



MINISTRY FOR THE ENVIRONMENT

Schedule 1 Process – Plan Changes

Quantitative and Qualitative Evaluation

HARRISON GRIERSON CONSULTANTS LIMITED

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1.0 INTRODUCTION

The purpose of this project as set out by the Ministry For The Environment (MFE) is to:

"Provide indicative quantitative data on RMA Schedule 1 processes in order to test the validity of criticisms of it and ideas raised by various parties as to how the process could be improved".

Criticism has been expressed at the Resource Management Act 1991 ("the RMA") plan making processes being slow, expensive and complicated due to a number of factors. This report provides an evaluation of the plan change process under Schedule 1 of the RMA.

We have reviewed the Schedule 1 process for both private and Council initiated plan changes by reviewing Council files to provide some quantitative information and by discussing the scheduled process with Council staff and private practitioners to gain qualitative information about their knowledge of the plan change process, in relation to shortcomings, benefits and possible areas of improvement.

2.0 METHODOLOGY

For this project the MFE requested that the following specific tasks were undertaken:

1. Survey a sample of Council files related to Council initiated and private plan changes and record information on:
 - a) Timeframes for each (total time taken and timeframes on each key step);
 - b) Number of submissions and further submissions;
 - c) The type of further submitter (individual, group, government agency, business);
 - d) The proportion of further submissions that appear to have had an influence on Council decisions;
 - e) The number, origin and type of appeals (if any);
 - f) Costs and charges associated with the process (actual or estimated depending on information available).
2. Provide commentary on practitioner views and concerns surrounding the Schedule 1 process and how they think their concerns could be resolved.

3. Prepare a report on the above.

To carry out the above tasks our methodology was separated into two sections being a quantitative and qualitative evaluation. These are described as follows:

Quantitative Evaluation

We targeted Tauranga City Council (TCC), Western Bay of Plenty District Council (WBOPDC) and Environment Bay of Plenty (EBOP). At both TCC and WBOPDC we reviewed two Council initiated plan changes and two private plan changes to examine the results for the above aspects. At EBOP we reviewed two Council initiated plan changes.

Qualitative Evaluation

Firstly a questionnaire was developed and sent to experienced Council managers to seek their thoughts and views on which parts of the Schedule 1 process cause significant concern and on possible improvements to the process. A separate questionnaire was also developed for private practitioners. These questionnaires were used as a guide to discussions.

Once the interviewees had time to consider their respective questionnaire, they were then interviewed to gain a more comprehensive understanding of their views on the process.

3.0 QUANTITATIVE EVALUATION

3.1 PROCESS AND ASSUMPTIONS

This section provides a quantitative evaluation of the plan changes that were reviewed. Each of the selected plan changes examined were grouped by the Council and, where appropriate, the two private plan changes are followed by the two Council initiated plan changes.

Within each case, tables record the results in relation to:

- Costs;
- Timeframes;
- Submitters, Further Submitters and Appeals; and
- Further Information Requests.

A range of plan changes were reviewed in terms of the size, type and complexity.

A description of the contents of the tables below follows, and where necessary, any assumptions that were made when reviewing the plan changes are noted also.

Table 1: Costs

These are the indicative costs associated with Council initiated plan changes. We received a specific estimate of costs for the Council initiated plan changes by one Council, the second Council provided an estimate of costs they have for small, typical plan changes and the third Council were unable to provide an indication of costs.

Table 2: Timeframes

These are the dates that certain milestones in the plan change process were achieved or undertaken. In some of the tables the term 'NHY' is used. This stands for 'Not Heard Yet' and refers to appeals that have not been heard at present (therefore effecting the operative date).

Council were able to provide an estimate of when they began developing a Council initiated plan change. However, the formal lodgement date with Council was the 'starting point' for private plan changes, as it was difficult to ascertain from Council files when preparation of the private plan change began.

Table 3: Submissions and Further Submissions

This table identifies the number of submitters, further submitters and the number of further submitters who did not make a submission.

Table 4: Further Submissions

This identifies the number of individual submission points raised, and of these individual submission points, how many had a further submission raised in relation to the original submissions, and how many did not. It also identifies the number of individual further submission points raised.

We also took note of how many further submissions had some indication that they had an impact on the Council decision (by through a point or aspect of the plan change being accepted, rejected or modified). It is noted that this aspect of the review was difficult to undertake as the thought process and discussion of the decision makers is not known. Therefore we have made an estimate of these figures

Table 5: Type of Further Submitter

Table 5 identifies the categories of further submitters, such as 'Private Individuals' which include landowners and family trusts; 'Groups' which include landowners who made a collective submission, such as Federated Farmers, Fish and Game NZ, Surf Lifesaving Club; 'Businesses' are any companies or limited entities; 'Government Agencies' include, for example, territorial authorities, Transit NZ, Department of Conservation.

Table 6: Appeals

Table 6 identifies the number of appeals made in relation to the plan change, the origins of the appeals and the type of further submitter.

Table 7: Type of Appeal

This table identifies the origin of the appellant in the plan change process, whether they were a submitter, further submitter or both. The purpose of this table is to identify the number of further submitters that take their submission, if unsuccessful, to appeal.

Table 8: Further Information Requests

This table identifies whether or not further information requests were made by the territorial authority, and if so, how many requests there were.

It should be noted that this applies to private plan changes. It may not be an accurate reflection of further information requests as these are often made prior

to the formal lodgement of the plan change document. Therefore this lead in time and requests are not reflected in the evaluation.

The table of the quantitative results for each plan change case study is attached as *Appendix 1*.

A comprehensive table of the collated quantitative results are attached as *Appendix 2*.

3.2 QUANTITATIVE CONCLUSIONS

The section below provides conclusions to the information gathered above. A table of the collated results is included as *Appendix 2* to this report however the following summarises and comments on the findings:

3.2.1 Costs

From the very limited information that was available and able to be apportioned to certain aspects of the process, we have provided a summary in the following table. The costs vary significantly depending on the complexity of issues and scale of the plan change. One Council has a general "bucket" for a 'normal scale' Council initiated plan change of approximately \$70,000. The majority of the Council costs associated with a private plan change are passed back to the applicant.

Table 1a below includes the costs for one complex plan change and Table 1a includes the costs for three simple, straightforward plan changes (two of which are the Council with the "bucket" approach).

It should be noted that the sample size was very small and therefore the accuracy of this data may vary over a larger sample size.

Table 1a: Costs * - Complex Plan Changes		
Steps	Costs (\$)	%
Council time for preparation of plan change	120,000.00	20.0%
Advertising, copying and distribution	12,000.00	2.0%
Post notification to Hearing	180,000.00	30.0%
Democracy costs	29,000.00	4.8%
Appeal costs	260,000.00	43.2%
Total costs	\$601,000.00	

Table 1b: Costs * - Straightforward Plan Change		
Steps	Average Costs (\$)	%
Council time for preparation of plan change Advertising, copying and distribution	26,352.22	35.4%
Post notification to Hearing Democracy costs	27,760.00	37.3%
Appeal costs	20,316.67	27.3%
Total costs	\$74,428.89	

* All costs are approximate only.

3.2.2 Timeframes

The average timeframe for a plan change process from the preparation (Council initiated plan changes) or the lodgement date (private plan changes) through to plan change being made operative is 111 weeks (two years), with a range of 48 weeks (nearly one year) to 154 weeks without the appeal being heard yet (nearly three years). The time period does vary for each plan change and is dependent on the complexity of the plan change, and whether or not appeals are made. In some cases, particularly for a private plan change, these do not include the period of time that discussions are undertaken with Council, subsequent work and consultation that is undertaken prior to the formal lodgement of the plan change.

It appears that a large proportion of the time is spent from the preparation or formal lodgement of the plan change until its notification (average 22 weeks). The other large proportion comes from the close of further submissions until the hearing date (average 15.6 weeks). However a quarter of the overall timeframe was spent from the notification of the decision to making the plan change operative, due to the appeals being made and the time awaiting the appeals to be heard by the Environment Court (and the plan change made operative), with this time still increasing.

