

# First Schedule Process – time and costs

Draft report

July 2008

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# Executive Summary

This project was commissioned to collect, analyse and report on a small number of plan changes to provide a snapshot view of the time and cost associated with the First Schedule of the Resource Management Act 1991 (RMA). The purpose is to test the validity of criticisms raised by various parties, gain a better understanding of where the constraints and issues are and to get some ideas from those involved in developing and processing plan changes as to how the process could be improved.

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## Key findings

There were time and cost constraints for this project and therefore the sample size was small and not statistically significant. However, from the small sample, the key findings were:

- The pre-notification period of a plan change (including preparation and consultation) takes up a significant proportion of the overall time of the process. Appeals, if received, also significantly lengthen the process (in some cases, doubling the time). Finding ways to reduce this post decision delay and the flow on effect would be beneficial
- The stipulated two year statutory time limit from notification of a plan change to the release of the decision on submissions appears to be reasonable and achievable for most plan changes.
- Within the period from notification to decision, the biggest proportion of time is spent on the hearing itself and associated deliberations and preparation and release of the decision. The second longest time is the period after the close of further submissions until the hearing. This indicates that the preparation for the hearing (assessment of submissions, input from experts, drafting of the hearing report and setting the hearing) is also a time consuming part of the process.
- It appears that the further submission period is not used effectively by councils to commence the analysis of submissions for the hearing report and in particular to commission expert input during this time (given that further submissions do not appear from the analysis to generally add anything new to the process).
- The time taken to process a plan change is related to its complexity, and this is reflected in the number of submissions and appeals made and the length of time taken to prepare the decision for complex changes.
- Council plan changes also took longer on average than private plan changes. This is perhaps a reflection of the limited scope of private plan changes and the fact that most private plan changes are processed on council's behalf by external planners engaged to deliver this specific task, and the cost is able to be recovered from applicants (who are generally pleased to get through the process so quickly).
- The majority of submissions made were simple as the decision sought was often related to the whole of the plan change i.e. support and accept or oppose and reject, as opposed to seeking extensive changes.

- Those participating in the later stages of the plan change process, at hearings and appeals stages, is as might be expected a reflection of submitters having resources and/or a specialised knowledge. Submitters at these stages are more often represented by agents.
- Participation by submitters has limited effectiveness as the thrust of most plan changes was not significantly amended as a result of submissions. Complex changes were generally 'adjusted' by submissions. A number of plan changes did however reveal that consultation can be effective in influencing the development of a plan change.
- The costs associated with the hearing( preparing the hearing report and the hearing itself, as well as the deliberations process) are higher than the other stages of the plan change process combined.

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Appendix 2: Plan Change data spreadsheet

Appendix 3: Auckland City Plan Change costs spreadsheet

Appendix 4: First Schedule process flowcharts

# 1 Introduction

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## 1.1 Objectives of the project

This project was commissioned to collect, analyse and report on the time and cost associated with the First Schedule of the Resource Management Act 1991 (RMA) processes operated by local authorities. The purpose is to test the validity of criticisms raised by various parties, gain a better understanding of where the constraints and issues are and to get some ideas from those involved in developing and processing plan changes as to how the process could be improved. The specific objectives of the project were:

1. To obtain data on the time and costs for plan changes (private and council) to go through the formal First Schedule processes, both in overall time, and broken up into the key steps.
2. To obtain quantitative data on the number and the type of submitters, further submitters and appeals, how the points raised have been reflected in council decisions, and the plan change.
3. To evaluate how often, and under what circumstances clause 23 information requests have had to be used for private plan changes.
4. To record the thoughts and views of those involved in preparing plan changes and processing plan changes on which parts of the First Schedule process are causing significant concern, and their ideas as to what would improve the process.

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## 1.2 Background

This project has followed the general framework of the plan change making processes specified in Part 1 (council plan changes) and Part 2 (private plan changes) of the First Schedule. The project involved identifying the key steps in the plan change processes for each type of plan change and looking at a range of examples of plan changes from two operative district plans; Auckland City's (Isthmus section) and Franklin District's.

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## 1.3 Outline

This report is organised as follows:

- |                                       |               |
|---------------------------------------|---------------|
| - Methodology                         | - Evaluation  |
| - Findings                            | - Conclusions |
| - Analysis and commentary on findings | - Appendices  |

## 2 Methodology

Briefly, the methodology for this project was as follows:

- Two councils were identified
- Five plan changes from each council were selected (three public or council plan changes and two private plan changes)
- A framework was developed for the consistent collection of data related to time taken and the related costs for keys stages of the plan change process
- Data was collected through council website and file review
- Any outstanding issues were further clarified by questioning staff at the council
- Data was grouped and statistically summarised
- Experienced practitioner discussions were arranged (where possible with those directly involved in processing the plan changes) in order to add context and value to the quantitative findings
- Cost data was sought from both councils for each plan change

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### 2.1 Selection of councils and plan changes

Two councils were asked to participate in this research by MFE: Auckland City Council and Franklin District Council. Interestingly both councils have the 'oldest' of the first generation plans in the Auckland region. Auckland City's isthmus section of its district plan was identified as having a large ratepayer base with an urban focus, and a large volume and good variety of plan changes<sup>1</sup>, with information easily available. Franklin was then identified as being a smaller ratepayer base and rural-orientated council, also with sufficient volume and variety of plan changes, which in conjunction with Auckland would give a balanced overview<sup>2</sup>. MFE agreed with this choice.

Contact was then made with the respective councils to identify their willingness to participate in the project and obtain a commitment to assist in collating the necessary data required.

Hill Young Cooper reviewed the range of notified plan changes to the operative Auckland City District Plan – Isthmus Section (1999) and the Operative Franklin District Plan (2000) to identify five plan changes from each. To obtain a representative sample, three council-initiated plan changes (complex, medium and simple) and two private plan changes (complex and simple) were chosen.

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<sup>1</sup> The Isthmus Section of the plan applies to the area shown in the map in appendix 1.

<sup>2</sup> Franklin District is shown on the map in appendix 1.

In determining appropriate examples a range of matters were considered:

- significance of plan change and whether a substantial change to the plan was sought (i.e. a review of an entire section(s) or zone including objectives, policies and rules) versus site specific change)
- number of submissions received representing whether plan change was contentious (i.e. 100 submissions versus no submissions)
- ability to compare scale of plan changes between the two councils (i.e. recent changes relating to the Local Government (Auckland) Amendment Act 2004).

The plan changes selected for investigation were:

Table 1: Description of selected plan changes

| Auckland City |                                                                                       | Franklin District |                                                                                       |
|---------------|---------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------|
| Plan change   | Description                                                                           | Plan change       | Description                                                                           |
| (ACC1)        | Revision of zone provisions affecting thousands of sites                              | (FDC1)            | A comprehensive replacement of the existing sections                                  |
| (ACC2)        | Changes required to give effect to the Local Government (Auckland) Amendment Act 2004 | (FDC2)            | Changes required to give effect to the Local Government (Auckland) Amendment Act 2004 |
| (ACC3)        | Plan change affecting four sites                                                      | (FDC3)            | Plan change affecting one site.                                                       |
| (ACC4)        | Rezoning of land to Business 8 (private)                                              | (FDC4)            | residential expansion on pastoral land (private)                                      |
| ACC5)         | Rezoning residential to Special Purpose 2 (private)                                   | (FDC5)            | Rezoning of site from rural to business (private)                                     |

## 2.2 Collection of plan change data

To meet the objectives of the project and obtain data on each relevant stage of the plan change process a range of questions was developed (see appendices 2 and 3 for the full tables containing all the data). Each plan change was then considered against each of these questions, therefore providing consistent data that could be analysed.

### File search

Once the selected plan changes for each council were identified, a review of the councils' web sites was undertaken to see what information could be obtained from the reports and documents available on the web. To complete the information gathering the contacts at each of the councils were asked to make the plan change files available.

The plan change file for each of the identified plan changes was reviewed to obtain information relating to the nature of the plan change, processing timeframes, submitters, appellants, and use and appropriateness of clause 23 requests (relevant for private plan changes).

The contacts at the councils were also asked to provide a breakdown of costs incurred at each identified stage of the process for each plan change. This particular request was affected by the end of the financial year in each of the councils with staff needing to work on council budget information. Council accounting staff members were initially unavailable. Once available, staff at Franklin were unable to assist with the provision of cost information, as all of the plan changes started and most finished their progress through the First Schedule prior to the 2007 introduction of cost accounting.

### **Clarification of issues**

Where the review raised any additional issues or some information could not be found due to incomplete files, further contact with the council was made to check any facts or discuss any anomalies identified.

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## **2.3 Interview with practitioners**

In order to inform and add to the data gathered from the files, a number of discussion sessions took place with those involved in processing plan changes (including plan changes within the selection) and preparing district plans. Hill Young Cooper planners have had extensive experience in the plan change process and feedback was also obtained from within HYC. The discussions involved recounting experiences, identifying which parts of the process are considered to be of concern, and proposing ideas for improvement. This allowed a contextual analysis to be undertaken, and enabled possible reasons to be cited for the results found.

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## **2.4 Council review**

Ideally each council will be provided with an opportunity to review the analysis and to provide comments to inform the process and to add to the understanding of internal organisational issues and decisions that impacted on the processing of the plan changes.

## 3 Findings

This section summarises the results of the data collected. The results should not be viewed as dependable indicators of the population of plan changes. This is because the sample size is very small. Also, two 'simple' plan changes had no submissions and therefore could not be included in all the stages analysed. While not too helpful for statistical analysis, the fact that plan changes can go through the process quickly and not attract submissions is a positive and realistic reflection of the fact that not all plan changes are delayed. The sample size for the purposes of the calculations provided in this report is a maximum of 10 selected plan changes.

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### 3.1 Time of process

This section summarises the mean time for the First Schedule process, measured from the start of preparation of, or request for, a plan change, until the plan change becomes operative or is withdrawn or rejected.<sup>3</sup> The First Schedule and associated internal council processes for council and private plan changes are shown as flow charts in appendix 4. For analysis purposes, the process was broken into key stages, which were:

1. From inception and preparation to date of formal notification
2. From notification to closing of submissions
3. From closing date of submissions to release of the summary of submissions/call for further submissions
4. From release of the summary of submissions/call for further submissions to start date of the hearing
5. From start date of the hearing to release of the decision
6. From release of the decision to plan change becoming operative/withdrawn or rejected.

A two year time limit is specified in the First Schedule for completing stage 2 to stage 5 (inclusive). Clause 10 (3) states that:

"If a local authority publicly notifies a proposed policy statement or plan under clause 5, it must, not later than 2 years after giving that notice, make its decisions under subclause (1) and publicly notify that fact".

This time limit was introduced through the 2005 amendment to the RMA and did not apply to those of the sample plan changes that were initiated prior to this. Even though they were not required to meet this timeframe for the purposes of this study, reference to it has been used. There are no statutory time limits for stages 1 and 6.

The key dates and time calculations for each plan change are set out in Table 2 below.

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<sup>3</sup> None of the plan changes in the survey have been withdrawn or rejected to date

Table 2: Timelines for selected plan changes

| Plan change              | ACC1     | ACC2     | ACC3      | ACC4     | ACC5     | FDC1     | FDC2     | FDC3     | FDC4     | FDC5     |
|--------------------------|----------|----------|-----------|----------|----------|----------|----------|----------|----------|----------|
| 1 Inception (approx)     | 2004     | 2004     | 2006      | 2000     | 2005     | 1999     | 2004     | 2000     | 2000     | 1997     |
| Approx time =            | 1 year   | 1 year   | same year | 5 years  | 1 year   | 4 years  | 1 year   | 1 year   | 1 year   | 1 year   |
| 2 Notification           | 25/5/05  | 31/3/05  | 20/8/06   | 9/10/05  | 19/3/06  | 30/09/03 | 31/03/05 | 17/07/01 | 8/05/01  | 5/03/98  |
| Working days =           | 26       | 42       | 21        | 23       | 23       | 101      | 42       | 21       | 24       | 25       |
| 3 Closing of submissions | 1/07/05  | 31/5/05  | 18/9/06   | 11/11/05 | 21/4/06  | 11/03/04 | 31/5/05  | 15/08/01 | 12/06/01 | 9/04/98  |
| Working days =           | 65       | 121      | 33        | 15       | 10       | 56       | 121      |          | 36       |          |
| 4 Summary of submissions | 2/10/05  | 18/11/05 | 5/11/06   | 4/12/05  | 8/05/06  | 1/06/04  | 18/11/05 | N/A      | 28/06/01 | N/A      |
| Working days =           | 162      | 95       | 187       | 98       | 101      | 63       | 95       |          | 62       |          |
| 5 Start of hearing       | 15/6/06  | 27/04/06 | 22/08/07  | 17/5/06  | 27/9/06  | 27/08/04 | 27/04/06 | N/A      | 24/09/01 | N/A      |
| Working days =           | 134      | 282      | 21        | 149      | 20       | 446      | 284      |          | 61       |          |
| 6 Decision released      | 14/12/06 | 28/6/07  | 20/9/07   | 14/12/06 | 26/10/06 | 11/07/06 | 1/07/07  | 10/09/01 | 20/12/01 | 6/07/00  |
| Working days =           | 359*     | 240*     | 180*      | 359*     | 55       | 470*     | 238*     | 9        | 64       | 70       |
| Operative                | not yet  | not yet  | not yet   | not yet  | 2/02/07  | not yet  | not yet  | 21/09/01 | 18/04/02 | 12/10/00 |
| Total working days =     | 774*     | 780*     | 445*      | 650*     | 218      | 1157*    | 780*     | 48       | 247      | 631      |

\*If not yet operative, days until 30 June 2008

Note 1: For ACC2 and FDC2, assumed that summary of subs was notified 21 working days before further subs closed.

Note 2: FDC3 and FDC5 had no submissions therefore not all of the stages are applicable

Table 3 summarises this information into the periods that will be looked at in the following sections. The bulk of the summary data concerns the notification to decision period; this was the most comparable as all the key dates were known.

