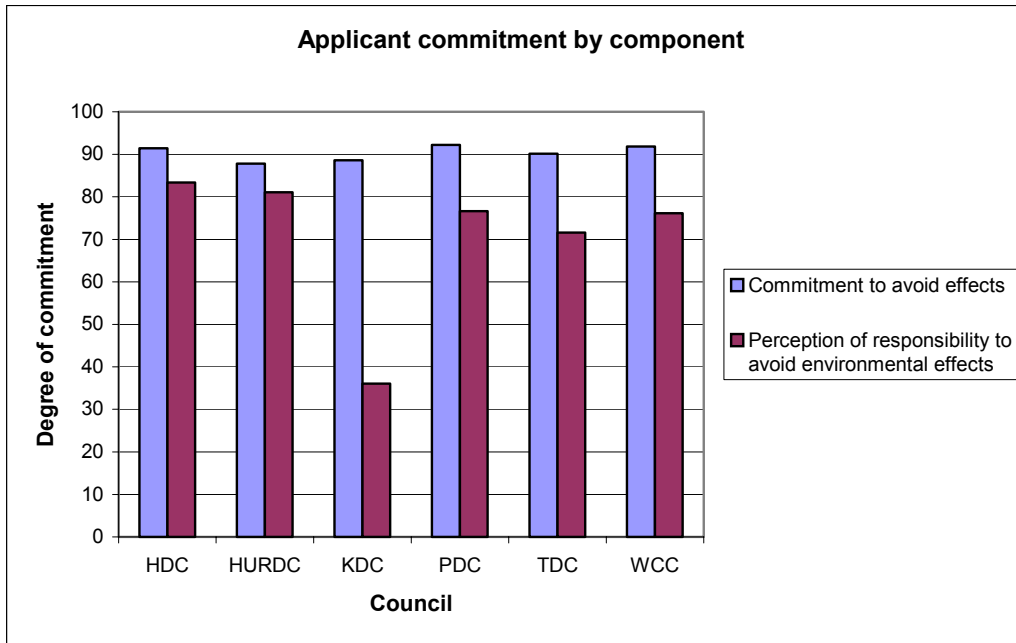


Figure 4.6: Applicant Commitment

4.3 Plan Quality

The six case study councils of Phase 2 were selected to show the greatest variation in plan quality (selected from the evaluation of 34 plans in Phase 1). The variation allowed us to determine the extent to which plan quality affects implementation quality (section 4.5).

Plan quality has been measured using four of the eight criteria that were used in PUCM Phase 1, namely: the facts base of the plan; the comprehensiveness of issues covered in it; internal consistency of the cascade from issues, objectives, policies, methods, anticipated environmental results; and the extent of provisions and understanding of monitoring.

The results in Table 4.1 show that Tauranga has the highest plan quality, closely followed by Waitakere. Horowhenua and Hurunui have medium quality plans, and Kaipara and Papakura the lowest. But even the highest scores were only mediocre. For further information on Plan Quality results see the “Resource Management, Plan Quality and Governance” report available on the PUCM website.

Table 4.1: Plan Quality (from PUCM Phase 1)

	HDC	HURDC	KDC	PDC	TDC	WCC
Plan Quality	17.8	16.8	12.9	8.5	27.8	24.0

* Out of maximum possible score of 40

4.4 Enforcement

Enforcement is measured as an internal factor to implementation because it tests whether plans that are coercively enforced achieve better implementation than plans that are enforced using more facilitative methods. Enforcement style was measured in the survey of councils by evaluating the extent to which the council used strict or flexible approaches to consent compliance, the use of negotiation or legalistic procedures, and provision of verbal or written warnings for compliance. It was hypothesised that stricter styles of enforcement will achieve higher plan implementation quality.

The results in Table 4.7 show that there is little variation between councils in the style of enforcement, with most taking a moderate approach somewhere between strict and flexible. Waitakere has the most flexible style of enforcement, and Tauranga the strictest.

Table 4.2: Style of Enforcement
(shown as a percent, where 100 is strict and 1 is flexible)

	HDC	HURDC	KDC	PDC	TDC	WCC
Style of Enforcement	54	54	50	57	43	61

4.5 Extent of Influence

Having examined each of the influencing factors in turn (i.e., capacity, commitment, plan quality and enforcement styles), their overall and comparative influence on plan implementation is considered using a regression model. The model allows us to determine whether or not the independent variables influence implementation, and whether one is more or less influential than the other. If the results demonstrate a positive relationship between a factor (i.e. variable) and implementation it would be expected that there is an improvement in implementation. A negative relationship indicates that an improvement in a factor would cause a decrease in implementation quality.

The implementation scores are based on the ‘implementation rate’ scores (see glossary for definition), as the ‘rate’ is a more accurate reflection of average implementation practices than the ‘range’ scores. It is worth noting that the results from the regression analysis are based on only six councils. The small sample size means that care must be taken in inferring that the outcomes would be the same for all councils. The limited sample also means that the analysis can only look at the influence of each factor on all six councils. Thus, the relative influence of each factor is shown and used to predict how this factor may influence each council (based on council scores in sections 4.1- 4.4). For example, if capacity is a strong predictor of implementation quality, and Horowhenua has low capacity it is predicted that a small change in capacity would lead to an increase in implementation quality.

The overall results in Table 4.2 show that *council capacity* and *plan quality* are the most significant predictors of implementation quality. When the results are separated by topic, capacity remains constant, but plan quality has a negative effect for urban amenity. The negative result can be explained by Papakura scoring poorly for plan quality in Phase 1, but highly for urban amenity implementation in Phase 2.

Thus implying that high quality plans do not necessarily lead to high quality implementation. In cases such as this it is useful to consider how other influences, such as contracting of consent-processing services, affects implementation quality. In Papakura, the contracting of services to consultants — who are by nature risk-averse — ensured relatively strong adherence to the district plan policies.

Despite the negative urban amenity result, plan quality remains one of the most influential factors in determining implementation quality. Phase 1 results also showed that plan quality can be predicted by factors of population and median house price, which are proxies for wealth and thereby capacity of a council. Similarly, plan quality acts as a proxy for either of these factors in Phase 2.

The combined results show that council commitment has an insignificant relationship with implementation quality. Yet when separated by issue, commitment has a positive relationship with urban amenity and a negative relationship with stormwater. This implies that commitment is important in the implementation of plan provisions addressing urban amenities, but less so for implementing stormwater provisions. More specifically, the results suggest that decreasing commitment results in increasing stormwater implementation. The apparently negative results are likely to be caused by high commitment in the two councils that had the lowest stormwater implementation results (Hurunui and Papakura).

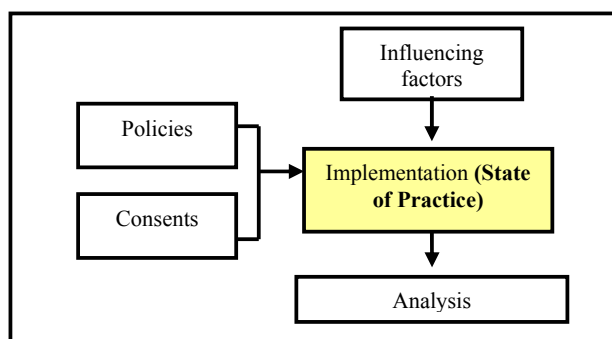
The factors for *applicant capacity* and *commitment* were found to be insignificant and therefore do not have noticeable effect on implementation quality. This result is likely to be a result of highly consistent results coming from the applicants in each of the districts, therefore the impact on implementation quality is difficult to determine. *Enforcement style* is found to have an overall positive effect on implementation quality, yet when studied by issue the effect is insignificant for urban amenity and negative for stormwater. This implies that, overall, stricter styles of enforcement result in higher implementation, except in the case of stormwater. The stormwater result is caused by the two councils with highest implementation scores for stormwater also having the most flexible approaches to enforcement.

Table 4.3: Predicting Implementation Quality

		COMBINED (water and urban amenity)	WATER	URBAN
Capacity	Council	Positive	Positive	Positive
	Applicant	Ns	Ns	Ns
Commitment*	Council	Ns	Na	Na
	- Urban	Na	Na	Positive
	- Stormwater	Na	Negative	Na
	Applicant	Ns	Ns	Ns
Plan Quality	Council	Positive	Positive	Negative
Enforcement	Council	Positive	Negative	Ns

Ns = Not significant (i.e. no significant statistical relationship could be determined through the available data); Na = Not applicable

*Commitment is separated due to differences in the variables used for calculating urban amenity and stormwater commitment.



5. State of Practice: Plan Implementation

The following section considers some of the additional findings from the research not directly associated with plan implementation quality, including anticipated environmental quality, application of best practice techniques and the quality of information in consents.

5.1 Anticipated Environmental Quality

The results in the previous sections on plan implementation quality are used to predict environmental quality. It is anticipated that plans with few policies and few techniques that achieved good implementation (i.e. low breadth, high depth) will not produce such good environmental quality as plans that use a high number of policies and a high number of techniques, or plans with few policies but many techniques. This expectation is based on the work of Dalton and Burby (1994), who theorised that more policies and more techniques available to decision-makers will allow ‘best fit’ solutions, thus increasing environmental quality.

The results are separated into the two issues of stormwater and urban amenity. Figures 5.1 and 5.2 indicate the predicted environmental quality for each council based on the number of policies in the plan and number of techniques in consents. Those councils in the top left hand corner are expected to achieve higher quality environmental outcomes.

For stormwater, the overall anticipated environmental quality is relatively high in Waitakere and low in Kaipara, Hurunui and Horowhenua. Tauranga, and Papakura are likely to achieve environmental outcomes of medium quality.

The urban amenity results in Figure 5.2 differ somewhat to the stormwater results in that no council is expected to achieve highly (i.e. high: high result). Waitakere is again expected to achieve slightly better than the other councils. It is anticipated that Kaipara and Horowhenua will also score relatively poorly against the other councils for urban amenity outcomes.

Stormwater - High Environmental Quality		Number of Techniques/Consent (range 0.52-6.06)		
		High (4.20-6.06)	Medium (2.40 -<4.20)	Low (0.52-<2.40)
Number of Policies (range 9-36)	High (27-36)	Waitakere	Tauranga	
	Medium (18-<27)		Papakura	Hurunui Horowhenua
	Low (9-<18)		Kaipara	

Note: results based on random sample only. Anticipated environmental quality increases as the number of policies and number of techniques increases.

Figure 5.1: Anticipated Environmental Outcomes: Stormwater

Urban Amenity – High Environmental Quality		Number of Techniques/Consent (range 2.39-4.07)		
		Highest (3.51-4.07)	Medium (2.95-<3.51)	Lowest (2.39-<2.95)
Number of Policies (range 14-74)	High (54 –74)		Waitakere	
	Medium (34-<54)			Horowhenua
	Low (14-<34)	Hurunui Papakura	Tauranga	Kaipara

Figure 5.2: Anticipated Environmental Outcomes: Urban Amenity

5.2 Best Practice

Environmental “best practices” are those proven techniques, processes, technologies or innovations that achieve desired environmental goals. Consultation and literature reviews have shown that best practice relating to stormwater tends to converge on low-impact or ecologically-based management techniques, while urban amenity best practice techniques focus on new-urbanist principles and landscape integration. These definitions of best practice stem from both practitioner experiences and domestic, and international, influences.

The research on best practice sought to determine if, and to what extent, best practice is being applied in consents. Staff identified consents that exemplified best practice, and these were compared with the randomly selected consents. Urban amenity best practice was only sampled in Waitakere (for medium density housing) and Hurunui (for special character housing).

Figures 5.3 (urban amenity) and 5.4 (stormwater) show that there is only a small average increase in the number of techniques used per consent for best practice as opposed to ordinary practice. Some councils, such as Waitakere and Hurunui, did much better than others where the increases were only marginal. The best practice assessment revealed that most consents rely on traditional management techniques.

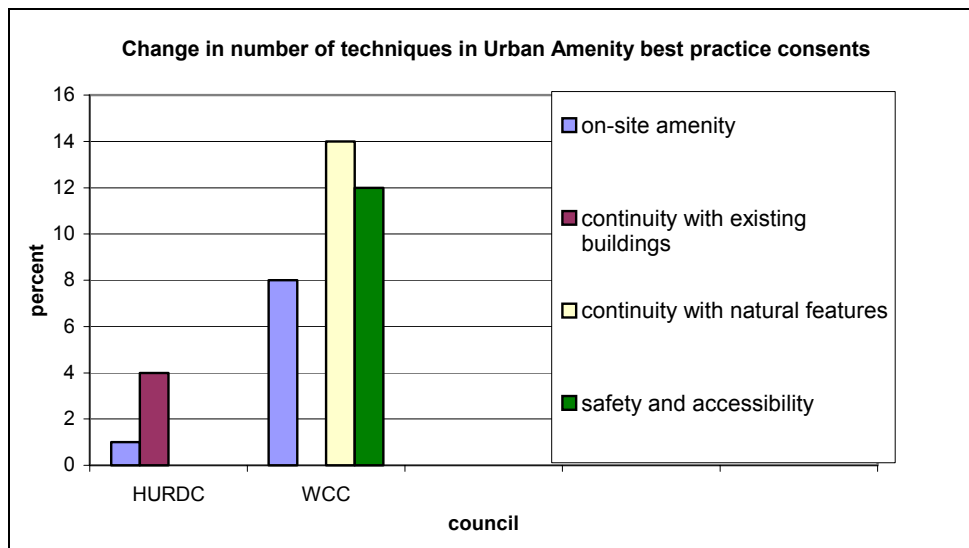


Figure 5.3 Percentage Change in Number of Techniques in Urban Amenity Best Practice Consents

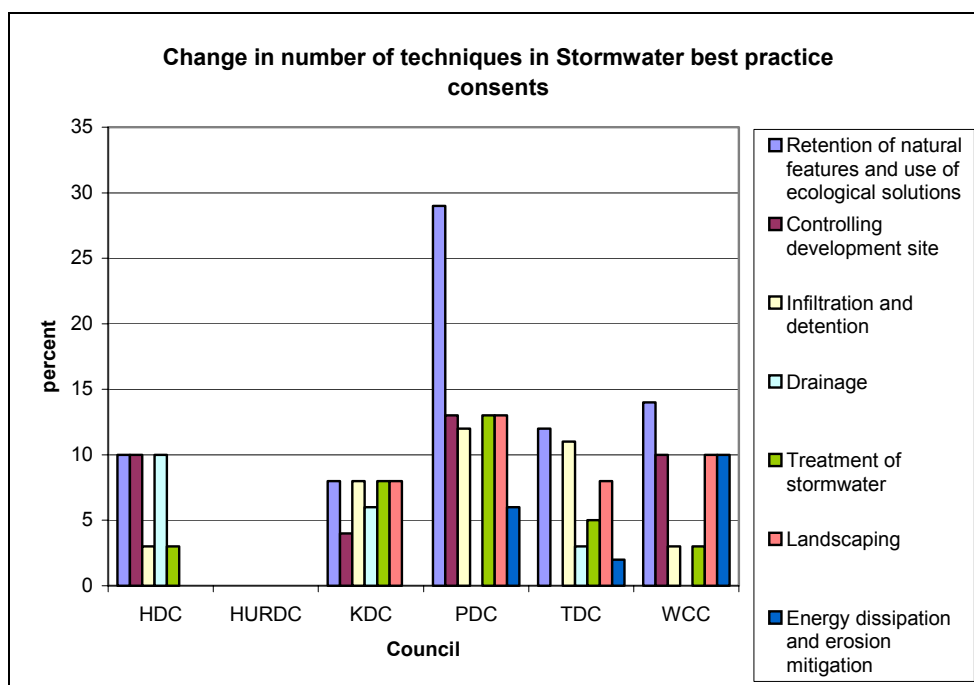


Figure 5.4. Percentage Change in Number of Techniques in Stormwater Best Practice Consents

5.3 Quality of Consent Information

The quality of consent information with which planners are making their decisions was evaluated and then analysed to determine if similar information was being used by each of the councils. The assessment was based on the entire consent file, and included: landuse pre-development; identification of natural and cultural/heritage features; and, where relevant, soil, topography, waterways and coastal areas, neighbourhood character, significant landmarks, and/or landscapes. The consents were also scored on information reliability by giving higher marks for information accompanied by professional reports, photographs or maps and building plans.

Table 5.1 shows that there is variation in the quality of information between councils. Waitakere (40.77 percent) and Horowhenua (21.48 percent) show the greatest difference. Kaipara (38 percent) compares well with top scoring Waitakere.

Table 5.1: Information Quality Scores (shown in percent*)

	HDC	HUR	KDC	PDC	TDC	WCC	Mean
Application Quality Total	22	27	39	36	28	41	33
Urban Amenity	19	29	39	40	30	42	34
Stormwater	24	26	39	34	26	40	32

*Results are shown as a percent per consent of the total possible score.

When looking at information quality by issue within each of the council’s urban amenity consents, all councils (except Horowhenua and Tauranga) have higher quality information than for stormwater consents (Figure 5.5). Papakura had the

highest score for information quality in consents relating to urban amenity, and was also among the highest for the stormwater consents, although all councils score relatively poorly for this area.

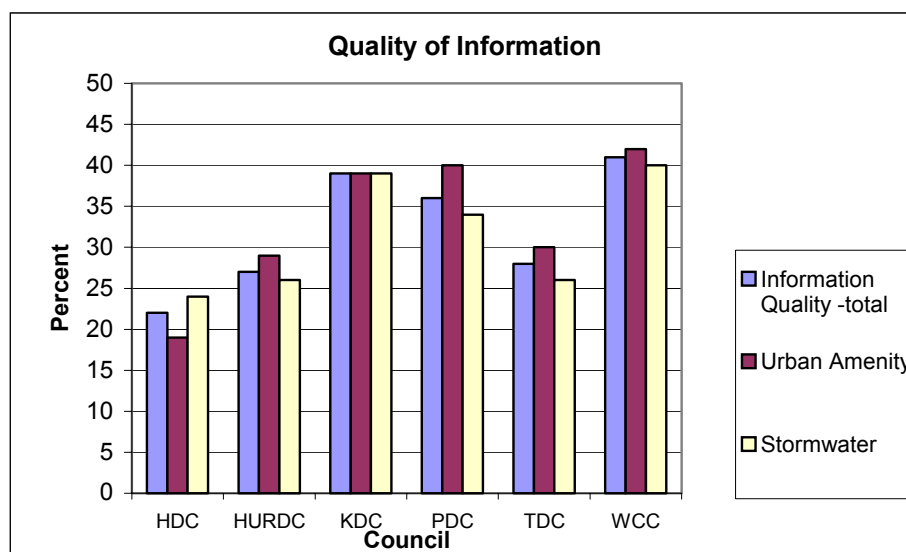


Figure 5.5. Quality of Information in Consents

When, however, the results are studied by consent type (landuse, subdivisions or joint applications) some differences in the quality of information used in consent decision-making can be seen (Table 5.2). Most consent applications for land-use or subdivision are providing low to medium quality information. Waitakere and Kaipara have a marginally higher score for subdivision and land-use consents than all other councils, and Horowhenua the lowest for land-use consents.

Table 5.2: Information Quality by Consent Type (%)

	HDC	HUR	KDC	PDC	TDC	WCC	Mean
Land-use	17	29	38	28	35	38	32
Subdivision	24	26	40	38	27	41	33
Joint land-use and subdivision	n.a.	31	n.a.	41	n.a.	64	46

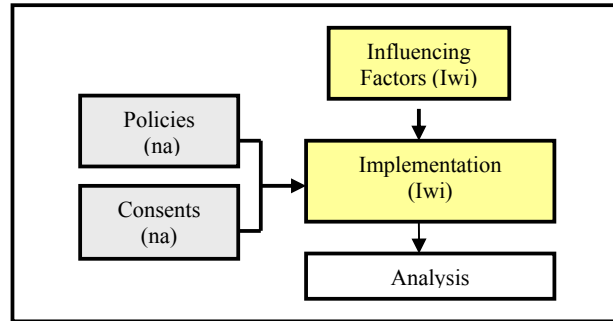
If the quality of information is considered by the size of the development, a strong relationship between size and quality can be seen (Table 5.3). In all but a few cases, the quality of information increases as the number of lots increases, presumably because the potential environmental impact of large-scale development also increases. It is also seen that the standard of information becomes more consistent between councils as the lot number increases.