Table 2: Timeframes		
Steps	Average Weeks	% of Total Timeframe
Preparation of plan change up to notification	21.9 weeks	19.7%
Notification until close of submissions	5.8 weeks	5.2%
Close of submissions until notification of summary of submissions	4.5 weeks	4.1%
Notified summary of submission to close of further submissions	5.2 weeks	4.7%
Close of further submissions until hearing date	15.6 weeks	14.0%
Hearing date until notification of decision	11.7 weeks	10.5%
Notification of decision until Environment Court Appeal	29.4 weeks	26.5%
Operative date	17.0 weeks	15.3%
Total timeframe	111.1 weeks	

It should be noted however, that the recorded first stage of the process for a Council initiated plan change is when Council begins work developing the plan change. For a private plan change the date the plan change was formally lodged with Council has been recorded. It is anticipated that there is a significant amount of time that in relation to a private plan change that is spent prior to lodgement. This is also reflected in no requests for further information being made as during initial discussions with Council (prior to lodgement) requests for additional information is made at this stage.

3.2.3 Submissions and Further Submissions

The number of submissions vary between the plan changes reviewed. These differ depending on the complexity, the type of plan change and the issues raised. Plan changes where there were multiple generic submissions resulted in a high number of submissions, often with a number of points within each submission. This therefore resulted in increasing the overall number of submission points.

It was noted that submissions were made using a variety of formats. Some used the Council generated submission form, some used a replicated version of the Council form with their own formatting, while many included their submission within a letter with bullet points or paragraphs differentiating the issues raised.

These different formats often did not include all information required under the Act such as the decision sought, whether they opposed or supported a particular provision and whether they wish to be heard at the Hearing. This could have added more time (and costs) for Council to process the submissions made and to decipher the key issues to formulate the summary of submissions and what outcome is sought.

Table 3: Submissions and Further Submissions	
Details	Average
Number of submissions	29.7
Number of further submissions	7.8
'Further submitters' that were not 'submitters'	2.7 (35%)

Further submitters appear to have made further submissions in a variety of circumstances including:

- Further submissions made in support or opposition of any original submission directly related to the further submitters original submission.
- Further submissions on every original submission point.

- Further submissions provide a justification for the submission. For example, a submission suggests a buffer between residential and rural residential to reduce reverse sensitivity. The further submitter states that rural residential provides their own protection and that reverse sensitivity is an issue that can be addressed during the resource consent process.
- Further submissions which simply state that they support a submission. This could be perceived to contribute to the weight of the original submission and increase the 'numbers' in support or opposition.

In relation to further submitters that were not original submitters, the reasons for their further submissions are assumed as being:

- They chose not to make a submission, they reviewed the summary of submissions and then felt it necessary to make a further submission on the submission points raised.
- They were not aware of the submission process until the closing date had passed.

3.2.4 Effectiveness of Further Submissions

It is difficult to determine the proportion of further submissions that were reflected in the Council decision which made an impact on the decision. Every further submission point should be included in the decision to the extent of whether it was accepted, accepted in part, rejected or rejected in part. In some instances this did not occur, however this may be due to an error relating to the number of submissions and further submissions received. In some instances the numbering, or lack of referencing of further submission points made it difficult to be accurately represented in the decision. Without being the decision maker, we are unable to determine exactly what thought, and weight, was given to a further submission in determining the decision. Therefore this aspect of the review should be treated with little weight, as an accurate conclusion cannot be made.

Table 4: Further Submissions	
Details	Average
Total number of submission points raised per plan change	92.1
Number of separate submission points without further submissions	44.7
Number of submission points with further submission points also	57.4
Total number of further submission points raised	87.2
Number of further submissions reflected in Council decision	15.2
Number of further submissions not reflected in decision	72

In relation to the type of further submitter the following results were found, with just over a third being private individuals. These were an even split with groups, businesses and government agencies.

Table 5: Type of Further Submitter	
Type of further submitter	
Private individual	37.2%
Group	21.8%
Business	20.5%
Government Agency	19.2%
Other	1.3%
Total number	78

3.2.5 Appeals

The majority of the appeals come from businesses. This includes companies or 'limited' entities.

Table 6: Appeals	
Origin of Appeals	Percentage
Private individual	15.8%
Group	10.5%
Business	52.6%
Government Agency	15.8%
Other	5.3%
Total number	19

Analysis of when the appellant became involved in the plan change process identifies that two thirds of appellants were both submitters and further submitters and therefore were involved throughout the process. Eighteen percent of appellants became involved as only further submitters in the process.

An appeal for one of the plan changes was resolved through mediation.

Table 7: Type of Appeal	
Type	Percentage
Number of appellants that were submitters only	21.1%
Number of appellants that were further submitters only	15.8%
Number of appellants that were both submitters and further submitters	57.9%
Did not appear as a submitter or further submitter	5.3%
Total number	19

3.2.6 Further Information Requests

Further information requests are generally only applicable to private plan changes and this study has a small sample size. Where information is available

there were no further information requests made for any of the plan changes reviewed. For complex private plan changes, a series of information requests are not uncommon before the formal lodgement of the plan change. Therefore this is not reflected in the data obtained.

Table 8: Further Information Requests	
Details	Total
Were further information requests required	0
How many further information requests were required	0
Total number	0

4.0 QUALITATIVE EVALUATION

The section below is a summary of the findings of the interviews undertaken with Council policy planning staff and private practitioners in relation to the various aspects of the Schedule 1 process.

A summary of the individual views are attached as *Appendix 3*.

4.1 SUBMISSIONS AND FURTHER SUBMISSIONS

There was a lot of discussion by Council staff around submitters lodging vague and meaningless submissions, just so as to be part of the process. These submitters sometimes prepare more detailed meaningful submissions later on, such as at the appeal stage. This was considered not helpful as issues raised could be resolved earlier on in the process. To encourage submissions to be more to the point, and to assist summarising of submissions, submitters should be required to use the prescribed forms. It was considered that Schedule 1 does not make it easy for people to understand what form that they need to fill in. It would help if Schedule 1 made this clearer and explained the reasons for the use of these forms.

Council staff have suggested that vague and unhelpful submissions should be able to be sent back to the submitter at any early stage, so that they can more clearly define their points and reasons for their submission. Not all practitioners agree that this is necessary, as they consider that submitters (submitters who are not in the profession) sometimes do not know the complexity of issues until they have been involved in the process and had the chance to see other submissions.

In some cases, people miss the submissions phase and only get the chance to make a further submission. This raises the point that good consultation and advertisement of plan changes is very important, so that everyone can have the opportunity to be involved in the entire process. At the same time the costs of notification was a high costs for the Council. Councils that have a number of area offices require a copy of all the information at those offices. Also for plan changes that are of a city-wide issue ensuring that the public is notified in accordance with Schedule 1 and in other terms to ensure people are aware of the issue and the process, such as advertisements in the newspaper or on the radio, can result in high costs for the Council.

There were mixed views of the necessity to have a notified 'summary of submissions'. Council staff raised the point that the summary of submissions should not be a necessary step and that the public can view the full submissions at Council offices or on their web site. This was considered to be a time delay in the process. Practitioners however believe that this summary of submissions

need to take place at some stage in order for further submissions to be made. Further, the process of 'distilling' the various decisions sought in the submissions is a necessary precursor to the Council actually making decisions on the submissions. Therefore it has to be done at some stage anyway.

There was a differing view between Council staff on the further submissions. Generally both practitioners and Council staff consider that further submissions are considered to add value to the overall process. Further submissions maintain the transparency of the process, by allowing further submitters to enter into the process and provide counter arguments. This provides balance to the process. They are however seen as time consuming and sometimes repetitive. A better explanation of the purpose and scope of further submissions may reduce further submissions.

Some practitioners believe further submissions add value, particularly to complicated applications. The process allows the applicant to comment on submissions made and allows the discussion of alternatives. Another point raised was when someone is happy with the overall plan change and therefore does not make a submission, when they review the submissions and strongly disagree with some of the suggestions, they have a chance to make a comment. Whereas unless they originally made a submission of general support they would not be able to be included in the process.

The processing of a private plan change, should be in similar vein to a resource consent application, as is required by the RMA. However this is rarely the case as the Schedule 1 does not make it very clear on how this will actually happen.

4.2 SECTION 32

It was pointed out by some of the Council staff and practitioners that the requirement to carry out a Section 32 analysis is meaningless and does not add much value to the overall process. It is also considered that this step can take longer than the rest of the process. Other comments made disagree and believe that a broad-brush Section 32 analysis at a high level is appropriate, however not of every objective, policy or rule.

4.3 CONSULTATION

Early discussions with applicants on the private plan change process is an advantage. If all parties are aware of the issues and procedures at the beginning, this can avoid delays throughout the process. Practitioners recommended that 'Memorandums of Understanding' could be entered into, to set out agreed timeframes and processes that will be followed.

