



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

# **A Review of Council RMA Resource Consent Processing Performance**

## **Round One**

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# 1 Executive Summary

This report presents the findings of a review of several councils following the results of the 2005/06 Resource Management Act Biennial Survey of Local Authorities.

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

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

The councils selected for the review were a representative sample of councils who had either a low level of compliance with statutory timeframes and/or a high use of section 92 of the RMA.<sup>1</sup>

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

The Ministry found that delays in processing resource consent applications occurred for a number of reasons, the main ones being:

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

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<sup>1</sup> Under section 92 of the RMA, a council may request an applicant to provide further information relating to the application. The application is put ‘on-hold’ (ie, the processing time stops) while the further information is made available to the council.

<sup>2</sup> Under section 88(3) of the RMA, councils can return incomplete applications to the applicant if the application does not include an adequate assessment of environmental effects or the information required by regulations.

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

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

## 2 Introduction

This report presents the findings of the review of several councils following the results of the 2005/06 Resource Management Act Biennial Survey of Local Authorities.

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

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

Appendix 2 contains a table showing performance with statutory timeframes for all councils. Five councils were selected to participate in this initial review. These councils were not simply the worst five performers, but a representative sample of councils who had either a low level of timeframe compliance and/or showed a high use of section 92 of the RMA. Frequent use of section 92 may be indicative of underlying processing issues that are not readily apparent when simply looking at the working day figures.

It should be noted that this review is the first step of a wider review of the balance of the councils who were 'poor performers' as measured by the 2005/06 survey.<sup>3</sup>

The participating councils were:

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

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<sup>3</sup> For the purposes of this review, 'poor performers' are defined as councils who have less than 60 per cent compliance with statutory timeframes.

**Table 1: 2005/06 survey results for the participating councils**

	Number of consents processed	Percentage of consents processed within statutory timeframes	Use of section 92	Use of section 37 <sup>4</sup>	Percentage of consents processed on a non-notified basis
Franklin District	465	60%	60%	3%	98%
Kaipara District	226	23%	45%	No data provided	93%
Manukau City	1490	33%	No data provided	No data provided	99%
Taupo District	419	85%	62%	14%	93%
Waimakariri District	608	62%	75%	45%	95%

The review focused on non-notified resource consent applications, as 98 per cent of resource consents were processed on a non-notified basis over the survey period.

The terms of reference for the review were:

- timeliness of processing
- management systems and practices
- how well councils are using the tools available under the RMA to manage timelines and define processes
- how well best practice is used.<sup>5</sup>

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

<sup>5</sup> Most guidance on best practice suggests ways to design a processing path that complies with the RMA and case law. However, there is relatively little material on how to manage resource consent applications so they get through the process quickly. For the purposes of our investigation we have assumed that best practice consists of handling an application so it gets through the process as quickly as it can while still adequately managing the risk of mistakes. Note: Guidance on resource consent processing is available on the Quality Planning website [www.qp.org.nz](http://www.qp.org.nz)



### 3 Review Methodology

From the terms of reference, a set of key areas and questions were developed (refer to Appendix 1) around the main factors that influence a council's ability to meet statutory timeframes, as follows:

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

The onsite portion of the review involved teams from the Ministry for the Environment (MfE) spending on average three days at each council.

While onsite the teams discussed the resource consents process and practice with council staff, viewed council systems, assessed databases, assessed file information and undertook analysis of findings and data.

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

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

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

## 4 Barriers to Performance

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

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

### Acceptance of poor quality applications

Good quality applications with the required information can generally be processed quickly and with less risk of mistakes. Some of the councils seemed to be accepting poor quality applications and rarely used section 88(3) to return poor quality applications at the start of the process.<sup>6</sup> The councils tended to use section 92 instead to gain further information to allow processing of the application to continue.

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

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

Some of the councils addressed the professional audience quite actively through seminars and newsletters. The majority of the councils did not have (at least formally) any arrangements for feeding back detailed information on the quality of applications to the developer and/or the consultant communities.

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

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<sup>6</sup> Under section 88(3) of the RMA, councils can return incomplete applications to the applicant within five working days if the application does not include an adequate assessment of environmental effects or the information required by regulations.

