

## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Phil Doole, Resource Consents Manager

**REFERENCE:** C651

**SUBJECT:** **RESOURCE CONSENTS MANAGER'S REPORT - REPORT REP10-08-07 - Report prepared for meeting of 12 August 2010**

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### 1. INTRODUCTION

This report presents a summary of the performance of the Resource Consent Section regarding compliance with statutory timeframes for the 2009/2010 financial year. This report also presents status reports on current workloads of the Resource Consent Section, and on appeals which had been lodged with the Environment Court on decisions issued by the Hearings Committee or Commissioners.

### 2. SUMMARY OF RESOURCE CONSENT PROCESSING FOR 2009/2010 YEAR

The following table presents a summary of the various types of resource consent applications, and other applications that were lodged during the 2009/2010 year, compared with previous years:

**Table 1: Applications Lodged**

Category	2007- 2008	2008 -2009	2009-2010
Certificate of Compliance	9	5	2
Coastal	18	26	20
Discharge	175	199	124
Water	113	58	61
Land Use District	591	507	431
Land Use Regional	70	53	141
Designation	40	9	10
Outline Plan			19
Subdivision	200	167	188
Rights of Way	11	7	9
<b>Totals</b>	<b>1227</b>	<b>1031</b>	<b>1005*</b>

*\*Note to Table 1: 55 of the applications received during 2009/2010 have been withdrawn or cancelled, 11 of those part way through the process. Nine applications were returned because they were deemed to be incomplete.*

Tables 2 and 3 following present summaries of the various types of consent applications for which processing was completed (ie, decisions made) during the 2009/2010 year, showing average processing days, and degree of compliance with statutory timeframes:

**Table 2: Completed Non-notified Applications**

Non-Notified	1 July – 30 June 2008 / 2009				1 July - 30 June 2009 / 2010			
Consent Type	Total	On Time	% On Time	Avg Time	Total	On Time*	% On Time	Avg Time
Land Use	377	368	98%	15	393	392	99.75%	13
Subdivision	165	149	90%	24	162	149	92%	24
Coastal	18	16	89%	16	9	7	78%	22
Discharge	136	98	72%	30	106	101	95%	35
Regional Land	120	108	90%	22	123	114	93%	19
Water Permits	46	37	80%	44	49	48	98%	11
Desgn/OP/CoC	26	25	96%	16	24	24	100%	7
	<b>888</b>	<b>801</b>	<b>90%</b>	<b>24</b>	<b>866</b>	<b>835</b>	<b>96.5%</b>	<b>18</b>

*\*Note to Table 2: 18% of the non-notified applications completed during 2009-10 had time extensions applied.*

**Table 3: Completed Notified Applications (Public and Limited Notification)**

Notified	1 July - 30 June 2008 / 2009				1 July - 30 June 2009 / 2010			
Consent Type	Total	On Time	% On Time	Avg Time	Total	On Time	% On Time	Avg Time
Land Use	29	7	24%	84	17	14	82%	91
Subdivision	16	2	13%	99	8	7	88%	78
Coastal	5	0	0%	176	7	5	71%	135
Discharge	28	5	18%	89	27	22	81%	100
Regional Land	12	0	0%	93	17	13	65%	93
Water Permits	4	0	0%	82	9	5	56%	178
Designations	2	1	50%	107	9	9	100%	218
	<b>96</b>	<b>15</b>	<b>16%*</b>	<b>104</b>	<b>94</b>	<b>75</b>	<b>80%*</b>	<b>117</b>

*\*Notes to Table 3: the low percentage of notified applications achieved on time for the 2008/09 year was largely because no time extensions were applied. Often the extra time taken occurs between close of the submission period and holding a hearing. The RMA allows 70 days for the entire notified process, including 25 days for the period from the close of submissions to the hearing. That step of the process often takes longer to organise and complete which is reflected in the average times exceeding 70 days.*

*For the 2009-10 year, 64% of the notified applications had time extensions applied. The 19 applications that were completed out of time were for four large or complex proposals including the NZEL Matiri Dam, except for one land use application that was completed eight days over time.*

Applications to change conditions of resource consent are included in the above figures. Forty-five percent of all applications required further information requests.

Amendments made to the Resource Management Act 1991 from 1 October last year placed restrictions on our use of time extensions, limiting them to special circumstances including the scale and complexity of applications. We made changes to our management of work flows to take account of these new restrictions as well as the penalties expected to be imposed by the discount regulations, with the results shown in Table 4 below.

**Table 4: Completed Applications Lodged from 1 October 2009**

Type of Application	Number Completed	Number Within Time	Percentage Within Time	Number of s37 time extensions
<b>Non-notified Applications</b>				
Land Use	253	253	100%	7
Subdivisions	92	88	96%	19
Coastal	4	4	100%	0
Discharge	56	56	100%	10
Regional Land	73	70	96%	10
Water	33	33	100%	0
Others	18	18	100%	0
<b>Sub Totals</b>	<b>529</b>	<b>522</b>	<b>98.7%</b>	<b>46 (9%)</b>
<b>Notified Applications</b>				
All	14	14	100%	11 (79%)
<b>Totals</b>	<b>543</b>	<b>536</b>	<b>98.7%</b>	<b>57 (10.5%)</b>

**Table 5: Summary of Decisions**

Type of Decision	Number
Declined under delegated authority*	6
Declined by Committee	3
Granted by Independent Commissioner	14
Granted by Committee	41
Granted under Delegated Authority	884
Granted by Minister of Conservation	1
Requiring Authority Decision	11

\* **Note to Table 5:** the six applications declined under delegated authority relate to a hydro-power proposal for which no response was made to further information requests.