While the best intentions and process are undertaken in relation to consultation with some parties, often there may be no outcome as a result of the consultation efforts. The submission phase places a statutory timeframe on

these parties that were otherwise difficult to gain a response from and comments from prior to lodgment and notification.

4.4 INFORMATION REQUIREMENTS

The information required for a private plan change is often more onerous than for a Council initiated plan change. These processes should be consistent with each other with what is required for a Council plan change that the same standards be applied to what is required for private plan changes.

The level of detail that is requested for private plan change is often high and comparable to the detail that would be required for a resource consent application. A practitioners view was that the merits of the assessment were often required prior to notification (when the application was not adopted by Council) rather than being discussed at the Hearing.

4.5 APPEALS

Council staff consider that the Environment Court should be given additional resources to carry out mediation, to avoid unnecessary appeals. This would assist in shortening some timeframes. Practitioners however feel that this view is out of date and that the Environment Court is well resourced and the hold ups are not with the Environment Court.

It is difficult to budget for plan change projects, when you do not know if there will be appeals and what issues will be raised in the appeals. Generally appeals are expensive and not initially budgeted for.

It was raised in discussions that the Environment Court should be able to deal with frivolous or vexatious appeals and award costs against them. This might send a message to future parties, that appeals should be relevant and not just there to hold up plan changes. It is understood however that the Environment Court already has this power and does occasionally use this.

4.6 COUNCIL PROCESSES

The lack of timeframes, except for the notification periods, places no importance on Council to process and drive the private plan change process. A designated person within Council being a case manager driving people and co-ordinating meetings and meeting deadlines would be beneficial. Examples were given of a report not making a required date to be on a Council agenda and therefore the process is delayed until the next meeting.

Council's own procedures for scheduling hearings can be cumbersome and create delays due to the limited frequency of scheduled dated.

It was noted through reviewing the summary of decisions that the format and content varied between Council, and sometimes between plan changes within the Council.

It was raised that once a Council initiated plan change is notified it is given some weight, however in relation to private plan changes, weight is only given to them once any appeals have been resolved and this seems unbalanced. An option could be that weight is given to a private plan change once the decision is notified, as the application been through the public forum, has been assessed by Council and the submissions and further submissions have been heard. Another option was if an appeal related to an isolated area, that other parts of the plan change were given weight, or made operative.

5.0 CONCLUSION

The purpose of this evaluation was to test the validity of claims often heard in the media and in other anecdotal comments that the plan change process is bureaucratic, lengthy, costly and the process could be streamlined. Therefore this pilot study was commissioned to gain qualitative and quantitative data for a sample of district, city and regional council's and private practitioners in the Bay of Plenty.

In conclusion, we consider that the pilot study is useful in gaining some further perspective and comments. The quantitative data was based on a small sample size for each type and scale of plan change and therefore this limits the statistical validity of some of the results (particularly average costs and timeframes). Due to the reasons identified earlier in this report we conclude that the Schedule 1 process is essentially sound, however there are matters and areas that may require some refinement.

6.0 LIMITATIONS

This report is for the use by Ministry for the Environment only, and should not be used or relied upon by any other person or entity or for any other project.

This report has been prepared for the particular project described to us and its extent is limited to the scope of work agreed between the client and Harrison Grierson Consultants Limited. No responsibility is accepted by Harrison Grierson Consultants Limited or its directors, servants, agents, staff or employees for the accuracy of information provided by third parties and/or the use of any part of this report in any other context or for any other purposes.

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APPENDIX 1

Quantitative Results from Case Studies

APPENDIX 1
QUANTITATIVE RESULTS FROM CASE STUDIES

COUNCIL 1

Case 1: Council Initiated Plan Change

Case 2: Council Initiated Plan Change

COUNCIL 2

Case 3: Private Plan Change

Case 4: Private Plan Change

Case 5: Council Initiated Plan Change

Case 6: Council Initiated Plan Change

COUNCIL 3:

Case 7: Private Plan Change

Case 8: Private Plan Change

Case 9: Council Initiated Plan Change

Case 10: Council Initiated Plan Change

1.0 COUNCIL 1: CASE 1

Case 1 was a small to medium scale project. The following information was recorded:

1.1 Costs

Table 1: Costs	
Steps	Costs
Council time for preparation of plan change	\$25,737.00 *
Council time for meetings with Council staff	\$42,810.00 *
Democracy costs	\$470.00 *
Advertising, copying and distribution	\$3,319.66 *
Appeal costs	\$10,950.00 *
Total costs	\$83,286.66 *

* All costs are approximate only.

** Hearing costs were shared between 2 other Variations also.

1.2 Timeframes

Table 2: Timeframes			
Steps	Date to date		Approx. Duration
Preparation of plan change up to notification	Apr. 2006	20/02/2007	45 weeks
Notification until close of submissions	20/02/2007	19/03/2007	4 weeks
Close of submissions until notification of summary of submissions	19/03/2007	08/05/2007	7 weeks
Notified summary of submission to close of further submissions	08/05/2007	04/06/2007	4 weeks
Close of further submissions until hearing dates	04/06/2007	22/04/2008	46 weeks
Hearing dates until notification of decision	22/04/2008	NHY	14+ weeks
Notification of decision until Environment Court Appeals	NHY	NHY	NHY
Operative date	NHY		NHY
Total timeframe	120+ weeks		

1.3 Submissions, Further Submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	7
Number of further submissions	8
Further submitters that were not submitters	6

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	52
Number of separate submission points without further submissions	20
Number of submission points with further submission points also	32
Total number of further submission points raised	51
Number of further submissions reflected in Council decision	11
Number of further submissions not reflected in decision	40

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	N/A
Group	2
Business	3
Government Agency	3
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	Awaiting appeals
Group	Awaiting appeals
Business	Awaiting appeals
Government Agency	Awaiting appeals
Other	Awaiting appeals
Total number	Awaiting appeals

Table 7: Type of Appeal	
Type	Number
Awaiting appeals	Awaiting appeals

1.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	N/A
How many further information requests were required	N/A

2.0 COUNCIL 1: CASE 2

Case two was a very large scale project. The following information is provided.

2.1 Costs

Table 1: Costs	
Steps	Costs
Council time for preparation of plan change	\$120,000.00 *
Council time for meetings with Council staff	\$180,000.00 *
Democracy costs	\$29,000.00 *
Advertising, copying and distribution	\$12,000.00 *
Appeal costs	\$260,000.00 *
Total costs	\$601,000.00 *

* All costs are approximate only.

2.2 Timeframes

Table 2: Timeframes			
Steps	Date to date		Approx. Duration
Preparation of plan change up to notification	Feb. 2005	27/09/2005	32 weeks
Notification until close of submissions	27/09/2005	11/11/2005	7 weeks
Close of submissions until notification of summary of submissions	11/11/2005	13/12/2005	4 weeks
Notified summary of submission to close of further submissions	13/12/2005	03/02/2006	7 weeks
Close of further submissions until hearing dates	03/02/2006	26/10/2006	38 weeks
Hearing dates until notification of decision	26/10/2006	07/11/2006	2 weeks
Notification of decision until Environment Court Appeals	07/11/2006	NHY	38+ weeks
Operative date	NHY		NHY
Total timeframe	128+ weeks		

2.3 Submissions, Further submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	127
Number of further submissions	19
Further submitters that were not submitters	5

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	257
Number of separate submission points without further submissions	62
Number of submission points with further submission points also	195
Total number of further submission points raised	394
Number of further submissions reflected in Council decision	69
Number of further submissions not reflected in decision	325

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	3
Group	4
Business	8
Government Agency	4
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	1
Group	1
Business	8
Government Agency	2
Other	1
Total number	15

Table 7: Type of Appeals	
Type	Number
Number of appellants that were submitters only	2
Number of appellants that were further submitters only	3
Number of appellants that were both submitters and further submitters	10
Did not appear as a submitter or further submitter	0

2.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	N/A
How many further information requests were required	N/A

3.0 COUNCIL 2: CASE 3

Case three was a medium-large scale private plan change. The following information was recorded:

3.1 Costs

The Policy Manager sets a generic budget for plan changes during the year. The costs associated with a simple plan change would be approximately \$70,000, exclusive of staff costs, being:

- \$25,000 for preparation to notification, including specialist and legal advice;
- \$20,000 for the post notification process, including democracy and administrative costs; and
- \$25,000 for appeals, including legal and specialist costs.