Table 5.3: Information Quality by size of development (%)

No. of lots	HDC	HUR	KDC	PDC	TDC	WCC	Mean
1-2	20	23	35	30	21	29	26
2-5	26	22	34	40	30	41	33
5-10	19	42	50	46	14	54	40
10-20	Na	33	48	46	31	51	46
20+	54	Na	53	62	53	61	57

PART III:

**IWI PARTICIPATION IN THE
RESOURCE CONSENTS PROCESS**



6.0 Iwi and Plan Implementation

PART III of this report focuses on results from a survey of twenty-four hapū and iwi representatives who were interviewed from the six case study council areas. As stated earlier, attempts to apply the same method of evaluating implementation of policies related to hapū and iwi issues was unable to proceed due to an insufficient number of consents on these issues. Consequently, the focus of the research changed to the capacity of hapū and iwi to engage in the resource consents process, the resources of concern to them, their relationship with council and consent applicants, and their perception of the consent process.

Hapū and iwi representatives who had the most experience liaising with our case study councils over resource management issues were interviewed. Interviews were conducted, in person, over the period 2001 to 2002, using a standardised questionnaire. A number of questions asked of hapū and iwi also appeared in the council and applicant interviews, to enable comparative analysis⁷. The number of respondents from each study area is indicated in Table 6.1.

Table 6.1 Number of hapū and iwi surveyed

Council	HDC	HUR	KDC	PDC	TDC	WCC	total
No. of hapū and iwi interviewed	4	3	3	8	4	2	24

6.1 Resources of Concern to Hapū and iwi

Hapū and iwi representatives who responded to questions had a number of resources that were of concern, as indicated in Figure 6.1 (next page). Water quality, wāhi tapu and heritage were the most commonly cited. Perhaps surprisingly, fauna and flora were considered less important. The 'other' category produced a range of responses,

⁷ Note that many of the questions required subjective answers and were followed with substantive comments from the interviewee that tempered the answers given.

for example earthworks affecting sites of significance to Māori, the coastal environment, and air quality.

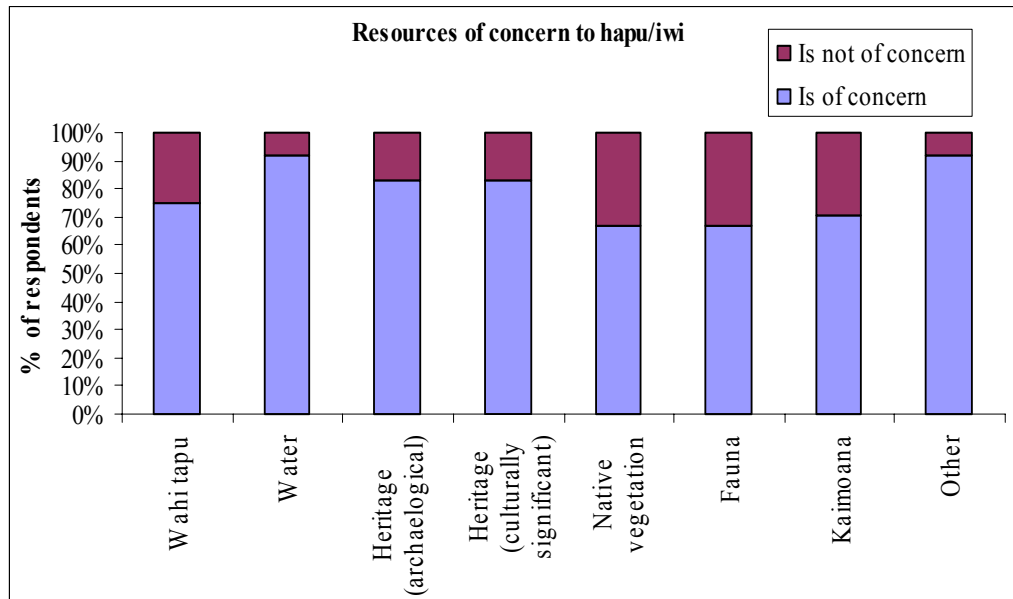


Figure 6.1: Resources of Concern

6.2 Capacity of Hapū and Iwi

Around half of all hapū and iwi surveyed have a management plan, and approximately the same number employ people to vet resource consent applications (Table 6.2). The majority charge applicants for their services. However, the amount they charge varied, with an average of approximately \$90 / hour (Table 6.3). Only one hapū and iwi had a fixed rate. Their range and rates are comparable with the fees charged by planning consultants. Of those that do not charge applicants, only two receive funding from local government.

The number of people employed by hapū and iwi to process resource consents, and their level of experience, also varies somewhat (Table 6.4, next page). While an average of three people at each hapū and iwi review consents, just over one of the three is actually paid for their service. This indicates that the capacity of hapū and iwi to deal with resource consent applications is variable, but generally low. Although the level of experience (measured in years) is relatively high, and the majority of hapū and iwi charge for their services, many of the people undertaking the work are not being paid.

Table 6.2: Capacity of hapū and iwi to engage in the resource consent process

Capacity to engage in consent process	Yes	No
Does iwi have a management plan?	50%	50%
Does iwi charge applicants?	67%	33%
Are people employed at hapū and iwi to deal with consents	46%	54%

Table 6.3: Cost of iwi consultation to applicants

Charges to applicant for iwi consultation	Mean	Minimum	Maximum
\$\$/hr (n=9)	\$88.90	\$60.00	\$150.00
\$\$ fixed rate (n=1)	\$135.00	-	-

Table 6.4: Number and experience of hapū and iwi engaged in consent processing

Number and experience of hapū and iwi	Mean	Minimum	Maximum
No. of people employed at hapū and iwi to deal with consents	1.3	0	8
No. of people at hapū and iwi dealing with consents	3	1	7
No. of years of experience in dealing with consents	10.5	0	20
No. of consents per annum for each hapū and iwi (2000/2001)	165.8	0	2080*

*this is equal to all the consents processed by the largest of our councils; it is hypothesized that the respondent incorrectly included the summary of consents applications sent to hapū and iwi, rather than actual consents reviewed by hapū and iwi.

6.3 Relationship with Council

The relationship of hapū and iwi to the district councils is considered through four topics: representation of hapū and iwi at council, commitment of council to hapū and iwi, council resources supporting hapū and iwi participation in consent process, and overall satisfaction with council. These are dealt with in turn below.

6.3.1 Representation of Hapū and Iwi at Council

The level of representation that local hapū and iwi groups have at the six district councils is indicated in Table 6.5. Results from the hapū and iwi surveys are compared with those from the council surveys. Councils in **bold** are where there is agreement between the survey answers. The results suggest that there is generally a low level of representation of Māori interests at most councils, with the exception of Waitakere City. Neither Hurunui nor Kaipara have any Māori representation according to the hapū and iwi survey. There is also disagreement between the hapū and iwi results and those recorded from the council surveys. This suggests that both council and hapū and iwi may be unsure about the nature of representation that is available to hapū and iwi groups.

Both hapū and iwi and council representatives were asked what level of understanding council staff had of the *Treaty of Waitangi* and kaitiakitanga. Hapū and iwi respondents gave a low score for both questions. The council survey results, while giving their staff a slightly higher rating, also considered understanding of these to be low to moderate. As these issues are both fundamental to the RMA (sections 6(e), 7(a) and 8), more training of staff is required.

Table 6.5: Representation of iwi at council

Type of representation	Hapū and iwi survey	Council survey
Councillors who are Māori	No councils	no councils
Standing committee of Māori reps	PDC, WCC	HDC, WCC
Māori working group	HDC, HUR, TDC, WCC	HDC, KDC, TDC
Individual Māori representative	HUR, TDC, WCC	HDC, TDC, WCC
MoU between iwi and council	HDC, HUR, TDC, WCC	HDC, TDC
Informal understanding / agreement between iwi and council	WCC	HUR, KDC, PDC, TDC, WCC
Council provides resources for representation	HUR, PDC, TDC, WCC	WCC

(councils highlighted in **bold** indicate where the hapū and iwi & council survey answers converge)

Table 6.6: Council understanding of Māori concepts

(note differing scales between surveys)

	Hapū and iwi survey – mean score (1=low - 4=high)	Council survey – mean score (1=low - 3=high)
Council staff understanding of kaitiakitanga	1.6	1.7
Council staff understanding of Treaty	1.3	2.0

6.3.2 Commitment of Council to Hapū and Iwi

The level of commitment of council to involve iwi in the resource consent process is indicated on Table 6.7. Again, both hapū and iwi and council representatives were asked the same questions. The answers generally concur over which councils consult with iwi when deciding on notification and which councils have criteria to guide staff on informing iwi of applications. Thus, the majority of councils seem to utilise criteria and consult with iwi when notifying consents. Hapū and iwi respondents considered three of the six councils consulted with iwi when designing consent monitoring, yet only one council respondent thought this occurred. A range of responses was given when hapū and iwi were asked whether they thought council staff considered whether it was the council or applicant who was responsible for consultation with iwi. Again council responses were generally divergent from hapū and iwi. These results suggest that there is some confusion over involvement of hapū and iwi in consent processes.

Table 6.7: Commitment of council

(councils highlighted in bold indicate where the hapū and iwi and council survey answers agree)

	Hapū and iwi survey	Council survey
Was monitoring designed with iwi input?	HUR, PDC, WCC	TDC
Do council staff consult with iwi when deciding on notifying?	HDC*, HUR*, PDC*, TDC*, WCC	HUR, PDC, TDC, WCC
Do council staff have criteria to determine when iwi should be informed of applications?	HDC*, HUR*, PDC*, TDC, WCC	HDC, HUR, TDC
Does council consider itself or applicant responsible for consultation:		
-council	HDC, HUR, PDC, TDC, WCC	HDC, TDC
-applicant	HDC, HUR, KDC, PDC, TDC	KDC, WCC
-both	KDC, PDC, TDC, WCC	HUR, PDC

*Note: not all hapū and iwi surveyed in each region responded 'yes'

Contrasting views were also found over the commitment of council staff and politicians to iwi provisions in the district plan, and to iwi involvement in the

monitoring and enforcement of resource consent conditions (Figure 6.2). Hapū and iwi surveyed gave councils a poor rating: they perceived council staff and politicians as either somewhat or very **uncommitted**. In contrast, councils' self-evaluation answers scored either somewhat or very **committed**. These divergent views suggest work needs to be undertaken to improve the relationship between council and hapū and iwi.

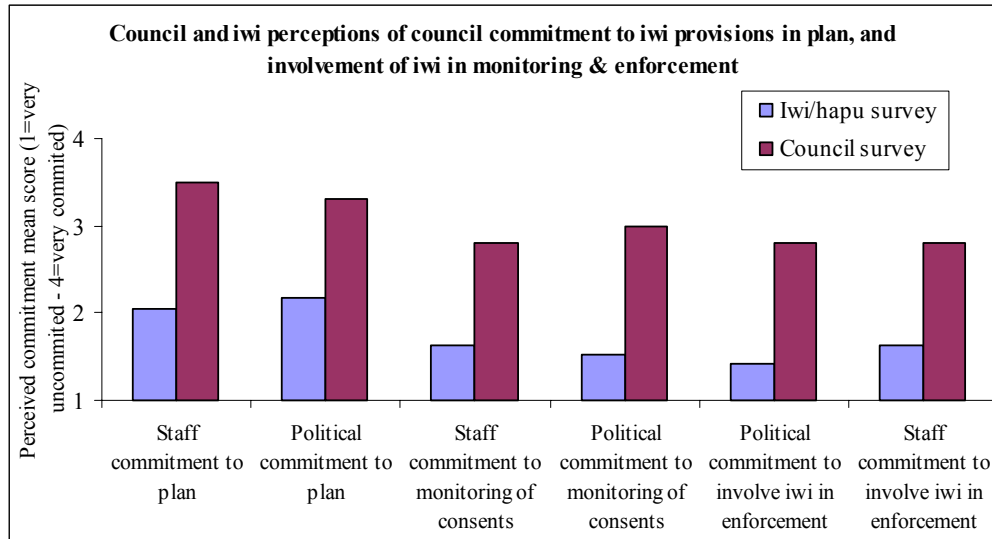


Figure 6.2: Commitment to iwi involvement in monitoring and enforcement

6.3.3 Supporting Resources for Hapū and Iwi Participation in Consent Process

The majority of hapū and iwi do not receive any support from council to facilitate their participation in the consent process. Of those that receive council support (around 18%), direct funding of hapū and iwi and contracting of services and time are the most common types of resources council provides (Figure 6.3).

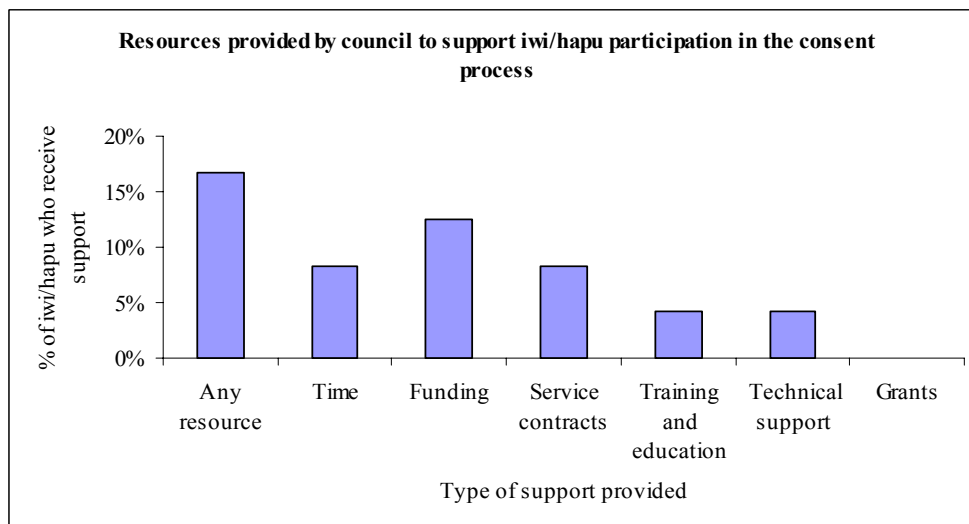


Figure 6.3: Resource Provisions

6.3.4. Overall Satisfaction with Council

The overall perception of hapū and iwi of the performance of council in respect to iwi issues is illustrated in Figure 6.4. Generally, of the six councils studied, hapū and iwi are moderately unsatisfied with the council. Thus, hapū and iwi perceive council as doing a fair to poor job in dealing with iwi issues. Council staff addressing issues raised in iwi submissions score the best out of the four evaluation questions asked, whereas the district plan receives the lowest rating from hapū and iwi.

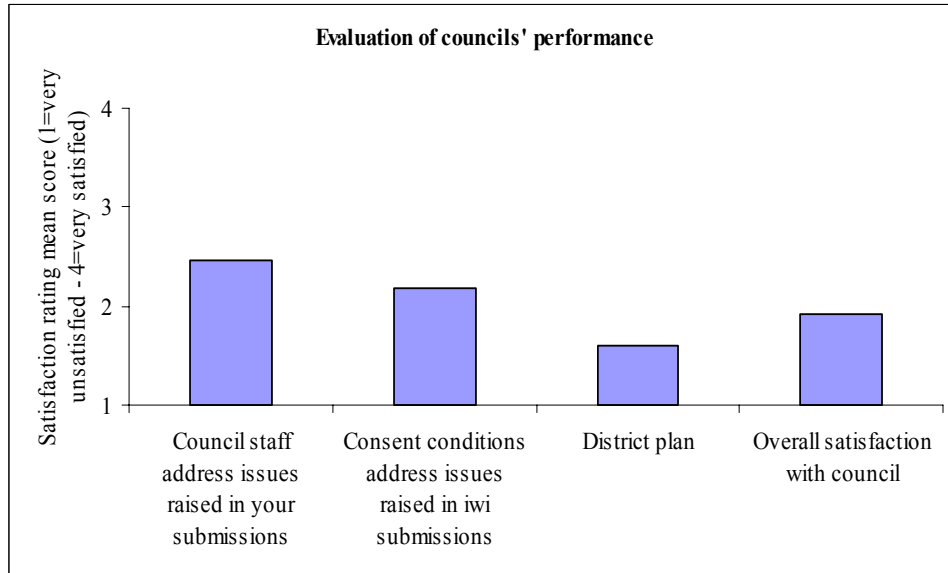


Figure 6.4. Evaluation of Councils' Performance by Iwi

6.4 Relationship with Applicants

The relationship of iwi and hapū to the resource consent applicants is considered through two topics: commitment of applicants to hapū and iwi, and consultation between hapū and iwi and applicants. These are dealt with in turn below.

6.4.1 Commitment of Applicants to Hapū and Iwi

Hapū and iwi representatives were asked about their experience with resource consent applicants (Table 6.8). Generally, respondents rated applicants similarly to council staff and politicians. Hapū and iwi representatives perceived applicants to be somewhat familiar with consultation requirements. On average, applicants sometimes changed their development proposal following consultation with hapū and iwi, and sometimes met consent conditions. Where a hapū and iwi management plan existed, again the mean response was applicants sometimes took these into account. Overall, respondents were somewhat dissatisfied with consent applicants.

Table 6.8: Commitment of applicants to hapū and iwi

	Mean response (1=rarely - 4=always)
Are applicants familiar with iwi / hapū consultation requirements?	2.1
Does consultation with hapū and iwi lead to changes in project?	2.2
Do applicants meet the requirements of resource consent conditions?	2.2
Do applicants take account of iwi management plan?	1.9
Satisfaction with applicants? (1=very dissatisfied – 4=very satisfied)	1.9

6.4.2 Consultation Between Hapū, Iwi and Applicants

Both hapū and iwi and consent applicants were asked the type of communication applicants used when contacting hapū and iwi over resource consent applications. Surprisingly, Figure 6.5 shows a divergence of views over the methods used. Although phone and mail were cited as the most common communication method in both surveys, applicants considered this was used more often than did hapū and iwi respondents.

Māori value personal contacts and communication highly, particularly where they occur at marae. Our survey results suggest personal meetings between applicants and hapū and iwi occur infrequently. Where they are utilised, meetings usually take place at the site of the proposed development.

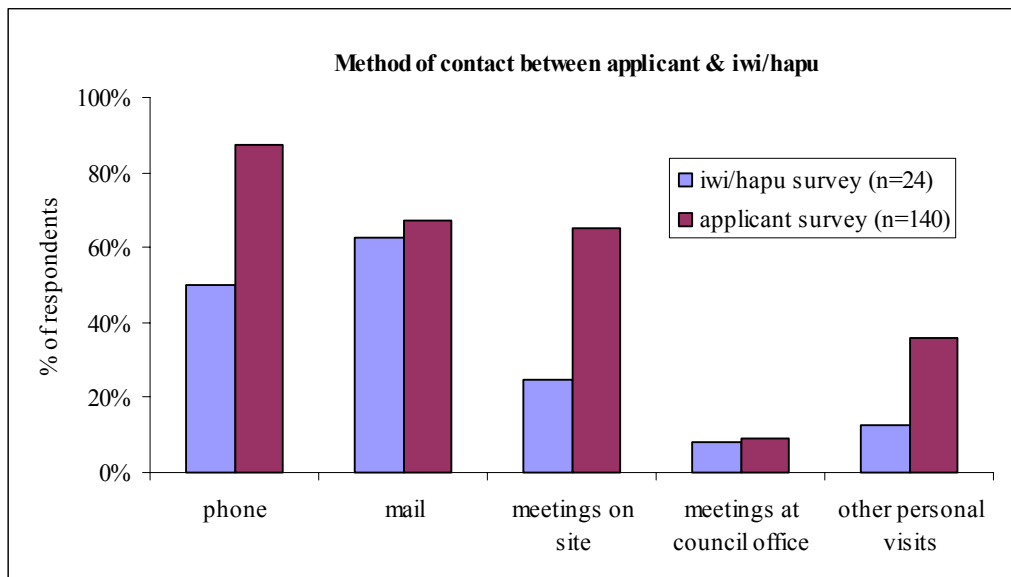


Figure 6.5. Method of Contact between Applicants and Hapū and iwi

The type of changes that occur to resource consent applications following consultation with hapū and iwi is indicated in Figure 6. Applicants indicated that changes to the design of the project were the most likely outcome of hapū and iwi consultation, followed by changes in the conditions of the resource consent. In contrast, hapū and iwi respondents cite changes to consent conditions as more commonly occurring than changes to project design. Other types of changes were rarely or not observed in both the applicant and hapū and iwi survey responses. The reason for the difference in results between the two surveys is unclear, but confirms that there is poor, and divergent understanding of the role of hapū and iwi in the resource consent process.