The Section's processing workload includes title plan approvals for subdivision and other activities as shown in Table 5 below:

**Table 6: Other Activities**

Category	Number
Certificates of Compliance	2
Section 223 Approvals (Subdivisions)	146
Section 224 Approvals (Subdivisions)	133
Rights of Way	9
Overseas investment Commission Reports	3
Consent Transfers	120

The Consent Planners also spend a significant portion of their work time fielding public enquiries and advising prospective applicants on resource consent requirements.

### 3. DISCOUNT REGULATIONS

The discount regulations that now apply to Council's charges for processing resource consent applications took effect for all applications lodged from 2 August 2010. As outlined in my June report, the discount is a "sliding scale percentage discount" of **1% for each day over time, rising to a maximum 50% discount at 50 days over time.**

If the regulations had applied to our processing times shown in Table 4 above, we would have been required to discount our charges for the seven non-notified jobs that went over time for an average of eight days, equating to 8 percent; and the total reduction in charges for all seven jobs would have been around \$500. This figure is minor in the context of the total reductions that were made to processing charges during the 2009/2010 year based on the "reasonableness" test.

### 4. CURRENT APPEALS

Council staff are dealing with the following appeals regarding decisions on resource consent applications made by various Hearings Committees or Commissioners:

**Table 6: Current Appeals**

<b>Appellant</b>	<b>Matter</b>	<b>Status</b>
Richmond West Group	Subdivision at Richmond West	On hold until completion of Richmond West Plan Change
Reilly Transit NZ Rose Earle and others Fleming	Development at Pupu Springs (Reilly)	Consent order sent to Court
Little Sydney Mining Limited	Subdivision in Rural 1 Zone, appeal regarding esplanade reserves condition	<b>Court Hearing held, decision pending</b>
Camden Properties Limited	Best Island Resort Development, appeal regarding raising of ground levels to reduce risk of inundation by sea level rise	To be resolved by Consent Order
Punt	Poutama Drain Designation for Richmond West Development Area (TDC Engineering Dept)	On hold until completion of Richmond West Plan Change
Ladleys	Water take for 88 Valley Scheme (TDC Engineering Dept)	To be resolved by Consent Order
Garden Path Ltd	Expansion of café restaurant in Motueka	Mediation held. On hold.
Whitewater NZ Limited	Matiri River Hydro-electric Power (NZ Energy Limited)	Resolved by Consent Order
Whittaker	Cool Store Extensions Whakarewa Street, Motueka (Ngatahi Horticulture)	To be resolved by Consent Order

<b>Appellant</b>	<b>Matter</b>	<b>Status</b>
Living in Hope Inc	Crematorium, Gardens of the World	Awaiting directions from the Court
Tasman District Council Wakatu Inc	Water take for Motueka & Coastal Community Water Supply, Parker Rd, Motueka	Awaiting directions from the Court. <b>There are related Appeals on Plan Change</b>
Coba Holdings	Coastal subdivision, Collingwood	Awaiting directions from the Court
Picard	Subdivision, Dominion Rd, Mapua (Wilms)	Awaiting directions from the Court

## 5. CURRENT WORKLOAD

The overall workload has dropped compared to three or four years ago (as indicated in Table 1 above). That has assisted with the improved timeliness results shown in Table 4, as well as providing us with an opportunity to address the backlog. As at 30 June 2010 we had 468 resource consent applications on the job list, of which 350 were “on hold” for various reasons as summarised in Table 7 below. There are also another 20 “historical” applications that need to be progressed.

**Table 7: Applications Backlog**

<b>Type</b>	<b>Number</b>	<b>Status</b>
Aquaculture	90	On hold for RMA Aquaculture reforms.
Applicant request	40	Applicant has requested hold.
FIR < 1 year	33	On hold for further information requests made during 2009-10 year.
FIR between 1 and 5 years ago	55	Further information requests made between one and five years ago. These are being followed up if they involve on-going activities that require consent (eg, wastewater discharges).
FIR > 5 years ago	56	These applications will lapse as at 1 October 2010 unless progress is made. About 50% of these relate to on-going activities that require resource consents so they are being followed up.
Written Approvals	56	Waiting for written approvals from affected parties.
Other	20	Awaiting deposit fees and/or other applications.

## 6. STAFFING

The Resource Consents section has been fully staffed over the past year, however we lost Daryl Henehan from the Natural Resources Consents team last month.

I would like to thank the staff in the Resource Consents Section and all those in other Council Sections who assist us with enquiries and processing work, for their contribution to achieving the excellent timeliness results for the 2009/2010 year.

## **7. RECOMMENDATION**

That this report REP10-08-07 be received.

Phil Doole  
**Resource Consents Manager**