3.2 Timeframes

Table 2: Timeframes			
Steps	Date to date		Approx. Duration
Preparation of plan change up to notification	20/10/2005	10/12/2005	7 weeks
Notification until close of submissions	10/12/2005	10/02/2006	9 weeks
Close of submissions until notification of summary of submissions	10/02/2006	01/04/2006	7 weeks
Notified summary of submission to close of further submissions	01/04/2006	03/05/2006	5 weeks
Close of further submissions until hearing dates	03/05/2006	02-08/08/2006	13 weeks
Hearing dates until notification of decision	02-08/08/2006	25/11/2006	15 weeks
Notification of decision until Environment Court Appeals	25/11/2006	N/A	N/A
Operative date	23/06/2007		30 weeks
Total timeframe	86 weeks		

3.3 Submissions, Further Submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	54
Number of further submissions	15
Further submitters that were not submitters	4

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	273
Number of separate submission points without further submissions	140
Number of submission points with further submission points also	133
Total number of further submission points raised	249
Number of further submissions reflected in Council decision	54
Number of further submissions not reflected in decision	195

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	6
Group	4
Business	1
Government Agency	3
Other	1

Table 6: Appeals	
Origin of Appeals	Number
Private individual	0
Group	0
Business	0
Government Agency	0
Other	0
Total number	0

Table 7: Type of Appeals	
Type	Number
Number of appellants that were submitters only	0
Number of appellants that were further submitters only	0
Number of appellants that were both submitters and further submitters	0
Did not appear as a submitter or further submitter	0

3.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	0
How many further information requests were required	0

4.0 COUNCIL 2: CASE 4

Case four was a small scale private plan change. The following information was recorded:

4.1 Costs

The Policy Manager sets a generic budget for plan changes during the year. The costs associated with a simple plan change would be approximately \$70,000, exclusive of staff costs, being:

- \$25,000 for preparation to notification, including specialist and legal advice;
- \$20,000 for the post notification process, including democracy and administrative costs; and
- \$25,000 for appeals, including legal and specialist costs.

4.2 Timeframes

Table 2: Timeframes			
Steps	Date to date		Approx. Duration
Preparation of plan change up to notification	Dec 04	15/01/2005	6 weeks
Notification until close of submissions	15/01/2005	14/02/2005	4 weeks
Close of submissions until notification of summary of submissions	14/02/2005	26/02/2005	2 weeks
Notified summary of submission to close of further submissions	26/02/2005	12/04/2005	7 weeks
Close of further submissions until hearing dates	12/04/2005	25/05/2005	6 weeks
Hearing dates until notification of decision	25/05/2005	16/07/2005	8 weeks
Notification of decision until Environment Court Appeals	16/07/2005	N/A	N/A
Operative date	01/11/2005		15 weeks
Total timeframe	48 weeks		

4.3 Submissions, Further submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	8
Number of further submissions	1
Further submitters that were not submitters	0

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	26
Number of separate submission points without further submissions	25
Number of submission points with further submission points also	1
Total number of further submission points raised	0
Number of further submissions reflected in Council decision	0
Number of further submissions not reflected in decision	0

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	N/A
Group	N/A
Business	N/A
Government Agency	1
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	0
Group	0
Business	0
Government Agency	0
Other	0
Total number	0

Table 7: Type of Appeals	
Type	Number
Number of appellants that were submitters only	0
Number of appellants that were further submitters only	0
Number of appellants that were both submitters and further submitters	0
Did not appear as a submitter or further submitter	0

4.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	0
How many further information requests were required	0

5.0 COUNCIL 2: CASE 5

Case 5 is a small scale Council initiated plan change. The following information was recorded:

5.1 Costs

The Policy Manager sets a generic budget for plan changes during the year. The costs associated with a simple plan change would be approximately \$70,000, exclusive of staff costs, being:

- \$25,000 for preparation to notification, including specialist and legal advice;
- \$20,000 for the post notification process, including democracy and administrative costs; and
- \$25,000 for appeals, including legal and specialist costs.

5.2 Timeframes

Table 2: Timeframes			
Steps	Date to date		Approx. Duration
Preparation of plan change up to notification	Jan. 2005	13/08/2005	30 weeks
Notification until close of submissions	13/08/2005	09/09/2005	4 weeks
Close of submissions until notification of summary of submissions	09/09/2005	24/09/2005	2 weeks
Notified summary of submission to close of further submissions	24/09/2005	21/10/2005	4 weeks
Close of further submissions until hearing dates	21/10/2005	23/11/2005	4 weeks
Hearing dates until notification of decision	23/11/2005	06/05/2006	24 weeks
Notification of decision until Environment Court Appeals	06/05/2006	N/A	N/A
Operative date	28/08/2006		16 weeks
Total timeframe	84 weeks		

5.3 Submissions, Further Submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	1
Number of further submissions	1
Further submitters that were not submitters	0

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	1
Number of separate submission points without further submissions	0
Number of submission points with further submission points also	1
Total number of further submission points raised	1
Number of further submissions reflected in Council decision	0
Number of further submissions not reflected in decision	1

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	1
Group	N/A
Business	N/A
Government Agency	N/A
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	0
Group	0
Business	0
Government Agency	0
Other	0
Total number	0

Table 7: Type of Appeals	
Type	Number
Number of appellants that were submitters only	0
Number of appellants that were further submitters only	0
Number of appellants that were both submitters and further submitters	0
Did not appear as a submitter or further submitter	0

5.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	0
How many further information requests were required	0

6.0 COUNCIL 2: CASE 6

Case 6 is a small to medium scale Council initiated plan change. The following information was recorded:

6.1 Costs

The Policy Manager sets a generic budget for plan changes during the year. The costs associated with a simple plan change would be approximately \$70,000, exclusive of staff costs, being:

- \$25,000 for preparation to notification, including specialist and legal advice;
- \$20,000 for the post notification process, including democracy and administrative costs; and
- \$25,000 for appeals, including legal and specialist costs.

6.2 Timeframes

Table 2: Timeframes			
Steps	Date to date		Approx. Duration
Preparation of plan change up to notification	Dec. 2004	25/06/2005	28 weeks
Notification until close of submissions	25/06/2005	22/07/2005	4 weeks
Close of submissions until notification of summary of submissions	22/07/2005	13/08/2005	4 weeks
Notified summary of submission to close of further submissions	13/08/2005	09/09/2005	4 weeks
Close of further submissions until hearing dates	09/09/2005	03/11/2005	8 weeks
Hearing dates until notification of decision	03/11/2005	10/12/2005	5 weeks
Notification of decision until Environment Court Appeals	10/12/2005	N/A	N/A
Operative date	11/03/2006		12 weeks
Total timeframe	65 weeks		

6.3 Submissions, Further Submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	13
Number of further submissions	15
Further submitters that were not submitters	5

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	101
Number of separate submission points without further submissions	55
Number of submission points with further submission points also	146
Total number of further submission points raised	87
Number of further submissions reflected in Council decision	6
Number of further submissions not reflected in decision	81

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	10
Group	2
Business	2
Government Agency	1
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	0
Group	0
Business	0
Government Agency	0
Other	0
Total number	0

Table 7: Type of Appeals	
Type	Number
Number of appellants that were submitters only	0
Number of appellants that were further submitters only	0
Number of appellants that were both submitters and further submitters	0
Did not appear as a submitter or further submitter	0

6.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	N/A
How many further information requests were required	N/A

7.0 COUNCIL 3: CASE 7

Case four was a small scale private plan change. The following information was recorded:

7.1 Costs

This information was not available as it was difficult for Council to estimate the costs spent on the plan change.