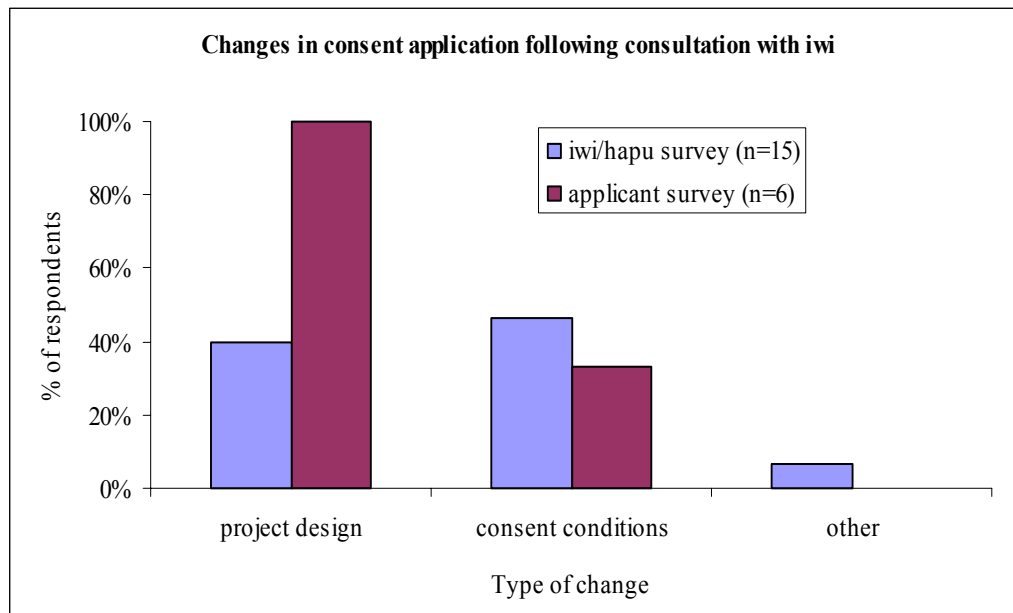
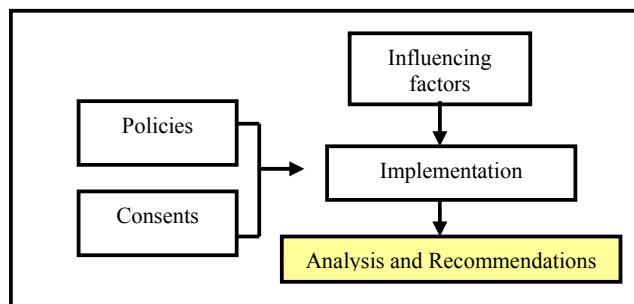


Figure 6.6: Changes in Consent Applications

PART IV:
ANALYSIS, CONCLUSIONS AND
RECOMMENDATIONS



7.0 Analysis

Determining the effectiveness of New Zealand’s efforts in sustainably managing natural and physical resources is a lengthy and complicated task. Inherent in the complexity is the tracking of responsibility for achieving good quality outcomes and attributing those outcomes to plan policies and/or implementation actions.

The devolution of responsibility away from the national level and into local government means that evaluating outcomes of the RMA has to occur at a local level. Establishing causality between the national mandate and environmental outcomes requires any evaluation process to firstly determine if and how well the mandate has been adopted by district councils through planning documents (PUCM 1). The second step is to determine how well these planning documents are implemented, that is, do councils believe in their own plans (PUCM 2)? The final step is to determine the extent to which the environmental outcomes meet the expectations of both planning documents and, ultimately, the Act (PUCM 3, in progress).

The assumption that national legislation, and indeed local planning documents, lead to quality outcomes has until now, remained largely untested. Robust methods have not been available for evaluating plan quality, implementation quality, and environmental outcomes, let alone how these qualities interlink. Nor have there been systematic attempts to assess how non-plan factors influence plan implementation and outcomes.

The research conducted through the Planning Under a Cooperative Mandate (PUCM) programme has sought, at least in part, to fill some of these gaps and explain the complex links between plan quality, plan implementation and environmental outcomes. This second phase has concentrated on the implementation of plans and has used six councils as case studies for determining the quality — and factors influencing the quality — of implementation through the regulatory process (i.e. resource consents). The PIE method for evaluating plan implementation was developed so that links could be made between the intentions of policies in plans and the actions taken to implement these intentions in resource consents.

The results of the research indicate that the quality of implementation varies significantly across councils according to the capacity and plan quality of each council. Where capacity and plan quality were relatively high, the quality of plan implementation was higher.

Despite some councils doing better than others, the overall quality of plan implementation, as seen in a typical consent, was poor to medium. In general, policies in plans provided for a far greater range of techniques than were applied in everyday practice, for although plans scored very well for implementing each of their policies at least once, only a small range of the policies and techniques are implemented in the majority of consents.

Conventional techniques predominate in consents, even when new approaches, such as low impact stormwater management methods, are identified in plans. This adherence to tradition appears to leave little room for innovative practices, especially when factors related to cost, time pressure, and administration constraints reduce the ability of consent planners to adopt new practices.

The results suggest that when capacity increases the quality of plan implementation also increases, particularly with regard to ‘best practice’. The implication of these results is that in low to medium capacity councils, where the range of environmental management techniques has not significantly changed since the *Town and Country Planning Act (1977)*, the goal of sustainably managed natural and physical resources is unlikely to be attained. A further implication is that without minimum national standards combined with serious and meaningful efforts to improve the capacity of local government, aspirations articulated in district plans are unlikely to be achieved.

When implementation was considered in relation to issues of importance to Māori, the research illustrated a general dissatisfaction on the part of hapū and iwi with councils’ performance. The low implementation scores may be useful in explaining this result, insofar as councils are not enacting the intentions of the plan as decided in consultation with hapū and iwi during the plan-making process.

A further contributing factor to the poor relationships found between hapū and iwi and councils, is the lack of clarity over the role local iwi and hapū have through the *Treaty of Waitangi* and in RMA processes. While amendments to the *Local Government Act (2002)* clarify the role of local government in relation to the Treaty, requirements for consultation and provisions for participation remain unclear to both hapū and iwi and councils. Substantiating the role of Māori in decision-making is hindered by the generally low capacity of iwi and hapū to participate in resource management governance *and* consent processes. The poor representation of hapū and iwi members in council forums illustrates that a lack of clear and formal governance arrangements precludes meaningful participation in resource management.

7.1 Capacity

Those councils with limited capacity tend to achieve poorer implementation of their plans than councils with higher capacity. Low capacity tends to be coupled with poor quality plans, compounding implementation difficulties. Our results suggest that a lack of capacity inhibits the use of policies and techniques that promote innovation, yet innovation was one of Government’s hoped-for benefits of its devolved mandate.

Capacity has traditionally been bound to the assets and rating-base available to each council, creating wide variability in capacity while statutory functions remain constant. Devolving responsibility of resource management to local government does not absolve Government of the responsibility to make provisions for the localised implications of national policy. In this regard, the findings of this report concur with findings in PUCM Phase 1 “Report to Government” (Ericksen, et al., 2002), which

highlighted the need for reorganisation and/or amalgamation of councils with low capacity (i.e. insufficient rating-bases to fulfill their statutory obligations). Indeed, underpinning a devolved and co-operative mandate is the assumption that sub-national government may not have the capacity to comply and it is the role of Government to help through incentives and capacity building.

The findings of this research would suggest that low capacity forces councils to adopt policies that appear to favour economic growth. In many cases growth is needed in order to maintain — at the minimum — current service levels. Effectively, the pressure for development to proceed quickly and unimpeded does not foster a climate that considers and values environmental quality to the extent advocated in many district plans (or envisaged by the RMA).

The internal factors of capacity and commitment are strongly interlinked. The allocation of staff time, access to training and resources, and provision of guidance are largely determined by a political process operating within budgetary constraints. Regardless of priorities for economic growth, a further possible explanation for the priorities accorded to plan implementation relates to the level of political knowledge, awareness and understanding of the plan and planning processes. Without a firm understanding of the objectives to be achieved by the plan and how they can be achieved (and at what cost), the allocation of funding for implementation is likely to suffer.

The gap between plan intentions and practice also implies that, in many cases, planners, engineers and surveyors are simply not aware of the range of techniques that may be available to them. Within councils, this may be due to a lack of clarity in policies in the plan, and also to a lack of access to training, professional development, guidance, and information-sharing between staff, and managerial units, involved in the consent process. The implications for low-capacity councils are that as resources, training, and guidance decrease, the gap between district plan intentions of environmental ‘retention and protection’ and actions will increase.

These results raise further questions about the effects of poor central government guidance for managing environments of national, regional or local significance, within the constraints of a three-year democratic cycle. The risk of political priorities over-riding an ill-defined environmental bottom-line, does little to satisfy the very purpose of the RMA in “sustainably managing the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations” (RMA, 1991). These concerns are further accentuated by a lack of environmental safeguards, by way of national environmental standards and mandatory RMA training of councillors (and aspiring council representatives).

The capacity of councils was also found to affect the extent of iwi involvement in implementing the plans. Despite recent encouraging efforts by most councils to establish governance relationships, only the highest capacity councils could afford to build the capacity of local iwi to participate effectively in the consent process. While developing relationships with iwi at a governance level is an essential pre-cursor to effective participation, iwi still require greater capacity if they are to engage effectively. Results showed that on average hapū and iwi employed only three staff to deal with consents, but only about one-third could afford to pay them to do it.

As in the plans themselves (Phase 1), the ability to incorporate iwi interests in consents is also a capacity issue. In this study only the two highest capacity councils could afford to build the capacity of local iwi to participate in the consent process. Effective participation requires a combination of relationship and capacity building with and of iwi at a governance level. Once capacity is increased, communication

regarding consent applications requires clear guidance and criteria about when an application should involve iwi consultation.

Further, the capacity of iwi to participate could be better utilised if there was greater integration between local councils (territorial authorities), and between regional and local councils on issues of significance and processes for iwi involvement. Invariably, iwi are dealing with multiple councils, including regional and local councils, and do not recognise jurisdictional boundaries. To many iwi, issues transcend boundaries and should be dealt with and recognised consistently by each council.

7.2 Plan Quality

Importantly, the research showed that improving the quality of plans was found to improve implementation quality. Councils with higher quality plans tended to implement their policies more often and use a greater range of environmental management techniques than those councils with poorer quality plans. The results show that higher plan quality, and more specifically, strong internal consistency between policies and rules gave greater guidance to decision-makers in enacting the objectives of the plans, and subsequently better implementation.

The quality of plans in the first instance is, however, only poor to fair (Phase 1). Generally, there is:

- a lack of clear direction as to what sustainable management comprises, in the local context;
- a lack of facts upon which to define issues, objectives and policies; and
- weak internal consistency, including between policies and rules.

This combination of factors has meant implementation was severely compromised from the start. Based on the results of the Phase 1 study of plan quality (Ericksen, *et al.* 2001), plans were left in a poor state because Government: produced a mandate in which the key provisions were unclear to most plan-makers; failed to provide guidance through national policy statements and standards; and minimised its efforts in capacity building of councils. This resulted in a lack of research undertaken at a local level on which to base the plans. The repercussions of poor plan quality are now being seen in their poor implementation.

Planners reported that as the gap between policy intentions and a plan's rules widened, consent assessments became more difficult and decisions would be divorced from, or undermined, the policy intentions of the plan. If clear links cannot be made back to policy, consent planners look for guidance elsewhere and make assumptions about the basis for the rules, which may or may not reflect the intentions of policies. It is likely that the weak link between policies and rules has contributed to the concept of permitted baseline assessments, which look solely at the effect of existing rules in plans and not at policy directions.

Phase 1 of the PUCM research found that many of the plans concentrated on developing issues, objectives and policies about *processes* for iwi participation rather than substantive resource issues of concern to Māori. In this Phase 2, little evidence of these processes being implemented could be found, due in part to the issues of capacity as described above.

What is more, the transference of knowledge and guidance to the implementation level from the policy level is also a significant factor in building capacity in councils. Because plan quality around the country is generally poor, an

even greater emphasis on building the understanding of significant iwi issues among implementation planners is required.

7.3 Commitment

Commitment was found to have less direct importance in determining implementation quality than those factors of capacity and plan quality. This is not to deny the importance of commitment. Indirectly, commitment affects implementation through its inextricable link with the direction and allocation of funding and resources, political priorities, and the political understanding of district planning processes. Commitment may, however, have been a factor in the highly variable levels of information quality found in consents.

It appears that a high proportion of consents are being granted without clear or detailed information. This suggests that in many cases planners are making decisions on less than adequate information about the possible adverse environmental effects of development. An explanation for the poor quality of information may be that the pressures for time-compliance limit the ability of consent processors to obtain the quality of information necessary to make informed decisions. This may be particularly pertinent to those councils where commitment to economic growth prevails over enhancing environmental quality.

The commitment to economic growth may also be a contributing factor to the perception of iwi and hapū that councils are not overly committed to iwi provisions in the plan, or to their involvement in monitoring and enforcement of issues concerning iwi.

7.4 Hapū and Iwi Participation

Posing similar questions to council staff and hapū and iwi representatives resulted in differing views about their relationships. While council staff knew that their understanding of the Treaty was only low to medium, Māori viewed it as being much worse. The same discrepant outcome applied to the perceived commitment of councils to iwi and hapū interests through plan provisions and involvement in monitoring resource consents. Consequently, council staff think that they are doing rather better regarding iwi interests than do the hapū and iwi representatives.

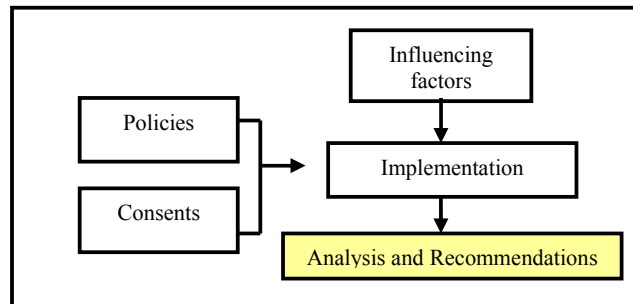
Similarly, the reciprocal perceptions of resource consent applicants and hapū and iwi representatives show that the former think that they are more familiar with the consultation requirements than do the latter. In many respects this perception prevails because very few consent applicants actually undertake consultation, whereas Māori justifiably perceive that the vast majority of consents undertake little or no consultation with hapū and iwi. These findings suggest that there is much to be done to improve relationships and behaviour of these key stakeholder groups in the plan implementation process if the provisions in the RMA related to Māori/hapū and iwi interests are to be adequately met.

7.5 Next Steps

Whether innovative policies lead to better environmental outcomes is being tested in PUCM Phase 3. It is taking the anticipated environmental results stated in plans and testing them against outcomes on the ground. Phase 2 has already used the number of policies and techniques in consents to predict environmental quality in each of the six councils. Assuming the number of policies and techniques is a good predictor of environmental quality, the results from Phase 2 suggest that there will be considerable variation in environmental quality in each of the six districts, with low capacity councils unlikely to have achieved the environmental goals set out in plans. However, Phase 3 will also consider the effects of policies implemented through permitted activities and other methods, such as education, community-based activities, projects and so on. These other methods may contribute to greater environmental innovation and/or higher environmental standards that meet the goals of the plan.

Determining how and to what extent each method contributes to environmental outcomes will be a significant challenge — one faced by all councils as they start to consider the next generation of plans and the effectiveness of their current plans. In light of an absence of methods to evaluate the impact of plans on environmental outcomes, the primary objectives of the PUCM Phase 3 research are to:

1. provide evaluation methods for evaluating anticipated environmental results in district plans in relation to the actual state of the environment;
2. develop a kaupapa Māori research method for defining and evaluating environmental outcomes in tandem with 1;
3. apply lessons learnt from researching the preparation and implementation of district plans under RMA to the development of Long Term Council Community Plans under the LGA 2002; and
4. develop training and educational tools to improve planning practice with regard to plan quality, implementation and outcome monitoring.



8.0 Recommendations

The shortcomings in plan implementation as evidenced by the analysis of resource consents suggests that a number of changes need to be made in order to realise the goals set out in district plans. The following inter-related recommendations (*not* in order of priority) highlight where changes would produce the greatest improvements to the quality of plan implementation, and thereby reduce the implementation gap.

Recommendation 1

- ***Build council capacity to plan***, by:
 - having central government agencies
 - implement local government reform (such, as amalgamation of low capacity councils),
 - clarify the RMA mandate (especially Part II),
 - develop and implement national policy statements and national standards for Part II matters,
 - provide low-capacity councils with resources to build hapū and iwi governance relationships,
 - continue guidance and training on plan development and implementation (through such mediums as the PQ website);
 - increasing the skills of the consent staff (including those staff in engineering, landscape, and urban design), the number of staff processing consents, their experience and access to training and guidance;
 - improving the transference of knowledge and guidance between policy and implementation by removing or bridging functional barriers between council units.

Recommendation 2

- ***Improve plan quality***, by:
 - clarifying policies in plans including providing greater guidance and clarity on the range of environmental management techniques available, through such methods as practice notes and guidelines;
 - increasing internal consistency within plans, including clearer links between policies and methods (i.e., reducing the policy-rule gap);
 - linking State of Environment monitoring findings with next generation of plan policies;
 - improving the fact base, and in turn, the identification of important environmental issues and focusing policy development on priority issues (based on PUCM Phase 1);
 - clarifying relationships between plan methods and non-plan methods (e.g. best practice guides);
 - improving interpretation of RMA sections 6, 7 and 8 (based on PUCM Phase 1).

Recommendation 3

- ***Improve council relationships with iwi***, by:
 - clarifying governance relationships between councils and tangata whenua;
 - promoting integration between regional and district authorities to accommodate iwi interests efficiently and appropriately.

Recommendation 4

- ***Improve iwi participation in plan implementation***, by:
 - building iwi capacity to meaningfully participate;
 - providing clear guidance and criteria to consent processing staff about when and how an application should involve iwi consultation.

Recommendation 5

- ***Build commitment and capacity of councillors to constructively participate in RMA and LGA planning processes***, by:
 - developing and implementing training and accreditation systems not only for newly elected councillors, but also aspiring local government candidates.

Recommendation 6

- ***Improve consent processes***, by:
 - requiring higher standards of information in consent applications;
 - building capacity in consultants and RMA practitioners to implement district plans (particularly surveyors)

Recommendation 7

- ***Improve the relationship between regional and district councils***, including greater regional council guidance of, and provision of information to, district councils.

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Appendix 1

Research Team

PUCM started in late 1995 as a joint programme conducted between The University of Waikato and Massey University, with sub-contracts to the University of North Carolina at Chapel Hill and Planning Consultants Ltd (Auckland). In 2000, Auckland University replaced Massey when one of the co-principal investigators (Dr Dixon) relocated. The list of personnel who have been, are still, or propose being involved in the PUCM Research Programme can be seen in Table 1 below. The average full-time staff equivalent (FTE) per year has been 3.2 at an annual average cost of \$380,000 (excluding GST).