Table 3: Summarised timelines for selected plan changes

| Plan change               | ACC1     | ACC2    | ACC3      | ACC4     | ACC5    | FDC1    | FDC2    | FDC3    | FDC4     | FDC5    |
|---------------------------|----------|---------|-----------|----------|---------|---------|---------|---------|----------|---------|
| Inception to notification | 1 yr     | 1 yr    | same year | 5 yrs    | 1 yr    | 4 yrs   | 1 yr    | 1 yr    | 1 yr     | 1 yr    |
| Notification to decision  | 1.6 yrs  | 2.3 yrs | 1.1 yrs   | 1.2 yrs  | 0.6 yrs | 2.8 yrs | 2.3 yrs | 0.1 yrs | 0.7 yrs  | 2.4 yrs |
| Decision to operative     | 1.5 yrs+ | 1 yr+   | 0.8 yrs+  | 1.5 yrs+ | 96 days | 2 yrs+  | 1 yr+   | 11 days | 119 days | 98 days |

\*If not yet operative, days until 30 June 2008

### 3.1.1 Pre-notification (stage 1)

#### Option Development and Assessment

The length of the preparation period between inception and formal notification of a plan change is a significant part of the overall plan change process for which there is no time limit. Table 3 above indicates approximate time from the first evidence on file of the preparation or initiation of the plan change until its formal notification, and compares this to the total time for the rest of the First Schedule process. The data gathered suggests that most plan changes formally begin preparation around a year before they are publicly notified. However, there may have been

research or issues investigated before a formal resolution to proceed is passed. Complex plan changes can take longer than this, with five years being the longest preparation time from the sample. When compared to the times taken for the other parts of the process, preparation generally takes more time, than the time from the notification to decision. The development of a plan change may require significant research including: monitoring (e.g. traffic flows), gathering of feedback from consents staff and review of relevant consents to identify any issues with existing plan provisions. In the case of both public and private plan changes, significant work needs to be undertaken before general agreement (by a client or a committee) is reached on the way ahead. Once agreement is reached, consultation can begin.

## **Consultation**

The consultation requirements in clause 3 also impact upon the time taken for preparation of a plan change. While these only apply as a requirement for council-initiated plan changes, applications are often advised to undertake consultation for private plan changes. The requirements of the RMA are as follows:

*“1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—*

- (a) The Minister for the Environment; and*
- (b) Those other Ministers of the Crown who may be affected by the policy statement or plan; and*
- (c) Local authorities who may be so affected; and*
- (d) The tangata whenua of the area who may be so affected, through iwi authorities; and*
- (e) the board of any foreshore and seabed reserve in the area.*

*(2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan.”*

From the evidence available, consultation did occur for all but one of the selected plan changes (including private plan changes), but with large variations in the extent and nature of consultation. The extent was generally related to the complexity of the change, hence complex changes were noted to have spent a significant time in consultation exercises. Those most commonly consulted on plan changes were residents, iwi, stakeholder agencies and other councils.

In clause 3 the only agencies that must be consulted in all cases is the Minister for the Environment and the ARC, although for three of the council plan changes there was no account found on file of any consultation with MFE, and for two no account of consultation with ARC.

Although consultation is not required for private plan changes, it is generally considered to be good practice. Consultation undertaken for the selected private plan changes ranged from informal talks with neighbours to extensive notification of a large range of parties.

The methods of consultation included surveys, meetings, workshops, open days and letters and documentation sent out inviting comments. In more than one case, proposals were revised as a result of the comments received.

Further details of the data collected on consultation are contained in appendix 2.

## **Preparation for notification**

Once the consultation has been completed and the committee has agreed to the final form of the council plan change and has adopted the section 32 report, preparation for notification can

commence. Similarly, once the council has made its decision under clause 25 of the First Schedule on a request for a plan change (and if it has decided to accept the request) preparation for notification also commences.

This part of the process involves identifying who, in addition to the statutory bodies (those specified in clause 5) should be notified. In the case of plan change with a significant impact this may involve notifying all ratepayers in the district (a process adopted for FDC1) or all in the zones affected (ACC1). The time needed to prepare the documentation, extract names and addresses from the ratepayer database, and arrange for the mail merging and postage can be almost a month or, in the case of a small plan change where the number of sites and therefore ratepayers are small, a matter of a few hours.

Added into the time is the preparation of the public notice to go into the publication that meets the requirements of clause 5 (1)(b). In a large council such as Auckland City where public notices are published in a weekly council publication (City Scene) there are publishing timeframes to meet and editing and quality controls standards that need to be passed. In the case of a small council publishing the notice in the local paper these may not be as time consuming. Additional time is also allowed for to publish the plan change on the council web site. The logistics of this are sometimes problematic when the private plan change document has been prepared without thought of how it will be used.

Some councils (including both Franklin and Auckland City) have specialist staff that handle the logistics of plan change notification. This allows the planner to focus on their role, which may be to prepare guidance for consents staff, undertake internal and consultant training and to prepare questions and answers for media and the general public.

There is very little available on some of the paper records to explain the type of notification or decisions about who was notified. It may be that this information is kept on other files (perhaps electronic).

### 3.1.2 Notification (stage 2) to decision released (end of stage 5)

This section summarises the mean time, measured from the point of public notification of the plan change to the release of the decision. While the statutory two year time limit for these parts of the process did not apply to a number of the sample plan changes prior to 2005, the timeframe is applied to all plan changes to illustrate the practicalities of achieving it. With consideration of all plan changes reviewed, the calculated mean and their percentage of the overall time are shown in Table 4 below.

Table 4: Summary of mean time of plan changes

|                                                                                     | Mean time<br>(working days) | Mean % of<br>total time |
|-------------------------------------------------------------------------------------|-----------------------------|-------------------------|
| Stage 2: Public notification – close of submission period                           | 35                          | 9.4%                    |
| Stage 3: Close of submission period – public notification of summary of submissions | 57                          | 15.2%                   |
| Stage 4: Opening of further submissions – first day of hearing                      | 108                         | 28.9%                   |
| Stage 5: First day of hearing – decision notified                                   | 174                         | 46.5%                   |
| Total                                                                               | 374                         | 100%                    |

The small, skewed sample size cannot be relied upon to be statistically significant. However, these results do show that the main component of the time taken for these plan changes was

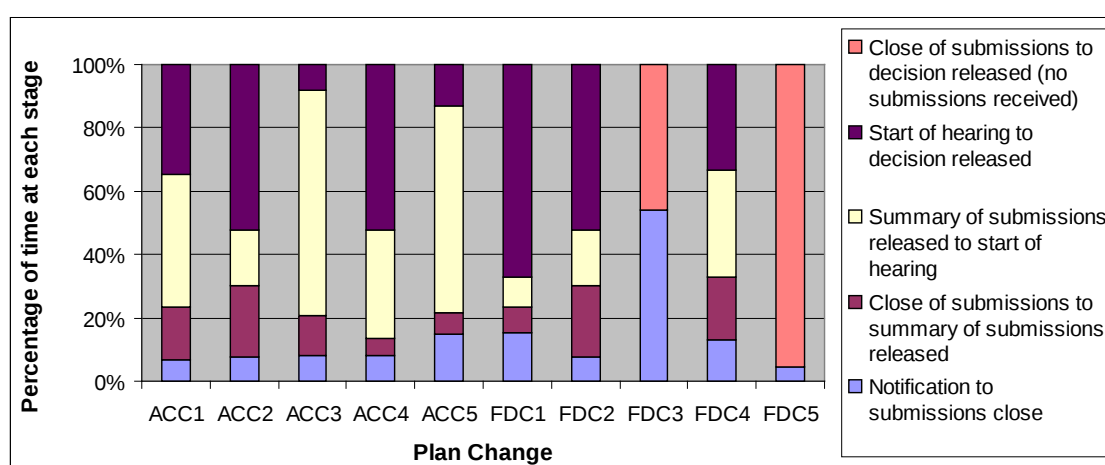
related to the hearing and decision (and deliberation) process. The next largest component of time was the period from the start of the further submissions until the start of the hearing.

The results suggest that generally these stages are consistent with the timeframes provided by the First Schedule. It can also be seen that there can be a big gap between end of further submissions and the hearing commencing.

During the period between the end of further submissions and the hearing commencing the planner/hearings report is drafted. Although not a statutory requirement, it is generally accepted as best practice to prepare a report addressing the issues raised in submissions and identifying where possible potential recommendations. This requires the planner to assess each submission which sometimes requires them to seek expert input in areas such as traffic, landscape etc. Very often the reports are peer reviewed by a number of staff (particularly for complex plan changes) before they are released for the hearing. Most councils do not set a hearing date until the hearing report is prepared. This is where the next logistical problem may arise and this involves arranging the hearing so that the submitters are able to attend in a manner that is appropriate. It may be possible to find a few days for a short hearing, but when the plan change is complex and the submitters are raising extensive items of concern, finding adequate time for a long hearing (particularly one that can run for weeks on end) is a problem for busy commissioners.

Figure 1 illustrates the results by plan change.

Figure 1: Percentage of total time for each stage of the plan change process from notification to decision by plan change



Note 1: FDC3 and FDC5 had no submissions therefore are not comparable to the other plan changes.

Note 2: FDC5 was delayed by two years until the Proposed District Plan became operative.

## Comparison of plan change categories

Table 5 summarises the mean time of selected plan changes by plan change category type.

For the purposes of this project, plan change categories are complex, medium and simple. 'Complex' changes are those involving the review of objectives, policies and rules for part of the district. 'Medium' plan changes in this instance are those where the process was determined by the Local Government (Auckland) Amendment Act 2004 legislation, where councils had to provide for growth in identified areas. 'Simple' plan changes are those affecting a very limited number of sites, usually only one.

Table 5: Summary of mean time (working days) of selected plan changes by plan change category type.

|                                                                                  | Complex | Medium | Simple |
|----------------------------------------------------------------------------------|---------|--------|--------|
| From public notification to close of submission period                           | 44      | 42     | 23     |
| From close of submission period to public notification of summary of submissions | 43      | 121    | 22     |
| From opening of further submissions to first day of hearing                      | 96      | 95     | 144    |
| From first day of hearing to decision notified                                   | 198     | 282    | 21     |
| Total                                                                            | 381     | 540    | 210    |

These results suggest that, as could be expected, 'complex' plan changes take longer than 'simple' plan changes. The 'medium' plan changes took the longest, which is considered to be related to the fact that they were part of a bigger regional plan change process. The progress of these plan changes through the first schedule from notification to decision was managed by the ARC. All councils had to get their hearing reports ready by a particular date, and no decisions were released until all had been confirmed by the particular councils.

The timeframe of a simple plan change was skewed here because of the long time taken by one private plan change which could not be heard until the proposed district plan became operative (resulting in a two year delay).

### Comparison of council plan changes and private plan changes

Table 6 summarises the mean time taken for council plan changes compared to private plan changes.

Table 6: Summary of mean time (working days) of selected plan changes by council and private

|                                                                                           | Council | Private |
|-------------------------------------------------------------------------------------------|---------|---------|
| Stage 2: From public notification to close of submission period                           | 42      | 24      |
| Stage 3: From close of submission period to public notification of summary of submissions | 79      | 20      |
| Stage 4: From opening of further submissions to first day of hearing                      | 120     | 87      |
| Stage 5: From first day of hearing to decision notified                                   | 233     | 77      |
| Total                                                                                     | 474     | 208     |

The data suggests that council plan changes take a lot more time than private plan changes do. This is supplemented by the fact that for the sample, 3 out of the 4 private plan changes are operative compared to only 1 out of the 6 council plan changes. The speed by which most private plan changes move through the First Schedule processes is the result of the relatively simple or narrow focus (i.e. generally a single site or issue), a smaller number of affected parties (and resulting submissions) and the fact that councils may engage consultants to focus on preparing reports.

## Clause 23 requests – further information

This section addresses the use of clause 23 of the First Schedule to request further information in relation to a private plan change request. If used, these would be expected to lengthen the processing time for the plan change.

For two out of the four private plan changes, the files indicated that the council asked the applicant for further information. However, no formal requests were on file, so little detail about the requests could be gathered in terms of the stage of the process and any delays caused. In one case, a preliminary traffic report, drainage (wastewater, stormwater and water supply) report and heritage report were requested by the council, as well as suggesting an urban design assessment be undertaken. As traffic reasons were a main reason for the ultimate declining of this consent, the request appears to be in part justified.

## Statutory processing times

Individual plan change processing times (notification to decision) are set out in Table 3. Table 6 below summarises the mean processing times and the number of plan changes that exceeded the two year statutory limit by category.

Table 6: Summary of mean processing times and number of occurrences of exceeding the statutory time frame

|         | Mean processing time | Number exceeding 2 years |
|---------|----------------------|--------------------------|
| All     | 1.5 years            | 4/10                     |
| Complex | 1.6 years            | 1/4                      |
| Medium  | 2.3 years            | 2/2                      |
| Simple  | 1.1 years            | 1/4                      |
| ACC     | 1.4 years            | 1/5                      |
| FDC     | 1.7 years            | 3/5                      |
| Council | 1.7 years            | 3/6                      |
| Private | 1.2 years            | 1/4                      |

The results suggest that, on average, plan changes applications are processed within the 2 year statutory timeframe. For those that were not, there were some particular reasons. One was that a 'simple' private plan change was unable to finish processing until the Proposed District Plan became operative, which has skewed results somewhat. Also, the two 'medium' plan changes were heard as part of a regional process, therefore the timeframes as affected as they were by regional processes do not represent the amount of time spent solely on the individual plan changes.

### 3.1.3 Decision to operative (stage 6)

Only four out of the sample of ten plan changes are currently operative. None of these plan changes were appealed. For these plan changes, the average time from decision to becoming operative was 81 days.

The six plan changes that are not operative are all under appeal. As of the 30 June 2008, the time spent in the appeal stage ranged from 10 months to 2 years.

This suggests that an appeal adds significantly to the time taken for a plan change to progress through the First Schedule. The timing of this stage is outside of a council's direct control.

## 3.2 Cost of process

This section summarises the costs of the Auckland City plan changes<sup>4</sup>. No information was available for the Franklin plan changes, as the recording of costs was only recently initiated (2007). Since the sample size is only a maximum of five, the data cannot be relied upon to be statistically significant. The data used was supplied directly by Auckland City Council and is shown in Table 7, but perhaps not all costs have been captured. This data should be used as a rough indication only.

Table 7: Costs of selected plan changes

| Plan change                      | ACC1       | ACC2       | ACC3      | ACC4       | ACC5     |
|----------------------------------|------------|------------|-----------|------------|----------|
| 1 Inception (approx)             | 2004       | 2004       | 2006      | 2000       | 2003     |
| Costs =                          | \$71,049   | \$1,352    | \$2,385   | \$40,846   | \$4,719  |
| 2 Notification                   | 25/05/05   | 31/03/05   | 20/08/06  | 9/10/05    | 19/03/06 |
| Costs =                          | \$4,982    | \$6,616    | \$465     | \$4,121    | \$3,881  |
| 3 Closing of submissions         | 1/07/05    | 31/05/05   | 18/09/06  | 11/11/205  | 21/04/06 |
| Costs =                          | \$13,132   | \$7,591    | \$956     | \$471      | \$93     |
| 4 Summary of submissions         | 2/10/05    | 18/11/05*  | 5/11/06   | 4/12/05    | 8/05/06  |
| Costs =                          | \$26,206   | \$50,138   | \$4,495   | \$17,126   | \$7,477  |
| 5 Start of hearing               | 15/06/06   | 27/04/06   | 22/08/07  | 17/05/06   | 27/09/06 |
| Costs =                          | \$154,497  | \$104,602  | \$2,902   | \$35,700   | \$4,084  |
| 6 Decision released              | 14/12/06   | 28/6/07    | 20/9/07   | 14/12/06   | 26/10/06 |
| Costs =                          | \$111,217* | \$89,207*  | \$7,347*  | \$40,746*  | \$3,219  |
| Operative                        |            |            |           |            | 2/02/07  |
| Total costs                      | \$381,083* | \$259,505* | \$18,550* | \$139,010* | \$23,472 |
| Portion recovered from applicant |            |            |           | \$104,935  | \$23,472 |

\*If not yet operative, costs until 18 July 2008

The costs data has been divided into the same three periods below as the times data, as again the period from notification to decision (stages 2-5) is more comparable than the pre-notification and appeal periods.

