

Ngā tauira whakatinana i te Ture Whakahaere Rawa

Patterns in Resource Management Act implementation

National Monitoring Data from 2014/15 to 2022/23



Ministry for the
Environment
Manatū Mō Te Taiao



Te Kāwanatanga o Aotearoa
New Zealand Government

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About this National Monitoring System data report

This report is written to inform central and local government of patterns in Resource Management Act 1991 (RMA) implementation, which reflects the roles councils¹ play in everyday decision-making under the RMA. Every year, the Ministry asks each council to provide data on how they have implemented the RMA for the previous year 1 July – 30 June. A national data set is then created by the Ministry using all councils' data for the purposes of this report. This report has been publicly released to make it accessible to the wider resource management community.

This report is organised by topic and highlights patterns in how councils have implemented the RMA over the past eight years, as recorded by the National Monitoring System (NMS). The data collected by the NMS will continue to inform the Ministry's understanding of how the current resource management system has been working and will help inform future changes to the resource management system.

In some sections of this report, the data are broken down to reflect the types of councils where differences have occurred in RMA implementation.

Unless otherwise noted:

- all consenting facts and figures relate to a council's decision to grant or decline new resource consent applications within 1 July – 30 June 2022/23
- the report excludes data from new resource consent applications that were incomplete, withdrawn or returned
- the term 'processed' refers to new resource consents that were granted or declined
- the term 'plan-making' refers to policy statements or plans, changes or variations that were started, continued or completed by councils within the 2022/23 financial year.

Key patterns from 2022/23

- There was a decrease in the number of new resource consents processed by councils.
- Most councils processed fewer than 1,000 new resource consents.
- Councils continued to grant over 99 per cent of all new applications.
- Councils increased the use of section 92 (Further information requests) and decreased the use of section 37 (Power of waiver and extension of time limits)
- The proportion of new resource consents being notified remained below 2.5 per cent.
- The median processing time for new resource consents increased from 46 working days to 57 working days.
- Councils employed their highest number of full-time equivalent staff for resource management.

¹ The RMA uses the term 'local authorities'. In this report, we have used 'councils' to refer to all local authorities, that is, district and city councils, regional councils and unitary authorities.

Patterns in RMA implementation

Resource consent data patterns

Under the RMA, certain activities require a resource consent. A resource consent is permission from a council for an activity that might affect the environment and that is not allowed 'as of right' by the district, regional or unitary plan, or a national environmental standard. A resource consent is also required for some types of subdivision activities.

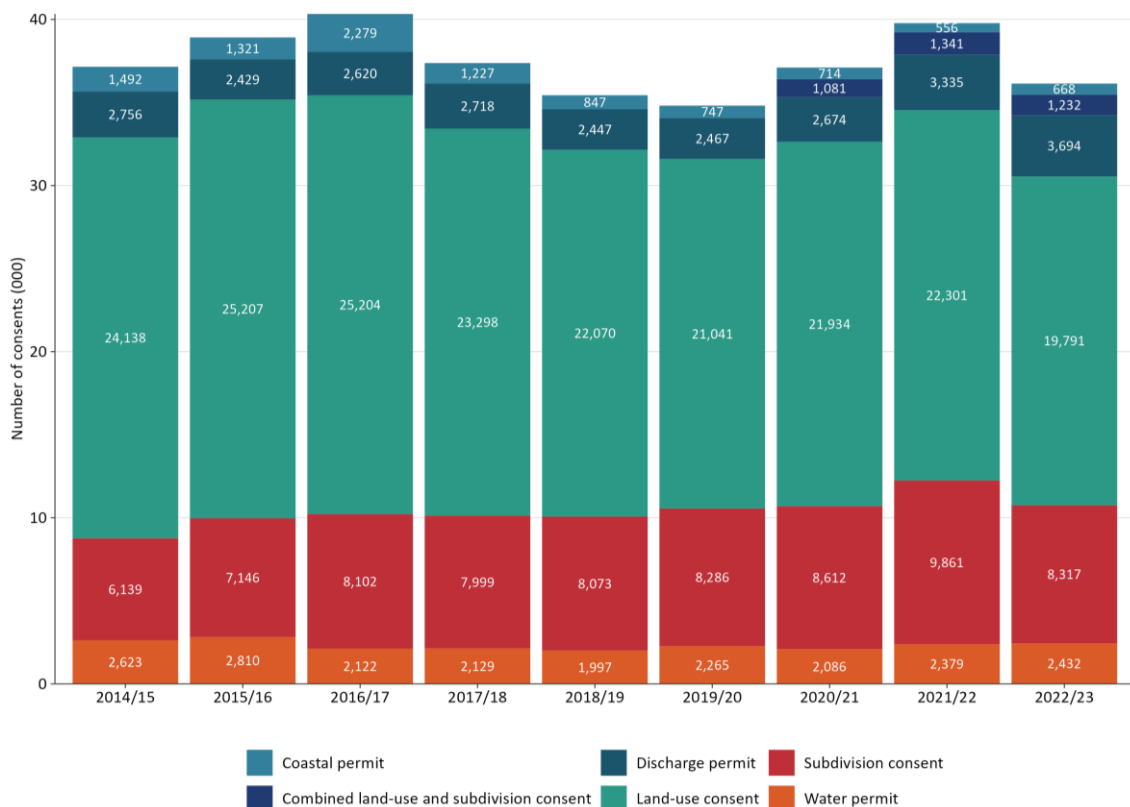
There are different categories of resource consents depending on the rules in a district, regional or unitary plan, or a national environmental standard: coastal permits, combined land-use and subdivision consents, discharge permits, land-use consents, subdivision consents, and water permits.

The number of new resource consents granted has decreased

Figure 1 outlines the number and type of new resource consents granted by councils since 2014/15.