7.2 Timeframes

Table 2: Timeframes			
Steps	Date to Date		Approx. Duration
Preparation of plan change up to notification	Sept 2006	09/12/2006	12 weeks
Notification until close of submissions	09/12/2006	09/02/2007	8 weeks
Close of submissions until notification of summary of submissions	09/02/2007	03/03/2007	3 weeks
Notified summary of submission to close of further submissions	03/03/2007	30/03/2007	4 weeks
Close of further submissions until hearing date	30/03/2007	16/05/2007	5 weeks
Hearing date until notification of decision	16/05/2007	16/06/2007	4 weeks
Notification of decision until Environment Court Appeal	16/06/2007	NHY	58+ weeks
Operative date	NHY		NHY
Total timeframe	94+ weeks		

7.3 Submissions, Further Submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	20
Number of further submissions	3
'Further submitters' that were not 'submitters'	0

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	40
Number of separate submission points without further submissions	30
Number of submission points with further submission points also	10
Total number of further submission points raised	9
Number of further submissions reflected in Council decision	0
Number of further submissions not reflected in decision	9

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	3
Group	N/A
Business	N/A
Government Agency	N/A
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	N/A
Group	N/A
Business	1**
Government Agency	N/A
Other	N/A
Total number	1

** The appellant is the applicant

Table 7: Type of Appeal	
Type	Number
Number of appellants that were submitters only	1
Number of appellants that were further submitters only	N/A
Number of appellants that were both submitters and further submitters	N/A
Did not appear as a submitter or further submitter	N/A

7.3.1 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	0
How many further information requests were required	0

8.0 COUNCIL 3: CASE 8

Case four was a medium scale private plan change. The following information was recorded from a review of Council's files:

8.1 Costs

This information was not available as it was difficult for Council to estimate the costs spent on the plan change.

8.2 Timeframes

Table 2: Timeframes			
Steps	Date to Date		Approx. Duration
Preparation of plan change up to notification	26/08/2005	10/12/2005	15 weeks
Notification until close of submissions	10/12/2005	03/02/2006	8 weeks
Close of submissions until notification of summary of submissions	03/02/2006	24/02/2006	3 weeks
Notified summary of submission to close of further submissions	24/02/2006	24/03/2006	4 weeks
Close of further submissions until hearing date	24/03/2006	9,12,13/06/2006	12 weeks
Hearing date until notification of decision	9,12,13/06/2006	10/01/2007	31 weeks
Notification of decision until Environment Court Appeal	10/01/2007	NHY	81+ weeks
Operative date	NHY		NHY
Total timeframe	154+ weeks		

8.3 Submissions, Further Submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	25
Number of further submissions	7
'Further submitters' that were not 'submitters'	3

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	62
Number of separate submission points without further submissions	30
Number of submission points with further submission points also	32
Total number of further submission points raised	41
Number of further submissions reflected in Council decision	8
Number of further submissions not reflected in decision	33

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	2
Group	2
Business	2
Government Agency	1
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	0
Group	0
Business	0
Government Agency	1
Other	0
Total number	1

Table 7: Type of Appeal	
Type	Number
Number of appellants that were submitters only	N/A
Number of appellants that were further submitters only	N/A
Number of appellants that were both submitters and further submitters	1
Did not appear as a submitter or further submitter	N/A

8.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	0
How many further information requests were required	0

9.0 COUNCIL 3: CASE 9

Case nine was a medium scale Council initiated plan change. The following information was recorded:

9.1 Costs

This information was not available as it was difficult for Council to estimate the costs spent on the plan change.

9.2 Timeframes

Table 2: Timeframes			
Steps	Date to Date		Approx. Duration
Preparation of plan change up to notification	*	14/09/2002	*
Notification until close of submissions	14/09/2002	25/10/2002	5 weeks
Close of submissions until notification of summary of submissions	25/10/2002	14/12/2002	8 weeks
Notified summary of submission to close of further submissions	14/12/2002	10/02/2003	8 weeks
Close of further submissions until hearing date	10/02/2003	5,29/05/2003	12 weeks
Hearing date until notification of decision	5,29/05/2003	26/07/2003	8 weeks
Notification of decision until Environment Court Appeal	26/07/2003	Med	N/A
Operative date	18/10/2003		12 weeks
Total timeframe	57+ weeks*		

* Council were unable to provide an estimate of when work began preparing the plan change document.

9.3 Submissions, Further Submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	33
Number of further submissions	5
'Further submitters' that were not 'submitters'	3

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	99
Number of separate submission points without further submissions	85
Number of submission points with further submission points also	14
Total number of further submission points raised	25
Number of further submissions reflected in Council decision	4

Table 4: Further Submissions	
Details	Number
Number of further submissions not reflected in decision	21

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	2
Group	2
Business	N/A
Government Agency	1
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	1
Group	0
Business	0
Government Agency	0
Other	0
Total number	1

Table 7: Type of Appeal	
Type	Number
Number of appellants that were submitters only	N/A
Number of appellants that were further submitters only	N/A
Number of appellants that were both submitters and further submitters	N/A
Did not appear as a submitter or further submitter	1

9.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	N/A
How many further information requests were required	N/A

10.0 COUNCIL 3: CASE 10

Case ten was a small to medium scale Council initiated plan change. The following information was recorded from a review of Council's files:

10.1 Costs

This information was not available as it was difficult for Council to estimate the costs spent on the plan change.

10.2 Timeframes

Table 2: Timeframes			
Steps	Date to Date		Approx. Duration
Preparation of plan change up to notification	*	18/11/2006	*
Notification until close of submissions	18/11/2006	15/12/2006	4 weeks
Close of submissions until notification of summary of submissions	15/12/2006	27/01/2007	6 weeks
Notified summary of submission to close of further submissions	27/01/2007	26/02/2007	5 weeks
Close of further submissions until hearing date	26/02/2007	07/05/2007	10 weeks
Hearing date until notification of decision	07/05/2007	16/06/2007	4 weeks
Notification of decision until Environment Court Appeal	16/06/2007	NHY	58+ weeks
Operative date	NHY		NHY
Total timeframe	87+ weeks*		

* Council were unable to provide an estimate of when work began preparing the plan change document.

10.3 Submissions, Further Submissions and Appeals

Table 3: Submissions and Further Submissions	
Details	Number
Number of submissions	9
Number of further submissions	4
'Further submitters' that were not 'submitters'	1

Table 4: Further Submissions	
Details	Number
Total number of submission points raised	10
Number of separate submission points without further submissions	0
Number of submission points with further submission points also	10
Total number of further submission points raised	15
Number of further submissions reflected in Council decision	0

Table 4: Further Submissions	
Details	Number
Number of further submissions not reflected in decision	15

Table 5: Type of Further Submitter	
Type of further submitter	Number
Private individual	2
Group	1
Business	N/A
Government Agency	1
Other	N/A

Table 6: Appeals	
Origin of Appeals	Number
Private individual	0
Group	0
Business	1**
Government Agency	0
Other	0
Total number	1

** Combined appeal from three companies.

Table 7: Type of Appeal	
Type	Number
Number of appellants that were submitters only	1
Number of appellants that were further submitters only	N/A
Number of appellants that were both submitters and further submitters	N/A
Did not appear as a submitter or further submitter	N/A

10.4 Further Information Requests

Table 8: Further Information Requests	
Details	Yes / No and Number
Were further information requests required	-
How many further information requests were required	-