### 3.2.1 Pre-notification (stage 1)

Table 7 shows the mean costs incurred by plan changes in the pre-notification period (from inception to formal notification).

Table 7: Mean costs for pre-notification by plan change category

|                | Stage 1  |
|----------------|----------|
| Mean           | \$24,070 |
| Mean (complex) | \$55,947 |
| Mean (simple)  | \$3,552  |
| Mean (council) | \$24,929 |
| Mean (private) | \$22,782 |

<sup>4</sup> The raw data for Auckland City Council's plan changes is contained in appendix 3

Key costs from this period are the background research for the plan change and consultation exercises. The extent of research and consultation required would logically be directly related to costs. It is therefore not surprising that complex plan changes show significantly higher costs than simple plan changes.

The pre-notification period is not directly comparable for council and private plan changes, because council is not able to capture the applicant's time and their spending e.g. on consultants. Considering this, it is interesting that the sample council and private plan changes have similar figures for the pre-notification stage. This may be a reflection of the costs associated with the practice of providing draft copies of private plan change documentation to council for review prior to lodgement. However, this finding cannot be relied upon to be accurate, as the sample size for each mean was only two.

### 3.2.2 Notification (stage 2) to decision released (end of stage 5)

This section summarises the mean costs, measured from the point of public notification of the plan change to the release of the decision. With consideration of all Auckland City plan changes reviewed, the calculated mean costs and their percentage of the overall costs are shown in Table 8 below. For the purposes of this analysis, all costs are included, however it should be noted that for the two private plan changes costs were recovered from the applicant at 75%<sup>5</sup> (as of 18 July 2008) and 100% of total costs.

Table 8 indicates the mean costs for the sample of plan changes from stages 2 to 5, and each stage's proportion of total costs for this period.

Table 8: Summary of mean costs of selected Auckland City plan changes

|                                                                                     | Mean cost | Mean % of total cost |
|-------------------------------------------------------------------------------------|-----------|----------------------|
| Stage 2: Public notification – close of submission period                           | \$4,013   | 4.5%                 |
| Stage 3: Close of submission period – public notification of summary of submissions | \$4,448   | 4.9%                 |
| Stage 4: Opening of further submissions – first day of hearing                      | \$21,088  | 23.4%                |
| Stage 5: First day of hearing – decision notified                                   | \$60,357  | 67.1%                |
| Total                                                                               | \$89,906  | 100%                 |

For this sample, the highest proportion of costs (approximately 2/3 of total costs) falls within the hearing to decision period (stage 5). The next highest costing stage was stage 4, from the opening of further submissions until the first day of the hearing. Only about 5% of costs were incurred in each of stages 2 and 3. The spread of costs is able to be explained. Stage 5 involves the hearing and it is common place for all of those who provided comment for the hearing report to attend the hearing and to participate as requested by the hearing commissioners. Stage 5 also includes all of the hearing costs, this includes printing of reports, payment of commissioners fees (in the case of independent hearing commissioners this on an hourly rate and includes reading time and deliberations, while elected representative hearing commissioners are paid a daily rate for the hearing days alone). Depending on the nature of submissions there may also be legal advisors attending the hearing.

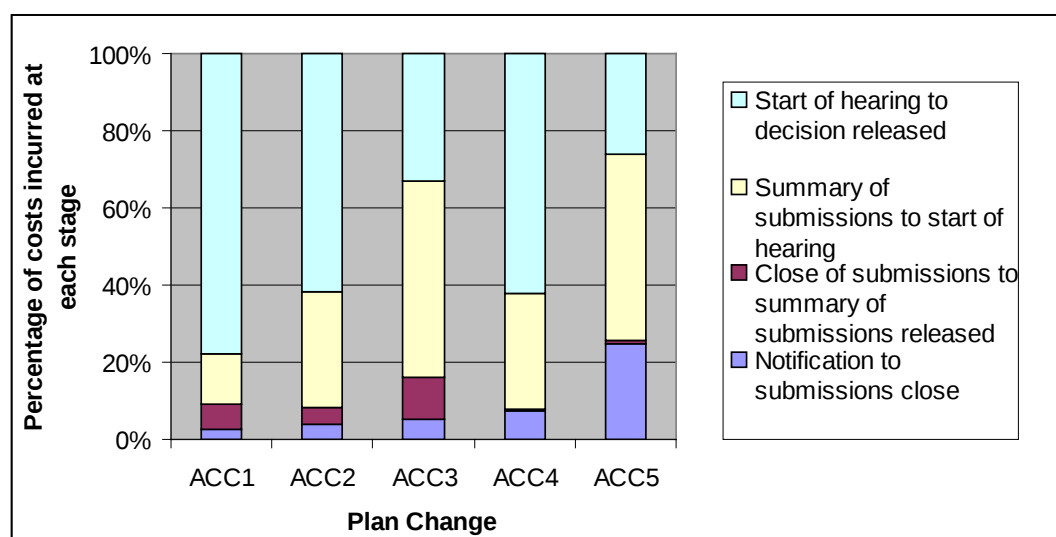
Stage 4 involves the preparation of the hearing report. While this is not a statutory requirement, the hearing report provides the opportunity to analyse the issues raised by submitters and to provide information to both the submitters and the hearing panel that may assist. Again

<sup>5</sup> Council costs related to any appeals on decisions are not able to be recovered from the applicant.

depending on the issues raised in submissions, experts may have been engaged to assist in analysing and responding to the issues.

Figure 2 illustrates the results by plan change.

Figure 2: Percentage of total costs for each stage of the plan change process from notification to decision by plan change



The graph reflects the summarised data in that the highest proportion of costs are incurred in stage 5 (from the start of the hearing to the decision), followed by stage 4 (from summary of submissions to start of hearing).

### Comparison of complex and simple plan changes and council and private plan changes

Table 9 shows mean costs by plan change category for the time between notification and decision.

Table 9: Mean costs from notification to decision by plan change category

|                | Stages 2 - 5 |
|----------------|--------------|
| Mean (complex) | \$128,117    |
| Mean (simple)  | \$12,176     |
| Mean (council) | \$125,527    |
| Mean (private) | \$36,476     |

Although the sample size was very small, the data suggests that total mean costs for stages 2 - 5 are significantly higher for complex plan changes and council plan changes.

## Comparison of plan change costs by component

Table 10: Mean costs by component and by plan change category

|                | Staff           | Consultant     | Legal          | Printing     | Other          |
|----------------|-----------------|----------------|----------------|--------------|----------------|
| Mean           | \$65,785 (40%)  | \$33,552 (20%) | \$17,704 (11%) | \$2,737 (2%) | \$17,615 (11%) |
| Mean (complex) | \$80,786 (31%)  | \$89,263 (34%) | \$33,728 (13%) | \$5,290 (2%) | \$50,980 (20%) |
| Mean (simple)  | \$7,719 (37%)   | \$8,558 (41%)  | \$3,219 (15%)  | \$342 (2%)   | \$1,173 (6%)   |
| Mean (public)  | \$126,080 (57%) | \$29,156 (13%) | \$30,223 (14%) | \$4,068 (2%) | \$30,185 (14%) |
| Mean (private) | \$8,234 (10%)   | \$56,922 (70%) | \$7,776 (10%)  | \$740 (1%)   | \$7,569 (9%)   |

While based on a very small sample, this data suggests that overall the biggest component of costs for plan changes is council staff time, but this varied for different plan changes. For the sample, public plan changes required proportionally the most staff time, whereas the private plan changes handled by consultants incurred their biggest costs from consultant fees.

Because of the sophistication of the timekeeping system operated by Auckland City, the staff time being captured in all of these plan changes included planners developing the plan changes and s 32 reports, managers and administration staff involved in the processing of plan changes (submission scanning, database entry, mapping, and general support of the RMA processes) The type of changes being promoted in the council plan changes are also significant and therefore the amount of time taken to undertake research and consultation is generally high. Auckland City employs external planning consultants to process private plan change requests on its behalf and this as well as the input of experts for traffic or landscape assessments would account for the high proportional cost of consultants for private plan changes.

Legal costs for all categories of plan change were proportionally similar at 10 – 15% of total costs. The 'other' category of costs constituted 11% of total costs on average, but this was higher for complex and public plan changes. 'Other' costs could include advertising, postage and hearing costs

### Decision to operative (stage 6)

Only one out of the sample of five plan changes is currently operative. For this plan change, the cost from decision to becoming operative was around \$3000 (recovered from applicant). This stage involves the updating of the district plan and web site and sometimes in the case of private plan changes, may because of the type of software used require that the plan change has to be recreated in the appropriate software for the web. Staff time during this period is involved in writing the necessary report to committee for inclusion on the Council agenda in order to make the plan change operative and get the seal fixed to the operative version.

The four plan changes that are not operative are all under appeal to the Environment Court, with 14 appeals in total . As of the 18 July 2008, the costs of the appeal stage to the council ranged from \$7,000 to \$111,000. Legal costs make up a large proportion of these figures, in addition to staff time. As none of the appeals have got to the Court yet it is assumed that most of the time and cost has been associated with appeal negotiations.

This confirms that an appeal adds significantly to the cost of a plan change progressing through the First Schedule.

### 3.3 Participation

This section summarises the submissions and further submissions received, hearing participants and appellants for the plan changes. It provides a basis for insight into who participates in these parts of the process and how they do it.

#### 3.3.1 Numbers

Table 11 below contains the mean numbers of submissions, further submissions and appeals received overall, as well as the mean numbers by category.

Table 11: Mean numbers of submissions, further submissions and appeals received for each category of plan change

|                | Original | Further | Appeals |
|----------------|----------|---------|---------|
| Mean           | 159      | 48      | 7.8     |
| Mean (complex) | 222      | 109     | 15.3    |
| Mean (medium)  | 307      | 19      | 8       |
| Mean (simple)  | 22       | 2       | 0.3     |
| Mean (ACC)     | 191      | 12      | 3.2     |
| Mean (FDC)     | 127      | 84      | 12.4    |
| Mean (Council) | 247      | 79      | 12.8    |
| Mean (Private) | 14       | 1       | 0.3     |

Note 1: For one of the 'medium' plan changes, 502 pro forma (identical) submissions were received

In this small sample, there were always more original than further submitters. As a proportion of total submissions (original + further), further submissions made up 23%. Significantly more submissions were received for the 'complex', 'medium' and council plan changes. Franklin plan change decisions received more appeals than Auckland ones, skewed by the 55 appeals made on its 'complex' plan change. However, given the extent of this plan change, the number of appeals is understandable.

The statistics suggest that there is an obvious relationship between plan change complexity and number of submitters, and appeal numbers are also related to both of these factors. Despite this, the majority of people affected by plan changes do not get involved in the process, as evidenced by a review of the file information about notification.

Table 12 contains details of the hearings for each plan change.

Table 12: Hearing statistics by plan change

| Plan change                                                      | ACC1        | ACC2 | ACC3        | ACC4        | ACC5       | FDC1          | FDC2        | FDC4         |
|------------------------------------------------------------------|-------------|------|-------------|-------------|------------|---------------|-------------|--------------|
| Number of people seeking to be heard? (% of original submitters) | 98<br>(48%) | ?    | 15<br>(18%) | 12<br>(30%) | 1<br>(20%) | ?             | 14<br>(44%) | 12<br>(100%) |
| Total number submitters heard?                                   | 46          | 33   | 4           | 8           | 1          | approx<br>134 | 11          | 3            |
| Number out of total heard that were represented by an agent      | 7           | 15+  | 4           | 5           | 0          | 40+           | 7           | 1            |
| Tabled evidence                                                  | 2           | ?    | 5           | 1           | 0          | approx<br>11  | 1           | 0            |

Note 1: Due to the joint, regionally managed nature of the ACC2 and FDC2 plan changes limited hearings data was available for the individual councils

Note 2: There was no hearing for FDC3 and no evidence of a hearing for FDC5

This table shows that usually less than half of the total submitters indicated that they would like to be heard. There is a difference between those that indicated they wanted to be heard and the number that actually showed up, with a significant proportion of those initially indicating that they want to be heard not attending the hearing. This may be a result of the issues they raised in their submission being addressed in the hearing report. Representation by agent at hearings appears common. The ability to table evidence for consideration at a hearing has also been utilised by parties that did not appear in person.

No data was gathered on what types of submitters were heard and whether they were original or further submitters.

### 3.3.2 Types

Table 13 below categorises the types of parties who participated in the submissions process. For the purposes of this project, individuals were those who submitted in their own name, and included couples. Groups included interest groups, family trusts, three or more people and non-profit organisations.

Table 13: Overall percentages of submitter, further submitter and appellant types

|                        | Original | Further | Appeals |
|------------------------|----------|---------|---------|
| Individual             | 77.1%    | 51.4%   | 16.7%   |
| Group                  | 10.7%    | 15.1%   | 35.9%   |
| Business               | 9.6%     | 28.8%   | 43.6%   |
| Government agency      | 2.5%     | 4.8%    | 3.8%    |
| Original submitter     |          | 64.2%   | 92.3%   |
| Not original submitter |          | 35.8%   | 7.7%    |

This table shows that individuals are highly represented in the submissions process, but this proportion decreases for the further submissions and appeals. Conversely, business submitters made up 10% of the original submitters but 44% of the appellants. This is a strong indication of the 'generality' that appeals are lodged by parties who know the process and are resourced to pursue their concerns. Unfortunately it has not been possible to identify the section 274 parties related to each of the appeals to add more information to this matter.

There are a significant number of original submitters who also lodged further submissions (approximately 2/3 of further submitters). 1/3 of further submitters were new to the process. These may have been people that missed the initial submission process. However, it should be noted that appellants were almost always submitters who participated from the original submissions period (92% of the time in this sample).

Table 13 further breaks down the 'government' category of submitters.