PUCM Personnel

ORGANISATION	PERSONNEL	PUCM PHASES		
		1	2	3
The University of Waikato	Prof. Neil Ericksen (Programme Leader)	x	x	x
	Michael Backhurst (PhD & Researcher)		x	x
	Maxine Day (Researcher)		x	x
	Sherlie Gaynor (Research Assistant)*	x	x	x
	Cushla Barfoot (Research Assistant)*		x	
	Matthew Bennett (Research Assistant)		x	
	Claire Gibson (Resource Officer)	x	x	x
The University of Auckland	Prof. Jenny Dixon (Co-leader) ⁺	x	x	
	Dr Tom Fookes (Snr Researcher)			x
	Ian Munro (Research Assistant)			x
Planning Consultants Ltd (Auck.)	Jan Crawford (Project Manager) ⁺	x	x	x
The University of North Carolina	Dr. Philip Berke (Methodologist) ⁺	x	x	x
	Dr. Lucie Laurian (Researcher, now U. of Ariz.) ⁺		x	x
Lawrence Cross & Chapman Co. Ltd (Planning Consultants)	Sarah Chapman (Consultant/planner) ⁺		x	x
Kōkōmuka Consultants Ltd	Richard Jefferies & Tricia Warren (Consultants) ⁺		x	x
Lincoln University	Prof. Ali Memon (Senior Researcher)			x

⁺ Subcontracted through University of Waikato, * Contracts completed for Phase 2

Appendix 2

Variables of Commitment, Capacity, Enforcement and Plan Quality

Factor	Variable 1	Sub-variable 1	Sub-variable 2 (by issue or both)
Commitment	Council	Political	a) To plan provisions and b) to enforce consent compliance
		Staff	a) To plan provisions and b) to enforce consent compliance
	Applicant	Applicant only	a) to avoid effects on environment and b) perception of responsibility for protecting environment
		Applicants consultant	a) to avoid effects on environment
Capacity	Council	Staff	a) number of consent processing staff; b) number of consultants employed to process consents; c) staff with degrees; d) number of staff per 100 consents processed
	Applicant	Applicant only	a) experience in applying for consents (number of previous developments); b) yearly income; c) familiarity with provisions in plan; d) understanding of impact of development on environment
		Applicant's consultant	a) profession; b) number of years experience; c) number of consents per year; d) understanding of impact of impact of development on environment; e) familiarity with provisions in plan
Plan Quality	a) fact base; b) issue identification; c) internal consistency; d) monitoring provisions	Na	Na
Enforcement Style	a) strict vs. flexible; b) legalistic vs. negotiation; c) coercive vs facilitative	Na	Na

Appendix 3

Evaluation Sheets for Consents and Plans, and PIE Method

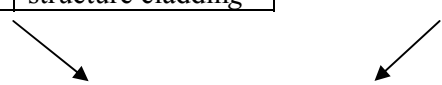
Stormwater

Theme	Technique
LOW IMPACT TECHNIQUES	
1a. Retention / protection of natural features and low impact solutions	Wetland protection Riparian margins / esplanade reserves Natural landforms Native vegetation Specimen trees Use of wetlands Use of watercourses Drainage in open channels, grassed flowpaths
1b. General planning, development requirement, and zoning	Controlling development within the hazard zone Controlling development in a non hazard zone Delimitating poor soils Clustering
1c. Infiltration, detention, storage and release	Wet pond Trench Permeable pavement Controlling impermeable surfaces Ground soakage Swales Soak pit Dry pond Cistern, tank Other storage
1d. Quality / physical treatment of storm water runoff	Contaminant of contaminants Treatment of contaminants before release Sand filters Screens Water quality pond Silt fences, hay bales Other treatment
1e. Landscaping techniques	Terracing Flow routing Other landscaping
1f. Energy / velocity dissipation & flow retardation, erosion mitigation	Rock spall Baffles Concrete apron (rough) Weir Other energy dissipation device Fore bays Wing walls Other erosion mitigation
CONVENTIONAL TECHNIQUES	
2. Drainage systems	Road runoff: pavement drainage, curb inlet, gutter, pipes, drains Non-road run-off: drainage, gutter, pipes Secondary flow paths (overland flow) Connection to local collective system

Urban Amenity

Theme	Technique
1. Neighbours/on site amenity	Building design Building colour Building material Tree planting on site Landscaping on site Retaining trees and vegetation
2. Continuity with adjacent buildings and existing street frontages	Height of structures (keeping with existing street façade) Colour of structures (keeping with existing street façade) Material of structures (keeping with existing street façade) Height of fencing (keeping with existing street façade) Colour of fencing (keeping with existing street façade) Material of fencing (keeping with existing street façade) Creative use of open space to reduce visual monotony
3. Continuity with surrounding natural elements/landforms	Natural landforms of area retained Existing native vegetation (incl. large trees) retained Existing specimen trees retained Planting of street trees Landscaping of street areas Landscaping of public areas (other than streets) Acquisition of areas for public space/reserve Development of areas for public space/reserve (except landscaping)
4. Safety/Accessibility	Clear view of house from street Living area of homes/windows of living areas overlook streets Street lighting Design encourages walking Design encourages cycling Traffic calming measures Narrow streets Passing bays on street Parking bays & parking Inter-connection of streets and access - ways Building/upgrading of footpaths 'Permeable' fencing
5. Local area management	Community based development plan Ongoing community consultation Neighbourhood design plans or themes Traffic management strategy Strategy for future potential development

Measuring Implementation — example of the PIE method

Plan			Consent Decision
<i>Policy</i>	<i>Theme of policy</i>	<i>Possible techniques applicable</i>	<i>Techniques used in consent:</i>
Buildings should maintain street and neighbourhood character	Promote continuity with adjacent buildings and street frontage	1. Controlling height of structures 2. Controlling colour of structures 3. Controlling structure cladding	1. Height controlled 3. Structure cladding controlled
			
<i>Policy-technique</i>		<i>Consent-technique</i>	<i>Do techniques match?</i>
1. Controlling height of structures		1. Height controlled	Yes
2. Controlling colour of structures		-----	No
3. Controlling structure cladding		3. Structure cladding controlled	Yes
<p><u>Is the policy implemented?</u> Yes.</p> <p><u>Degree of policy implementation:</u> 2 of 3 techniques are used.</p>			

Calculating Plan Implementation Range and Frequency (Rate) Scores

Plan Implementation Range Score	Example
<p>Calculated for a plan or section of a plan</p> <p><u>Definition:</u> Proportion of policies that are implemented at least once, i.e., by at least one consent, considering all the consents.</p> <p><u>Calculation:</u> = Number of policies implemented at least once / Total number of policies</p>	<p>A district has 50 policies dealing with stormwater management. Only 25 of them are found to be implemented by consents. The implementation range score for the district is $\frac{1}{2}$.</p>
Plan Implementation Rate Score	Example
<p>Calculated for a consent</p> <p><u>Definition:</u> Proportion of policies that are implemented by the consent.</p> <p><u>Calculation:</u> = Number of policies implemented by the consent / Total number of relevant policies</p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> - A policy is deemed implemented if the consent uses at least one relevant technique to implement the policy. - If more than one technique is used to implement the policy, the implementation score does not increase. Therefore, the maximum implementation score is 1. 	<p>In the case presented in Figure 4, the consent under consideration obtains an implementation score of $\frac{2}{3}$ as 2 of the 3 relevant policies are implemented (structure height and cladding).</p>

Appendix 4

Phase 1 Report to Government: Summary of Findings and Recommendations

Ericksen, Crawford, Berke and Dixon, 2001:
Plan Quality, Resource Management and Governance.
Hamilton, IGCI, University of Waikato

Executive Summary

Planning Under a Co-operative Mandate (PUCM) is a three-phase research programme funded by FRST-PGSF. It is unique because it links the assessment of *plan quality* (PQ) to *implementation quality* (IQ) and, ultimately, to *environmental quality* (EQ), and does so within an intergovernmental framework.

This Report draws on the main findings (F) from **Phase 1 of PUCM**, which focused on evaluating the *plan quality* (PQ) of notified regional policy statements and district plans prepared under the *Resource Management Act* (1991) (i.e., the RMA), and the organisational factors that influence plan-making.

The recommendations (R) in this Report have bearing not only on the system of environmental planning and how it is being implemented through intergovernmental processes, but also the statutes that support it, especially the RMA and the *Resource Management Amendment Bill* (1999) currently under review. In essence, our findings show that this devolved and co-operative environmental mandate was badly compromised from the start through lack of resources for capability building in central and local government. Thus, a great deal of work now needs to be done to bridge the gap. It is well past time for central government to recognise its responsibilities and fund its resource management mandate adequately. Failure to do so will greatly reduce New Zealand's prospects for achieving environmental sustainability.

Phase 1 Findings (F)

The Findings are in two related parts: the regional and district plan-making system; and the intergovernmental system. Doing well in the former requires greatly improving the latter.

F.1 Assessing the Local Plan-Making System

From international experience, eight principles that define plan quality were identified. Methods were then developed for evaluating 16 regional policy statements and a selection of 34 district and combined plans from the 58 that had been notified by March 1997, in terms of these principles. Organisational factors (commitment, capacity, and institutional arrangements) that influence plan-making, and thereby plan quality, were also evaluated.

F.1.1 Plan Quality

In essence, applying the eight plan quality principles to planning documents yielded the following results.

- Most councils produced inferior policy statements and plans. About half of them scored substantially below 50% of the maximum score of 80. The best, worst, and median scores for regional policy statements in percentages were 61%, 26% and 47%, respectively. For district plans scores were 69%, 25% and 42%, respectively.

- Lowest scores for each of the eight plan quality principles were for interpretation of the mandate, facts-base, issue identification, and monitoring.
- Population size per council was a key indicator of plan quality as smaller rural councils generally produced weaker plans than did larger councils.
- Similar low scores were found for how well plans address the role of Maori in land use and resource management, but the reasons for this are considerably different compared to, for example, natural hazards.

F.1.2 Organisational Capability:

When capability is strong, the quality of plans is significantly greater. (Capability is: commitment, i.e., dedication of councillors and staff to plan; and capacity, i.e., quality and quantity of resources available for planning.) We found many troubling gaps throughout the local government planning process.

- Generally, effects-based planning and the plan quality principles were not understood well enough by plan makers.
- Inadequate time was devoted to strategic thinking about the mandate and to project management.
- Authors of plans often failed to write policy in a rigorous fashion and appeared to lack the technical skills to conduct research as indicated by the weak fact-base in plans.
- There was too little emphasis on research and too much on consultation at the start, and too little consultation at the end when methods and rules needed community testing.
- Many councils placed a bare minimum staff in core planning groups, with about 50% of district councils having less than one full-time planner.
- Councillors, most of whom had little knowledge of the mandate and plan-making principles, set unrealistic deadlines, often aimed at notifying plans ahead of elections.
- Many councils committed relatively large amounts of resources to making plans, truncated the consultative process where it mattered most, then had to conduct substantial plan variations in response to strong public reaction following notification.
- Just over half of councils understood the mandate with respect to the Treaty of Waitangi and Maori interests philosophically, but failed to follow through due to lack of political commitment and capacity.

F.1.3 Institutional Arrangements

Structures within councils significantly influenced planning processes, and thereby the quality of plans. This assumption was supported by our findings.

- Managerial reforms have profoundly affected local government bringing both benefits and costs.
- In the quest for transparency and accountability, councils split the administration of policy, regulatory, and service delivery functions. This resulted in poor co-ordination and loss of technical advisors who planned for the future and thereby limited feedback from the regulatory and service delivery sections to the policy section where district plans are developed.
- Resource allocations favoured the more visible regulatory and service delivery functions, where public concerns are more easily appeased, such as in speeding up the resource consents process.
- Many councils restructured several times implying poor conception and inadequate time to assess effectiveness.
- The benefits of the managerial reforms include more business-like systems and attitudes towards customer services, and the preparation of long-term financial strategies and asset management plans and annual plans through which funding of district and regional plans can be implemented.
- Arrangements between Maori and local government were also evaluated. Statistical evidence shows that attempts to co-ordinate with Maori early in the planning process had a positive influence on how well plans advanced their interests. However, case studies revealed that although many gains have accrued to Maori from the co-ordination and consultation provisions of the *Act*, there was still considerable disenchantment when, for example, good faith efforts were undercut by more powerful stakeholder groups.

F.2. Assessing the Intergovernmental System

A devolved co-operative planning system assumes: 1) a clear mandate design; 2) an implementation effort by lead national agencies in building local capability; and 3) sound relations between regional and local councils. Plan-making and plan quality at local level reflects the strength of these intergovernmental characteristics.

F.2.1 Mandate Design

When key provisions in the mandate (RMA) are clearly understood, the capability of councils to plan and the quality of their planning documents are correspondingly higher. This assumption was supported by our findings.

- Surveys indicated that over 50% of plan-makers in councils found key provisions in the RMA to be unclear. This was in spite of the RMA having been amended almost every year prior to the survey.
- Plan-makers found the RMA to be unclear about not only matters of national importance (ss 6, 7, and 8), but also their own functions (ss 30 and 31), especially overlapping regional and district functions. Worse, the very purpose of the Act was unclear (s 5) allowing wide interpretations of it, resulting in plans that “mean all things to all people.”

- The RMA is not a comprehensive mandate for sustainable development. It excludes significant natural resources, like fisheries, minerals and energy, the uses of which have local significance. The lack of comprehensiveness is due, in part, to the truncation of reform after a change in government in 1990, but also reflects the sheer difficulty of designing a mandate for comprehensive environmental policy and planning. Sustainable management, an element of sustainable development, while a more politically achievable goal, has resulted in each council having to define what the concept means in the circumstances of its own area.
- Poor mandate design has impeded progress in recognition of Maori values and resources in plans. For example, nearly 50% of plan-makers in district councils did not understand the provisions in the RMA in respect of Maori issues (ss 6(e), 7 (a) and 8). The provisions give councils considerable discretion in how they should recognise and provide for Maori interests in their plans.
- A major obstacle is that, while councils were required to acknowledge the Treaty of Waitangi in respect of the RMA, the obligations of councils under the Treaty have not been clarified in the amended *Local Government Act* (1974). Thus, while some councils assumed they were Treaty partners and proceeded on that basis, many councils were uncertain as to how they should address their responsibilities under the RMA. Widespread non-compliance resulted.
- The failure by central government to clarify relationships between the Crown, Maori and local government, largely as a consequence of unfinished business from the reforms, has considerably weakened implementation of provisions in the RMA in respect of Maori interests.

F.2.2 Implementation Efforts

A co-operative mandate needs strong leadership from key agencies of central government to ensure that councils have the capability to implement the national mandate. Where implementation efforts are strong, higher quality plans result. This assumption was supported by our findings.

- Central government did not adequately resource its lead agencies, especially the Ministry for the Environment, for its implementation role. For example, on the advice of Treasury, Government would not fund the Ministry's proposed \$2.2 million transition work programme in 1991/92.
- Worse, it cut the Ministry's budget in successive years while its workload in meeting its RMA responsibilities escalated. This meant the Ministry was largely reactive, rather than pro-active.
- The Ministry's ability to provide data and advice to councils on how to deal with matters of national importance, like significant natural areas and outstanding landscapes, was very low.

- The financial, political, and emotional costs on local councils of central government's inaction and of its many voices (e.g., the Department of Conservation's role in the Significant Natural Areas controversy) were considerable, especially in rural councils where lobby groups rebelled against Government's goal of having landowners internalise the adverse environmental effects of resource use and development through the effects based plans of councils.
- Better outcomes resulted where Government produced its only national policy statement, which gave sound policy direction to regional and local councils for dealing with coastal environments.
- While the RMA relied on active participation by Maori in the planning process, there was little capability building to assist Maori and councils in improving plans. The consequences of this were aggravated by the lack of clarity in the role of Councils as agents of the Crown. In general, few councils undertook capability building and few had clear lines of communication with Maori.
- Small rural councils would have benefited considerably from capability building by central government.
- In the last 2 or 3 years, the Ministry has been more pro-active in targeting aspects of environmental planning in councils, but a great deal more needs doing. And, therefore, more funds are also required.

F.2.3 Relations Between Regional and District Councils

While there is a hierarchy of policies and plans under RMA, regional and district councils are to work in partnership in achieving its goals. This assumption was supported by our findings.

- Partnerships are weak. Statistical modelling demonstrates that regional and district councils are operating largely independent of one another with only weak inter-organisational relations and variable policy directions.
- Regional policy statements, on the whole, were of fair to poor quality. Regional councils therefore have limited influence in enhancing the capability of local councils and the quality of their plans, and have substantial limitations in authority and capability to plan.
- The disconnection between regional and local councils suggests that lack of staff and financial resources, turf protection, and conflict caused by uncertainty in roles are key reasons.
- Pressure on regional councils to meet tight statutory deadlines for regional policy statements and coastal plans was also an impediment to building partnerships with district councils.
- As the local government system has matured, relations among and between regional and district councils have improved in the last 3 years.

Phase 1 Recommendations (R)

The research findings clearly show that there are major problems in the environmental planning system, and therefore many obstacles to be overcome before high quality plans emerge from the planning efforts of councils. They show that focusing on best practice examples as a means for improving plan quality within councils (Recommendation number 5 below (R#5))⁸ will not in-and-of-itself lead to better plans, and thereby desirable environmental outcomes. Two sets of organisational factors make a big difference in preparing plans for environmental sustainability: local capability to create good plans; and central government's mandate design and capability building efforts.

Five interrelated recommendations for improving the environmental planning system, and thereby plan making and the quality of plans, are summarised below. They build on, rather than dramatically alter, the existing effects-based planning system, which operates within a co-operative intergovernmental framework under the RMA.

R.1. Improve National Policy Framework For Sustainability

This set of recommendations aims to improve the national policy framework for sustainability, by reviewing the framework for sustainable development, clarifying key provisions in the RMA, and preparing national policy statements.

R.1.1 Review National Framework

The policy framework for sustainable "development" with respect to the RMA is incomplete and fragmentary. Relevant statutes and policies should, therefore, be reviewed to ensure greater clarity of purpose and better integration in environmental planning at all levels.

R.1.2. Clarify Key Provisions in RMA

Existing policy on sustainable "management" is open to wide and conflicting interpretation. Key provisions in the RMA (ss 5, 6, 7, 8, 30, 31, 32) should, therefore, be clarified so that councils are better able to infuse their intentions in regional policy statements and regional and district plans.

R.1.3. Develop National Policy Statements and Standards

Except for the coast, councils have had little guidance from central government on matters of national importance because national policy statements have not been prepared. An integrated set of national policies (and standards where appropriate) should, therefore, be developed to give direction to councils charged with protecting matters of national importance (ss 6, 7, 8) and to assist with the interpretation of s5.

R.2. Build National Capability for Environmental Planning

Government created a devolved co-operative mandate, but cost-cutting and managerial policies have limited the ability of the Ministry for the Environment (and

⁸ Forthwith, reference to a recommendation number elsewhere in the Report will be denoted by R#.

local government) to implement the RMA. The Ministry's policy and operational roles should be greatly strengthened, so that it can help build better co-ordination at the centre, and improve support for councils.

R.2.1 Strengthen the Ministry for the Environment

In order to take on the wide range of activities that are recommended in this Report (R#1 to R#5) for successfully implementing the RMA, the Ministry for the Environment must be greatly strengthened and adequately funded.

R.2.2 Build Better Co-ordination at the Centre

To improve policy, methods, and data on matters of national importance, the Ministry needs a clear mandate and adequate resources for co-ordinating the activities of key central government, and related, agencies.

R.2.3 Provide Improved Support to Councils

To improve support to councils for helping to implement Government's environmental mandate, the Ministry should be provided with resources to enable it to be more operationally proactive.

R.3. Integrate State of Environment Reporting

The RMA provides for a hierarchy of monitoring and reporting. The Government has produced one SOE Report for the nation, and is developing environmental indicators for use in local government. Many regional councils have produced a SOE report, but only some district councils have done so. Monitoring programmes, especially in district councils, are as yet weakly developed.