In 2022/23, 36,134 new resource consents were granted. This is a decrease from 39,773 in the 2021/22 reporting year. Land-use consents dropped 11 per cent from the previous year and were at their lowest level since the 2014/15 reporting year. Fewer subdivision consents were granted in 2022/23, compared with the previous year.

Figure 1: Number of new consents granted by year and type



Three councils continued to process the highest number of new resource consent applications

Of all the councils across New Zealand, 77 of the 78 processed fewer than 2,500 new resource consents in 2022/23. This is consistent with the 2021/22 findings. Auckland Council processed more than 10,500 new resource consents in 2022/23.

Of those councils that processed fewer than 2,500 new resource consents, Christchurch City Council processed the second-highest number for the fourth year in a row. Marlborough District Council processed the third-highest number for the third year in a row. Figure 2 shows the number of new resource consents granted by each council in 2022/23.

Figure 2: Number of new consents granted in 2022/23 by council

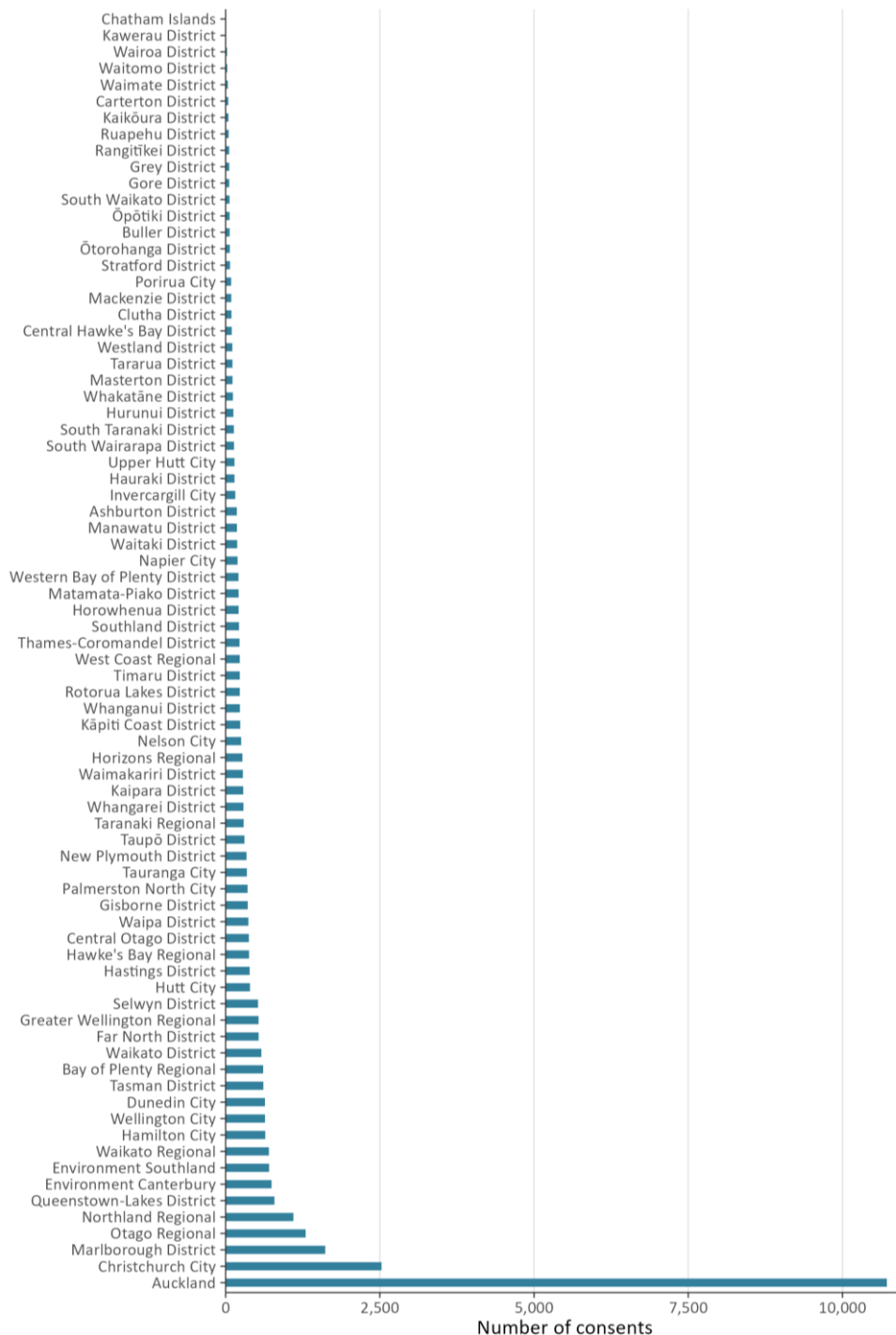
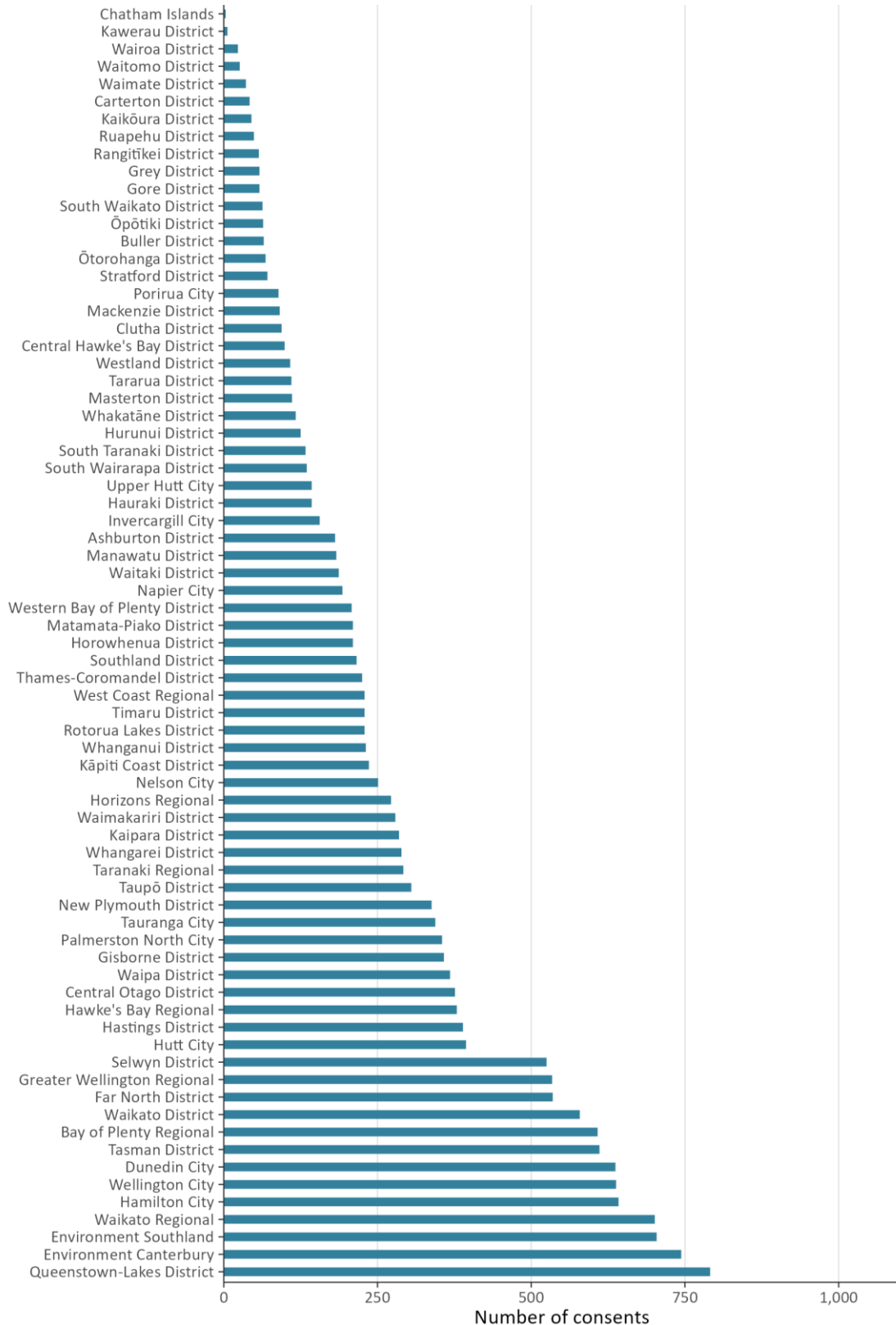