Table 13: Government submitters

|                | Submitter                        | Original | Further | Appeals |
|----------------|----------------------------------|----------|---------|---------|
| National level | Housing NZ Corporation           | 3        | 1       | 0       |
|                | Transit NZ                       | 2        | 3       | 2       |
|                | Ministry of Economic Development | 1        | 1       | 0       |
|                | Department of Conservation       | 1        | 1       | 0       |
|                | Department of Corrections        | 1        | 1       | 0       |
|                | NZ Fire Service Commission       | 1        | 0       | 0       |

|          |                                       |   |   |   |
|----------|---------------------------------------|---|---|---|
|          | Ministry of Education                 | 0 | 1 | 0 |
| Regional | Auckland Regional Council             | 6 | 3 | 1 |
|          | Auckland Regional Transport Authority | 3 | 2 | 0 |
|          | Auckland District Health Board        | 1 | 0 | 0 |
|          | Auckland Conservation Board           | 1 | 0 | 0 |
| Local    | Territorial Local Authority (TLA)     | 7 | 2 | 0 |
|          | Community Board                       | 5 | 1 | 0 |

The data gathered suggests that ARC is the most active government submitter, which is not surprising given its regional responsibilities. The six ARC submissions were on those six plan changes categorised as 'complex' and 'medium', suggesting that they become involved in plan changes with regional implications.

In terms of the TLA submitters, both selected councils made submissions to one of their own council plan changes, and one private plan change. Waitakere City Council was involved in relation to both of the 'medium' LG(A)AA plan changes, while Papakura District Council became involved in a 'complex' Franklin plan change.

Community board submitters included Eastern Bays, Western Bays, Hobson (Auckland community boards), Onewhero & Tuakau (Franklin community board), as the issues raised in the plan changes were relevant to their areas. In this sample, the irregular government submitters (e.g. Auckland Conservation Board, Auckland District Health Board, the Department of Corrections) tended to submit on the 'complex' plan changes.

### 3.3.3 Scope

Table 14 contains the proportion of submissions of different scopes, overall and by category. For the purposes of this project, a submission with over 20 points was considered to be 'extensive'. A 'medium' submission was defined as having 5 to 20 points, while less than 5 points made constituted a 'small' submission (even though the decision sought may have been significant e.g. that the plan change was declined or rejected).

Table 14: Scope of submissions by category

|         | Original  |        |        | Further   |        |        |
|---------|-----------|--------|--------|-----------|--------|--------|
|         | Extensive | Medium | Small  | Extensive | Medium | Small  |
| Total   | 3.0%      | 8.8%   | 88.2%  | 8.4%      | 15.5%  | 76.0%  |
| Complex | 2.2%      | 10.8%  | 86.9%  | 5.9%      | 13.0%  | 81.1%  |
| Medium  | 4.4%      | 7.3%   | 88.3%  | 36.8%     | 42.1%  | 21.1%  |
| Simple  | 0.0%      | 0.0%   | 100.0% | 0.0%      | 12.5%  | 87.5%  |
| ACC     | 2.1%      | 6.6%   | 91.3%  | 32.8%     | 29.3%  | 37.9%  |
| FDC     | 4.2%      | 11.9%  | 83.9%  | 4.7%      | 13.4%  | 81.8%  |
| Council | 3.0%      | 8.8%   | 88.2%  | 8.5%      | 15.7%  | 75.8%  |
| Private | 1.8%      | 8.8%   | 89.5%  | 0.0%      | 0.0%   | 100.0% |

The data indicates that a high proportion of submissions made are small – few parties make detailed or extensive submissions. Those 'extensive' submissions that were made were all on 'complex' and 'medium' plan changes, and were more likely to be on council-initiated plan changes than private plan changes. It appears that further submissions are generally more extensive than original submissions in terms of the number of points covered i.e. the sum of all of the subparts of extensive original submissions supported or opposed

However, in this sample, 11.8% of total submissions were seeking rejection or acceptance of the plan change as a whole. The majority of these were in the 'small' category, so although there was a high proportion of small submissions made, this statistic does not reflect the magnitude of the changes sought.

Data was not gathered comparing type of submitter (individual, business etc) to extent of submission, but from pure observation, the extensive submissions tended to be from businesses, organisations and government agencies. Many were written on behalf of a party by an agent (lawyer or planner).

## 4 Analysis and commentary on findings

This section looks into the findings in more depth and within a wider context in order to provide insight into the First Schedule process. The possible explanations cited for the findings are informed by both the data collection experience and by practitioner experience (of the planning industry in general and the plan change process specifically).

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### 4.1 Timeliness

Processing timeframes can be significant to private plan change applicants, particularly because they may be impacted by holding costs or opportunity costs incurred by a proposed development that is dependent on the outcome. They can also be significant to the public under a council plan change, because the plan change must be given effect to at the time of notification. If there is a big lag in time before it becomes operative, this creates uncertainty and public concern and has the additional effect of increasing resource consent processing timeframes and volumes.

#### 4.1.1 Reasons for time taken

The amount of time taken to prepare a plan change is affected by a number of factors as already mentioned. A complex plan change may require considerable amounts of internal and external consultation, research, option testing and peer review (particularly from the consents staff who will administer it); there may be a need if the contents are contentious to have a legal review of the plan change; the length of time can also be related to the need to report back to committee on specific elements of the plan change and in turn, the committee may request to see various iterations of the plan change to provide direction. The time taken to get reports onto monthly agendas can be long; this can in turn be impacted by elections and other council processes e.g. annual plan consultation and other priorities .

Inevitably council staff working on the plan change will be responsible for a number of plan changes and other project work which may impact on timeframes. Priorities such as preparing evidence e.g. for a hearing or the Environment Court often cause delays. This is because as a rule, priority is always given when time managing to Environment Court hearings and council hearings on other plan changes. There may also be delays in getting specialist input e.g. traffic, heritage and urban design as part of the assessment of effects and s 32 process.

The time taken can also relate to the need to allow sufficient time for feedback from those consulted, as part of the development of the plan change. In the case of the plan changes reviewed, the extent of consultation appears to be appropriate to the magnitude of the plan change. In at least some cases, consultation had an effect on the final form of the plan change. Consultation therefore has the ability to be effective and can reduce the time required later in the process, by bringing up issues at a time when it is easier to change plans.

The big gap noted between the end of further submissions and the hearing date is often as a result of preparing for the hearing, including the drafting of the hearings report and preparing the reporting planner recommendations. Although the planner's or hearing report is not a formal part of the First Schedule process (see flow charts in appendix 4), the report is extremely beneficial as it allows issues to be addressed that may be confusing or problematic for submitters. In some

instances where the submitters are satisfied by the planner's response, it may mean that they do not need to attend the hearing. Where there are many submissions and they raise significant issues, preparing a hearing report can take a long time and may impact on determining a hearing date as most councils are reluctant to notify a hearing date without a report being available.

Where submissions raise new issues there is often a need to commission more expert or specialist input to respond to the issues and this can take time. In addition, the scheduling of the hearing is also affected by commissioner availability. Finding time for longer hearings (as indicated by volume of submissions drafted by lawyers and planners on behalf of submitters and who generally want to be heard), can be problematic where elected politicians are appointed as commissioners. Elected officials often have other commitments to meet and their diaries are busy. It is generally easier to find hearing time with independent hearing commissioners or where councils have a large panel of commissioners to call on and can set a hearing based on who is available.

The gap between the start of hearing and release of decision can also reflect the importance and duration of the hearing due to the size and complexity of the body of evidence presented, and the volume of submissions that had to be considered in the deliberations and decision making process. It can take a considerable length of time to determine the implications of any changes to complex plan changes in response to submissions and evidence presented at the hearing and to redraft parts of the plan change. Deliberations are also affected by commissioner availability and unless time is booked at the same time as the hearing, these may need to be fitted in around other work.

The hearings of the plan changes reviewed were usually run over 2-3 days per week. This is likely to be both a result of busy diaries but is also beneficial as it allows the hearing committee to digest the information.

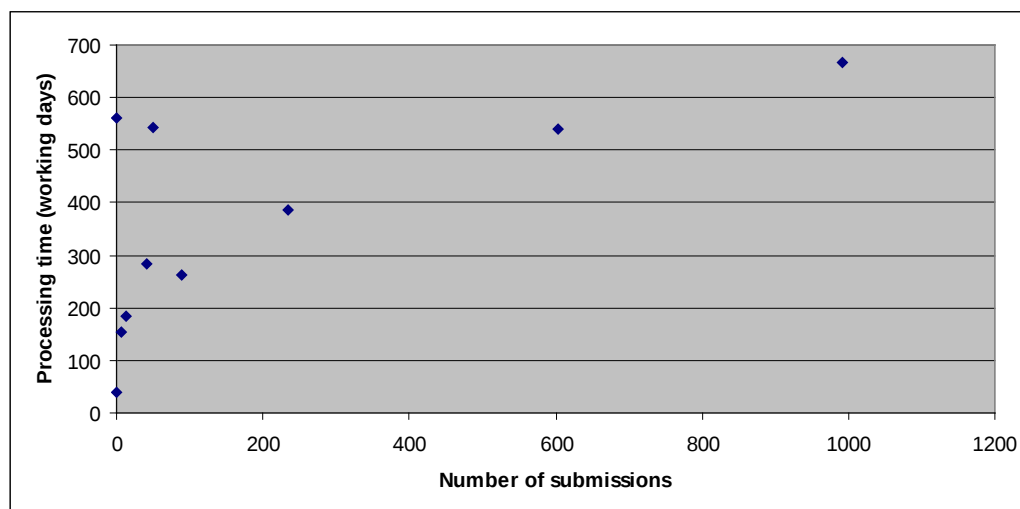
A number of stages (resolution to commence the process and reporting the recommendation of the hearing panel to the Council/committee, as well as reporting to obtain the resolution to make the plan change operative) are also affected by the need to meet council agenda timeframes. There is very often quite a lead-in time between a report being ready for a council committee, the agenda being compiled, the meeting being held and the decision being released or the resolution being published.

Private plan changes appear to be efficient as a way of achieving changes to the district plan, as they appear to be progressed without significant delay. This may in part be because they are often more simple, site specific, and often processed externally so additional and supplementary resources can be accessed as the cost is met by the applicant. They also do not require significant consideration by council committees once the initial clause 25 decision has been made. Council plan changes are more political and as such there is potentially greater involvement (both in the development of a plan change's contents and in the process) of elected officials at each stage. As mentioned earlier, because internal resources are often stretched, work on council plan changes may also be sidelined as work on another perhaps higher priority is required. This does not generally occur for private plan changes, where planning consultants are engaged in part on the basis of their competency and in part on their work load and availability to process the plan change quickly.

In terms of the statutory timeframe, the data gathered suggests that two years is a reasonable amount of time to progress a plan change (both public and private) from notification to decision.

The time taken is generally and not surprisingly directly related to the number of submissions received, as shown in Figure 3.

Figure 3: Number of submissions vs time taken from notification to decision



The findings show that any appeal significantly lengthens the process, with the earliest plan change not yet operative being the one notified in September 2003

While it has not been part of the brief to comment on the length of time taken to resolve appeals it cannot be overlooked that the time between decision released and appeal resolved in the sample is around double the length of time it takes to be developed. Therefore further consideration must be given to solving the delay caused by appeals.

#### 4.1.2 Reasonableness of processing times

For the reasons discussed above, in most cases the processing times were considered to be reasonable. Other reasons for delays included the Christmas holiday period, and election years (late 2001, 2004, 2007) when Councils are dissolved and there is a reluctance to make decisions on significant changes of policy that may impact on an incoming council. In the case of private plan changes councils do have the ability to appoint independent commissioners, to ensure that time frames are met. However the recommendations of any hearing panel on a plan change private or public still need to go to a council meeting (section 34) and while the first meeting after the elections is after the election results are confirmed (often in November), these do not generally address general business as they are focused on the establishment of committees and it is not generally until late January or even February the following year that council meetings get back to normal business. Other matters within council control which could have lengthened processing periods were the levels of council resources allocated and the competency of staff (a less experienced planner may take longer to progress through a plan change than a planner with more experience), although not enough is known about these matters to make a comment on their effect on the particular plan change.

Councils appear to spend a lot of time on aspects that are not part of the formal First Schedule process (hearings report, deliberation/recommendation reports and preparing the necessary amendments to the plan change document when it is complex). These aspects are considered to be important as they assist the process and add to the understanding for submitters of the impact of their submissions.

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## 4.2 Cost-effectiveness

### 4.2.1 Reasons for costs

There are some interesting observations arising from the limited review of costs:

Pre-notification costs more for complex plan changes. Council and private are similar for this stage. This is not surprising as the impact of complex policy plan changes is such that more individuals are likely to be affected and the general thrust of the provisions needs to be set in the context of council strategic and district plan policy. Therefore the level of work will be expected to be higher to match the increased level of risk.

For the notification to decision stage, Highest costs are hearing – decision, next highest is summary – hearing, very small cost on stage 2 and 3. As mentioned in the report the amount of time and input required to prepare for the hearing and involved in the hearing it self is very high.

Legal costs run at 10-15% of the cost of the plan changes. Given that four of the five reviewed had been appealed and in two of the instances there were a number of appeals, higher legal fees was a logical outcome, but it is surprising to see that they represent such a high proportion of the total cost. Legal fees and staff time are high for the appeals stage and this reflects the amount of time taken to meet with appellants, understand and even narrow down the issues, draft and circulate letters and to seek and obtain political endorsement for any potential settlement.

The category of 'other' costs is biggest in the hearing to release of decision stage and this is because the costs include commissioner costs and the costs associated with the printing of reports to send out to submitters attending hearings.

Private plan changes have extra costs. Although the council's costs resulting from private plan changes are fully funded by the applicant,(apart from appeals), the costs identified in this work do not reflect the real cost to the applicant since the applicant's time and costs incurred are not captured.

Figure 4 below plots working days against costs of plan changes from notification to decision for each of the Auckland City plan changes, and Figure 5 plots these by stages.