R.3.1 Develop Integrated SOE Monitoring Programme

The Government should therefore develop an integrated programme for assessing the state-of-the-environment (SOE). It should aim at co-ordinating monitoring so that it is carried out at the most appropriate level of government in a nested, but integrated, hierarchy. Regular reports aimed at helping to improve the monitoring of policies and plans should be provided at each level of government.

R.3.2 Monitor Policies and Plans

Central government should also regularly monitor the status of policy statements and plans in local government, and the organisational capabilities for their implementation, and integrate the outcomes into the SOE monitoring programme

R.4. Develop a National Programme to Build Local Capability

Government created a devolved co-operative mandate, but cost-cutting and managerial policies have limited the ability of local government (and the Ministry for the Environment) to implement the RMA. To ensure effective environmental planning in councils, a set of five Government actions is recommended.

R.4.1. Continue Reforming Local Government

Many poor quality plans occurred in councils with limited capacity, especially in rural areas. To create more effective units of local government the reforms of 1989 should, therefore, be continued, but through use of selected models and targeted support as incentives for voluntary amalgamation rather than enforced country-wide changes.

R.4.2 Assist Councils to Protect National Assets

Land owners object to protecting nationally important environments for the public good without compensation for loss of landuse. Central government should therefore provide financial and in-kind relief to councils for implementing plans and associated methods aimed at protecting and enhancing nationally important assets.

R.4.3 Establish a National Education Programme

Knowledge about how to develop high quality plans was uneven across councils. A national education programme should, therefore, focus on how to create high quality plans for environmental sustainability by describing best plan practices and explaining practical techniques for plan-making in councils. (This would build on the Ministry's current Quality Plans Project.)

R.4.4 Build Better Facts Base

Missing in planning practice under the RMA is sound environmental data from which to develop policy for dealing with the environmental effects of resource use and development. The Ministry for the Environment should, therefore, co-ordinate the provision of methods, tools, and data, especially on nationally important environments, to councils so that they can improve the facts-base for planning and policy-making.

R.4.5 Evaluate Plan Implementation

Good plans may not necessarily result in the desired environmental outcomes specified in them, because much depends on the implementation process. Evaluations of the effects of plan quality, local capability, and efforts of central government on plan implementation, as well as community support for complying with plans, are needed to see if quality environmental outcomes are being achieved. (Some work in this area is underway.)

R.5 Improve Plan Quality Through Good Practice in Local Government

The Ministry for the Environment reviews plans to ensure they are legally sound, and to advise on matters of substance, but does not see its role being to evaluate and/or certify plans. Our research on plan quality shows there is a great need to improve the quality of plans. Not only is an ongoing iterative programme needed for helping to improve plan quality, but also for improving the organisation of councils to enhance the plan-making effort. We recommend six actions for achieving this, and that the Ministry for the Environment (MfE) in partnership with Local Government New Zealand (LGNZ) and the New Zealand Planning Institute (NZPI) should lead the way.

R.5.1. Improve Organisational Structure

The functional organisation of councils improves accountability, but splitting policy, regulatory, and service delivery into separate sections causes serious planning problems if an integrated feedback system, including a multi-disciplinary team, is not installed. The LGNZ, in association with MfE, should provide guidelines for councils on organisational matters, including examples of good and poor practice.

R.5.2. Improve Project Management

Project management was too often based on a poor understanding of what was necessary for making a good plan. The Ministry, with LGNZ and NZPI, should train the staff and councillor leading the plan-making team, and help councils put in place accounting systems that enable the cost of planning to be more accurately assessed. MfE should carry out spot checks and audits to assess the systems.

R.5.3. Improve Professional Staffing

Many plan-making problems resulted from understaffing and overworked council planners. The number of planning staff was found to be an important predictor of plan quality. We recommend that councils provide sufficient funds early in the plan-making process to ensure the number and quality of staff are adequate and procedures are sound, in the expectation that this will reduce post-notification costs.

R.5.4. Improve Interpretation of Mandate Purpose

Too few councils spent time early in the plan preparation process to ensure they understood the intent of the RMA and its relationship to the *Local Government Act*. We recommend three ongoing Ministry activities to help improve this situation: 1) extend the “buddy system” for regional policy statements to district planning; 2) have teams work with councils at crucial stages of monitoring plans; and 3) extend workshops for educating councillors on environmental planning, including interpretation of the RMA.

R.5.5. Improve Research and Consultation

Research and consultation are the “DNA strands” running through the seven steps of plan-making. Their emphasis and timing are important for developing plans that meet environmental and community needs. Many councils did not get the mix right with costly consequences. We recommend that the Ministry work with NZPI in helping to provide guidance to councils on this important requirement of plan-making.

R.5.6. Improve the Organisation and Presentation of Plans

The organisation and presentation of many plans were sub-standard, and the Ministry should, therefore, provide best practice examples to councils to help improve the next generation of plans.

Appendix 5

Council Summaries: Main Findings and Recommendations

Summaries of the main results and recommendations from the Phase 2 research as they pertain to each of the six councils were sent to each council and are included in this Appendix in a slightly modified form.

Under PUCM Phase 1 (1995-1998), 34 district plans were evaluated for their overall quality using eight criteria (interpretation of the RMA, clarity of purpose, identification of issues, factual basis, integration with other plans, internal consistency, monitoring, and organisation/ presentation). The capability of councils to plan (which includes their commitment and capacity to comply with the RMA) was also investigated. The findings and recommendations are summarised in Appendix 4.

In PUCM Phase 2 (1999-2002), six of the 34 district councils were chosen to show the greatest variation in capacity to plan and plan quality, as evidenced in Phase 1. The councils were: Waitakere and Tauranga (high-high); Kaipara and Papakura (low-low); Hurunui (high-medium) and Horowhenua (low-medium). These six councils were included in our study of the quality of plan implementation through the resource consents process.

As explained in the body of the Report, topics chosen for study were urban amenity and stormwater management, and over 30 resource consents for each topic, randomly selected, were examined, along with a selection of best practice examples. A third topic, iwi/hapū consultation and participation in the implementation of plans was also studied, but through policy assessments and interviews because there were insufficient resource consents for a valid sample.

In essence, councils with greater capacity (Waitakere and Tauranga) prepared better quality plans and carried out better plan implementation. The lesser capacity councils, which were all rural-based, prepared poor quality plans and their implementation was lacking. Overall, however, the plan implementation scores were low and all six councils revealed an implementation gap in that the policy intentions of the plan were not being carried out in practice through resource consents. As well, five of the six councils revealed a policy-rule gap in that policies were not being implemented because associated rules did not support the policies or vice versa.

The following summaries are presented in alphabetical order.

Horowhenua District Council Summary

Horowhenua District Council (HDC) serves a predominantly rural area, Levin being its largest town with 15,600 people. It does not have a strong rating base, which affects its capacity for planning. Our findings from Phase 1 (1995-1998) revealed that HDC was in the lower quartile in terms of capability to plan. The quality of the plan prepared by HDC was below average (twentieth out of 34 plans evaluated), scoring of 32.6 out of a possible 80-- although most plans were below 40. Although having low capacity, HDC produced a close to medium quality plan, relative to others. Would HDC therefore be capable of gaining a medium or better score for the quality of its plan implementation?

Findings on HDC Plan Implementation

With respect to urban amenity, stormwater management, and iwi interests studied in Phase 2 (1999-2002), results revealed that the quality of plan implementation in HDC is low.

HDC had a reasonable number of policies in its Plan for managing stormwater and urban amenity issues. However, more than four fifths of these policies were unclear as to their intent, well under 40 percent were being implemented in consents, and all too often rules in the Plan constrained the range of techniques that could be used. Similarly, although good progress had been made at a governance level for dealing with hapū/iwi issues, only a very small proportion of consents displayed evidence of consultation with Māori. Overall, these results suggest that there is a significant gap between in the policy intentions of the Plan and their implementation through resource consents.

More specifically, HDC's district plan had low priority for on-site and streetscape amenity, but high importance for continuity with natural features. This contrasted with consent priorities where on-site amenity was high, and continuity with natural features low. Continuity with streetscape had low priority in the plan and consents. Safety and accessibility had high priority in both the plan and consents. The stormwater results showed that there was a contrast between high importance in the plan for retaining natural features and using low impact approaches to stormwater management, and low importance in consents. The other stormwater provisions were reasonably constant between plans and consents. A breakdown of these findings is given below.

HDC Policy Implementation

General

- Of the six councils studied, HDC had the third highest number of policies in the plan for stormwater (22) and urban amenity (35). By having a larger number of policies, it is expected that council staff were afforded greater options for using appropriate management techniques in resource consents. However, our results suggest that a large majority of the policies (84%) at HDC did not clearly articulate techniques to manage stormwater and urban amenity -- the worst result of the six councils. This implies that, in most cases, consent decision-makers did

not have clear direction as to the type of actions that could be taken to implement most policies.

- A conclusion is, therefore, that planners have limited direction from the plan as the policies that are available are poorly written, limiting the usefulness of the district plan to council staff.
- HDC was one of only two councils that had implemented less than half of its policies relating to storm water and urban amenity at least once in the sample of resource consents analysed. More specifically, HDC implemented around 43% of the urban amenity policies and 31% of its stormwater policies.
- On average, only a small proportion of relevant policies were implemented in each consent. HDC's score was fifth out of the six councils, with around 8% of policies implemented per consent. In other words, although plan policies promulgated the use of management techniques, there was little evidence of the use of these techniques in the consents sampled.
- The HDC plan, with its medium number of policies, fared poorly for both *range* of policies implemented (i.e. the number of policies implemented via consents at least once) and the *rate* at which those policies were implemented (i.e. the frequency of policy implementation over time). In contrast, plans with fewer policies tended to score highly for the *range* of policies implemented, yet poorly for their *rate* of implementation.
- The *range* of techniques used by HDC (i.e. the number of different techniques used in resource consents) was limited to 15 to manage urban amenity (out of a total of 33 identified in the six plans) and only 7 for storm water management (out of a possible 44). The median number of techniques used by the six councils was 20 and 19.5, respectively. This relatively low score is due, in part, to the lack of clarity in policies restricting the options of staff seeking to implement appropriate management techniques.
- The use of techniques "not specified" in district plans was examined in order to determine the extent to which non-policy techniques were used in consents. Results showed that in most of the councils the figures were insignificant. For HDC, very few non-plan techniques were employed (approximately 12% for urban amenity management and 3% for stormwater).

Urban Amenity

- HDC's policies pertaining to urban amenity most frequently promoted *safety and accessibility* to mitigate or avoid the adverse effects of development (16 out of 35 policies), particularly in relation to traffic, pedestrian and bicycle access and parking. Policies on *continuity with natural features* were also commonly used to manage amenity (12 out of 35).

- As there were only 2 policies relating to onsite amenity, the implementation rate of those policies was high in HDC. However, the policies gave limited direction on the types of techniques that could be used to manage onsite amenity.
- Despite relatively high numbers of urban amenity policies, only 15% of HDC's district plan policies relating to urban amenity management were implemented per resource consent. This demonstrated a significant gap between the priorities set in the plan and actual implementation.

Stormwater

- To manage stormwater, HDC's district plan tended to rely more on policies for *retention of natural features* and *use of ecological solutions* (9 out of 22) and those for *controlling the development site* (6 out of 22), rather than treating the environmental effects of stormwater. The implication is that the HDC district plan tended to control development in order to protect property, rather than managing adverse effects of development on the environment.
- Nevertheless, despite the priority placed on these policies in the plan, less than 20% of all HDC stormwater consents studied used techniques for managing the *retention of natural features* and *use of ecological solutions* (16%) and *controlling development on site* (19%). Other techniques were even less common or were not present at all: *infiltration and development* (3%); *drainage* (10%); *treatment* (0%); *landscaping* (0%); and *energy dissipation and erosion mitigation* (0%).
- On average then, only 2% of HDC's district plan policies on stormwater management were implemented per consent. These results seem to reflect an attitude within the council that discounts the adverse effects of stormwater on the environment.

Māori and HDC Plan Implementation

- On average, hapū/iwi perceived the six councils as doing a fair to poor job in dealing with iwi issues.
- In general, there was a low level of representation of Māori interests at all six councils we surveyed. There were no Māori councillors and there was disagreement regarding representation of Māori at Council. For HDC, both hapū/iwi and council respondents noted that a Māori working group and a Memorandum of Understanding had been established. HDC respondents also indicated that a standing committee of Māori representatives and individual Māori representation was in place, whereas the hapū/iwi respondents did not concur with this.
- Results from the hapū/iwi representatives and council survey gave a low score for HurDC staff understanding of the *Treaty of Waitangi* and kaitiakitanga.
- HDC was one of only two councils of the six studied where both staff and hapū/iwi agreed that the council has responsibilities for consultation with Māori over resource consent applications. Additionally, both council and hapū/iwi stated

that HDC had developed criteria to help determine when Māori should be informed of applications (although not all hapū/iwi respondents recognised this).

- Generally, hapū/iwi rated resource consent applicants similarly to council staff and politicians and were somewhat dissatisfied with applicants. Results suggested that personal meetings between applicants and hapū/iwi occurred infrequently with phone and mail being cited as the most common communication method.
- In practice, however, only a very small proportion of resource consents displayed evidence of consultation with Māori and this was supported by responses from applicants. By way of example, just 5% of relevant consents analysed in HDC included written approval from hapū/iwi.
- Views on the outcomes from consultation across the six councils differed markedly with applicants saying that a change to project design was the most likely outcome, and hapū/iwi respondents saying that a change to consent conditions was more commonly occurring. This finding implies that applicants did not consult hapū/iwi early enough to allow any concerns to be incorporated into the development's design.

Factors Affecting Implementation of HDC's Plan

- Results showed that HDC had low capacity to implement its plan (fifth out of the six councils), where capacity was based on the number of consent processing staff, the number of consultants employed to process consents, the number of staff with degrees and the number of staff per 100 consents processed.
- Resource consent applicants in HDC (including their consultants) had a medium understanding of the district plan and ability to implement the provisions within it. There was little variation between the applicants' capacity across the six districts.
- Generally, applicants scored highly for commitment to avoid effects of their development (91%) and slightly lower for being responsible for protecting the environment (83%).
- Most resource consents relied on traditional management techniques as reflected by the finding that only up to 10% of HDC's consents made use of best practice alternatives. The overall lack of best practice in consents can be attributed to the *policy-rule gap* in the district plan (where policies are not implemented because rules and/or assessment criteria either undermine them or do not fully reflect policy intentions). In HDC's case, prescriptive rules do not provide the opportunity to implement the full range of often best practice-based plan policies. In other words, the plan's rules constrained the range of techniques that could be implemented in resource consents.
- The quality of consent information with which planners were making their decisions varied, but was generally of low quality across the six councils. HDC scored the lowest with 22% compared with top scoring Waitakere City Council (41%). This result can be explained in part by the fact that most consent applications were for controlled activities or limited discretionary activities.

Recommendations for Horowhenua District Council

Hapū/iwi

Council recognised that partnerships and relationship building must be achieved at a governance level and efforts were focused in this area with the production of MoUs with hapū/iwi. However, the results suggested that more effort needs to be made at the consent processing level, particularly in the area of developing criteria and processes for consultation. The resources and places of significance to Māori are also not identified in the HDC District Plan.

Recommendations

1. Council should develop criteria or a process for determining when resource consents should be sent to hapū/iwi representatives and how applicants may consult before lodging applications. This could be developed in accordance with the protocols and processes set up in the MoUs and with hapū/iwi representatives.
2. Council should investigate ways in which hapū/iwi can participate in the resource consent consultation process, such as by funding representatives and being proactive in making consultation operational.
3. Council should make provision for further training of staff and councillors on sections 6(e), 7(a) and 8 of the *Resource Management Act* (1991). This should be incorporated with training on the *Local Government Act* (2002) with its requirement for greater emphasis on Māori participation in decision-making.

Urban Amenity

Urban amenity was covered comprehensively in the Horowhenua District Plan except that there were few policies related to ‘on-site amenity’ issues. The main focus was on continuity with natural features and safety and accessibility issues. However, the results showed techniques to manage urban amenity values in consents were primarily on-site amenity and accessibility techniques. This reflects an implementation gap between the plan’s intention, as reflected in its policies, and plan implementation through resource consents. This gap can be attributed to poor consistency within the Plan between policies and rules and a lack of clarity and guidance in the Plan on urban amenity management techniques.

Recommendations

4. Council should review and clarify urban amenity policies with a view to developing assessment criteria and matters over which Council may exercise control to give more detailed guidance. This review would test the link between existing policies and rules, and the extent to which urban amenity issues outlined in the plan are relevant.
5. A review should also look at the Plan’s Significant Natural Areas Schedule and investigate ways of providing a policy-rule link between these areas and the assessment of resource consents. Consideration of significant natural areas in assessment criteria for subdivision and development or changing the activity

status of subdivision or development in or near these areas would enable better continuity of development with natural features and promote the enhancement of these areas.

Stormwater

Policies in the Plan focused on the retention and protection of natural features (low impact stormwater management) and development control, such as avoiding hazard areas. However, on average only 2% of plan policies on stormwater management were implemented per consent. This represented a very significant implementation gap. The research suggested that external factors were influencing this gap, notably a perception that stormwater management was not a relevant matter to consider (primarily driven by Council's engineering department), a lack of information and understanding of the techniques available to manage stormwater in accordance with the District Plan, and a lack of capability for drawing upon Regional Council stormwater management resources generally.

Recommendations

6. Council should establish better integration between its planners and engineers so that the District Plan stormwater policies can be achieved. In doing so, the stormwater policies in the Plan should be reviewed and clarified. This could result in further guidance being provided in the District Plan or outside the Plan within a practice note, guideline, etc.
7. To ensure that there is policy alignment and consistency, Council should consult the Manawatu-Wanganui Regional Council with a view to obtaining information, guidance and support, especially regarding flooding, riparian management, stormwater treatment and low impact solutions. Information should also be gathered from the Auckland Regional Council, which has done a lot of work on low impact solutions and riparian management.

General Comment

The quality of resource consent applications received by Council was particularly low. Some applications consisted of one page and provided little or no information. Despite efforts to gain more information, Council was often forced to issue consents without the full effect of the development or subdivision being known, because there was pressure for development to proceed and not be held up. This is a very risky practice. Council must set a clear example of the information that is expected with an application, and then require it from all applicants. This resolve can be implemented by Council planners, but they must have the full support and backing from councillors to do so.

Recommendations

8. Council should endorse relevant forms and information sheets that set the standard of information expected in resource consent applications (developed by Council planners) and support staff in enforcing them.

9. Council should contact consultants who regularly put in applications to advise them of its expectations and emphasise that processing will be delayed if further information is required. The relevant Manager and Committee Chairman should endorse this notice.

Hurunui District Council Summary

Hurunui District Council (HurDC) serves a rural area in north Canterbury. Its agriculturally based economy provides a relatively sound rating base. Our findings from Phase 1 (1995-98) on plan quality revealed that HurDC had upper medium capability to plan, and prepared a plan fair to poor quality. It gained a score of 33.3 out of a possible 80, and ranked eighteenth out of the 34 plans evaluated. Would the quality of its plan implementation mirror this middling result?

Findings on HurDC Plan Implementation

With respect to urban amenity, storm water management, and iwi interests studied in Phase 2 (1999-2002), results revealed that the quality of plan implementation in HurDC is medium to low. HurDC had a medium number of policies in its Plan (relevant to other councils) for managing stormwater and urban amenity issues. Although over three-quarters of these policies were unclear as to their intent, a relatively high number of them had been implemented at least once by consents. However, rules constrained many techniques promoted by policies from being used in the sampled consents. With respect to hapū/iwi issues, there was a lack of clarity over formal agreements in council and not one consent that was analysed showed written approval from hapū/iwi.

More specifically, results showed that greater emphasis was placed on on-site amenity in consents than in the plan, as were provisions for safety and accessibility. The converse was found for continuity with natural features where there were a number of policies on the issue, yet very little evidence in consents. However, on-site amenity provisions for Hanmer Springs sought to integrate developments with natural features (e.g. roof pitch, cladding etc). Evidence of techniques for integrating development with natural features outside the Hanmer Basin was scarce.