Figure 2a shows those councils that processed fewer than 1,000 new resource consents in the 2022/23 year, which represents just under 94 per cent of all councils that provided data. This is consistent with the 2021/22 reporting year.

Figure 2a: Councils that processed fewer than 1,000 new consents by area



Fewer councils processed new resource consents on time since 2018/19

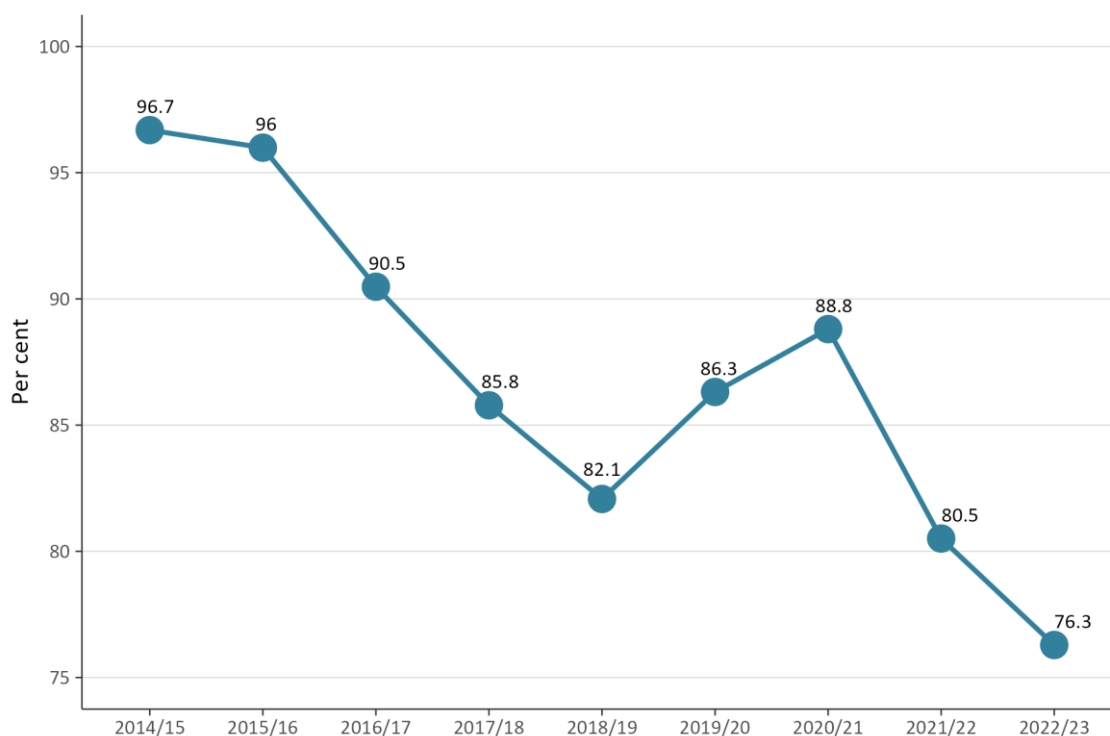
Councils have a responsibility under the RMA to process resource consent applications within a set amount of time. For example, the statutory time limit for a non-notified consent is 20 working days.