Figure 4: Total working days vs total costs of plan changes from notification to decision

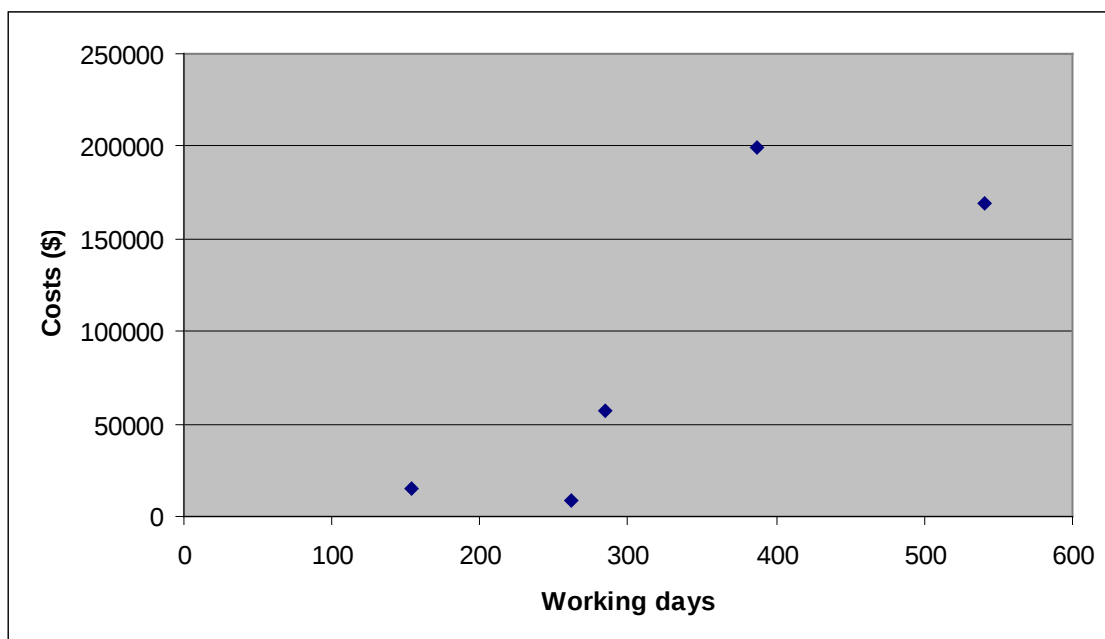
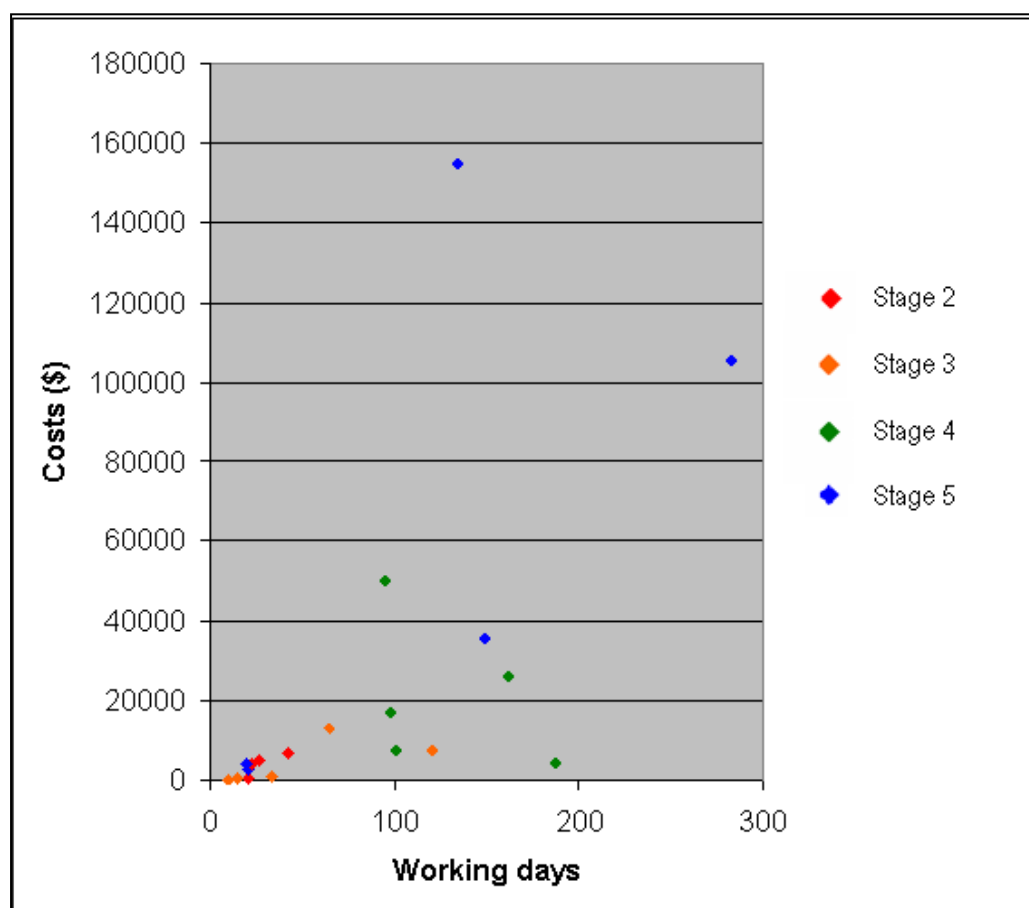


Figure 5: Working days vs costs of plan changes from notification to decision by stage



It can be seen that time and cost for plan changes in total and for each stage are related; however time taken is not the only factor in determining costs. Other factors could be the complexity of the change, meaning more skilled people are required not just to undertake consultation, and to prepare the plan change but also to undertake the s32 analysis and to provide peer review to provide a range of perspectives. Significant or complex plan changes can

also involve senior management in decision-making and risk management as well as large scale communication processes to inform the community of the plan change and its implications.

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## 4.3 Participation

### 4.3.1 Characteristics of submissions and participants

'Complex' plan changes were those making significant changes to policy and impacting on a large area of the district so it makes sense that more parties felt affected enough to make a submission. Major changes usually have a contentious nature as they change the status quo on which many may have based development and funding expectations, and would therefore be expected to attract strong opinion. They are also plan changes that are widely notified<sup>6</sup>, so the chance of a large number of submissions is greater. However and very often surprisingly, the proportion of submissions received /relative to the number of people notified increases with plan changes that are notified to smaller numbers of parties. This may be because such plan changes are more specific i.e. related to an individual site, so are easier for a potential layperson submitter to understand and assess the potential impact of the plan change.

Plan changes with greater complexity enable more points to be made about them, so it is not surprising that more extensive submissions were made on more complex changes. Private plan changes, although some were complex, only affect a limited area, so again it would be expected that council plan changes would attract more extensive submissions. The implications of changes in council policy and the status of activities and rules across all or part of a district will impact on submitters in different ways. Those with development aspirations may be concerned to protect their potential development rights and those concerned about potential development around them may seek to remove the opportunity.

11.8% of total submissions were seeking rejection or acceptance of the plan change as a whole. This is often either used as an easy way to oppose or support a proposal, or as an alternative e.g. "I seek the rejection of the plan change in its entirety, OR ... (changes)". Therefore although the majority of overall submissions made were small in size, many submitters sought significant changes. This type of submission is the easiest to make as an 'opening' position, as a submitter may be happy to accept something else of lesser effect. There are of course submitters who just don't like change and so the easiest decision for them is to ask for the plan change to be rejected in its entirety. It is also a common decision request for first time or layperson submitters.

In the case of the examples reviewed, there are fewer further submissions than original submissions and a small number of the further submitters were 'new' to the process. The reason for this will vary from one plan change to the next. Some further submitters may have been happy with the plan change as notified (but did not lodge a submission in support) and only get involved when a submission requests a change that they disagree with. For others it is a case of an issue that they may not have considered in their original submission. Some further submitters get involved after missing the original notification for what ever reason, and they support a

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<sup>6</sup> Notification for a district wide plan change varies across councils but in some e.g. ACC it is via City Scene a weekly council publication delivered to every property and to postal boxes at post agencies in the city and in others it may be through the NZ Herald and other papers circulating in the district. A plan change affecting a specific site is notified the same way, but individual ratepayers who may have an interest can also be identified and notified directly

submission that is either consistent with their own view so that they can become a party or look to oppose a submission that is inconsistent with their view.

Further submissions are of value where a submitter seeks a change that may have not been considered in the original plan change (or any of the section 32 options) as they provide a different perspective on the issue. They are also useful in allowing those who missed the opportunity to lodge an original submission to become a party to the plan change.

As further submitters are limited to only support or oppose they have on the face of the submission limited impact and the benefit of the further submission process is often questioned. However a further submitter through their evidence can add a perspective that may not be present and allow a hearing panel to consider an issue that they were not aware of.

Further submissions involve supporting or opposing other submitters' points and many of the further submitters in this review did not limit their involvement to one submission; they supported all the similar submissions and opposed all of the ones that they did not agree with – rather than just one. There sometimes appears to be an attempt to show an indication by way of numbers of the level of support or opposition. This can be repetitive, i.e. supporting all submitters that have a similar opinion to your own and this may be one of the reasons many involved with the RMA undervalue further submissions

Further along in the process, participation in the plan change process as evidenced by the type of parties attending hearings becomes smaller and more 'professional'. This may be an indication that the increasingly formal settings tend to contribute to the layperson, who may have limited knowledge of the process, becoming less comfortable and therefore less involved later in the process. Also, due to their general lack of specialised knowledge, layperson submitters may feel that what they have to say may not always be relevant or reasoned. Hence they may feel after reading the assessment of submissions in the hearing report that it is not worth participating further. The decreased proportion of individual submitters along the process is also likely to be due to a lack of resources to follow through to the Environment Court. From experience, the majority of individuals generally appear to accept the council's decision.

The groups more highly represented in the appeals appeared in this study to be generally those with greater financial resources and/or specialist knowledge. For example, individuals usually have to take time off work to attend a hearing, while for business submitters they can employ specialists or can justify attending hearings as part of their business.

The review highlighted that a high proportion of submitters while indicating initially that they wanted to attend hearings did not attend in the end. The difference between the numbers could indicate that some changed their mind about turning up to the hearing as a result of reading the planner's report and other submissions and feeling that they did not need to attend a hearing for their points to come across. It may of course also result from a clash of dates or a change in circumstances - i.e. sold the property that was affected during the time taken and no longer has an interest. Representation by agent is increasingly utilised at a hearing, with only one plan change indicating a high proportion of individuals (ACC1). This may indicate that people are generally intimidated by the process or are getting better organised to be more effective.

Government agencies appear to be keeping track of plan changes and will make a submission if they are affected. However for most (especially national level) government agencies this appears to be a small minority of plan changes. ARC appears to be carrying out its 'environmental watchdog' role well, and this could perhaps be reduced by greater engagement with the ARC during plan change development.

### **4.3.2 Effectiveness of participation**

The review of hearing and decision reports shows that further submissions were not generally considered individually; rather they were cited as opposing or supporting a point, then rejected or accepted according to whether the original point was rejected or accepted. Sometimes further submissions were not even mentioned in the decision report further than listing them unless the further submitter attended the hearing and gave evidence or evidence was tabled on their behalf.

The proportion of submissions accepted varied. Some of the points raised by submitters were incorporated into plan changes, amending the original plan change text. These were usually relatively minor changes, retaining the main thrust of the plan change, but this did indicate that what submitters had to say was sometimes useful to the decision makers. One of the complex plan changes was an exception to this, with some major changes being made in the council decision that were consistent with submitters' points, including the addition and amendment of objectives, policies and rules. Council comments indicate that these changes brought the plan change more in line with community expectations from when the plan change was first promoted. Rules and other text were also made more consistent with objectives and policies.

In the case of one of the private plan changes, the council was able to use the submissions to reject the plan change although some of the reasons that it was rejected for were also concerns that the council had earlier asked for additional information on before the plan change was even notified.

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## **4.4 Other comments**

One of the issues that arose in this study related to the adequacy of the files or records of the progress of plan changes through the First Schedule process. The files of some of the plan changes were large with little summary information on the First Schedule processes. Perhaps also because of changes in staff (and use of consultants) some of the information on file varied, with one private plan change not appearing to have a hearing (on file it was noted that one submission in support was withdrawn so that a hearing would not be required). The particular file was not able to explain the reason that the private plan change was notified before the District Plan became operative. As part of this study, the decision to proceed with the private plan changes was reviewed, especially the possibility that they could have more appropriately have been considered as a resource consent application. It was concluded from the review that a private plan change was the most appropriate method in each case to achieve what was desired.

Another element of interest from the file review was the lack of formal use of the clause 23 further information request. The following are likely reasons for the lack of formal use of clause 23 further information requests:

- Often councils are approached regarding requests for private plan change well before lodgement, and can be provided with drafts prior to beginning the formal process. This can avoid the need to request further information, as any information issues have been resolved prior to lodgement.
- Private plan changes are often processed by external consultants, and it appears that formal acknowledgement of lodgement or information requests do not always take place. Hence there is a lack of information available around this stage. Clearly further

information was sought for ACC4, but it is unclear from the file whether this was prior to formal lodgement or after.

## 5 Evaluation

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### 5.1 Data collection

#### Incomplete information/files

Valuable information was available on council websites, but all plan changes required further research into the paper file. In particular, Franklin only had current plan changes available online. Even after looking at the paper files there were gaps in the information available to this study, and in some cases these gaps could not be filled by further correspondence with the contacts in the councils. This may have been due to changes in staff or that all relevant people were not involved.

#### LG(A)AA

Although councils developed individual plan changes in response to the Local Government (Auckland) Amendment Act 2004, the First Schedule processes were all managed by the ARC. This was because a decision had been made that the plan changes across the region would be notified together, heard by a joint panel of elected and independent commissioners and decisions released simultaneously. As a consequence it appears that incomplete record keeping has resulted for the individual local authorities. In addition, much information had been removed from the Auckland Regional Council website (to which each TLA is linked) as it became out of date. As some parties submitted on multiple plan changes, and a full set of the hearings schedules was unable to be obtained, the hearings data in particular for each council had to be estimated to the best knowledge based on what was available.

#### Timeframes

As the majority of the plan changes selected are not yet operative, little analysis could be done on the timeframe of the whole First Schedule process from start to finish. However it is noted that over half of the plan changes met the 2 year limit set out in clause 10.

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### 5.2 Statistical significance

#### Reliability and consistency of results

The reliability of the data is limited by the small data set used in the research. The study size has most significantly been limited by the timeframe in which the project has taken place. The results should not be viewed as dependable indicators of the population of plan changes. This is because the sample size is small, and contains some unusual examples.

#### Calculated means

The calculation of the mean for only 10 or fewer sets of data has the potential to be highly affected by outliers and should therefore not be viewed as very representative of the data or of the population of plan changes. Also, the calculations done for individual stages of the plan

change process did not include two of the 'simple' plan changes due to them having no submissions and not needing to go through all stages. Hence the means calculated for these stages are weighted in favour of 'complex' plan changes. The means should be considered to be indications only in order to enable some comparisons.

### **Calculated costs**

As mentioned, the sample size for the plan change costs was a maximum of five, and the sample was from only one council, so the mean calculations should not be viewed as representative of the population of plan changes. The accuracy of these costs relies on the council capturing all costs. Some figures appear to be a bit light, so perhaps not all costs have been captured, such as staff time. Also, from speaking to the consultant processing planner for one of the plan changes, at least one of the figures is incorrect, and this may have been due to the invoice being received/paid in a different date period. Therefore some of the costs coming from outside of council may have fallen into the wrong stage.

For private plan changes, the time of the applicant and their costs have not been able to be captured. This means private plan changes are under-valued in their total costs in this report.

### **Comparability of councils**

As both councils must follow the plan change process in legislation, the councils are able to be compared, however there are differences noted in the standard operating procedures of the two councils. For example, Auckland City Council notifies a hearing to everyone who indicated on their submission that they wish to be heard, whereas Franklin notifies everyone who made a submission. Auckland City has maintained cost records for all plan changes since its plan became operative in 1999, while Franklin has recently (2007) commenced keeping individual plan change records.