APPENDIX 2

Table of Collated Quantitative Results

Appendix 2 TABLE OF COLLATED QUANTITATIVE RESULTS	Council 1		Council 2				Council 3				Total	Average	%
	Council		Private		Council		Private		Council				
	Case 1	Case 2	Case 3	Case 4	Case 5	Case 6	Case 7	Case 8	Case 9	Case 10			
Table 1: Costs													
Council time for preparation/assessment of plan change	25,737.00	120,000.00	-	-	-	-	-	-	-	-	-		
Meetings with Council staff/applicant/post notification	42,810.00	180,000.00	-	-	-	-	-	-	-	-	-		
Democracy costs	470.00	29,000.00	-	-	-	-	-	-	-	-	-		
Advertising, copying and distribution	3,319.66	12,000.00	-	-	-	-	-	-	-	-	-		
Appeal costs	10,950.00	260,000.00	-	-	-	-	-	-	-	-	-		
Total costs	83,286.66	601,000.00	-	-	-	-	-	-	-	-	-		
Table 2: Timeframes													
A. Preparation of plan change up/formal lodgement	Apr-06	Feb-05	20/10/2005	Dec-04	Jan-05	Dec-04	Sep-06	26/08/2005	-	-			
B. Notification	20/02/2007	27/09/2005	10/12/2005	15/01/2005	13/08/2005	25/06/2005	9/12/2006	10/12/2005	14/09/2002	18/11/2006			
C. Close of submissions	19/03/2007	11/11/2005	10/02/2006	14/02/2005	9/09/2005	22/07/2005	9/02/2007	3/02/2006	25/10/2002	15/12/2006			
D. Notification of summary of submissions	8/05/2007	13/12/2005	1/04/2006	26/02/2005	24/09/2005	13/08/2005	3/03/2007	24/02/2006	14/12/2002	27/01/2007			
E. Close of further submissions	4/06/2007	3/02/2006	3/05/2006	12/04/2005	21/10/2005	9/09/2005	30/03/2007	24/03/2006	10/02/2003	26/02/2007			
F. Hearing date	22/04/2008	26/10/2006	2-8/08/2006	25/05/2005	23/11/2005	3,4/11/2005	16/05/2007	9-13/06/2006	5,29/05/2003	7/05/2007			
G. Notification of decision	NHY	7/11/2006	25/05/2006	16/07/2005	6/05/2006	10/12/2005	16/06/2007	10/01/2007	26/07/2003	16/06/2007			
H. Environment Court Appeal	NHY	NHY	N/A	N/A	N/A	N/A	NHY	NHY	Med	NHY			
I. Operative date	NHY	NHY	23/06/2007	1/11/2005	28/08/2006	11/03/2006	NHY	NHY	18/10/2003	NHY			
A - B (weeks)	45	32	7	6	30	28	12	15	-	-	175	21.9	19.7
B - C (weeks)	4	7	9	4	4	4	8	8	6	4	58	5.8	5.2
C - D (weeks)	7	4	7	2	2	4	3	3	7	6	45	4.5	4.1
D - E (weeks)	4	7	5	7	4	4	4	4	8	5	52	5.2	4.7
E - F (weeks)	46	38	13	6	4	8	5	12	14	10	156	15.6	14.0
F - G (weeks)	14+	2	15	8	24	5	4	31	10	4	117	11.7	10.5
G - H (weeks)	NHY	38+	0	0	0	0	58+	81+	Med	58+	235	29.4	26.5
H - I (weeks) or, if no appeal, G - I	NHY	NHY	30	15	16	12	NHY	NHY	12	NHY	85	17.0	15.3
Total timeframe (weeks)	120	128	86	48	84	65	94	154	57	87		111.1	100.0
Table 3: Submissions and Further Submissions													
Number of submissions	7	127	54	8	1	13	20	25	33	9	297	29.7	
Number of further submissions	8	19	15	1	1	15	3	7	5	4	78	7.8	20.8
Further submitters that were not submitters	6	5	4	0	0	5	0	3	3	1	27	2.7	34.6
Table 4: Proportion of Further Submission Points Reflected In Council Decision													
Total number of submission points raised	52	257	273	26	1	101	40	62	99	10	921	92.1	
No. of submission points w/out further submissions	20	62	140	25	0	55	30	30	85	0	447	44.7	48.5
No. of submission points with further submission points	32	195	133	1	1	146	10	32	14	10	574	57.4	62.3
Total number of further submission points raised	51	394	249	0	1	87	9	41	25	15	872	87.2	
No. of further submissions reflected in Council decision	11	69	54	0	0	6	0	8	4	0	152	15.2	17.4
No. of further submissions not reflected in decision	40	325	195	0	1	81	9	33	21	15	720	72	82.6
Table 5: Type of Further Submitter													
Private individual	0	3	6	0	1	10	3	2	2	2	29	2.9	37.2
Group	2	4	4	0	0	2	0	2	2	1	17	1.7	21.8
Business	3	8	1	0	0	2	0	2	0	0	16	1.6	20.5
Government Agency	3	4	3	1	0	1	0	1	1	1	15	1.5	19.2
Other	0	0	1	0	0	0	0	0	0	0	1	0.1	1.3
Total	8	19	15	1	1	15	3	7	5	4	78	7.8	100.0

Table 6: Appeals													
Private individual	NHY	2	0	0	0	0	0	0	1	0	3	0.3	15.8
Group	NHY	2	0	0	0	0	0	0	0	0	2	0.2	10.5
Business	NHY	8	0	0	0	0	1	0	0	1	10	1	52.6
Government Agency	NHY	2	0	0	0	0	0	1	0	0	3	0.3	15.8
Other	NHY	1	0	0	0	0	0	0	0	0	1	0.1	5.3
Total number	NHY	15	0	0	0	0	1	1	1	1	19	1.9	100.0
Table 7: Type of Appeals													
Number of appellants that were submitters only	NHY	2	0	0	0	0	1	0	0	1	4	0.4	21.1
Number of appellants that were further submitters only	NHY	3	0	0	0	0	0	0	0	0	3	0.3	15.8
No. of appellants both submitters & further submitters	NHY	10	0	0	0	0	0	1	0	0	11	1.1	57.9
Other	NHY	0	0	0	0	0	0	0	1	0	1	0.1	5.3
Table 8: Further Information Requests													
How many further information requests were required	N/A	N/A	0	0	N/A	N/A	0	0	N/A	N/A	0	0	

NHY - Not Heard Yet
Med - Resolved through mediation
N/A - Not applicable

APPENDIX 3

Qualitative Comments from Practitioners

APPENDIX 3

QUALITATIVE COMMENTS FROM PRACTITIONERS

PRACTITIONER VIEWS

Private Practitioner 1

Private Practitioner 2

COUNCIL VIEWS

Council 1

Council 2

Council 3

1.0 PRACTITIONER VIEWS

1.1 Private Practitioner 1

Meetings were arranged with senior planning staff of a private consultancy to discuss their views and thoughts on the questionnaire regarding the private plan change process. The following bullet points summarise their comments.

Private Plan Changes

i) General Benefits and Concerns

- The benefit with a plan change process in comparison to a resource consent process is that it allows a reduced level of consideration on issues where there is still some uncertainty. Where not all landowners and stakeholders give their consent this does not necessarily hold the process up.
- Whilst a plan change does not require such a high level of detail there is concern that Councils are requiring a higher level of information and complexity at the front end of the process for private plan changes but not for Council initiated plan changes. There appears to be inconsistency here.
- Council have the choice to adopt a private plan change as their own or process it as a private plan change. There is an opportunity for both parties to work together constructively which is of benefit.
- There is concern that Councils' reduced commitment to process private plan change can result in a timeframe longer than for the consent process. Councils can extend time at their own discretion and this is a concern.
- Council's own procedures for scheduling hearings can be cumbersome as there are generally only a few scheduled a month.
- The further submission phase maintains transparency by allowing further submitters the opportunity to be considered (rather than having only the original submitter, Council Officer and Hearings Panel involved in the decision). The further submission phase however generally does not highlight new issues.
- The summary of submissions stage might not be necessary, however in order to recommend a decision the Council Officer should be looking at the submission as a whole, not the summarised version.

ii) Costs

- The main cost elements for applicants in private plan changes is the preparation of a plan change by consultants, post-preparation of plan changes by consultants, legal fees, Council hearing costs, consultation and disbursements.

- This practitioner’s estimated costs for private plan changes of varying complexity are outlined in the table below:

Table 1:			
	Straight forward, single topic	Straight forward, multi-topic	Complex, multi-topic
Consultant time for consultation & preparation of plan change	\$25,000	\$50,000	\$300,000 to \$500,000
Council time up to and including notification	\$5,000	\$10,000	\$50,000
Consultant time for post notification work	\$5,000	\$1,950	\$100,000 to \$300,000 (combined)
Democracy costs	\$5,000	\$10,000	
Advertising, copying, distribution	\$3,000	\$5,000	\$50,000
Consultant time for appeal phase	\$30,000	\$60,000	\$200,000

- The actual costs associated with the preparation of a private plan change are often more than what is budgeted for, due to the level of information and detail required at the front end of the plan change process (some detailed information should not be needed to be provided until the following subdivision stage and after detailed design work).
- It is considered that the Schedule 1 could better emphasise the level of detail required at the front end of the process.
- Opportunities for cost savings exist in shortening timeframes and ensuring that Councils could absorb more of the costs.

iii) Timeframes

- Processing timeframes should be in a similar vein as for a resource consent application. The RMA specifies that this should happen, but it does not explain clearly how this can actually happen, and this is needed.
- Council should adopt a case manager approach to each plan change, thereby ensuring cross Council co-ordination and driving forward of the project.

iv) Other

- On recent applications further information was requested on the infrastructure design and maintenance on a private plan change. This was considered to exceed what is required to be provided in a plan change process.

- Councils could have the ability to reject submissions that are not in the prescribed form. This would avoid the difficulties with summarising vague non detailed submissions.
- A memorandum of understanding could be entered into between Council and applicants prior to the community process, regarding cost sharing and timeframes. This would assist in getting better agreement from everyone at the outset.