When a council cannot meet its statutory requirements for processing a resource consent, and special circumstances do not apply, the council must give the applicant a discount on administrative charges. This requirement, which was introduced under the Resource Management (Discount on Administrative Charges Regulations 2010), provides a financial incentive for all local councils to meet the RMA's statutory timeframes.

Figure 3 shows new resource consents processed within statutory timeframes. Over the course of 2022/23, 76.3 per cent of new resource consents were processed within the statutory time limits set out in the RMA. This is a 4.2 per cent reduction from the previous year and the lowest level of compliance with statutory timeframes.

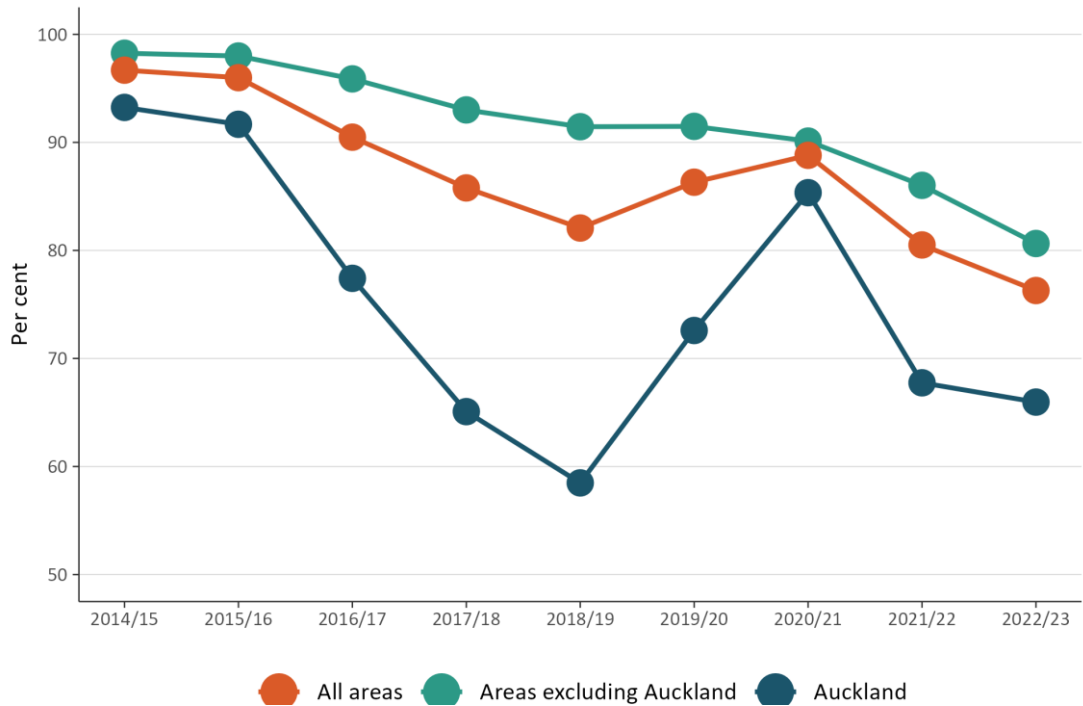
Figure 3 and figure 4 (overleaf) show the percentage of new resource consents processed within statutory timeframes in the 2022/23 financial year.

Figure 3: Percentage of new consents processed within statutory timeframes



The data in figure 3 is influenced by the volume of new resource consents processed by Auckland Council. However, as shown in figure 4, there is a general downward pattern on the number of new resource consents processed within the statutory time-limits across all councils. While Auckland Council experienced a 2 per cent decrease in compliance with statutory time limits, other areas experienced a 6 per cent decrease, compared with the previous year.

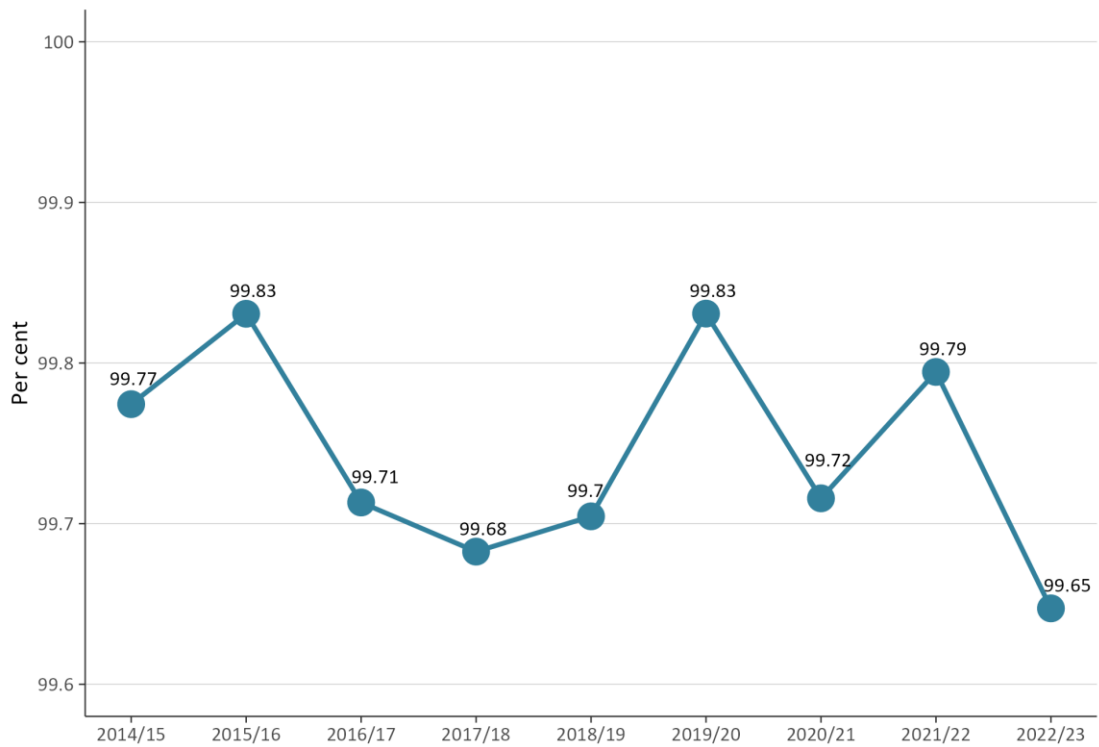
Figure 4: Percentage of new consents processed within statutory timeframes by area



Councils approved most new resource consent applications

Figure 5 shows the number of approved new resource consent applications. More than 99 per cent of all new resource consents are granted each year.