The stormwater results were less diverse, although the plan tended to place more importance on using low impact techniques, and retaining natural features for managing stormwater than was seen in consents. The opposite occurred with drainage techniques, where consents relied heavily on traditional drainage techniques — despite the plan not intending such reliance. A breakdown of these findings is given below.

HurDC Policy Implementation

General

- Of the six councils studied, HurDC had the fourth highest number of policies in the plan for stormwater (25) and urban amenity (31), closely placed behind the next two highest councils (Horowhenua District Council with a combined total of 57 and Tauranga District Council with 64).
- Over three-quarters of these policies (77.5%) did not clearly articulate techniques to manage stormwater and urban amenity, the second worst result of the six councils. This implied that, in most cases, consent decision-makers have not had

clear direction on the type of actions that could be taken to implement most policies.

- More stormwater policies (84%) were implemented at least once in the sample of resource consents analysed than urban amenity policies (68%).
- On average, only a small proportion of relevant policies was implemented in each consent. HurDC's score was third last out of the six councils with around 8% of policies implemented per consent. In other words, although plan policies promulgated the use of management techniques, there was little evidence of the use of these techniques in the consents sampled.
- Thus, HurDC, with its medium number of policies, fared well for the *range* of policies implemented (i.e. the number of policies implemented via consents at least once), but poorly for the *rate* at which those policies were implemented (i.e. the frequency of policy implementation over time).
- The *range* of techniques used in consents issued by HurDC (i.e. the number of different techniques used in resource consents) was 21 to manage urban amenity (out of a total of 33 identified in the six plans) and 21 for storm water management (out of a possible 44). The median number of techniques used by the six councils was 20 and 19.5, respectively. This reveals that HurDC exhibited a relatively good correlation between the *range* of techniques articulated in the plan and those used in consents.
- Analysis of the *rate* of techniques used by HurDC (i.e. the frequency that each technique is applied in resource consents) showed that although plan policies on urban amenity were implemented relatively often (18%), the low rate of implementation of stormwater policies (3%) brought down the general implementation rate score.

Urban Amenity

- HurDC's policies pertaining to urban amenity most frequently used *continuity with natural features* to mitigate or avoid the adverse effects of development (16 out of 31 policies). Policies on *on-site amenity* (7) and *continuity with existing buildings* (5) were the next most commonly used.
- In practice, however, there was a divergence between the priorities set in the district plan and those reflected in resource consents. For instance, while over half of the urban amenity plan policies promote *continuity with natural features*, it was implemented in only 20% of relevant consents.
- Conversely, despite having only 10% of policies relating to it, the percentage of resource consents in HurDC using techniques pertaining to *on-site amenity* was 67%. This suggested that the small number of *on-site amenity* techniques contained in the plan were used frequently.

- On average, only 18% of HurDC’s district plan policies relating to urban amenity management were implemented per resource consent. This demonstrates a significant gap between the priorities set in the plan and actual implementation.

Stormwater

- HurDC’s district plan tended to rely more on policies for *retention of natural features* and *use of ecological solutions* (11 out of 25) and those for *controlling the development site* (9), than on treating the adverse environmental effects of stormwater. This implied that the District Plan tended to control development in order to protect property, rather than managing the adverse effects of development on the environment.
- Despite the priority placed on these policies in the plan (*retention of natural features, use of ecological solutions, and controlling the development site*) the techniques implemented most in resource consents had no corresponding plan policies. Instead, *drainage* (69%) and *infiltration and detention* (41%) techniques were seen in the sample of consents. Clearly, these techniques came from outside the framework of the district plan and may reflect the influence of council engineers in determining what stormwater techniques to implement.

Māori and HurDC Plan Implementation

- On average, hapū/iwi perceived the six councils as doing a fair to poor job in dealing with iwi issues.
- In general, there was a low level of representation of Māori interests — at the time of the survey there were no Māori councillors at any of the six councils. There was disagreement within Hurunui regarding representation of Māori at council. Some iwi respondents indicated that a Māori working group, individual Māori representation, and a Memorandum of Understanding had been established while other respondents did not. In contrast to the iwi respondents, HurDC noted that an informal agreement between hapū/iwi and council had been made.
- Results from the hapū/iwi representatives and council survey gave a low score for HurDC staff understanding of the *Treaty of Waitangi* and kaitiakitanga.
- There was a mixed response from hapū/iwi regarding responsibilities for consultation with some stating that the council took responsibility for this while others indicated that it was left to the applicant. HurDC respondents said that it was the responsibility of both council and applicants. Hapū/iwi and council respondents concurred that criteria were in place to help determine when Māori should be informed of applications (although not all hapū/iwi respondents recognised this).
- Generally, hapū/iwi rated resource consent applicants similarly to council staff and politicians and were somewhat dissatisfied with applicants. Results suggested that personal meetings between applicants and hapū/iwi occur infrequently with phone and mail being cited as the most common communication method.

- In practice, however, only a very small proportion of resource consents across the six councils displayed evidence of consultation with Māori and this was supported by responses from applicants. By way of example, no consents analysed in HurDC included written approval from hapū/iwi – the worst result of the six councils studied.
- Views on the outcomes from consultation across the six councils differed markedly with applicants saying that a change to project design was the most likely outcome, and hapū/iwi respondents saying that a change to consent conditions was more commonly occurring. This finding implies that applicants were not consulting hapū/iwi early enough to allow any concerns to be incorporated into the development's design.

Factors Affecting Implementation of HurDC's Plan

- Results show that HurDC had low capacity to implement its plan (last out of the six councils), where capacity was based on the number of consent processing staff, the number of consultants employed to process consents, the number of staff with degrees and the number of staff per 100 consents processed.
- Resource consent applicants in HurDC (including their consultants) had a medium understanding of the district plan and ability to implement the provisions within it. There was little variation between the applicants' capacity across the six districts.
- Applicants scored highly for commitment to avoid effects of their development (88%) and slightly lower for being responsible for protecting the environment (80%).
- Most resource consents relied on traditional management techniques as reflected by the finding that only up to 4% of HurDC's consents made use of best practice alternatives. Further factors contributing to this result include a lack of expertise and policy guidance (for both urban amenity and stormwater management), and the influence of the engineering department (in regard to stormwater) and their preference for traditional drainage techniques.
- The quality of consent information with which planners were making their decisions varied but was generally of low quality across the six councils. HurDC had the second lowest score of the six councils studied.

Recommendations for Hurunui District Council

Hapū/iwi

Council recognised that partnerships and relationship building must be achieved at a governance level and efforts were focused in this area with the production of draft MoUs with hapū/iwi. The existence of the Ngai Tahu Settlement Act and identification of statutory acknowledgements means a basis for recognising and developing partnerships is in place. However, the results suggested that more effort needs to be made progressing partnership agreements, and in the area of developing

criteria and processes for consultation at the consents level. Resource management issues tend to be dealt with at a hapu level and Ngai Tahu's corporate office becomes involved only occasionally. However, this arrangement is informal.

Recommendations

1. Council should develop criteria with hapū/iwi about the types of activities and circumstances that may adversely affect statutory acknowledgments and attempt to identify the values associated with those sites or features. A process for determining when resource consents should be sent to hapū/iwi representatives, regardless of the statutory acknowledgements, and how applicants may consult before lodging applications should also be determined. This could be developed in accordance with any protocols or process set up in a MoU and with hapū/iwi representatives.
2. Council should make provision for further training of staff and councillors on sections 6(e), 7(a) and 8 of the *Resource Management Act* (1991). This should be incorporated with training on the *Local Government Act* (2002) with its requirement for greater emphasis on Māori participation in decision-making.

Urban Amenity

Urban amenity was covered comprehensively in the Hurunui District Plan except that techniques were not clearly articulated in over three quarters of these policies. The main focus was on continuity with natural features with on-site amenity and streetscape matters being second most important but limited to specific locations. The results showed techniques to manage urban amenity values in consents were primarily on-site amenity and accessibility (parking) techniques with little or no emphasis placed on continuity with natural features. This suggests an implementation gap between the plan's intention, as identified in its policies, and plan implementation through resource consents. The research suggests this gap can be attributed to: 1) poor consistency within the Plan between policies and rules in relation to safety and accessibility issues; 2) the fact the consent coding sample was primarily made up of Hanmer Springs consents; and 3) continuity with natural features is considered at a policy level only.

Recommendations

3. It is important to ensure that the Plan policy context keeps in tune with what is happening in practice so that there is justification and a sound planning framework in which implementation is occurring. Therefore, Council should review whether safety and accessibility issues identified in rules and assessment criteria in the District Plan should be supported at a policy level.
4. The emphasis placed on continuity with natural features and landscapes in the Plan at a policy level through identification of significant natural areas and tree schedules could flow through to the assessment of resource consent applications. This could be achieved by including assessment criteria for activities that emphasise identification and retention of natural features and recognition of landscape values.

5. Greater guidance and clarity should be provided in the policies, assessment criteria and matters over which Council exercises control in relation to on-site amenity and streetscape matters, especially for Hanmer Springs. This could be in the form of explanatory statements and design guidelines or criteria.

Stormwater

Policies in the Plan focused entirely on the retention and protection of natural features (low impact stormwater management) and development control, such as avoiding hazard areas. However, despite the priority placed on these policies in the Plan, the techniques implemented in consents related to drainage and infiltration and detention. This represented a very significant implementation gap. The research suggests that external factors were influencing this gap more so than the Plan itself, although the link between policy and rules could be more explicit. One explanation is that Council's engineers advise consent planners of the appropriate stormwater management techniques and these are predominantly traditional and conventional drainage techniques. As well, there is generally a lack of information and understanding of the techniques available to manage stormwater, a lack of emphasis placed on stormwater management in accordance with the District Plan, and a lack of direction from the Regional Council on stormwater issues.

Recommendations

6. Council should establish better integration between its planning and engineering departments so that the District Plan stormwater policies can be achieved. In doing so, the stormwater policies in the Plan should be reviewed and clarified. This could result in further guidance being provided in the District Plan (through policy and assessment criteria) or outside the Plan within a practice note or code of practice.
7. To ensure that there is policy alignment and consistency, Council should consult Environment Canterbury with a view to obtaining information, guidance and support, especially regarding flooding, riparian management, stormwater treatment and low impact solutions. Information should also be gathered from the Auckland Regional Council, which has done a lot of work on low impact solutions and riparian management. Further training of engineering, building and planning staff could also be undertaken.

General Comment

The quality of resource consent applications received by Council was particularly low. Some applications consisted of one page and provided little or no information. Despite efforts to gain more information, Council issued consents without the full effect of the development or subdivision being known. This is due largely to political pressure for development to proceed and not be held up. This is a very risky practice and Council must set a clear example of the information that is expected to accompany an application, and then require it from all applicants. This recommendation can be implemented by Council planners, but they must have the full support and backing from councillors to do so.

Recommendations

8. Council should endorse relevant forms and information sheets that set the standard of information expected in resource consent applications (developed by Council planners) and support staff in enforcing them.
9. Council should contact consultants who regularly put in applications to advise them of its expectations and emphasise that processing will be delayed if further information is required. This may mean reviewing the performance requirements for staff so that quality of resource consent decision-making is given equal weight to speed and backing staff when they implement this initiative.

Kaipara District Council Summary

Given its low capacity, rurally based Kaipara District Council (KDC) did not set out to write an ambitious district plan. As one of the first plans to be publicly notified, the KDC plan-makers did not have other plans to use as a guide. In consequence, results from Phase 1 (1995-98) revealed that the quality of the plan prepared by KDC was relatively poor (twenty-fifth out of 34 plans evaluated). It had a score of 24.8 out of a possible 80, although most plans scored below 40. Results also revealed that KDC was in the lower quartile in terms of capability to plan. What might this result mean for the quality of plan implementation?

Findings on KDC Plan Implementation

With respect to urban amenity, storm water management, and iwi interests studied in Phase 2 (1999-2002), results revealed that the quality of plan implementation in KDC was indeed poor.

KDC district plan had very few policies for addressing the issues of urban amenity and stormwater management; the policies were not implemented frequently; and the majority of techniques used in consents were sourced from outside the district plan. With respect to the issue of iwi interests, hapū/iwi gave a low score for KDC staff understanding of the *Treaty of Waitangi* and kaitiakitanga, and only a very small proportion of consents displayed evidence of consultation with Māori.

More specifically, KDC's district plan placed little priority on urban amenity, except where natural features were concerned. However, the retention of natural features occurred infrequently in consents. Thus, there was a gap between what was said in the plan and actions taken in consents. In contrast, the actions taken to promote on-site amenity actions in consents outweighed the importance of the issue as described in the plan.

The stormwater results were generally more consistent. There was only a small disparity between the plan's intention to retain natural features and the practice in resource consents. Interestingly, Kaipara was the only council of the six studied that gave drainage a high priority in its plan policies and consents, where most other councils tended to give it low priority in the plan, but a high priority in consents. A breakdown of these findings is given below.

KDC Policy Implementation

General

- Of six councils studied, KDC had the lowest number of policies in the plan for stormwater (9) and urban amenity (14). By having a smaller number of policies, council staff were afforded fewer options for using appropriate management techniques in resource consents.
- More than half of these policies (57%) did not clearly articulate techniques to manage stormwater and urban amenity. This implies that, in many cases, consent decision-makers did not have clear direction on the type of actions that could be taken to implement most policies.

- A conclusion is therefore that planners have limited direction from the plan, as there are few relevant policies to guide them when setting consent conditions. As well, the few policies that are available are poorly written, further limiting the usefulness of the district plan to council staff.
- KDC implemented 100% of its storm water and urban amenity policies at least once in the sample of resource consents analysed. However, in practice, the average number of policies implemented in consents was the lowest of the six councils. In other words, most policies were rarely implemented.
- On average, only a small proportion of relevant policies were implemented in each consent. KDC's score was lowest out of the six councils with around 8% of policies implemented per consent. In other words, although plan policies promulgated the use of management techniques, there was little evidence of the use of these techniques in the consents sampled.
- Overall, the plans with few policies tended to score highly for the *range* of policies implemented (i.e. the number of policies implemented via consents at least once), yet poorly for their *rate* of implementation (i.e. the frequency of policy implementation over time). This was the case for KDC, which had few policies and scored highly for the range of policies implemented, but poorly for the rate of implementation. In other words, a small number of techniques were implemented often.
- The *range* of techniques used by KDC (i.e. the number of different techniques used in resource consents) was limited to 12 to manage urban amenity (out of a total of 33 identified in the six plans) and 23 for storm water management (out of a possible 44). The median number of techniques used by the six councils was 20 and 19.5 respectively. This means that KDC had very few techniques to manage urban amenity, which would restrict the options of staff seeking to implement appropriate management techniques.
- Analysis of the *rate* of techniques used by KDC (i.e. the frequency that each technique is applied in resource consents) revealed that only a relatively small number were used per consent and there was little variation in the techniques applied. So, even though KDC's district plan only had a small number of techniques to employ in resource consents, few of these were frequently implemented.
- On average, three-quarters of the techniques used by KDC in resource consents are not found in the relevant plan policies. This result was in contrast to the other five councils where most techniques came from within the plan.

Urban Amenity

- There was significant variation in the number of policies used by councils to manage *on-site amenity*. For example, Waitakere had over 19 policies, while KDC has none. This reflected urban/rural differences – where urban councils

tended to have more policies addressing on-site amenity than rural councils because issues of density, privacy, sunlight, etc., were more prevalent.

- However, despite having no policies relating to it, the percentage of resource consents in KDC using techniques pertaining to *on-site amenity* was 83%. This means that urban amenity techniques not specified in the district plan were being adopted in the resource consent process.
- In contrast, no techniques relating to *continuity with natural features* were found in resource consents despite this theme having the most number of policies in the KDC district plan (10 out of 14). As well, the urban amenity sample for KDC revealed that few consents used techniques for managing *continuity with existing buildings* (3%) or *continuity with natural features* (3%).
- On average, only 6% of KDC's district plan policies on urban amenity were implemented per resource consent. This demonstrated a significant gap between the priorities set in the plan and actual implementation.

Stormwater

- KDC tended to rely more on policies that use *drainage* (3 out of 9 policies) and *retention of natural features* (4) to manage stormwater, than on policies for treating the environmental effects of stormwater. Consequently, KDC's district plan was the only one without a policy for *treatment of stormwater*. This was reflected in resource consents where 63% used traditional drainage techniques but only 3% included stormwater treatment.
- On average, less than half of all the KDC consents used techniques for managing the *retention of natural features* and *use of ecological solutions* (50%), *controlling development on site* (40%), *infiltration and development* (20%), *treatment* (3%), *landscaping* (3%) and *energy dissipation* (17%).
- On average, only 10% of KDC's district plan policies relating to stormwater management were implemented per consent. As with urban amenity, this demonstrated a significant gap between plan priorities and implementation.

Māori and KDC Plan Implementation

- On average, hapū/iwi perceive the six councils as doing a fair to poor job in dealing with iwi issues.
- There was generally a low level of representation of Māori interests — at the time of the survey there were no Māori councillors at any of the six councils. There was disagreement regarding representation of Māori at council with iwi respondents indicating they were unaware of any such representation. KDC noted hapū/iwi representation was present in the form of a Māori Working Group.
- Results from the hapū/iwi representatives and council survey gave a low score for HurDC staff understanding of the *Treaty of Waitangi* and kaitiakitanga.

- Results suggest that there was some confusion over involvement of hapū/iwi in the consent process. In this regard, KDC left consultation with iwi to the applicant without formal guidance from the Council.
- Generally, hapū/iwi rated resource consent applicants similarly to council staff and politicians and were somewhat dissatisfied with applicants. Results suggested personal meetings between applicants and hapū/iwi occurred infrequently with phone and mail being cited as the most common communication method.
- Only a very small proportion of resource consents displayed evidence of consultation with Māori and this was supported by responses from applicants. By way of example, just 8% of relevant consents analysed in KDC included written approval from hapū/iwi.
- Views on the outcomes from consultation across the six councils differed markedly with applicants saying that a change to project design was the most likely outcome, and hapū/iwi respondents saying that a change to consent conditions was more commonly occurring. This finding implies that applicants were not consulting hapū/iwi early enough to allow any concerns to be incorporated into the development's design.

Factors Affecting Implementation of KDC's Plan

- Results showed that KDC had medium capacity to implement its plan (fourth out of the six councils), where capacity is based on the number of consent processing staff, the number of consultants employed to process consents, the number of staff with degrees and the number of staff per 100 consents processed.
- Resource consent applicants in KDC (including their consultants) had a medium understanding of the district plan and ability to implement the provisions within it. There was little variation between the applicants' capacity across the six districts, although those in Kaipara District exhibited the lowest knowledge about urban amenity and stormwater issues.
- Applicants scored highly for commitment to avoid effects of their development (89%), but much lower for being responsible for protecting the environment (36%).
- Most resource consents relied on traditional management techniques as reflected by the finding that less than 10% of KDC's consents made use of best practice alternatives. This can be attributed to the *policy-rule gap* in the district plan (where policies are not implemented because rules and/or assessment criteria either undermine them or do not fully reflect policy intentions). In KDC's case, prescriptive rules do not provide the opportunity to implement the full range of plan policies. In other words, the plan's rules constrained the range of techniques that could be implemented in resource consents.

- The quality of consent information with which planners were making their decisions varied but was generally of low quality across the six councils. Of the six councils, KDC scored the second highest for quality of information.

Recommendations on KDC Plan Implementation

Hapū/iwi

Hapū/iwi issues were covered in the Plan in a Māori Culture and Traditions section. The techniques identified were general and did not provide any specific direction in relation to how the policies could be achieved. While the Plan provided a policy context, it did not set up specific processes or procedures (e.g., identification of places of significance or circumstances when consultation with hapū/iwi is necessary). It also did not deal with the issue of governance and how Māori may participate in planning processes and decision-making.