### **Counting difficulties**

The practice of one submitter making multiple different submissions occurred, especially for the 'complex' and 'medium' plan changes; this had the potential to distort the number of submitters and the tallies of the submitter types. The general practice used in this situation was to, where possible, give the total number of submissions received (counting repeats) but only count each submitter once when determining category (type, scope). This was considered to give a more accurate picture. However, in doing this, some submitters may have been counted multiple times by accident.

### **Accuracy of results**

The data recorded through the research has been recorded as accurately as possible. The dates are considered to be highly accurate except where noted. The costs are only as accurate as the Auckland City Council's accuracy of recording costs.

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## **5.3 Robustness of analysis and findings**

The robustness of the findings and analysis is limited due to the small sample size included in the project. The robustness of the findings would be improved by using a larger sample size involving more councils, and taking a random sample.

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## **5.4 Future research**

In order to be more certain that research results were indicative of the whole population of plan changes, it would be recommended that future research on this topic involve a larger sample size taken from a wider range of councils. Also, other councils should be identified that have kept records of the costs incurred throughout their plan change processes, in order to get more robust information in this area. One way of achieving this could be for MfE to use its two yearly survey of local authorities to find out more about plan changes. Questions could ask councils if they record the cost of plan changes and what costs are and how many plan changes have been processed that meet the 2 year limit in Clause 10. Creating greater visibility of these issues would perhaps start to trigger responses from councils looking to have better performance.

## 6 Conclusions

This project was commissioned to collect, analyse and report on the time and cost associated with the First Schedule of the RMA.

The project has resulted in the presentation of useful information, particularly in relation to the time taken during the plan change process and the characteristics of the participants in the process.

Due to the small number of plan changes reviewed in the project, the results are not statistically significant. However, the project does suggest that as may be expected, the time taken to process a plan change appears directly related to its complexity, and this is reflected in the number of submissions and appeals made and the length of time taken to prepare the decision for complex changes. As may also be expected, council plan changes took longer on average than private plan changes, which is perhaps a reflection of the limited focus of private plan changes and the fact that most private plan changes are processed on council's behalf by external planners engaged to deliver this specific task.

Interestingly the largest amount of time is taken up in the pre-notification period of a plan change (including preparation and consultation) while appeals, significantly lengthen the process (in some cases, doubling the time). The stipulated two year statutory time limit from notification of a plan change to the release of the decision on submissions appears to be reasonable and achievable for most plan changes. While the preparation for the hearing (assessment of submissions, input from experts, drafting of the hearing report and setting the hearing) is a time consuming and costly part of the process, it appears that the further submission period is not used effectively by councils to commence the analysis of submissions for the hearing report and in particular to commission expert input during this time (given that further submissions do not appear from the analysis to generally add anything new to the process).

The majority of submissions lodged are simple, generally seeking that the whole of the plan change is reject, as opposed to listing or seeking extensive changes. This may account for the fact that participation by submitters appears to have limited effectiveness, as the thrust of most plan changes was not significantly amended as a result of submissions. Complex changes were generally 'adjusted' by submissions and this may be the result of the presence of agents representing submitters at hearings.

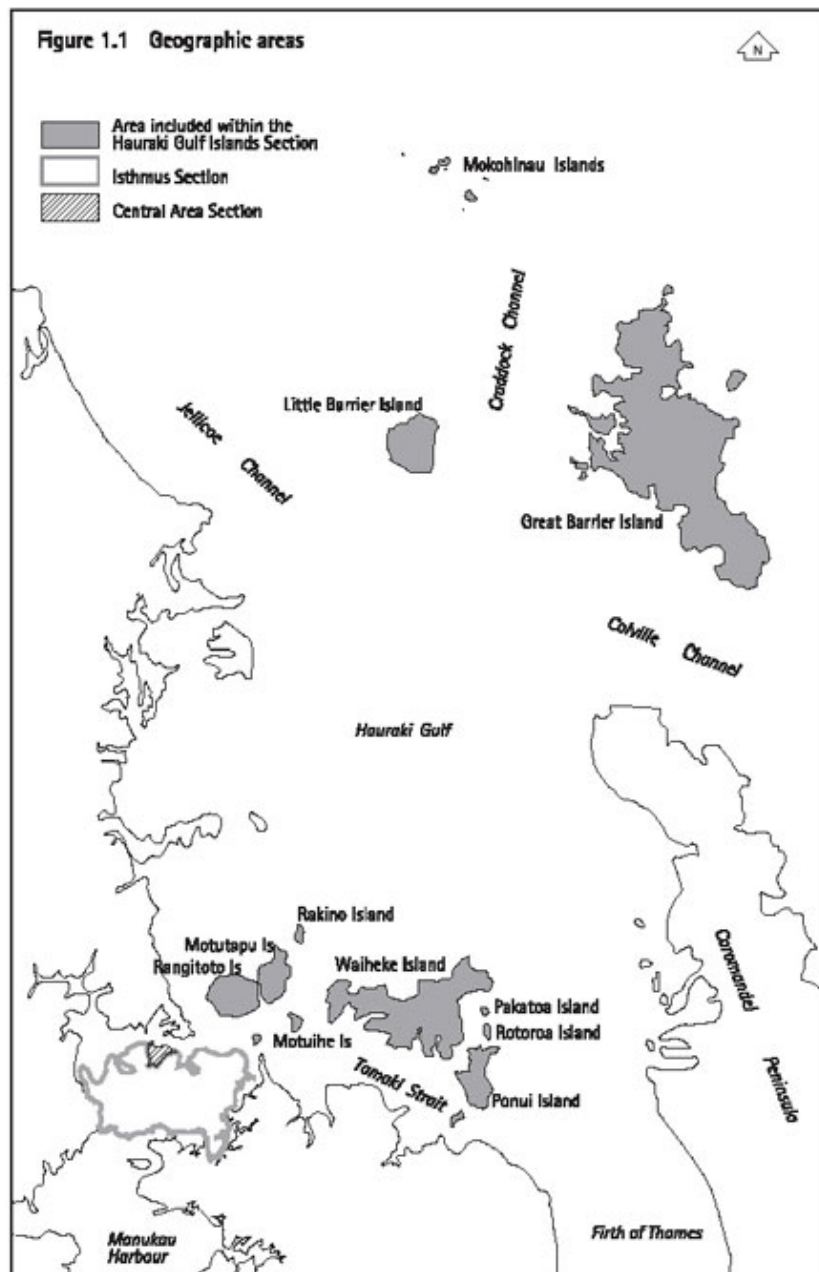
A number of plan changes did however reveal that engaging in consultation can be effective in influencing the development of a plan change.

The costs associated with the hearing of submissions, (ie preparing the hearing report and the hearing itself, as well as the deliberations process) appear to be higher than the other stages of the plan change process combined.

The outcomes of the work are not surprising however they are useful. In order to better understand the impact it would be useful for MfE to gather statistics from councils directly as part of the 2 yearly MfE Survey of Local Authorities.

# Appendices

- Appendix 1: Maps showing the area of coverage of Auckland City's (Isthmus section) and Franklin District's Plans
- Appendix 2: Plan Change data spreadsheet
- Appendix 3: Auckland City Plan Change costs spreadsheet
- Appendix 4: First Schedule process flowcharts

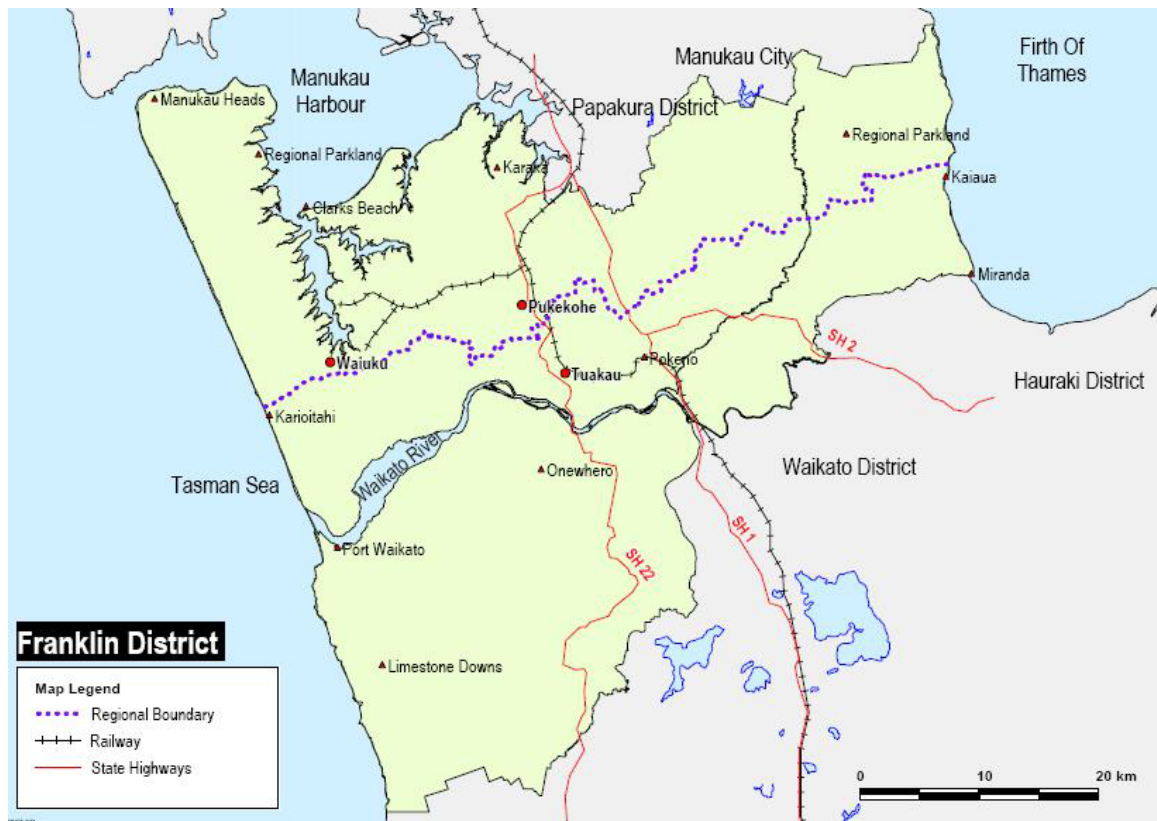


Map of Auckland City showing the three geographical areas covered by separate sections of the district plan :