Figure 5: Percentage of new consents that were granted

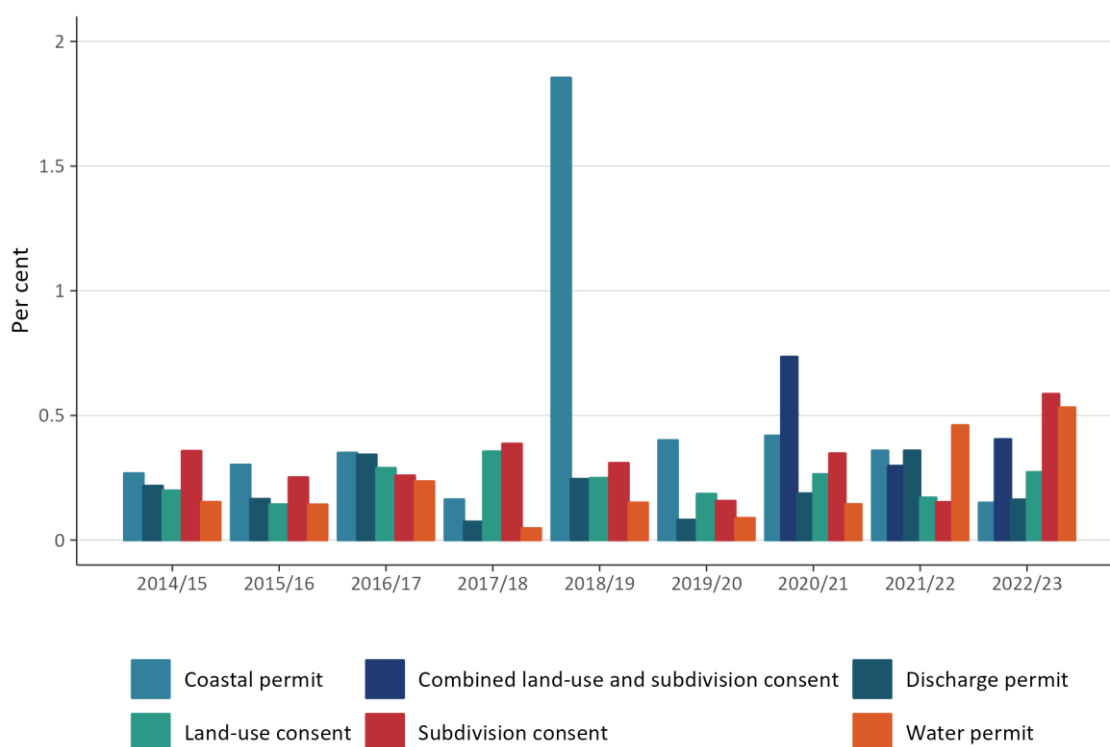


Number and type of declined new resource consent applications

NMS data since 2014/15 has provided the types of resource consents that have been declined by councils. Overall, the figures have generally remained stable and low across years and by type, with minor fluctuations.

Figure 6 shows declined new resource consents by type. It shows that more subdivision consents, water permits, land-use consents, and new combined land-use and subdivision consents were declined, compared with the previous year. However, fewer coastal permits and discharge permits were declined in 2022/23.

Figure 6: Percentage of new consents that were declined by type and year



The number of notified resource consents remained low

When processing a new resource consent application, a council may determine its effects and require it to be publicly notified. The proportion of notified resource consents has historically remained low; over any year it has been under 4 per cent (of all new resource consent applications). Therefore, most new resource consent applications are processed on a non-notified basis.

In 2022/23, the proportion of new notified resource consent applications remained below 2.5 per cent and for a second year in a row (see figure 7 overleaf), although there was an increase from 2.13% to 2.36%.