Council recognised that partnerships and relationship building must be achieved at a governance level and efforts were focused in this area (e.g., the MoU with Te Uri o Hau and Ngati Whatua). However, the results suggest significantly more effort needs to be made with increasing Council commitment and greater capacity building of hapū/iwi to participate. Effective processes and protocols regarding hapū/iwi consultation at a consents level cannot be achieved without higher-level structures in place.

Recommendations

1. A Committee consisting of eight marae representatives was established by Council through an extensive consultation process, but does not seem to be operational. Council should fund this Committee to a level that will enable it to effectively drive and support the relationship building exercise between Māori and Council and continue the process of developing MoUs with other hapū/iwi.
2. Council should make provision for further training of staff and councillors on sections 6(e), 7(a) and 8 of the *Resource Management Act* (1991). This should be incorporated with training on the *Local Government Act* (2002) with its requirement for greater emphasis on Māori participation in decision-making.
3. As relationships are established with Māori groups and hapū/iwi, Council should develop criteria for establishing when iwi should be consulted regarding resource consent applications. This has been done in the case of the Te Uri o Hau and Ngati Whatua MoU and can be used as a template for other hapū/iwi.
4. Council should make plan changes to ensure that resources of importance to Māori are identified and protected by the Plan.

Urban Amenity

There was very little correlation between policies in the Plan and techniques used in consents to manage urban amenity. The main policy focus in the Plan was on continuity with surrounding natural features through settlement consolidation, tree protection and recognition of outstanding natural features. However, these matters

and associated techniques were rarely dealt with in consents. Instead, techniques were almost entirely focused on building design on-site, an emphasis not reflected in the Plan's policies.

While on-site amenity techniques may be appropriate for achieving good residential amenity, the rules relating to on-site amenity (bulk and location standards) were not supported by a strong link to policy. The implication is that without policy support and guidance, it is difficult to assess applications for controlled, discretionary and non-complying activities. It also means there was a high likelihood of inconsistent decision-making.

The Plan's focus on retention of natural features at a policy level was not reflected in the Plan's assessment criteria for subdivision and housing activities, nor its promotion of techniques to be used in consents. This suggests a gap between what the policies set out to do and the actions taken. In practice, there is a focus on developing registers (for example, heritage, ecological features and trees), implementation of earthworks and vegetation clearance rules, but these techniques did not affect the assessment of consent applications for a wide range of activities including subdivision unless they were within or next to a registered item.

Recommendations

5. To improve plan implementation, Council should make plan changes to provide more guidance on use of management techniques in relation to landscape and natural features and on-site amenity.
6. Council should develop more detailed policies, assessment criteria, and matters over which it may exercise control in relation to residential amenity values, especially for settlements in coastal and rural locations, such as Mangawhai. Specifically, policy and criteria on building design on-site to clarify the existing bulk and location rules (which may need attention), subdivision design and retention of natural features such as trees and indigenous vegetation.

Stormwater

Policies in the Plan focussed on the retention and protection of natural features (i.e., low impact stormwater management), development control, and drainage systems. Unlike urban amenity, there was a better correlation between techniques used in consents and the Plan's stormwater policies. However, the techniques used most are those related to conventional drainage. This may be because design and construction rules and guidelines in the Plan promote predominantly drainage solutions. There were also guidelines regarding catchment planning and design, but where there were no catchment plans in place, on-site drainage and rules specifying pipe sizes were the only alternative techniques identified.

Recommendations

7. To better reflect the range of stormwater techniques available within the existing policies of the Plan, Council should provide consent planners with better direction.
8. To take advantage of best practice techniques in the stormwater management field, Council should remove prescriptive standards from the design and

construction rules within the Plan and instead refer to guidelines or codes of practice outside the Plan.

9. To provide direction for the guidelines or codes of practice, policies, assessment criteria, and matters over which Council may exercise control, should then be strengthened.
10. To develop guidelines and codes of practice in relation to stormwater management, Council should collaborate with the Northland Regional Council and draw on best practice undertaken nation-wide. Through this process, the policy focus in the Plan could be widened to incorporate other low impact stormwater management techniques.

Plan Revision

The Kaipara District Plan did not identify issues, anticipated environmental results, and the indicators by which the results can be monitored. The RMA requires plans to be issues-based and to specify the environmental outcomes they wish to achieve. This provides the basis and justification for the objectives, policies, and methods stipulated in the Plan and provides the framework for monitoring the effectiveness of the Plan. Without issues and anticipated environmental results, monitoring the effectiveness of the Plan and identifying areas for review, which are also required by the RMA, is almost impossible. Monitoring cannot occur in a vacuum outside the policy context of the Plan.

Recommendation

11. Council should deal with these major gaps in its plan as soon as practical, and certainly in the statutory review.

Papakura District Council Summary

Papakura District Council (PDC) manages rural and city land uses and serves a population of well over 40,000, mostly living in Papakura city. PDC had a low-to-medium capacity for planning under the RMA, and prepared a poor quality plan, when compared with the 34 councils studied in Phase 1 (1995-98). Its plan quality score was third from the bottom at 23.1 out of a possible 80. It was therefore anticipated that PDC's plan implementation would also be of similar quality. Was that the case?

Findings on PDC Plan Implementation

With respect to urban amenity, storm water management, and iwi interests studied in Phase 2 (1999-2002), results revealed that PDC's very modest plan achieved relatively better than expected implementation as measured by consent decision-making, although the overall implementation scores for all six case study councils was quite poor.

PDC had a low-to-medium number of policies in its Plan for managing stormwater and urban amenity issues (relative to the six councils studied) and three quarters of them were unclear. Due to the small number of policies, PDC scored well for the range of policies implemented (i.e. the proportion of policies implemented at least once), however when these results were examined more closely, it was found that only a small number of these policies are implemented regularly. When these issues are separated, the quality of implementation of urban amenity policies improves significantly, while implementation of stormwater policies falls slightly. Likewise, only a very small proportion of consents displayed any evidence of consultation with Māori. Overall, these results suggest that there is a gap between the policy intentions of the Plan and their implementation through resource consents. The gap is greatest for stormwater management.

Stormwater showed significant divergence between the high priorities given in the Plan for retaining natural features, using ecological solutions and treating stormwater and the low priority found in consents. In contrast we see drainage techniques with low priority in the Plan being widely used in practice and we attribute this, in part, to the role of engineering staff.

Urban amenity had less of a gap as the importance of on-site urban amenity in Papakura was found to be high for both plans and consents, and consistently low for streetscape and continuity of buildings. However, a gap did emerge where the Plan intended development to have continuity with natural features, yet the consents display little evidence of this. The results also showed far greater attention was paid to safety and accessibility in consents than the Plan.

PDC Policy Implementation

General

- Of the six councils studied, PDC had the second lowest number of policies in the plan for stormwater (22) and urban amenity (20), ahead of Kaipara District Council (23 in total) and behind Hurunui District Council (56 in total).
- Three-quarters of PDC plan policies did not clearly articulate techniques to manage stormwater and urban amenity. This implied that, in most cases, consent

decision-makers have not had clear direction on the type of actions that could be taken to implement most policies. Another conclusion is therefore that planners have had limited direction from the plan, as there were few relevant policies to guide them when setting consent conditions.

- PDC, with its low-medium number of policies, fared well for the *range* of policies implemented (i.e. the number of policies implemented via consents at least once), but poorly for the *rate* at which those policies were implemented (i.e. the frequency of policy implementation over time).
- PDC implemented 86% of its policies relating to storm water and urban amenity at least once in the sample of resource consents analysed, which ranks highly amongst the councils studied. More urban amenity policies (95%) were implemented than for stormwater (77%).
- The *range* of techniques used in consents issued by PDC (i.e. the number of different techniques used in resource consents) was 19 to manage urban amenity (out of a total of 33 identified in the six plans) and 17 for storm water management (out of a possible 44). The median number of techniques used by the six councils was 20 and 19.5, respectively.
- In all consents, only a small proportion of relevant policies were implemented in each consent sampled. While PDC's score was second out of the six councils studied only 12% of policies were implemented per consent. In other words, although relatively high numbers of plan policies promulgate the use of mitigation techniques, there was little evidence of the use of these techniques in the sample of consents.
- The use of techniques not specified in district plans was examined in order to determine the extent to which non-plan techniques are used in consents. Results showed that in most of the six councils studied the figures are so low as to be insignificant. PDC was the exception as non-plan techniques for drainage constituted almost all the techniques used in each consent.

Urban Amenity

- PDC's policies pertaining to urban amenity most frequently promoted *continuity with natural features* and *on-site amenity* to mitigate or avoid the adverse effects of development on the environment (8 each out of 20 policies). Policies on *safety and accessibility* were the next most common (3). The plan says very little about *streetscape* and *continuity with other buildings*.
- In practice, however, there was some divergence between the priorities set in the district plan and those reflected in resource consents. For instance, while 40% of the urban amenity policies promoted *continuity with natural features*, these policies were implemented in only 24% of relevant consents. Conversely, despite having only 3 policies relating to *safety and accessibility*, the percentage of resource consents in PDC using techniques pertaining to it was 73%.

- On average, only 22% of PDC's district plan policies relating to urban amenity management were implemented per resource consent. This demonstrated a significant gap between the priorities set in the plan and actual implementation. Having said that, PDC does better than all other councils in this regard.

Stormwater

- For stormwater management, PDC's District Plan tended to rely mostly on policies for *retention of natural features* and *use of ecological solutions* (9 out of 22) and those for *controlling the development site* (6). There were no Plan policies for *infiltration and detention*, *drainage*, *landscaping*, and *energy dissipation and erosion mitigation*.
- However, the Plan did have 7 policies (32% of the total) for the *treatment of stormwater*, whereas other councils had very few or no such policies (with the exception of Waitakere City Council). The Auckland Regional Council's Regional Policy Statement and Urban Stormwater Management Project Strategy Statement for managing stormwater quality and quantity were considered to be positive influences on this outcome.
- Despite the priority placed policies for the *retention of natural features* and *use of ecological solutions*, the techniques implemented most in resource consents had no corresponding Plan policies. Instead, *drainage* techniques were seen in 97% of consents and techniques for *infiltration and detention* in 60%. Similarly, only 3% of consents used techniques aimed at the *treatment of stormwater*.
- On average, only 1% of PDC's District Plan policies on stormwater management were implemented per consent — the lowest result of the six councils. As with urban amenity, this demonstrated a significant gap between Plan priorities and implementation.

Māori and PDC Plan Implementation

- On average, hapū/iwi perceived the six councils as doing a fair to poor job in dealing with iwi issues.
- In general, there was a low level of representation of Māori interests — at the time of the survey there were no Māori councillors at any of the six councils. There was also an inconsistent understanding within Papakura regarding representation of Māori at council. Only some iwi respondents indicated that a standing committee of Māori representatives had been established, and others indicated that PDC provides resources for hapū/iwi representation. In contrast to the iwi respondents, PDC only noted that an informal agreement between hapū/iwi and council had been made, with no mention of direct funding for representation.
- Results from the hapū/iwi representatives and council survey gave a low score for PDC staff understanding of the *Treaty of Waitangi* and kaitiakitanga.
- There was a mixed response from hapū/iwi regarding responsibilities for consultation with some stating that the council took responsibility for this while

others indicated that it was left to the applicant. PDC respondents said that it was the responsibility of both council and applicants. Hapū/iwi and council respondents concurred that PDC staff consult with Māori when deciding on notification of consent applications (although not all hapū/iwi respondents recognised this).

- Generally, hapū/iwi rated resource consent applicants similarly to council staff and politicians insofar as they were somewhat dissatisfied with applicants' consultation. Results suggested that personal meetings between applicants and hapū/iwi occur infrequently with phone and mail being cited as the most common communication method.
- In practice, however, only a very small proportion of resource consents across the six councils displayed evidence of consultation with Māori and this was supported by responses from applicants. By way of example, only 4% of consents analysed in PDC included written approval from hapū/iwi.
- Views on the outcomes from consultation across the six councils differ markedly with applicants saying that a change to project design was the most likely outcome, and hapū/iwi respondents saying that a change to consent conditions was more commonly occurring. This finding implies that applicants were not consulting hapū/iwi early enough to allow any concerns to be incorporated into the development's design.

Factors Affecting Implementation of PDC's Plan

- Results showed that PDC had medium capacity to implement its plan (third out of the six councils), where capacity is based on the number of consent processing staff, the number of consultants employed to process consents, the number of staff with degrees and the number of staff per 100 consents processed.
- Resource consent applicants in PDC (including their consultants) had a medium understanding of the district plan and ability to implement the provisions within it. There was little variation between the applicants' capacity across the six districts.
- Applicants scored highly for commitment to avoid effects of their development (92%) but lower for being responsible for protecting the environment (77%).
- Most resource consents relied on traditional management techniques as reflected by the finding that only up to 13% of PDC's consents made use of best practice alternatives. There were no examples of best practice identified for urban amenity, while stormwater management consents exhibited the highest levels of best practice amongst the six councils. These best practice results for stormwater were again attributed to the positive influence of the Regional Council.
- The quality of consent information with which planners are making their decisions varied but was generally of low quality across the six councils. PDC's score was the third highest of the six councils studied.

Recommendations for Papakura District Council

Hapū/iwi

Council recognised that partnerships and relationship building must be achieved at a governance level and efforts were focused in this area with representation of hapū/iwi on Council standing committees. However, the results suggested that more effort needs to be made progressing partnership agreements and particular emphasis needs to be placed at the consent processing level. The Plan does not provide a sound framework for dealing with hapū/iwi issues and should be reviewed.

Recommendations

1. Council should work with hapū/iwi to develop appropriate criteria and processes for determining when resource consents should be sent to hapū/iwi representatives and how applicants may consult before lodging applications.
2. Council should review the Māori provisions in the Plan to clarify the resources and values of significance to hapū/iwi.
3. Council should make provision for further training of staff and councillors on sections 6(e), 7(a) and 8 of the *Resource Management Act* (1991). This should be incorporated with training on the *Local Government Act* (2002) with its requirement for greater emphasis on Māori participation in decision-making.

Urban Amenity

Urban amenity was covered in the Papakura District Plan but policies were not wide ranging, focussing on *continuity with natural features*, *on-site amenity* and *accessibility* only. Techniques were not clearly articulated in over three quarters of these policies. The results showed techniques to manage urban amenity in consents were primarily *accessibility (parking)* and *on-site amenity* techniques with little emphasis placed on *continuity with natural features* or *streetscape*. This reflects an implementation gap between the plan's intention, as identified in its policies, and resource consent implementation practices. The research suggested this gap can be attributed to poor consistency within the Plan between policies and rules (including with assessment criteria and matters over which Council may exercise control, referred to as the policy-rule gap).

Recommendations

4. Council should review its urban amenity policies related to streetscape, landscape and environmental protection with a view to providing more clarity, greater guidance and consistency. Policies related to continuity with natural features, landscape and environmental protection have no corresponding rules, assessment criteria or matters over which Council may exercise control. Discretionary activities in residential zones particularly need assessment criteria that are linked to plan objectives and policies.

5. Council should review its on-site amenity and safety and accessibility policies with a view to providing greater clarity and guidance and establishing a better link between policies and rules. This could also involve a review of whether the amenity policies require a wider context such as including streetscape matters, design guidelines and structure planning techniques. It is important to ensure that the Plan keeps in tune with what is happening in practice so that there is justification and a sound planning framework within which implementation is occurring.

Stormwater

Policies in the Plan focused on the retention and protection of natural features (low impact stormwater management) and development control, such as avoiding hazard areas. A few policies referred to stormwater treatment. Despite the priority placed on these policies in the Plan the techniques implemented in consents related to drainage and infiltration and detention. This represented a very significant implementation gap, which occurs because the Plan does not provide any guidance on appropriate stormwater management techniques consistent with its policy approach. Instead, rules and assessment criteria are either vague or imply drainage techniques are appropriate. Council's code of practice and its engineers govern which stormwater management techniques are implemented and these are predominantly traditional and conventional drainage techniques.

Recommendations

6. Council should review the stormwater policies in the Plan with a view to providing more clarity, greater guidance and consistency between policies and rules. A review of Council's code of practice should also be undertaken at the same time to ensure consistency. Such a review would provide Council planners and engineers with a sound basis for managing stormwater and a clear direction for advocating appropriate techniques.
7. To ensure that there is policy alignment and consistency, Council should consult the Auckland Regional Council with a view to obtaining information, guidance and support, especially regarding appropriate stormwater solutions and techniques for the District.

General Comment

The quality of the Papakura District Plan is such that it provides little guidance or support for resource consent processing. While this research has found that overall implementation quality is low, the modest nature of Papakura's Plan has meant that it achieved a good proportion of its aims – at least once. However, case study research indicates that Council staff are compensating for the Plan's shortcomings in consent administration. In the long term, this is not a good approach. In addition, the results suggest major reviews of Māori, urban amenity and stormwater provisions in the Plan, and it is likely that other issues are likely to need the same attention. This implies that Council should analyse its significant resource issues and initiate plan changes or undertake a review of the Plan.

Tauranga District Council Summary

Focused on the City of Tauranga (population 77,778 in 1996) in one of the most rapidly growing districts of New Zealand, Tauranga District Council (TDC) had high capacity for planning when compared with most other councils studied in Phase 1 (1995-98). It was committed to producing an effects-based plan -- an outcome achieved in consultation with staff from the Ministry for the Environment. TDC's plan quality score was the highest score of the 34 plans evaluated in Phase 1, although a score of 54.8 out of a possible 80 did not reflect excellence. As a high capacity council that had prepared a high quality plan with respect to other councils, it seemed reasonable to expect that the quality of plan implementation in TDC would be high as well. Was that the case?

Findings on TDC Plan Implementation

With respect to urban amenity, storm water management, and iwi interests studied in Phase 2 (1999-2002), results revealed that the quality of plan implementation in TDC was mediocre. While the TDC district plan had a good range of policies for addressing the issues of urban amenity and stormwater management, the policies were not implemented frequently and many of the stormwater techniques used in resource consents were sourced from outside the district plan. With respect to the issue of iwi interests, hapū/iwi gave a low score for TDC staff understanding of the *Treaty of Waitangi* and kaitiakitanga, and only a very small proportion of consents displayed evidence of consultation with Māori. Overall, these results suggest that there is a significant gap between what the plan intends and what is being done in practice.

A greater range of priority for stormwater than urban amenity was found in the plan and consents results, particularly where the retention of natural features and use of ecological solutions and drainage was concerned. Drainage had a low priority in the plan, but high priority in consents, which contrasts with the priorities in the plan proposing the use of ecological solutions and retaining natural features, yet there is very little evidence of this in consents. While the new growth areas have significant low-impact and communal catchment systems (thus acting on the plan's objectives), many consents sampled were outside these growth areas where standard engineering approaches predominated.

TDC Policy Implementation

General

- Of the six councils studied, TDC had the second highest number of policies in the plan for stormwater (34) and urban amenity (32), ahead of Horowhenua District Council (57 in total) and behind Waitakere City Council (110 in total).
- Over two-thirds (68%) of TDC's policies clearly articulated techniques for managing stormwater and urban amenity-- the best result of the six councils. Despite this, 31% of policies remain unclear leaving decision-makers without guidance for implementation.

- TDC had implemented a total of 61% of its policies relating to storm water and urban amenity at least once in the sample of resource consents analysed, which ranked below average amongst the councils studied. When broken down further, more urban amenity policies (63%) were implemented than for stormwater (59%).
- On average, only a small proportion (8%) of relevant policies was implemented per consent. In other words, although 68% of plan policies clearly promulgate the use of various management techniques, there was little evidence of these techniques being used in everyday practice. In TDC's case, the implementation score was low because of the number of policies promoting environmental management techniques (66) was higher than the number of different techniques used in consents to implement them (40). TDC's good quality plan therefore achieved only a low to medium implementation level.
- The *range* of techniques used by TDC (i.e. the number of different techniques used in resource consents) was 20 to manage urban amenity (out of a total of 33 identified in the six plans) and 20 for storm water management (out of a possible 44). These figures were similar to the median number of techniques used by the six councils (20 and 19.5, respectively). However, given that TDC has a considerable number of urban amenity and stormwater policies, it is reasonable to expect the use of more techniques than the results show - a finding not supported by the research.