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

## **Delays in gaining information from other parties**

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

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

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

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

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

Unnecessary referrals can often occur with less complex applications when:

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

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

- misunderstanding about where responsibility starts and stops; even if an ideal arrangement is documented there will be overlaps and gaps in these subjectively perceived scopes
- divergent views among council staff can get averaged into a result that is least offensive to the group of officers, but may not be a sound planning decision
- asset managers and other engineers do not necessarily have a detailed understanding of the decision-making frameworks that are applied to different planning situations.

# Tracking of resource consents

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

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

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

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

Good information about resource consent processing performance can:

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

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

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

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

At Waimakariri District Council there was no reporting to the chief executive level and in the past, the council has had only two reports – one when processing times dropped markedly and a

follow-up report when they improved. Staff performance at the council is assessed qualitatively.

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

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

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

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

## **How councils apply the process**

Councils' standard processes are often designed around applications of average complexity. There is no reason why the simplest applications could not be treated much more efficiently.

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

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

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

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

## Consent officers dealing with extraneous issues

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

Minor applications usually involve the following tasks:

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

Consent officers also routinely address other issues such as:

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

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

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

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

## Information and communications technology

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

Several of the councils also reported that the software systems used are inadequate or have flaws; for example, the software may not be able to differentiate between section 37 time

extensions and section 92 requests. Other systems seemed to have problems with excluding non-working days in processing times.<sup>7</sup>

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

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

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

## **Consent officers' reliance on paper**

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

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

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

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

## **Complex planning reports and conditions for minor applications**

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

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<sup>7</sup> Under section 2 (Interpretation) of the RMA, the definition of 'working day' is any day except – a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Waitangi Day and a day in the period beginning on 20 December in any year and ending with 10 January in the following year.

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

We found that consent officer reports and conditions for minor applications were long and complex, particularly in the case of Kaipara District Council and Franklin District Council. Reports often include multiple recitals of what the application is for, which plan provisions are relevant and why others do not apply.

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

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

## Shortage of consent officers

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

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

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

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

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

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

Manukau City Council has a dedicated customer services team (including four resource management planners) that provide information and advice to the public. The team 'filters' a lot



of general and specific enquiries on resource consent requirements that consent officers would otherwise be dealing with.

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

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

## **Level of priority for meeting statutory timeframes**

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

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

# 5 Summary of Individual Council Findings

A copy of the findings for each council was provided to the council for review and verification. The following is a summary of the main findings.

## Franklin District Council (FDC)

The overall performance against statutory timeframes has improved; however resource consent numbers have dropped off quite significantly since the survey period.

The majority of applications received are processed in-house.

FDC has retained experienced staff with qualifications and understanding of the RMA.

There is a positive staff morale and culture within the resource consents team.

Staff appear to have confidence in resource consent processing because of their experience and knowledge of the district and are communicating well with applicants and agents on applications.

The turnaround times for internal assessments and comments are now faster and this is resulting in decisions being made in a timely manner.

The main reasons for non-performance against statutory timeframes are as follows:

- **Lack of active management of resource consent applications** – FDC has a management and reporting system in place to enable active management of the timeframes. However, the system is not being used to do so. Consent officers manage their individual workloads and there is no follow-up from management on meeting timeframes.
- **Time lost in coordinating further information** – FDC has a high use of section 92. Delays are occurring when the consent officer is waiting for engineer and health officers to assess the application and provide comment on what further information is needed to process the application further. FDC does not undertake any assessment of information lacking from an application in order to improve public information or target particular information types or communicate deficiencies with applicants/agents.
- **Time lost gaining engineering advice** – Additional resource has been put into this area and turnaround times have improved; however the five working day target is not always met.

- **Changing policy environment** – FDC notified a plan change in September 2003. The plan change replaces the existing district plan provisions relating to rural areas with stricter provisions in order to manage growth and its impact on the rural and coastal environments in Franklin. The council’s decisions (released in July 2006) are currently under appeal and consent officers must undertake a weighting exercise to make decisions on applications until the final decisions of the appeal are made. The weighting exercise has resulted in lengthy and complicated planning reports that take more time to prepare and peer review.