Figure 7: Percentage of consent applications that were notified

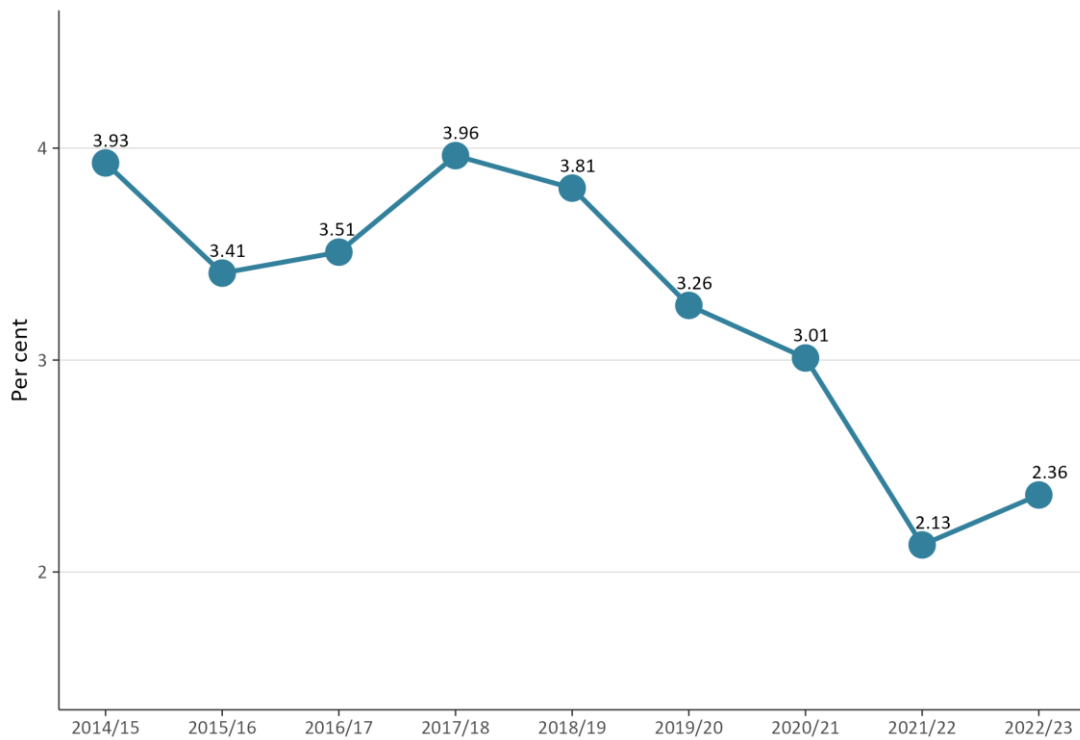
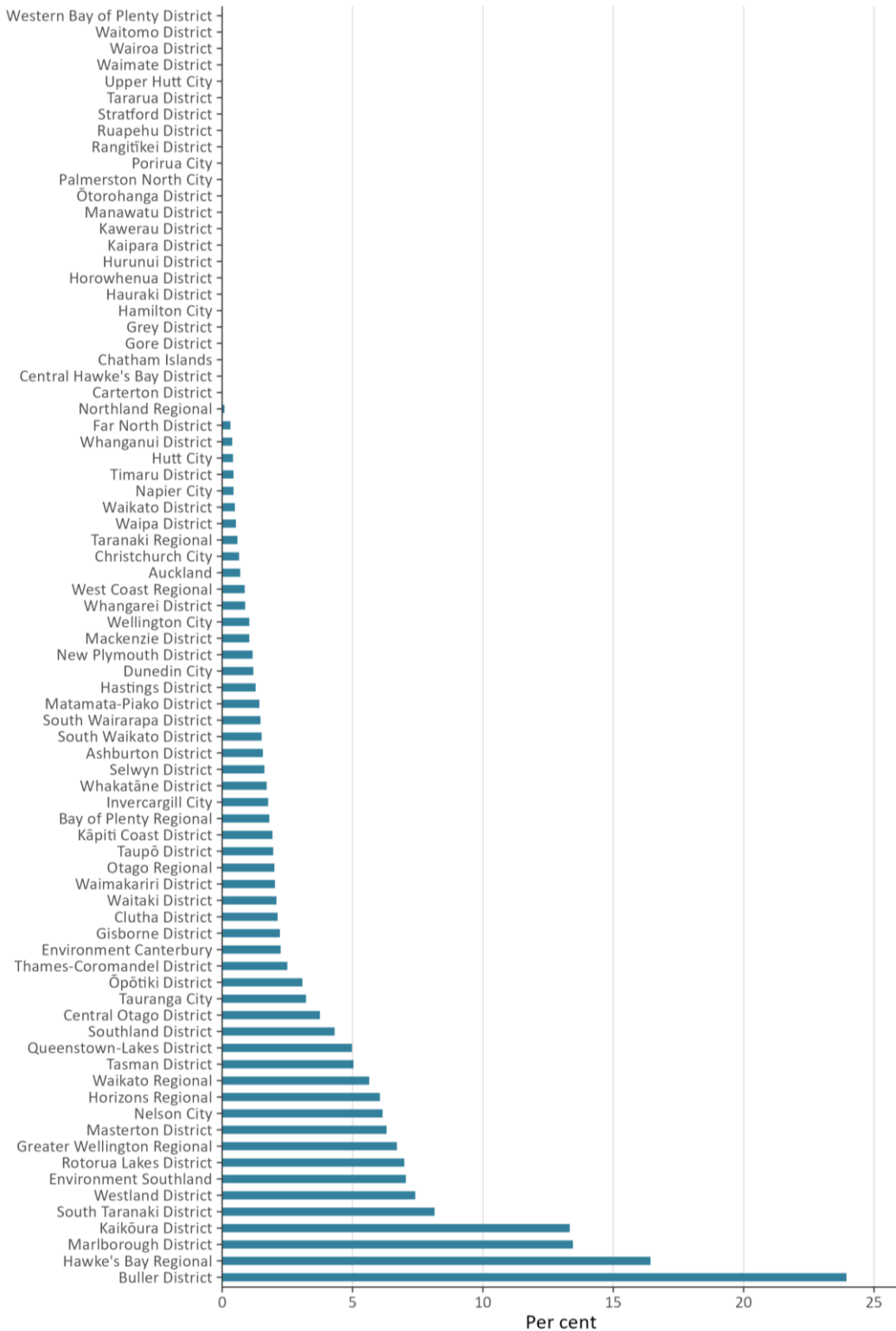


Figure 8 (overleaf) shows the percentage of resource consent applications notified by council area. In 2022/23, Buller District Council had notified the highest proportion of consent applications (24 per cent), followed by Hawke’s Bay Regional Council (over 15 per cent). Contrastingly, in 2021/22, Marlborough District Council notified the highest percentage of consents at just over 15 per cent, compared with just under 15 per cent for 2022/23. Whereas, Buller District Council had notified the second highest percentage of consents at just over 15 per cent in 2021/22.

In 2022/23, 24 councils notified less than 1 per cent of resource consent applications and 15 councils notified 5 per cent or greater.