1.2 Private Practitioner 2

A meeting was held with a senior planning staff member of a private consultancy and one of their clients to discuss their views and thoughts on the questionnaire regarding the private plan change process. The following bullet points summarise their comments.

Private Plan Changes

i) General Benefits and Concerns

- There is more focus and drive to achieve and more accountability to meet a confined timeframe with a private plan change than would be with a Council plan change.
- There is the ability to negotiate resolutions (compensation, land purchase, change of scope) that Council would not be able to do.
- Private plan changes have a more flexible budget and resources and also a faster reaction time.
- A change of Council staff members reviewing the application alters the requests and requirements placed on the applicant. Often personal preferences come through.
- District wide issues and current 'hot topics' are often trialled on private plan changes.
- Often too much detail was required for a plan change. Detail that would be otherwise required at the resource consent stage.
- Political input and desires become involved in the plan change process.
- Council has leverage over the applicant in terms of what information is required and the timeframes to meet these.

ii) Costs

Below is a general indication of the costs for a private plan change of differing complexities:

- For small, single issue plan changes, up to the appeal stage, the split of the costs would be 50:50, being prior to notification and post notification, with the costs being approximately \$75,000 to \$150,000.
- For a complex, multi issue plan changes, the split of costs would be a third to each notification, hearing and appeal. The overall costs could be as much as \$2 million (although this would certainly be regarded as at one extreme end of the spectrum), which is a large amount especially when compared to the Council's budget for the District Plan review.

- Generally speaking, the shorter the timeframe, the lower the costs.

iii) Timeframes

- The period until the notification of the plan change is the most difficult.
- If there is no Council case manager or leader of the application through it to being made operative, a lot of encouragement to Council is required to create and meet deadlines.

iv) Other

- If Council chooses to accept (rather than adopt) a plan change question why an assessment of the merits of the plan change is required prior to notification. The merits of the application should be discussed at the Hearing.
- Further submissions add value, particularly for complicated applications, as they allow the applicant to comment on submissions made. They also allow the discussion of alternatives. Should someone be happy with the plan change and not make a submission, then review the submissions and strongly disagree with some of the suggestions, they have a chance to make a comment.
- There are differences in weight given to private plan changes as opposed to Council plan changes. Some weight is given to Council plan changes from when they are notified, however weight is not given to a private plan change until all appeals have been resolved. Weight could be given to private plan changes following the notification of the decision as the application has been given consideration taking into account the public's view.
- There is the ability for the Council to include designations, however not for the private applicant. Requests to Council could be made to run a designation process concurrently with the plan change.
- There seemed to be a lack of appreciation by Council's of the impact and costs of delays to the process.
- Receiving a decision can often be a slow process. Particularly when Commissioners are involved and they write long decisions that are often not required. This is in comparison to Council decisions where the decision, and the reasons for the decision are often written by Council staff.

2.0 COUNCIL VIEWS

2.1 Council 1

A meeting was arranged with senior Policy Planning staff of the Council to discuss their views and thoughts on the Council initiated and private plan change process. The following bullet points summarise their comments and discussions.

Private Plan Changes

i) General Benefits and Concerns

- The need for a plan change is identified through new policy direction from the Council, Central Government, national standards to be actioned, new issues requiring management, aggregating and combining regional plans, new information or maps.
- The plan change process generally works well. One particular issue highlighted was that when a 'general' or 'cryptic' submission is received and that it does not clearly state the concerns or remedies, this can require additional time.
- More emphasis could be put on drafting and early public participation. This may alleviate time delays and costs in the end.
- In the Bay of Plenty region, there are over 100 iwi that need to be included in consultation. This can generate a lot of time and extend the pre-notification timeframes significantly.
- There are no instant results with the plan change process, as each step in the process takes time.
- The benefits with the plan change process include the public ability to participate and that the process stages are clear and sequential.
- Concerns with the plan change process relate to:
 - A need to clarify relationships of Section 32A(1) with the subject matters of the plan change. Section 32 analysis often takes longer than the rest of the process.
 - Environment Court should have further powers to deal with frivolous or vexatious appeals and award costs.
 - Timeframes need to relate to the scale of the particular plan change.
 - Submitters should be required to attend hearings and show their real concerns early on in the process, rather than waiting for later on in the process to show their true colours.

- Where some submissions are not clear or definitive enough, there could be a section in the RMA which allows Councils to request further information from submitters on their submissions.
- In the RMA Amendment Act 2005, there seemed to be a lot of emphasis on timeframes for the resource consent process, but not so much on the plan change process. The focus should also be on the plan change process.
- There does not seem to be much value in Council staff summarising submissions before the further submissions process. Submissions can be made available at Council offices and should not necessarily be summarised first (as this creates extra time).
- The further submissions step in the Council initiated plan change process adds value to the overall plan change process as:
 - It allows submitters to promote counter arguments to protect their position.
 - It encourages robust enquiry at hearings (creates balance).
 - It brings out issues and concerns that would otherwise be excluded from consideration (creates balance).
 - In their experience, many further submissions are from organisations rather than individuals. These are often relevant as they are generally prepared by professionals.

ii) Costs

- The main cost elements for Councils in the private plan change process are, staff time (and/or consultants time) for discussions with the applicant up to notification, staff time (and /or consultant time) for post notification work, democracy costs (hearings panel), disbursements (advertising, copying, distribution), staff time (and/or consultant time) for the appeal phase.
- Investment of time at the beginning of the plan change process is important and saves time and costs at the end of the process.
- Costs for plan change projects generally align with the original budget set. For the steps up to the appeal stage, the ability to predict costs is usually good, however once appeals are made Council's ability to predict staff and legal costs diminish.
- There are potential equity issues where the Environment Court is reluctant to award costs against appellants who do not present a robust case.
- In regard to cost savings staff interviewed note the following:

- Explore issues thoroughly in the drafting stage to limit costs in the formal stages.
- Encourage submitters to provide factual arguments at submission stage rather than waiting for appeals.
- Encourage mediation prior to Council hearings.
- Costs can be saved through sending documents to people electronically rather than in hard copy.
- Once decisions are made on a plan change it is too late to make minor wording changes.

iii) Timeframes

- Timeframes are set down for each step in the preparation of Council initiated plan changes. They carry out project planning and look at resourcing and budgeting at the same time.
- The timeframes that are set down are usually met. On occasions Council extends the submissions and further submission timeframes but only for full plan reviews or complex plan changes.
- Resourcing can be an issue. When there is a high staff turn-over, loss of knowledge between staff can occur.
- Unnecessary delays can be caused in the plan change process by:
 - Having to follow up on indecipherable or incomplete submissions.
 - Submitters who do not disclose information to hearings or participate in hearings robustly – but then lodge complex appeals that could have been negotiated earlier.
- Improvements to the plan change process could include:
 - Enable Council hearings committees to disregard substandard submissions (such as those not clearly setting out the “decision sought” in each case).
 - Enable Council hearings to censure submitters who don’t participate at hearings, but then appeal anyway.
 - Set limits on the time to negotiate appeals.
 - Give the Environment Court more resources to conduct court mediations.

iv) Other

- The Schedule 1 does not make it easy for people to understand what forms they are required to fill in for the submissions and further submissions phases.
- Better education of Councils and submitters on rights and expectations.
- Submissions limited to matters of fact, not spurious conjecture.
- Section 32 Cost Benefit work to be made available under the Schedule 1 Clause 1(5).
- Upgrade the submission form to ensure changes requested are clear.
- Keep timeframes tight.
- Require submitters to attend pre-hearing meetings to clarify issues.
- Encourage robust pre-notification meetings on drafts (including Section 32) prior to formal stage.

2.2 Council 2

A meeting was arranged with senior Policy Planning staff of the Council to discuss their views and thoughts on the Council initiated and private plan change process. The following bullet points summarise their comments and discussions.