## Kaipara District Council (KDC)

There has been a noticeable improvement in processing performance. There has also been a reduction in the number of applications requiring further information.

The recruitment of experienced consent officers has been an issue for KDC. KDC contract out all of their resource consent processing to an environmental consulting firm based in Whangarei.

The number of resource consent applications received by KDC has increased by 10 per cent from last year. The number of large subdivision applications (eg, coastal subdivision) has increased.

KDC do not use section 37 to extend statutory timeframes when processing applications.

Delays are occurring when making a decision on notification, where a decision is sometimes made beyond the statutory timeframe (ie, beyond 10 working days). This is due to the inclusion of section 93/94 notification advice into the planning assessment report provided by the consultant near the end of the process.

The main reasons for non-performance against statutory timeframes are as follows:

- **Lack of clarity and agreement with contracting arrangements between KDC and the consultants** – The consultants have provided services to KDC for several years. A contract for the services has been recently reviewed and renewed for three years, with a further two one-year rights of renewal. The contract was not made available to the MfE review team. However, it was the impression of the MfE review team that the new contract has not improved outcomes. This matter is to be discussed further between KDC and the consultants. Uncertainty stills remains between KDC and the consultants in terms of the length and detail of the consultants planning reports. KDC consider that the consultant’s reports are too lengthy and detailed especially for simple applications.
- **Time lost when transferring applications between KDC and the consultants** – Delays are occurring in transferring applications received by KDC to the consultants. For example an application typically takes five working days to get through the KDC and consultants administration systems to the consent officer. This affects the ability to exercise section 88(3) if the application is incomplete. Delays are also occurring when conditions of resource consents are being drafted and finalised.
- **Inconsistent resource consent management and reporting systems** – KDC and the consultants maintain separate management and reporting systems. There is no

consistency between these systems and discrepancies between the two datasets have emerged (eg, reconciliation of data for the monthly report) and the accuracy of reported data questioned. Consent officers do not have any access to resource consent information after applications are given to the consultant for processing. All queries, including simple questions such as ‘where is the application at in the process?’ cannot be answered by consent officers and are subsequently directed to the consultants.

- **Time lost in the engineering area** – Of the applications received by KDC, 70 per cent are subdivision applications that require engineering input. The consultants do not have in-house engineering capacity and any engineering input is provided by KDC’s asset management team. However, providing a timely response on applications referred to them for comment does not appear to be a high priority.

## Manukau City Council (MCC)

There has been a consistent improvement in processing performance since the survey period. From July 2006 to February 2007, the average number of resource consents (non-notified) processed within the statutory time limits was 59 per cent.

MCC has a relatively full complement of resource consent processing staff. MCC handles a large volume of resource consent applications (on average 2000 non-notified resource consent applications a year).

Since the appointment of a new chief executive officer at MCC, the council has undergone significant restructuring, including establishing the Environment Directorate. The new management team for the Environment Directorate has focused on streamlining resource and building consents processes and finding ways to improve the service the resource consents team provides. Initiatives to achieve this include the replacement of an outdated database system so it now captures time and labour data and the introduction of a case leadership concept that is currently being trialled (the latter initiative focuses on achieving enhanced environmental outcomes).

The main reasons for non-performance against statutory timeframes are as follows:

- **Inadequate resource consent management and reporting system in place** – MCC has multiple database systems in place and this does not assist the processing of applications. The council is unable to track applications to the detailed level that they would be happy with, monitor workloads or section 92 timeframes. Without a coherent database system in place, it is difficult to ascertain where the time is going when processing an application; and measure and manage workflow effectively across the resource consents team.
- **Recording of relevant data** – Relevant information on processing an application (for example, when an application is ‘on hold’ and ‘off hold’) cannot be recorded. Without this consistent and correct information being recorded, tracking the team and an individual planner’s workflow is difficult and knowing where the ‘blockages’ in the process is limited.
- **Time lost in obtaining advice from internal staff.** It is apparent that significant time is being lost when the consent officers are trying to gain advice on applications and specifics on resource consent conditions from other internal staff.