Figure 8: Percentage of new consent applications that were notified in 2022/23 by council area



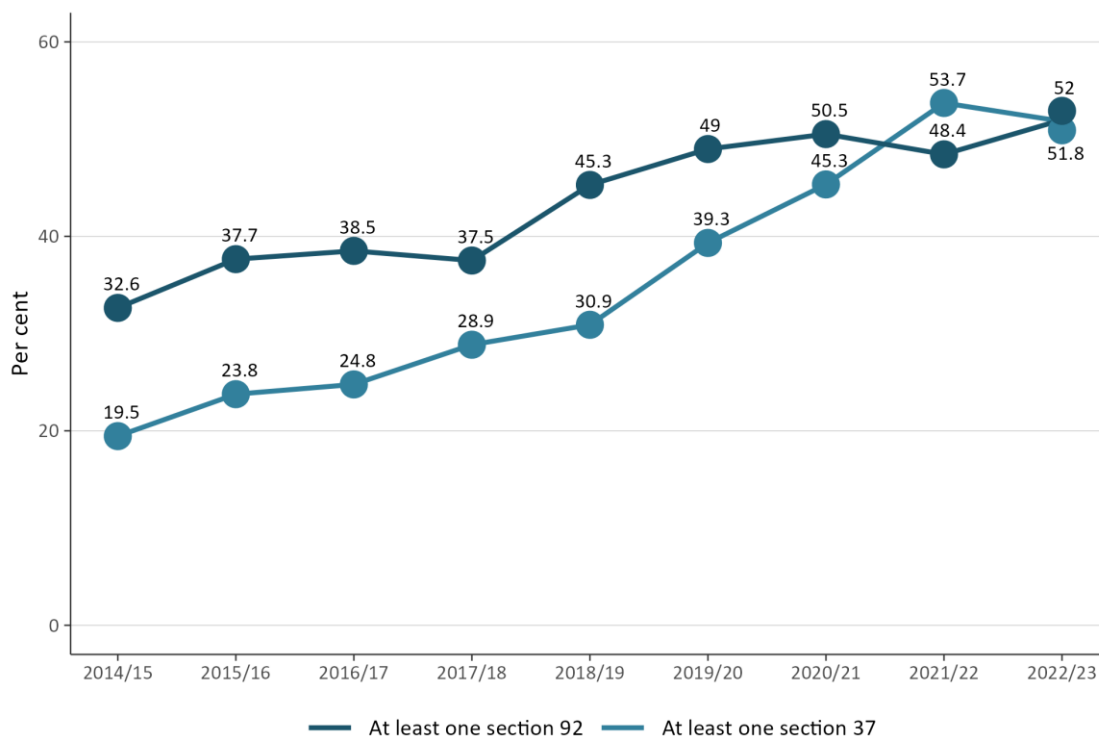
Councils used section 37 more and section 92 less in 2022/23

Section 37 allows a council additional working days where certain circumstances are met during the processing of a resource consent. Where used, section 37 allows a council to double the statutory timeframes or to waive a failure to comply with the statutory timeframes. In using section 37, a council must take into account the interests of who may be directly affected by the waiver, the interests of the community in making a decision on a consent, and a council's overall duty to avoid unreasonable delay.

Section 92 of the RMA allows a council to ask for more information from a resource consent applicant before making a decision on the application. The *processing clock* is paused while the applicant responds to the council's request. Generally, a council seeks additional information to better understand a proposed consenting activity and any effects it may have on the environment. When a council is processing a consent, both section 37 and section 92 can be used one or more times on the same application where certain circumstances occur.

Figure 9 shows that use of section 37 by all councils had a 1.9 per cent decrease in 2022/23. Figure 9 also shows that use of section 92 by all councils saw a 3.6 per cent increase in 2022/23.

Figure 9: Percentage of consents that used at least one section 37 or section 92



Median processing times of consent types increased

Figure 10 (overleaf) contains a breakdown of types of new resource consents and the median length of time (days) that councils took to process them in 2022/23. The data includes processing time to grant or decline a new resource consent.

The 2022/23 data shows that subdivision consents took longer to process at a median timeframe of 72 days, compared with 68 days in 2021/22. Figure 10 also shows that water permits took longer to process at a median timeframe of 74 days, compared with 54 days in

2021/22. Discharge permits took a median timeframe of 68.5 days, compared with 50 days in 2021/22.

Reporting on combined land-use and subdivision consents was introduced in 2020/21. Data shows it has taken longer, year-on-year, for councils to process these types of consents. Figure 10 shows that, for 2022/23, it took councils a median timeframe of 55 days to process these types of consents.