Council Initiated Plan Changes

i) General Benefits and Concerns

- They have the ability to be responsive to issues and provide a guide on the direction required. Council initiated plan changes are usually in response to:
 - National policy changes;
 - Regional strategic planning;
 - Plan implementation feedback (from consent staff/monitoring);
 - Research of planning matters / reviewing earlier approaches;
 - Legal decisions.
- A concern is that Schedule 1 is too resource demanding for all parties and can be unnecessarily complex.
- There is no distinction in the process between technical amendments and large or small applications.
- The main concerns related to:
 - Further submissions – complicating the process and are unnecessary;
 - Notification – the requirements of who and how to notify (Clause 5(1A(a)(b)));
 - Consultation – the consultation requirements within Clause 3 are excessive.
 - Appeals – who can appeal, reasons for appealing and delaying the resolution of appeals.
- They see no value in the further submission process, due to the following reasons:
 - Often introduce new material;
 - Many further submitters do not understand the process;
 - Belief that quantity is important rather than quality;

- The service of a further submission on the submitter confuses people, and there is no need or benefit in this process; and
- A prescription, generic form would be beneficial.

ii) Costs

- The main cost elements for Councils in the Council initiated plan change process are, staff time (and/or consultants time) for preparation up to notification, staff time (and /or consultant time) for post notification work, democracy costs (hearings panel, administrative requirements), disbursements (advertising, copying, distribution) and staff time (and/or consultant time) for the appeal phase.
- A cost that is overlooked is legal input, being prior to notification, some times at the decision stage and if applicable, for any the appeals, which may be a significant cost.
- The costs associated with the notification and advertising of a plan change can be very large, particularly when the topic is a city wide issue.
- The Policy Manager sets a generic budget for plan changes during the year. The costs associated with a simple plan change would be approximately \$70,000, exclusive of staff costs, being:
 - \$25,000 for preparation to notification, including specialist and legal advice;
 - \$20,000 for the post notification process, including democracy and administrative costs; and
 - \$25,000 for appeals, including legal and specialist costs.
- Potential areas for cost savings are:
 - Remove the further submission process – would gain in terms of process and uncomplicated matters;
 - Questions the value of Section 32;
 - Appeal rights – it is too easy to appeal;
 - Remove the need for a Hearing with decisions made off papers;
 - Commissioners doing the decision work.

iii) Timeframes

- Project plans are developed at the beginning of plan change, however generally they are no adhered to due to the following:
 - Unknown quantity of submissions;

- The content of submissions; and
- The number and nature of the appeals.

iv) Other

- The grounds for an appeal need to be made clearer.
- Undertake a review of the process in other Western countries, as we are overly democratic.
- A prescribed/generic format for the schedule of decisions would be beneficial.
- A set period (for example, 10 working days) could be made available to request clarification of submissions made.

Private Plan Changes

i) General Benefits and Concerns

- Between 0 and 5 private plan changes are lodged with Council every year and are generally site or location specific, for a private benefit, rather than altering standards or rules in a Plan, being a public benefit.
- From a Council view private plan changes are efficient and costs lie with the applicant.
- A concern is that Council's cannot predict when or how many private plans will be lodged in a year.
- The Council generally does not adopt a plan change, rather they stay neutral on it.
- A concern with private plan change is the further submission process and that it does not add any value to the process. This is for the reasons identified above.

ii) Costs

- The main cost elements for Councils in the private plan change process are, staff time (and/or consultants time) for discussions with the applicant up to notification, staff time (and /or consultant time) for post notification work, democracy costs (hearings panel), disbursements (advertising, copying, distribution), staff time (and/or consultant time) for the appeal phase.
- The Council and the applicant come to an agreement in relation to costs as the plan change is not within the Council budget and that availability of resources.
- An issue with the Council processing of a private plan change is where costs lie, particularly if a decision is appealed. The costs

associated with specialist input and democracy costs are recovered from the applicant. If a consultant planner is used to process the plan change this cost would be recovered.

- The area where cost savings could be made is in relation to the removal of the further submission process.

iii) Timeframe

- A project plan is developed with the applicant at the beginning of the process and target dates are set.
- The efficiency of continuing through the process is often dependent on the proactiveness of the applicant, or a third party consultant, who often take on the role as a case manager.

iv) Other

- The expectations of the private applicant and the Council often do not align.
- The consultation requirements for a private plan change (within clause 21 to 22, including Schedule 4) are uneven, and not as onerous as the consultation requirements for a Council initiated plan change (within Clause 3).

2.3 Council 3

A meeting was arranged with senior Policy Planning staff to discuss their views and thoughts on the Council initiated and private plan change process. The following bullet points summarise their comments and discussions.

Council Initiated Plan Changes

i) General Benefits and Concerns

- On occasions a large number of multiple plan changes are advertised together. This saves on Council administrative costs and advertising. In these circumstances, plan changes are given separate numbers for administrative simplicity, and to avoid 'blanket objections'.
- There are no real concerns with the current plan change process. Comments are:
 - Whilst the process is somewhat bureaucratic, it must be balanced with democratic procedures.
 - Consultation challenges can be tiresome. There needs to be a balance between the actual wants of individuals and the needs of the wider community.
 - Some of the public need to make themselves aware of what is happening in their community, so that they do not miss out on opportunities to be involved. Some people become aware of plan changes after the submission phase is closed and can only make further submissions.
 - The Project Manager has to make a judgement call on how much time and costs to put into each plan change as this is limited.
- The further submissions step does add value to the overall plan change process for Council initiated plan changes. The further submissions step is an important step in the democratic part of the process, for example, it allows someone who did not submit in the first round of submissions, to submit in the further submissions stage if they are affected by, or disagree with, the original submission.

ii) Costs

- The main cost elements for Councils in the Council initiated plan change process are, staff time (and/or consultants time) for preparation up to notification, staff time (and /or consultant time) for post notification work, democracy costs (hearings panel), disbursements (advertising, copying, distribution) and staff time (and/or consultant time) for the appeal phase.
- Disbursement costs can often be overlooked. In this instance there are five offices where copies of documents are required to be provided. There is a large expense with copying and distributing

documents, unless it can be tied into other Council publications which are sent out (such as rates demands).

- The Policy Manager sets a budget and timeframes every year, for future plan changes, however generally costs for individual Council initiated plan changes are often too difficult to budget for accurately as they all range in size and content.
- Generally the costs on recent Council initiated plan changes have been met. It is noted that they do not budget staff time.
- Blow-outs to budgets generally occur at the appeal stage. Council has contingencies where extra funds are required.
- The number of further submissions is generally low so in their experience, if the further submissions phase was to be deleted, it would save some time but not necessarily costs.

iii) Timeframes

- Project plans are developed to set timelines for each plan change. There needs to be flexibility with these timelines, as they are extended when things go wrong, for example, if the submission phase highlights new issues to be considered.
- Timeframes are not difficult to meet once they are set down, however we need to be realistic with timeframes to allow for the democratic process to take place.
- Council's committee meetings are scheduled at the beginning of the year. Generally there are one per month for each committee (Hearings Committee / Full Council). It is important to ensure that the appropriate Committee has the delegation to both hear and decide on plan changes.

Private Plan Changes

i) General Benefits and Concerns

- Between 0 and 5 private plan changes are lodged with Council every year. These private plan changes relate to large private developments such as business parks and small zone boundary changes.
- Private plan changes allow private developers to take the initiative rather than rely on Council. This means that ratepayers do not have to foot the cost for private profit.
- No concerns with the current plan change process.
- The further submissions step does add value to the overall plan change process for private plan changes, for reasons similar to for Council initiated plan changes, i.e: The further submissions step is an important step in the democratic part of the process.

ii) Costs

- The main cost elements for Councils in the private plan change process are, staff time (and/or consultants time) for discussions with the applicant up to notification, staff time (and /or consultant time) for post notification work, democracy costs (hearings panel), disbursements (advertising, copying, distribution), staff time (and/or consultant time) for the appeal phase.
- Costs can be recoverable (except for the appeal phase). Costs for processing private plan changes are too difficult to budget for as they all range in size and content.
- There are considered to be no opportunities for cost savings in the processing of private plan changes.

iii) Timeframe

- There does not seem to be anywhere in the process that private plan changes can be held up if there is a pending District Plan review. This needs to be considered.
- Prior to processing a private plan change, timeframes for its processing are identified. This is particularly important as it needs to fit into Council processes (especially regarding meeting and hearing dates). It is considered important that Councillors hear and decide on private plan changes rather than Commissioners, as the issues relate to the communities that Councillors work for.
- Timeframes that have been set down are not generally difficult to meet, unless a significant problem arises through the process, i.e. If additional specialist expertise is necessary, or the problem requires further investigation, resources and consideration.
- No suggestions on how to alter the statutory private plan change process, however, if applicants work closely with Council early on in the process (pre-application phase), there are generally less delays.