For example, delays are occurring when an assessment of an application is required from an engineer. This can take between three days and three weeks depending on the complexity of the application and the current workload of the engineer. Other delays can occur when coordination between staff is required for site visits, use of section 92 requests and finalising resource consent conditions. These delays can have a flow-on effect for the rest of the processing time, where delays are occurring in report writing and making a final decision on the application.

## **Taupo District Council (TDC)**

TDC has shown an improvement in processing times with significant changes to their resource consent processes and systems since the survey. The TDC Chief Executive recognised the council's non-performance in resource consent processing and subsequently commissioned a report to investigate reasons for the non-performance and seeking suggestions for improvement.

The culture of the resource consents team has changed and the focus is now on complying with statutory timeframes and linking this to regular reporting to management and the council. Staff incentives for meeting statutory timeframes are now in place to encourage compliance.

The recruitment of experienced consent officers was an issue for TDC.

TDC has seen a steady increase in the number of resource consent applications, with a drop off in the last survey period.

Performance against statutory timeframes has increased dramatically since the end of the survey period. Resource consents processed on time are now reported to be at or close to 100 per cent for the last six or more months.

TDC had transferred a number of previous responsibilities of consent officers to administrative staff, such as answering public enquires. This enabled the consent officers to focus on resource consent processing.

TDC provide consent officers with incentives to meet statutory timeframes. These are non-monetary incentives, such as additional annual leave.

The report suggested that in 2005, TDC had problems with staff taking a relaxed attitude to legislative requirements (timeframes and giving reasons for resource consent decisions for example), and other parts of the council gave low priority to contributing information to enable fast processing of resource consents (engineering, parks and recreation staff for example).

The report also noted there was concern over non-compliance with statutory timeframes amongst the development community.

The recommendations of a consultants report in November 2005 were to be phased in over nine months (ie, up until August 2006) so would not have been completed by the time the data collection for the 2005/2006 survey was in.

Several external parties have also caused issues for TDC by opposing many developments and claiming affected party status for most applications. Recent plan changes that have introduced structure planning and stricter requirements on developments in several areas now seemed to have reduced this problem.

TDC gave the following reasons for past poor performance:

- high turnover in staff in the Resource Consents Unit
- increasing numbers of complex applications
- overuse of section 92 (due in part to low use of section 88(3))
- delays in the receipt of information from other parties (Transit NZ for example)
- delays in scheduling of hearings.

## Waimakariri District Council (WDC)

The council's performance has improved since the survey without major changes to their systems.

The number of applications WDC has received since the survey has dropped.

WCC have retained experienced staff.

It should be noted that the number of complaints on timeliness could not be verified.

The main reasons for non-performance against statutory timeframes are as follows:

- **Lack of active management of resource consent applications** – WDC has a management and reporting system in place. However it is not suitable for tracking resource consent processing. Consent officers are left to manage their individual workloads and do so by using separate spreadsheets. There is no regular reporting of the resource consent processing or the teams' performance to management.
- **Duplication of processes with the regional council** – Of the applications received by WDC, 50 per cent are for septic tanks. Applicants who are seeking resource consent for septic tanks from WDC must also gain resource consent from Environment Canterbury.
- **Customers are not time sensitive** – Applicants in the Waimakariri District often lodge applications with the council at an early stage and with minimal information included. They are then happy to let the application move through the process (at the pace the council can handle on the day) without complaint.

## 6 Next Steps

A second round of reviews has been completed. The councils that participated in the second round were:

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

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

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

# Appendix 1: Review Questions

## 1 What activities generate most of your applications and why?

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

## 2 Guidance on making applications

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

## 3 Resource consent processes

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



- 3.12 Are site visits coordinated (eg, with engineering) and if so, is this causing delays?
- 3.13 Is section 37 applied in exceptional circumstances only? If so, is it applied retrospectively?
- 3.14 Do you require a separate section 93/94 report?
- 3.15 Is a notification decision made within 10 working days?
- 3.16 Do you have a standard set of conditions that are accessible and used by all the consent officers?

## **4 People**

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

## **5 Tools**

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

## **6 Reporting**

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

## **7 General context**

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

## Appendix 2: Compliance with Statutory Time Limits<sup>8</sup>

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

<sup>8</sup> Note Timaru District Council did not provide data on compliance with statutory time limits.