Urban Amenity

- TDC's policies pertaining to urban amenity most frequently used *continuity with natural features* (11 out of 32 policies) and *safety and accessibility* (10) to mitigate or avoid the effects of development on the environment. Policies for *on-site amenity* were the next most commonly used (7).
- In practice, however, the percentage of resource consents in TDC applying techniques pertaining to *on-site amenity* was 83%, despite the plan having only 22% of policies relating to it. Furthermore, the 10 techniques relating to *safety and accessibility* (or 31%) appeared in 87% of consents. No other urban amenity technique received such frequent application.
- On average, only 10% of TDC's district plan policies relating to urban amenity management were implemented per resource consent (being fourth out of the six councils). This demonstrates a significant gap between the priorities set in the plan and actual implementation.

Stormwater

- To manage stormwater, TDC's district plan tended to rely more on policies for *retention of natural features* and *use of ecological solutions* (16 out of 34) and those for *controlling the site of development (strategic land use)* (9).
- In practice, however, there was a divergence between the priorities set in TDC's district plan and those reflected in resource consents. For instance, while nearly

half of the stormwater policies promoted *continuity with natural features*, this policy was implemented in just 19% of relevant consents.

- Conversely, despite having only 6% of policies relating to it, the percentage of resource consents in TDC using *drainage* and *infiltration and detection* techniques were 68% and 39% respectively. This suggests that these few techniques contained in the plan were used frequently.
- On average, only 12% of TDC's district plan policies on stormwater management were implemented per consent. As with urban amenity, this demonstrated a significant gap between plan priorities and implementation.

Māori and TDC Plan Implementation

- On average, hapū/iwi perceived the six councils as doing a fair to poor job in dealing with iwi issues.
- There was generally a low level of representation of Māori interests at the six councils studied, with no Māori councillors at any of them. Nevertheless, TDC does better than most councils with regard to hapū/iwi representation. Both hapū/iwi and TDC respondents concurred that the following had been established: a Māori working group, individual Māori representation, and a Memorandum of Understanding between hapū/iwi and council. Additionally, hapū/iwi stated that TDC provided resources to facilitate representation although council staff did not note this.
- Results from the hapū/iwi representatives and council survey gave a low score for TDC staff understanding of the *Treaty of Waitangi* and kaitiakitanga.
- There was a consistent response by hapū/iwi and council regarding responsibilities for consultation. Both respondents agreed that: council staff consult with iwi when deciding on notification of consent applications (although not all hapū/iwi respondents recognised this); council had established criteria to determine when iwi should be informed of applications; and council considered itself responsible for consultation. This degree of consistency was not found in many of the six councils.
- Generally, hapū/iwi rated resource consent applicants similarly to council staff and politicians and were somewhat dissatisfied with applicants. Results suggest personal meetings between applicants and hapū/iwi occurred infrequently with phone and mail being cited as the most common communication method.
- In practice, however, only a very small proportion of resource consents across the six councils displayed evidence of consultation with Māori and this was supported by responses from applicants. By way of example, only 3% of consents analysed in TDC included written approval from hapū/iwi.
- Views on the outcomes from consultation across the six councils differed markedly with applicants saying that a change to project design was the most likely outcome, and hapū/iwi respondents saying that a change to consent

conditions was more commonly occurring. This finding implies that applicants were not consulting hapū/iwi early enough to allow any concerns to be incorporated into the development's design.

Factors Affecting Implementation of TDC's Plan

- Results showed that TDC has high capacity to implement its plan (the best of the six councils), where capacity is based on the number of consent processing staff, the number of consultants employed to process consents, the number of staff with degrees and the number of staff per 100 consents processed.
- Resource consent applicants in TDC (including their consultants) had a medium understanding of the district plan and ability to implement the provisions within it. There was little variation between the applicants' capacity across the six districts.
- Applicants scored highly for commitment to avoid effects of their development (90%), but lower for being responsible for protecting the environment (71%).
- Most resource consents analysed for the six councils studied illustrated that plan implementation relied on traditional management techniques. This was true for TDC's district plan where only 12% of stormwater consents made use of best practice alternatives. All of TDC's examples of best practice were identified for stormwater management only. This implies that despite provisions in the plan for best practice, the majority of subdivision consents are not applying best practice techniques. In this case, the main influencing factor is the Land Development Code of Practice.
- The quality of consent information with which planners were making their decisions varied, but was generally of low quality across the six councils. TDC's score, the third lowest of the councils, demonstrates that council staff place greater emphasis on the timely processing of resource consent applications, rather than delaying the application to allow for further information to be received from applicants (e.g., utilising s. 92 requests).

Recommendations for Tauranga District Council

Hapū/Iwi

Council recognised that partnerships and relationship building must be achieved at a governance level and efforts were focused in this area. However, the results suggested that more effort needs to be made at the consent processing level, particularly in the area of refining consultation criteria, setting up procedures for carrying out consultation and integrating the Council hapū/iwi relationship with consent processes and consultation protocols.

Recommendations

1. Consents staff should work with hapū/iwi through Council's Māori working group in order to develop appropriate criteria and processes for determining when

resource consents should be sent to hapū/iwi representatives and how applicants may consult before lodging applications.

2. Council should investigate ways in which hapū/iwi can participate in the resource consent consultation process, such as by funding specific representatives and being proactive in making it operational.
3. Council should make provision for further training of staff and councillors on sections 6(e), 7(a) and 8 of the *Resource Management Act* (1991). This should be incorporated with training on the *Local Government Act* (2002) with its requirement for greater emphasis on Māori participation in decision-making.

Urban Amenity

TDC had the second highest number of policies on urban amenity out of the six councils studied. This showed a considerable emphasis on urban amenity issues. However, the results showed that, on average, only 10% of policies were implemented per resource consent. This demonstrates a significant gap between priorities set in the Plan and actual implementation. In addition, relatively little emphasis was placed on *streetscape* and *on-site amenity* techniques at a policy level, but *on-site amenity* techniques permeated all resource consents. This implies that there is a gap between policies and rules in the Plan. That is, while there are rules for managing *on-site amenity* and *streetscape*, there is a lack of corresponding policy guidance in the Plan. It is important to ensure that the Plan policy context keeps in tune with what is happening in practice so that there is justification and a sound planning framework within which implementation is occurring.

Recommendations

4. Council should review the approach taken in the Plan on urban amenity management in terms of its consistency and the linkage between policies and rules, particularly in terms of activity status, range of techniques advocated, and management of cumulative effects.
5. After clarifying the linkages and priorities in the Plan, greater policy guidance should be provided. This should be in the form of clearer policies, discretionary assessment criteria, and matters over which council may exercise control. It could also be provided through design guides or similar which sit outside the Plan.

Stormwater

Policies in the Plan focused on the *retention* and *protection of natural features* (low impact stormwater management) and controlling the form and location of development. However, the techniques utilised most in consents were those related to *drainage and infiltration* and *detention*. This represented an implementation gap. The research suggested that external factors were influencing this gap, notably the Council's Code of Practice for land development administered by engineers. In addition, it seems that Council's urban growth area approach is the main vehicle for achieving low impact and comprehensive stormwater management. However, residential intensification within these areas and existing suburbs and development of other greenfield areas do not benefit from the same approach.

Recommendations

6. Council should establish a better link between the District Plan (policy, rules, assessment criteria, and the matters over which Council exercises control) and the engineering standards and codes of practice that sit outside the Plan. Either the Code of Practice needs reviewing to be consistent with the District Plan's approach or the Plan needs changing to reflect the Code of Practice.
7. In undertaking such a review, Council should provide more guidance on the range of techniques available to manage stormwater (consistent with policy) that can be utilised by consent planners and applicants at a pre-application and design concept stage.

Waitakere City Council Summary

Known as the Eco-City of New Zealand, Waitakere City Council (WCC) was committed to producing a leading-edge plan— a prospect eased by having high capacity for planning. Our findings from Phase 1 (1995-98) on plan quality revealed that Waitakere City Council (WCC) had one of the best plans (fourth out of 34 plans evaluated). It gained a score of 49.5 (out of a possible 80), whereas most plans scored below 40. Results also revealed that WCC was in the top quartile in terms of capability to plan. Would this mean that WCC the quality of its plan implementation would also be high?

Findings on WCC Plan Implementation

With respect to urban amenity, storm water management, and iwi interests studied in Phase 2 (1999-2002), results indicate that while plan implementation through consents is good, WCC has some way to go before implementation matches the quality of its plan.

The findings show that medium to high priority was accorded by WCC to most urban amenity provisions in both plans and consents. There is, however, some divergence in the priorities for ensuring that development complements natural features. In other words, while the plan placed a high priority on continuity of natural features, the consents did not demonstrate a corresponding priority. This contrasted with the results for on-site amenity and continuity with existing building where the consents tended to give slightly higher priority than the plan policies. These findings may reflect that: 1) the techniques are more strongly identified in the assessment criteria of the plan, not in policies, thus lowering the technique scores; or 2) the plan steers development away from natural areas, thus we see few consents needing to retain natural vegetation or features. Most consents coded for urban amenity were in general residential areas, i.e., areas already heavily modified and not subject to natural environment overlays.

Similarly, the stormwater results showed divergence between intentions and actions for retention of natural features and using low impact and ecological designs for stormwater management. While implementation of stormwater policies was relatively high, many of the intended management techniques were not implemented and instead average practice was dominated by traditional drainage techniques. WCC, like other councils, had devolved its functions for stormwater management to the engineering department, which traditionally had its own implementation policies and codes of practices. Thus, there was some divergence between district plans and these other codes of practice in terms of the priority given to an issue and the type of techniques used. Despite this, Waitakere used the widest range of techniques for stormwater management and applied the greatest number of low impact, ecological solutions of the six councils. A breakdown of these findings is given below.

WCC Policy Implementation

General

- Of six councils studied, WCC had the highest number of policies comprising 36 for stormwater and 74 for urban amenity. This is ahead of second placed

Tauranga District Council (66 in total) and last placed Kaipara District Council (23).

- More than half of WCC's policies (55%) did not clearly articulate techniques to manage stormwater and urban amenity. This implies that, in many cases, consent decision-makers have not had clear direction on the type of actions that could be taken to implement most policies. However, this situation has since been addressed in part by the development of amenity design guidelines (see Recommendations section below).
- WCC was one of only two councils that have implemented less than 50% of its total policies relating to storm water and urban amenity at least once in the sample of resource consents analysed. When broken down further, WCC implemented around 80% of its stormwater policies, but less than 30% of the urban amenity policies.
- On average, only a small proportion of relevant policies were implemented in a consent. WCC's score was the highest out of the six councils, with around 14% of policies implemented per consent. In other words, although plan policies promulgated the use of many different management techniques, there was little evidence of the use of these techniques. Put another way, the same few techniques were used frequently, few of these techniques appeared in resource consents.
- WCC, with its high number of policies, fared poorly for the *range* of policies implemented, but ranked highest for the *rate* (i.e. frequency) at which those policies are implemented. In contrast, the plans with few policies tended to score highly for the *range* of policies implemented (i.e. the number of policies implemented via consents at least once), yet poorly for their *rate* of implementation (i.e. the frequency of policy implementation over time).
- The *range* of techniques used by WCC (i.e. the number of different techniques used in resource consents) numbered 20 to manage urban amenity (out of a possible 33 identified in the six plans) and 29 for stormwater management (out of a possible 44). This compared well with the median number of techniques used by the six councils (20 and 19.5 respectively). However, given that WCC had a substantial number of urban amenity and stormwater policies, it was reasonable to expect that they would have more techniques by which to implement them than the results show, a conclusion borne out in our analysis.
- Analysis of the *rate* of techniques used by WCC (i.e. the frequency that each technique is applied in resource consents) revealed lower than average plan implementation, as a low proportion of the overall policies are implemented. For instance, WCC's implementation score for urban amenity management was low because of the high number of policies (74) compared with the number of different techniques used in consents (20). WCC's ambitious plan, therefore, achieved only a medium implementation level.

Urban Amenity

- WCC's policies pertaining to urban amenity most frequently used *continuity with natural features* to mitigate or avoid the adverse effects of development on the environment (29 out of 74 policies). This was likely to be a consequence of WCC having residential urban areas in close proximity to significant natural landscapes. Consequently, the council has undertaken extensive consultation to define the values of these landscapes as reflected by the higher numbers of policies for this issue.
- In practice, however, there was some divergence between the priorities set in the district plan and those reflected in resource consents. For instance, while 39% of the urban amenity plan policies promoted *continuity with natural features*, these policies were implemented in 26% of relevant consents.
- Conversely, while only 11% of policies related to continuity with natural features, the percentage of resource consents in WCC using these techniques pertaining to *continuity with existing buildings* was 74%. Additionally, while 26% of WCC's urban amenity policies relate to *on-site amenity*, techniques to implement these were present in 81% of consents. This suggested that these techniques were applied frequently in consents despite being given a lower priority in the plan.
- On average, only 5% of WCC's district plan policies relating to urban amenity management were implemented per resource consent (the lowest of the six councils). This demonstrates a significant gap between the priorities set in the plan and actual implementation.

Stormwater

- To manage stormwater, WCC's district plan tended to rely more on policies for *retention of natural features* and *use of ecological solutions* (16 out of 36) and those aimed at the *treatment of stormwater* (9).
- WCC had the most policies relating to *treatment of stormwater* followed by Papakura District Council (7). Both the organisational culture of EcoWater and Auckland Regional Council's Regional Policy Statement and Urban Stormwater Management Project Strategy Statement for managing stormwater quality and quantity were considered to be positive influences on this policy approach.
- Nevertheless, despite the priorities identified in the district plan, the techniques implemented most in resource consents had very few corresponding policies. In this way, *drainage* techniques were seen in 100% of consents (but only had 2 policies in the plan) and techniques for *infiltration and detention* in 55% (4 plan policies).
- Approximately 25% of WCC resource consents that we examined used drainage techniques not specified in the district plan. This may be due to the council engineers relying upon non-plan codes of practice when setting consent conditions.

- On average, 23% of WCC's district plan policies on stormwater management were implemented per consent. Despite this figure being the highest of the six councils we studied, this demonstrated a gap between plan priorities and implementation.

Māori and WCC Plan Implementation

- On average, hapū/iwi perceived the six councils as doing a fair to poor job in dealing with iwi issues.
- There was generally a low level of representation of Māori interests with WCC being one of the few exceptions from our sample of six councils. At the time of the survey there were no Māori councillors at any of the six councils. Nevertheless, both hapū/iwi and WCC respondents noted that the following had been established: a standing committee of Māori representatives, individual Māori representation, an informal understanding or agreement between hapū/iwi and council, and provision of council resources to assist Māori representation. Additionally, hapū/iwi stated that a Memorandum of Understanding is also in place.
- Results from the hapū/iwi representatives and council survey gave a low score for HurDC staff understanding of the *Treaty of Waitangi* and kaitiakitanga.
- Results suggest that there was some confusion over involvement of hapū/iwi in the resource consent process. WCC indicated it left consultation to the applicant without formal guidance from the Council. However, hapū/iwi believed that WCC considered itself responsible for consultation and that the council had drafted criteria to determine when Māori should be informed of applications. Both agreed that council staff consult with hapū/iwi when deciding whether or not to notify a consent application.
- Generally, hapū/iwi rated applicants similarly to council staff and politicians and were somewhat dissatisfied with applicants. Results suggest personal meetings between applicants and hapū/iwi occurred infrequently with phone and mail being cited as the most common communication method.
- Only a very small proportion of resource consents displayed evidence of consultation with Māori and this was supported by responses from applicants. By way of example, just 4% of relevant consents analysed in WCC included written approval from hapū/iwi.
- Views on the outcomes from consultation across the six councils differed markedly with applicants saying that a change to project design was the most likely outcome, and hapū/iwi respondents saying that a change to consent conditions was more commonly occurring. This finding implies that applicants were not consulting hapū/iwi early enough to allow any concerns to be incorporated into the development's design.

Factors Affecting Implementation of WCC's Plan

- Results showed that WCC had medium to high capacity to implement its plan (second out of the six councils), where capacity was based on the number of consent processing staff, the number of consultants employed to process consents, the number of staff with degrees, and the number of staff per 100 consents processed.
- Resource consent applicants in WCC (including their consultants) had a medium understanding of the district plan and ability to implement the provisions within it. There was little variation between the applicants' capacity across the six districts, although those in Waitakere City exhibited the highest knowledge about urban amenity and stormwater issues.
- Applicants scored highly for commitment to avoid effects of their development (91%) and slightly lower for being responsible for protecting the environment (77%).
- Most resource consents analysed for the six councils illustrated that plan implementation relies on traditional management techniques. This was true for WCC's district plan, where only around 14% of urban amenity and stormwater consents made use of best practice alternatives. Despite this low rate of implementation, these figures are comparatively better for WCC than the other councils we studied.
- The quality of consent information with which planners were making their decisions varied, but was generally of low quality across the six councils. WCC's score was the best of the councils.

Recommendations for Waitakere City Council

Hapū/Iwi

Council recognised that partnerships and relationship building must be achieved at a governance level and efforts were focused in this area. However, the results suggested that more effort needs to be made at the consent processing level, particularly in the area of integrating with existing Council hapū/iwi processes and developing consultation criteria.

Recommendations

1. Consents staff attend the fortnightly Te Taumata Runanga meeting on a more regular basis to discuss particular applications or to get feedback on issues, which occur frequently and are of concern to Māori.
2. Council should develop criteria or a process for determining when resource consents should be sent to hapū/iwi representatives and how applicants may consult before lodging applications. This could be developed with representatives and Te Taumata Runanga.

3. Council should make provision for further training of staff and councillors on sections 6(e), 7(a) and 8 of the *Resource Management Act* (1991). This should be incorporated with training on the *Local Government Act* (2002) with its requirement for greater emphasis on Māori participation in decision-making.

Urban Amenity

Urban amenity was covered comprehensively in the Waitakere District Plan. However, the techniques to manage urban amenity values were not clearly identified in the plan, thus providing little guidance for implementation. The results reflected this by showing an implementation gap between the plan's intention, as reflected in its policies, and plan implementation through resource consents. However, it is recognised that since the consent coding was undertaken, further clarity and guidance has been developed through amenity design guidelines. While these sit outside the District Plan, it is likely that the implementation gap has been considerably lessened as a result of this further guidance. As practice develops in accordance with these guidelines, it will become apparent whether any changes to the District Plan would need to be made. It is important to ensure that the Plan policy context keeps in tune with what is happening in practice so that there is justification and a sound planning framework in which implementation is occurring.

Recommendation

4. Council should monitor the implementation of the design guidelines in conjunction with Plan policies and assessment criteria with a view to evaluating consistency with the Plan.

Stormwater

Policies in the Plan focused on the *retention and protection of natural features* (low impact stormwater management) and *environmental quality* (treatment of stormwater). However, the techniques utilised most in consents were those related to *drainage and infiltration* and *detention*. This represented an implementation gap. The research suggested that external factors were influencing this gap, notably the Council's Code of Practice for subdivision and development which advocates hard engineered solutions, such as traditional drainage techniques (e.g., larger pipes), rather than low impact solutions.

Council had invested a considerable amount of effort and resources in stormwater management over recent years culminating in various strategies and action plans. There had also been good integration with Auckland Regional Council in advancing catchment planning in the area.

Recommendations

5. Council should establish a better link between the District Plan (policy, rules, assessment criteria, and the matters over which Council exercises control) and the engineering standards and codes of practice that sit outside the Plan. Either the Code of Practice needs reviewing to be consistent with the District Plan's approach or the Plan needs changing to reflect the Code of Practice.

6. To ensure that there is policy alignment and consistency, Council should carry out an assessment of all the stormwater strategies and action plans, including the District Plan and Auckland Regional Council plans. Better integration across Council regarding stormwater management would enable applicants, engineers, planners and Council staff to see the whole picture and align their projects and processes accordingly.