Isthmus Operative 1999

Central Area Operative 2005

Hauraki Gulf Islands, Operative 1996 and Proposed 2006



Franklin Overview Map. Source: Franklin District Council

| PLAN CHANGE DATABASE                                                                                               |                                                                                                                                   |                                                                                                                           |                                                                               |                                                                                                                                                                                     |                                                                                                                                        |                                                                                                                                    |                                                                                  |                                                                    |                                                                                                                                                              |                                                     |
|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Plan change                                                                                                        | ACC 1                                                                                                                             | ACC 2                                                                                                                     | ACC 3                                                                         | ACC 4                                                                                                                                                                               | ACC 5                                                                                                                                  | FDC 1                                                                                                                              | FDC 2                                                                            | FDC 3                                                              | FDC 4                                                                                                                                                        | FDC 5                                               |
| Type of PC: Pub/priv                                                                                               | Pub                                                                                                                               | Pub                                                                                                                       | Pub                                                                           | Priv                                                                                                                                                                                | Priv                                                                                                                                   | Pub                                                                                                                                | Pub                                                                              | Pub                                                                | Priv                                                                                                                                                         | Priv                                                |
| Date: Request for Private Plan Change received                                                                     |                                                                                                                                   |                                                                                                                           |                                                                               | Draft submitted Aug 04; lodged 26/5/2005                                                                                                                                            | 17/1/2005                                                                                                                              |                                                                                                                                    |                                                                                  |                                                                    | Lodged 21/8/2000 and 16/11/2000                                                                                                                              | Request 3/7/1997                                    |
| Comment: time/amount of previous work including issue papers, complaints, discussions                              | Response to residents' concerns & petition - insufficient provisions. Resolved to act 16/9/2004. Workshops held                   | Required from legislation                                                                                                 | Identified sites as needing protection through heritage evaluations           | First raised with Council in 2000 or 2001                                                                                                                                           | Response to Transit land acquisition - need to relocate. All details negotiated pre-application                                        | ARC, Franklin and residents concerned about insufficient protection against rural and coastal development pressures                | Required from legislation                                                        | Council resolved to change a site's zoning                         | unknown                                                                                                                                                      | unknown                                             |
| Consultation: Y/N                                                                                                  | Y                                                                                                                                 | Y                                                                                                                         | Y                                                                             | Y                                                                                                                                                                                   | Y                                                                                                                                      | Y                                                                                                                                  | Y                                                                                | no evidence                                                        | Y                                                                                                                                                            | Y                                                   |
| If Y, who?                                                                                                         | Tangata whenua consultative committee, residents, ACE, City Planning, NZHPT, Housing NZ, MIE, ARC, NZIA, NZIA Issues Group, NZILA | Residents (region wide newsletter), Iwi (regional and local), ACC consulted with ARC, other TLAs and MIE pre-notification | ARC, MIE, 2 private dwelling owners                                           | Public, tangata whenua, Cornwall Park Trust Board, Ministry of Education, Auckland Showgrounds, Hobson Community Board, ADHB, Police, ACC Development Committee, Urban Design Panel | Residents of surrounding area (500+), council officers and councillors, Mt Roskill community board, school board and parish committees | Community, Iwi, councillors, stakeholders/interest groups                                                                          | Residents (region wide newsletter), Iwi (regional and local)                     | N/A                                                                | ARC, Huakina Development Trust, Env/Waikato, Transit, Federated Farmers and adjacent landowners                                                              | southern neighbours                                 |
| when?                                                                                                              | 1999, 2004, 2005                                                                                                                  | Sept 2004 (regional)                                                                                                      | April-June 2006                                                               | At least 7 different days Aug - Dec 2003                                                                                                                                            | 30 Nov 2005 and informal                                                                                                               | 1999-2002, many different dates                                                                                                    | Sept 2004 (regional)                                                             | N/A                                                                | preparation stage                                                                                                                                            | unknown                                             |
| what?                                                                                                              | Resident surveys, committee meeting. Sending out of info to stakeholders (some groups did not respond)                            | Extensive* by both ARC and ACC                                                                                            | No response from ARC/MIE. Owners of buildings to be scheduled through letters | Open day publicised by letters, public notice and press. Other meetings arranged                                                                                                    | Open day                                                                                                                               | Meetings, workshops, surveys, presentations, questionnaires, open days, a discussion document for public comment ("informal" subs) | Extensive by ARC. Have not sighted any account of local consultation             | N/A                                                                | asking for comments to consider revising proposal accordingly                                                                                                | appears pretty informal                             |
| Clause 23 requests (Priv): Y/N                                                                                     |                                                                                                                                   |                                                                                                                           |                                                                               | Y - informal?                                                                                                                                                                       | N                                                                                                                                      |                                                                                                                                    |                                                                                  |                                                                    | Y                                                                                                                                                            | N                                                   |
| Date(s):                                                                                                           |                                                                                                                                   |                                                                                                                           |                                                                               | after 26/5/2005                                                                                                                                                                     | N/A                                                                                                                                    |                                                                                                                                    |                                                                                  |                                                                    | no details available                                                                                                                                         | N/A                                                 |
| Comment: What type of info requested?                                                                              |                                                                                                                                   |                                                                                                                           |                                                                               | Preliminary traffic report, Metrowater report and heritage report; suggested Urban Design Forum assessment                                                                          | N/A                                                                                                                                    |                                                                                                                                    |                                                                                  |                                                                    | Unknown. Note: FDC also made 2 submissions re: financial contributions and the notation of the concept plan                                                  | N/A                                                 |
| necessary?                                                                                                         |                                                                                                                                   |                                                                                                                           |                                                                               | Y - ultimately rejected on traffic grounds                                                                                                                                          | N/A                                                                                                                                    |                                                                                                                                    |                                                                                  |                                                                    | unknown                                                                                                                                                      | N/A                                                 |
| Comment: could Private Plan Change be a resource consent?                                                          |                                                                                                                                   |                                                                                                                           |                                                                               | No - changes to a concept plan were required, and it was complex                                                                                                                    | A PPC allowed a comprehensive zoning of the site and protected future use                                                              |                                                                                                                                    |                                                                                  |                                                                    | Planner assessed that PPC was best - effects more than minor so res consent difficult                                                                        | yes but a PPC was more appropriate for the purpose. |
| Date: council resolution to notify                                                                                 | 14/04/2005                                                                                                                        | 3/02/2005                                                                                                                 | 8/08/2006                                                                     | 21/7/2005 (with amendments) and 30/9/2005                                                                                                                                           | 6/03/2006                                                                                                                              | 29/8/2003 (with amendments)                                                                                                        | ?                                                                                | 12/07/2001                                                         | Accepted 14/12/2000; resolved to notify 26/04/2001                                                                                                           | Accepted 23/10/1997 - resolution unknown            |
| Date: of public notification                                                                                       | 25/5/2005                                                                                                                         | 31/3/2005                                                                                                                 | 20/8/2006                                                                     | 9/10/2005                                                                                                                                                                           | 19/3/2006                                                                                                                              | 30/09/2003                                                                                                                         | 31/03/2005                                                                       | 17/07/2001                                                         | 8/05/2001                                                                                                                                                    | 5/03/1998                                           |
| Number of people notified directly?                                                                                | All owners in affected zones                                                                                                      | ?                                                                                                                         | 25                                                                            | Not sure - but 14 return to sender                                                                                                                                                  | ?                                                                                                                                      | all ratepayers                                                                                                                     | ?                                                                                | 18 agencies + 94 identified affected parties                       | 16 agencies + 83 identified affected parties                                                                                                                 | Iwi, immediate neighbours, relevant agencies        |
| What media was used?                                                                                               | Website Y/N                                                                                                                       | Y                                                                                                                         | Y                                                                             | Y                                                                                                                                                                                   | Y                                                                                                                                      | Y                                                                                                                                  | Y                                                                                | N                                                                  | N                                                                                                                                                            | N                                                   |
|                                                                                                                    | Newspaper (name)                                                                                                                  | City Scene, releases to Herald                                                                                            | City Scene                                                                    | City Scene                                                                                                                                                                          | City Scene                                                                                                                             | Current Standard Operating Practice: Franklin County News, Franklin Life, NZ Herald, Waiuku Post (if directly related to Waiuku)   |                                                                                  |                                                                    |                                                                                                                                                              |                                                     |
|                                                                                                                    | Other (name)                                                                                                                      | Press release from mayor; media briefings                                                                                 |                                                                               | Letters                                                                                                                                                                             |                                                                                                                                        | Post to all ratepayers                                                                                                             |                                                                                  |                                                                    |                                                                                                                                                              |                                                     |
| Date: Closing of submissions                                                                                       | 1/07/2005                                                                                                                         | 31/5/2005                                                                                                                 | 18/9/2006                                                                     | 11/11/2005                                                                                                                                                                          | 21/04/2006                                                                                                                             | 11/03/2004                                                                                                                         | 31/05/2005                                                                       | 15/08/2001                                                         | 12/06/2001                                                                                                                                                   | 9/04/1998                                           |
| Total number submitters?                                                                                           | 206 parties, 247 submissions                                                                                                      | 582 (502 pro forma)                                                                                                       | 82                                                                            | 40                                                                                                                                                                                  | 5                                                                                                                                      | 589                                                                                                                                | 32                                                                               | 0                                                                  | 12                                                                                                                                                           | 1 (subsequently withdrawn)                          |
| Who from? (tally)                                                                                                  | Individual                                                                                                                        | 142 or 69%                                                                                                                | 534 or 92%                                                                    | 71 or 87%                                                                                                                                                                           | 30 or 75%                                                                                                                              | 4 or 80%                                                                                                                           | 4 or 13%                                                                         | 0                                                                  | 8 or 67%                                                                                                                                                     | 0                                                   |
|                                                                                                                    | Group                                                                                                                             | 48 or 23%                                                                                                                 | 18 or 3%                                                                      | 9 or 11%                                                                                                                                                                            | 5 or 13%                                                                                                                               | 76 or 13%                                                                                                                          | 8 or 25%                                                                         | 0                                                                  | 1 or 8%                                                                                                                                                      | 0                                                   |
|                                                                                                                    | Business                                                                                                                          | 9 or 4%                                                                                                                   | 25 or 4%                                                                      | 1 or 1%                                                                                                                                                                             | 3 or 8%                                                                                                                                | 0                                                                                                                                  | 16 or 50%                                                                        | 0                                                                  | 1 or 8%                                                                                                                                                      | 0                                                   |
|                                                                                                                    | Government agency                                                                                                                 | 7 or 3%                                                                                                                   | 5 or 1%                                                                       | 1 or 1%                                                                                                                                                                             | 2 or 5%                                                                                                                                | 1 or 20%                                                                                                                           | 4 or 13%                                                                         | 0                                                                  | 2 or 17%                                                                                                                                                     | 0                                                   |
|                                                                                                                    | Whole plan change                                                                                                                 | 42 (12 support, 32 oppose)                                                                                                | 7 (4 oppose, 3 support)                                                       | 78                                                                                                                                                                                  | 9 (8 oppose, 1 support)                                                                                                                | 3 (all support)                                                                                                                    | 36                                                                               | 3                                                                  | 10                                                                                                                                                           | 0                                                   |
| Scope: (tally)                                                                                                     | Extensive (21+ pts)                                                                                                               | 3 or 2%                                                                                                                   | 16 or 3%                                                                      | 0                                                                                                                                                                                   | 0                                                                                                                                      | 14 or 2%                                                                                                                           | 11 or 34%                                                                        | 0                                                                  | 1                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Medium (5-20 pts)                                                                                                                 | 21 or 12%                                                                                                                 | 36 or 6%                                                                      | 0                                                                                                                                                                                   | 1 or 2%                                                                                                                                | 61 or 11%                                                                                                                          | 9 or 28%                                                                         | 0                                                                  | 4                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Small (1-4 pts)                                                                                                                   | 151 or 86%                                                                                                                | 530 or 91%                                                                    | 82 or 100%                                                                                                                                                                          | 39 or 98%                                                                                                                              | 5 or 100%                                                                                                                          | 501 or 87%                                                                       | 0                                                                  | 7                                                                                                                                                            | 0                                                   |
| Number of people seeking to be heard?                                                                              | Approx 92 + 6 further submitters                                                                                                  | ?                                                                                                                         | 15 or 18%                                                                     | 12 or 30%                                                                                                                                                                           | 1 or 20%                                                                                                                               | Don't know - but anecdotal many people 'chickened out'                                                                             | 14                                                                               | 0                                                                  | 11 + 1 further submitter                                                                                                                                     | 0                                                   |
| Date: summary of submissions released and further submissions requested                                            | 2/10/2005                                                                                                                         | 18/11/2005 [assumed]                                                                                                      | 5/11/2006                                                                     | 4/12/2005                                                                                                                                                                           | 8/05/2006                                                                                                                              | 1/6/2004 and 20/5/2004                                                                                                             | 18/11/2005 [assumed]                                                             | N/A - no subs                                                      | 28/06/2001                                                                                                                                                   | N/A - no subs                                       |
| What media was used?                                                                                               | Website Y/N                                                                                                                       | Y                                                                                                                         | Y                                                                             | Y                                                                                                                                                                                   | Y                                                                                                                                      | Y                                                                                                                                  | Y                                                                                |                                                                    | N                                                                                                                                                            |                                                     |
|                                                                                                                    | Newspaper (name)                                                                                                                  | City Scene                                                                                                                | City Scene                                                                    | City Scene                                                                                                                                                                          | City Scene                                                                                                                             | City Scene                                                                                                                         | As for original notification                                                     | As for original notification                                       | As for original notification                                                                                                                                 |                                                     |
|                                                                                                                    | Other (name)                                                                                                                      |                                                                                                                           |                                                                               |                                                                                                                                                                                     |                                                                                                                                        |                                                                                                                                    |                                                                                  |                                                                    |                                                                                                                                                              |                                                     |
| Date: closing of further submissions                                                                               | 1/11/2005                                                                                                                         | 16/12/2005                                                                                                                | 4/12/2006                                                                     | 7/02/2006                                                                                                                                                                           | 2/06/2006                                                                                                                              | 30/6/2004                                                                                                                          | 16/12/2005                                                                       | N/A - no subs                                                      | 27/07/2001                                                                                                                                                   | N/A - no subs                                       |
| Total number further submissions?                                                                                  | 28                                                                                                                                | 21                                                                                                                        | 7                                                                             | 1                                                                                                                                                                                   | 1                                                                                                                                      | 403                                                                                                                                | 17                                                                               | 0                                                                  | 2                                                                                                                                                            | 0                                                   |
| Who from? (tally)                                                                                                  | Individual                                                                                                                        | 14 or 50%                                                                                                                 | 0                                                                             | 3 or 43%                                                                                                                                                                            | 1                                                                                                                                      | 204 or 57%                                                                                                                         | 2 or 12%                                                                         | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Group                                                                                                                             | 11 or 39%                                                                                                                 | 7 or 33%                                                                      | 4 or 57%                                                                                                                                                                            | 0                                                                                                                                      | 40 or 11%                                                                                                                          | 4 or 24%                                                                         | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Business                                                                                                                          | 2 or 7%                                                                                                                   | 9 or 43%                                                                      | 0                                                                                                                                                                                   | 0                                                                                                                                      | 106 or 29%                                                                                                                         | 7 or 41%                                                                         | 0                                                                  | 2                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Government agency                                                                                                                 | 1 or 4%                                                                                                                   | 5 or 24%                                                                      | 0                                                                                                                                                                                   | 0                                                                                                                                      | 11 or 3%                                                                                                                           | 4 or 24%                                                                         | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Whole plan change                                                                                                                 | 20 or 71%                                                                                                                 | 17 or 81%                                                                     | 3 or 43%                                                                                                                                                                            | 0                                                                                                                                      | Applicant                                                                                                                          | 76 or 81%                                                                        | 10 or 59% (new for FDC)                                            | 1 + the applicant                                                                                                                                            | 0                                                   |
| Original submitter or new submitter? (tally)                                                                       | New                                                                                                                               | 8 or 29%                                                                                                                  | 4 or 19%                                                                      | 4 (2 group, 2 indiv)                                                                                                                                                                | 1                                                                                                                                      | 0                                                                                                                                  | 48 or 39%                                                                        | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
| Scope: (tally)                                                                                                     | Extensive (21+ pts)                                                                                                               | 9 or 32%                                                                                                                  | 10 or 48%                                                                     | 0                                                                                                                                                                                   | 0                                                                                                                                      | 0                                                                                                                                  | 14 or 4%                                                                         | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Medium (5-20 pts)                                                                                                                 | 9 or 32%                                                                                                                  | 7 or 33%                                                                      | 1 or 14%                                                                                                                                                                            | 0                                                                                                                                      | 0                                                                                                                                  | 42 or 12%                                                                        | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Small (1-4 pts)                                                                                                                   | 10 or 36%                                                                                                                 | 4 or 19%                                                                      | 6 or 86%                                                                                                                                                                            | 1                                                                                                                                      | 1                                                                                                                                  | 305 or 76%                                                                       | 0                                                                  | 2                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Whole plan change                                                                                                                 | 10 or 36%                                                                                                                 | 4 or 19%                                                                      | 6 or 86%                                                                                                                                                                            | 1                                                                                                                                      | 1                                                                                                                                  | 305 or 76%                                                                       | 0                                                                  | 2                                                                                                                                                            | 0                                                   |
| Comment: majority opposing or supporting points?                                                                   | Majority supporting                                                                                                               | About even                                                                                                                | Supporting (but not by much)                                                  | Neither                                                                                                                                                                             | Supporting an amendment                                                                                                                | not assessed                                                                                                                       | more opposing points                                                             |                                                                    | Even                                                                                                                                                         |                                                     |
| Date: hearing notified                                                                                             | ?                                                                                                                                 | ?                                                                                                                         | Letters sent 27/7/2007                                                        | ?                                                                                                                                                                                   | ?                                                                                                                                      | ?                                                                                                                                  | ?                                                                                | N/A - not needed                                                   | 7/9/2001 (hearing date), 14/9/2001 (hearing agenda)                                                                                                          | N/A - not needed                                    |
| Hearings report: Y/N                                                                                               | Y                                                                                                                                 | ?                                                                                                                         | Y                                                                             | Y (28/4/06 and 19/9/06)                                                                                                                                                             | Y (23/8/2006)                                                                                                                          | ?                                                                                                                                  | ?                                                                                |                                                                    | think so - s32 + subs                                                                                                                                        |                                                     |
| If Y, size of document? (tick)                                                                                     | Extensive                                                                                                                         | 158 pgs + 897 pgs subs                                                                                                    |                                                                               |                                                                                                                                                                                     |                                                                                                                                        |                                                                                                                                    |                                                                                  |                                                                    |                                                                                                                                                              |                                                     |
|                                                                                                                    | Medium                                                                                                                            |                                                                                                                           |                                                                               | 46 pgs + 265 pgs appendices                                                                                                                                                         |                                                                                                                                        |                                                                                                                                    |                                                                                  |                                                                    | 76 pgs                                                                                                                                                       |                                                     |
|                                                                                                                    | Small                                                                                                                             |                                                                                                                           | 19 pgs + 239 pgs appendices                                                   |                                                                                                                                                                                     | 26 pgs + 253 pgs appendices                                                                                                            |                                                                                                                                    |                                                                                  |                                                                    |                                                                                                                                                              |                                                     |
| Date: first day of hearing                                                                                         | 15/6/2006                                                                                                                         | 27/04/2006                                                                                                                | 22/08/2007                                                                    | 17/5/2006                                                                                                                                                                           | 27/8/2006                                                                                                                              | 27/08/2004                                                                                                                         | 27/04/2006                                                                       | N/A                                                                | 24/09/2001                                                                                                                                                   | N/A                                                 |
| Total number submitters heard?                                                                                     | 46                                                                                                                                | 33                                                                                                                        | 4                                                                             | 8 (1 appeared twice)                                                                                                                                                                | 1                                                                                                                                      | approx 134                                                                                                                         | 11                                                                               | 0                                                                  | 3                                                                                                                                                            | 0                                                   |
| Tabled evidence?                                                                                                   | 2                                                                                                                                 | ?                                                                                                                         | 5                                                                             | ?                                                                                                                                                                                   | 0                                                                                                                                      | approx 11 that did not appear                                                                                                      | 1                                                                                | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
| Who represented submitters: (tally)                                                                                | Agent                                                                                                                             | at least 15                                                                                                               | 4                                                                             | 5                                                                                                                                                                                   | 0                                                                                                                                      | at least 40                                                                                                                        | 7                                                                                | 0                                                                  | 1                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Self                                                                                                                              | 39                                                                                                                        | the rest                                                                      | 0                                                                                                                                                                                   | 3                                                                                                                                      | the rest                                                                                                                           | 4                                                                                | 0                                                                  | 2                                                                                                                                                            | 0                                                   |
|                                                                                                                    | Other (name)                                                                                                                      | 0                                                                                                                         |                                                                               | 0                                                                                                                                                                                   | 0                                                                                                                                      |                                                                                                                                    | 0                                                                                | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
| Hearing notes                                                                                                      |                                                                                                                                   | joint hearing with all LGAAA changes - some submitters addressed more than 1 PC                                           | 1 agent represented multiple submitters (5)                                   | There was an adjournment for further technical assessment between hearing dates.                                                                                                    |                                                                                                                                        | 1 agent sometimes represented multiple parties                                                                                     | joint hearing with all LGAAA changes - some submitters addressed more than 1 PC  |                                                                    |                                                                                                                                                              |                                                     |
| Comment: how was hearing run - no. days/week                                                                       | 15, 16, 19, 21, 26 June 2006                                                                                                      | 46 days for all LGAAA changes                                                                                             | 1 day                                                                         | 17 and 25 May, 16 and 18 Oct 2006                                                                                                                                                   | 1 day                                                                                                                                  | 55 days arranged in blocks by 28 issues                                                                                            | 46 days for all LGAAA changes                                                    | N/A                                                                | 24, 25 Sept and 3 Oct                                                                                                                                        | N/A                                                 |
| Date: last hearing day                                                                                             | 26/6/2006                                                                                                                         | 14/12/2006                                                                                                                | 22/08/2007                                                                    | 18/10/2006                                                                                                                                                                          | 27/8/2006                                                                                                                              | 27/03/2006                                                                                                                         | 14/12/2006                                                                       |                                                                    | 3/10/2001                                                                                                                                                    |                                                     |
| Date: recommendation report released                                                                               | 24/11/2006                                                                                                                        | 28/5/2007                                                                                                                 | 31/08/2007                                                                    | 6/12/2006                                                                                                                                                                           | 10/10/2006                                                                                                                             | 6/05/2006                                                                                                                          | 28/05/2007                                                                       |                                                                    | 19/12/2001                                                                                                                                                   | Planners report dated July 2006                     |
| Date: of decision                                                                                                  | 14/12/2006                                                                                                                        | 28/6/2007                                                                                                                 | 20/9/2007                                                                     | 14/12/2006 (declined)                                                                                                                                                               | 26/10/2006                                                                                                                             | 15/06/2006 - public notified 11/7/2006                                                                                             | 28/06/2007 - public notified 1/7/2007                                            | 10/09/2001                                                         | 20/12/2001                                                                                                                                                   | 6/07/2000                                           |
| Comment on decision report: further submissions considered?                                                        | Not mentioned in decision report                                                                                                  | Appears that they have just been accepted and rejected according to original sub                                          | Don't know                                                                    | Yes - mentioned in recommendation report                                                                                                                                            | Yes - mentioned in recommendation report                                                                                               | Appears that they have just been accepted and rejected according to original sub                                                   | Appears that they have just been accepted and rejected according to original sub | N/A                                                                | Yes                                                                                                                                                          | N/A                                                 |
| Proportion of submissions accepted/rejected?                                                                       | Most rejected                                                                                                                     | Most rejected                                                                                                             | Most in support and accepted                                                  | 33 sought rejection of change; these were accepted                                                                                                                                  | Most accepted                                                                                                                          | Many of both, appears to be roughly even                                                                                           | More rejected                                                                    | N/A                                                                | Evenish - more of ARC and FDC points accepted                                                                                                                | N/A                                                 |
| Usefulness of points raised/accepted?                                                                              | Helped to fine tune some policies and rules, while keeping the main thrust of the plan change                                     | Few areas were changed                                                                                                    | Useful - one recommended change was accepted                                  | Useful in highlighting traffic issues which were the primary reason for declining plan change                                                                                       | A couple were specifically useful                                                                                                      | Points raised appear to have been very useful, with many accepted/amending objectives, issues, rule text significantly             | Some useful minor changes made                                                   | N/A                                                                | Not very useful except ARC. Many points dealt with in s32 or not within RMA scope of subs                                                                    | N/A                                                 |
| Date: closing for appeals                                                                                          | approx 19/2/2007                                                                                                                  | 11/09/2007                                                                                                                | approx 1/11/2007                                                              | approx 19/2/2007                                                                                                                                                                    | approx 7/12/2006                                                                                                                       | approx 22/8/2006                                                                                                                   | 11/09/2007                                                                       | N/A                                                                | approx 27/2/2002                                                                                                                                             | N/A                                                 |
| Total number of appeals?                                                                                           | 5                                                                                                                                 | 9                                                                                                                         | 1                                                                             | 1                                                                                                                                                                                   | 0                                                                                                                                      | 55 parties on 546 points                                                                                                           | 7                                                                                | 0                                                                  | 0                                                                                                                                                            | 0                                                   |
| Who from? (tally)                                                                                                  | Individual                                                                                                                        | 2                                                                                                                         | 2                                                                             | 0                                                                                                                                                                                   | 0                                                                                                                                      | 9                                                                                                                                  | 0                                                                                |                                                                    |                                                                                                                                                              |                                                     |
|                                                                                                                    | Group                                                                                                                             | 3                                                                                                                         | 0                                                                             | 1                                                                                                                                                                                   | 0                                                                                                                                      | 24                                                                                                                                 | 0                                                                                |                                                                    |                                                                                                                                                              |                                                     |
|                                                                                                                    | Business                                                                                                                          | 0                                                                                                                         | 6                                                                             | 0                                                                                                                                                                                   | 1                                                                                                                                      | 21                                                                                                                                 | 6                                                                                |                                                                    |                                                                                                                                                              |                                                     |
|                                                                                                                    | Government agency                                                                                                                 | 0                                                                                                                         | 1                                                                             | 0                                                                                                                                                                                   | 0                                                                                                                                      | 1                                                                                                                                  | 1                                                                                |                                                                    |                                                                                                                                                              |                                                     |
|                                                                                                                    | Whole plan change                                                                                                                 | 5                                                                                                                         | 9                                                                             | 1                                                                                                                                                                                   | Applicant                                                                                                                              | 0                                                                                                                                  | 50                                                                               |                                                                    |                                                                                                                                                              |                                                     |
| Original or further submitter? (tally)                                                                             | Further                                                                                                                           | 0                                                                                                                         | 0                                                                             | 0                                                                                                                                                                                   | 0                                                                                                                                      | 5                                                                                                                                  | 1                                                                                |                                                                    |                                                                                                                                                              |                                                     |
| Total number at Environment Court?                                                                                 | 5                                                                                                                                 | 9                                                                                                                         | 1                                                                             | 1                                                                                                                                                                                   | 0                                                                                                                                      | 54?                                                                                                                                | 7?                                                                               |                                                                    |                                                                                                                                                              |                                                     |
| Comment: did appeal have substantial impact on final version of PC?                                                | not yet resolved                                                                                                                  | not yet resolved                                                                                                          | not yet resolved                                                              | not yet resolved                                                                                                                                                                    | N/A                                                                                                                                    | not yet resolved                                                                                                                   | not yet resolved                                                                 |                                                                    |                                                                                                                                                              |                                                     |
| Date: PC operative                                                                                                 | not yet                                                                                                                           | not yet                                                                                                                   | not yet                                                                       | not yet                                                                                                                                                                             | 2/02/2007                                                                                                                              | not yet                                                                                                                            | not yet                                                                          | 21/09/2001                                                         | 18/04/2002                                                                                                                                                   | 12/10/2000                                          |
| Comment: any other procedural matters                                                                              |                                                                                                                                   |                                                                                                                           |                                                                               | Many revisions occurring in draft stage as well. There was an adjournment for further technical assessment between hearing dates.                                                   | An amended plan was submitted on 7/8/06 and another amendment on 27/9/2006 (hearing day) to address submitter concerns                 |                                                                                                                                    |                                                                                  | Elections late 2001 - tried to get it through before and succeeded | Had to wait for District Plan to become operative before making PC operative. Unclear why it was done this way as opposed to submitting on the proposed plan |                                                     |
| Note: Franklin sends letters to everyone about hearings regardless of whether they indicated they wish to be heard |                                                                                                                                   |                                                                                                                           |                                                                               |                                                                                                                                                                                     |                                                                                                                                        |                                                                                                                                    |                                                                                  |                                                                    |                                                                                                                                                              |                                                     |

Note 1: For ACC2 and FDC2, the scope of submissions was taken from how many points the submitter made to the regional LG(A)AA plan changes as a whole, as the submissions process was regionally managed.

Note 2: For ACC2 and FDC2, it was assumed that summary of submissions was notified 21 working days before further submissions closed.

Note 3: The sum of the numbers of submissions broken down by type does not always equal the total number of original and further submissions, as the breakdown by type attempted to exclude repeat submitters. For further explanation see section 5.2 of the report.

Note 4: Due to the joint, regionally managed nature of the ACC2 and FDC2 plan changes, limited hearings data was available for the individual councils.

| Plan change                      | ACC1       | ACC2        | ACC3       | ACC4         | ACC5       |
|----------------------------------|------------|-------------|------------|--------------|------------|
| 1 Inception                      | 2004       | 2004        | 2006       | 2000 or 2001 | 2005       |
| Staff costs                      | 39,212     | 1,352       | 2,385      | 6,794        | 953        |
| Consultant costs                 | 26,069     | 0           | 0          | 32,809       | 3,767      |
| Legal costs                      | 2,000      | 0           | 0          | 1,243        | 0          |
| Other expenses                   | 3,769      | 0           | 0          | 0            | 0          |
| Total costs                      | 71,049     | 1,352       | 2,385      | 40,846       | 4,719      |
| 2 Notification date              | 25/05/2005 | 31/03/2005  | 20/08/2006 | 9/10/2005    | 19/03/2006 |
| Staff costs                      | 4,982      | 1,302       | 465        | 613          | 170        |
| Consultant costs                 | 0          | 0           | 0          | 2,029        | 3,711      |
| Legal costs                      | 0          | 0           | 0          | 0            | 0          |
| Printing costs                   | 0          | 1,465       | 0          | 1,480        | 0          |
| Other costs                      | 0          | 3,849       | 0          | 0            | 0          |
| Total costs                      | 4,982      | 6,616       | 465        | 4,121        | 3,881      |
| 3 Closing date of subs           | 1/07/2005  | 31/05/2005  | 18/09/2006 | 11/11/2005   | 21/04/2006 |
| Staff costs                      | 10,527     | 7,557       | 956        | 471          | 93         |
| Consultant costs                 | 0          | 0           | 0          | 0            | 0          |
| Legal costs                      | 1,440      | 0           | 0          | 0            | 0          |
| Printing costs                   | 0          | 0           | 0          | 0            | 0          |
| Other costs                      | 1,166      | 34          | 0          | 0            | 0          |
| Total costs                      | 13,132     | 7,591       | 956        | 471          | 93         |
| 4 Summary of subs                | 2/10/2005  | 18/11/2005* | 5/11/2006  | 4/12/2005    | 8/05/2006  |
| Staff costs                      | 17,620     | 48,685      | 2,970      | 394          | 148        |
| Consultant costs                 | 7,000      | 0           | 0          | 16,644       | 7,329      |
| Legal costs                      | 1,583      | 2,997       | 1,525      | 0            | 0          |
| Printing costs                   | 0          | 955         | 0          | 0            | 0          |
| Other costs                      | 3          | -2,500      | 0          | 89           | 0          |
| Total costs                      | 26,206     | 50,138      | 4,495      | 17,126       | 7,477      |
| 5 Date of hearing start          | 15/06/2006 | 27/04/2006  | 22/08/2007 | 17/05/2006   | 27/09/2006 |
| Staff costs                      | 29,618     | 92,915      | 2,218      | 1,545        | 130        |
| Consultant costs                 | 28,647     | 5,670       | 0          | 22,045       | 1,749      |
| Legal costs                      | 3,550      | 6,013       | 0          | 2,525        | 0          |
| Printing costs                   | 9,099      | 0           | 685        | 0            | 0          |
| Other costs                      | 83,583     | 4           | 0          | 9,585        | 2,205      |
| Total costs                      | 154,497    | 104,602     | 2,902      | 35,700       | 4,084      |
| 6 Decision released              | 14/12/2006 | 28/06/2007  | 20/09/2007 | 14/12/2006   | 26/10/2006 |
| Staff costs                      | 47,154     | 65,889      | 2,435      | 2,644        | 2,516      |
| Consultant costs                 | 20,083     | 0           | 0          | 23,200       | 560        |
| Legal costs                      | 43,332     | 23,318      | 4,912      | 11,784       | 0          |
| Printing costs                   | 0          | 0           | 0          | 0            | 0          |
| Other costs                      | 648        | 0           | 0          | 3,118        | 142        |
| Total costs                      | 111,217    | 89,207      | 7,347      | 40,746       | 3,219      |
| Operative date                   | N/A        | N/A         | N/A        | N/A          | 2/2/07     |
| Overall costs                    | 381,083    | 259,505     | 18,550     | 139,010      | 23,472     |
|                                  |            |             |            |              |            |
| Portion recovered from applicant |            |             |            | 104,935      | 23,472     |