Figure 10: Median processing time of new consents by year and type

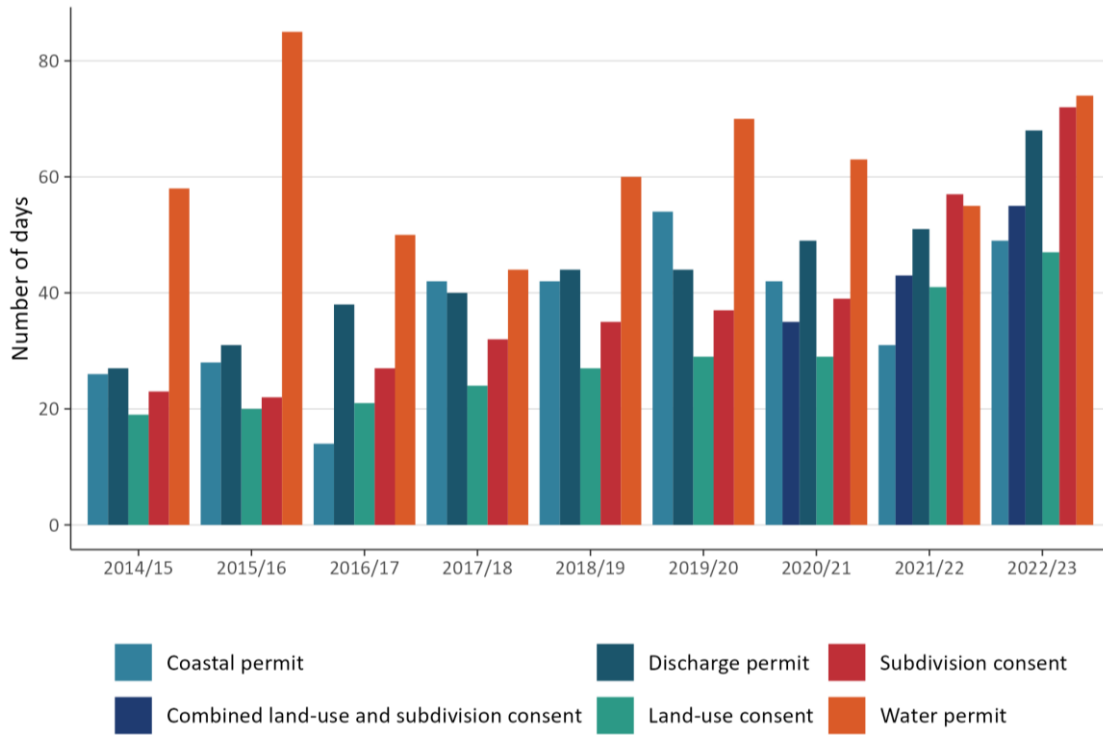
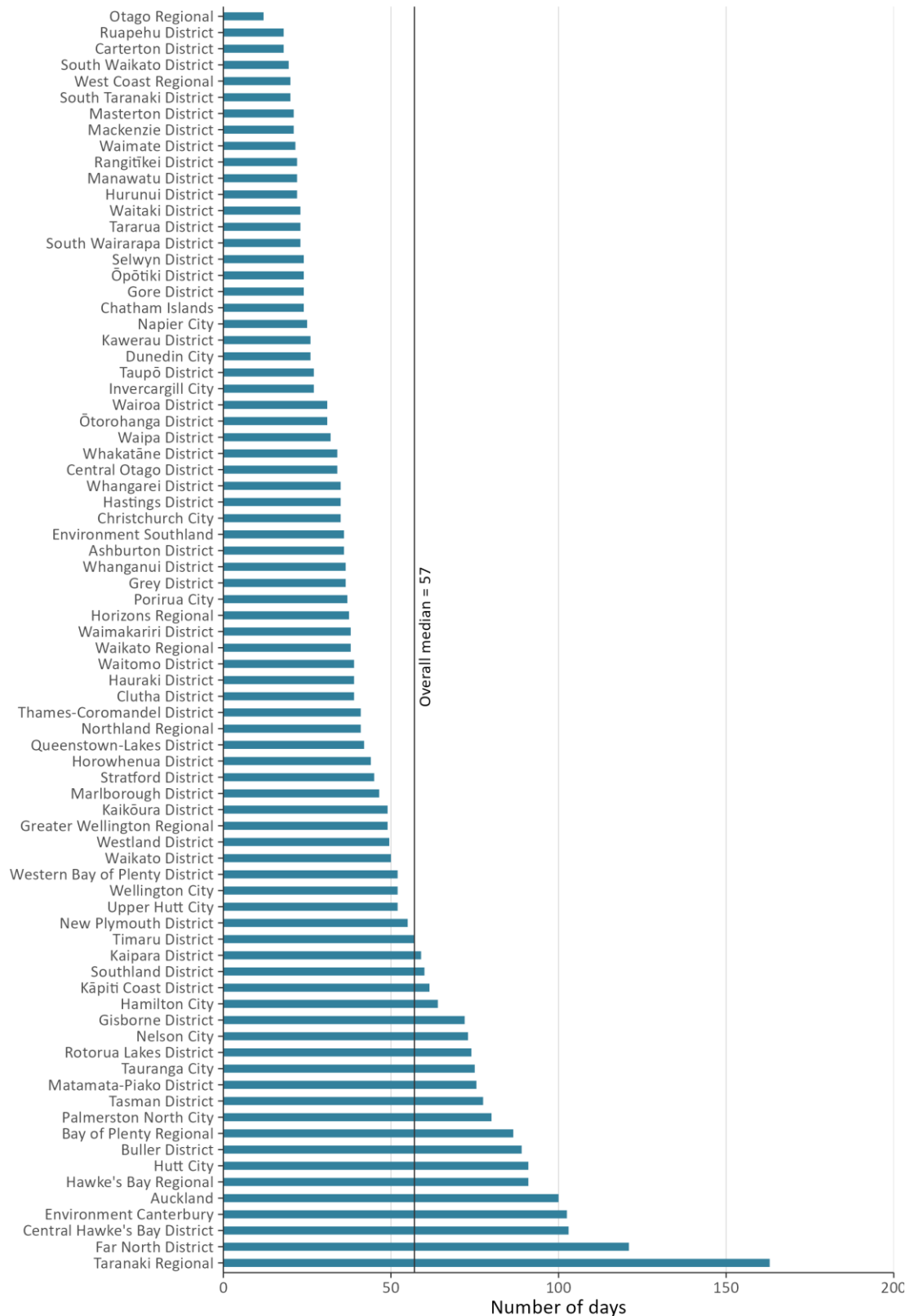


Figure 11 shows that the median timeframe it took councils to process new resource consents was 57 days compared with 46 days in 2021/22. The 2022/23 data shows that Taranaki Regional Council had the highest number of median days (over 150). Whereas, the highest number of median days to process new resource consents in 2021/22 was 80 days, which was held by Hutt City Council.

Figure 11: Median processing time of new consents in 2022/23 by council



Plan-making processes

Councils prepare regional policy statements and regional, district and unitary plans under Part 5, subpart 3 of the RMA. A regional, district or unitary plan provides a list of activities requiring a resource consent and may also include a list of 'permitted activities'.

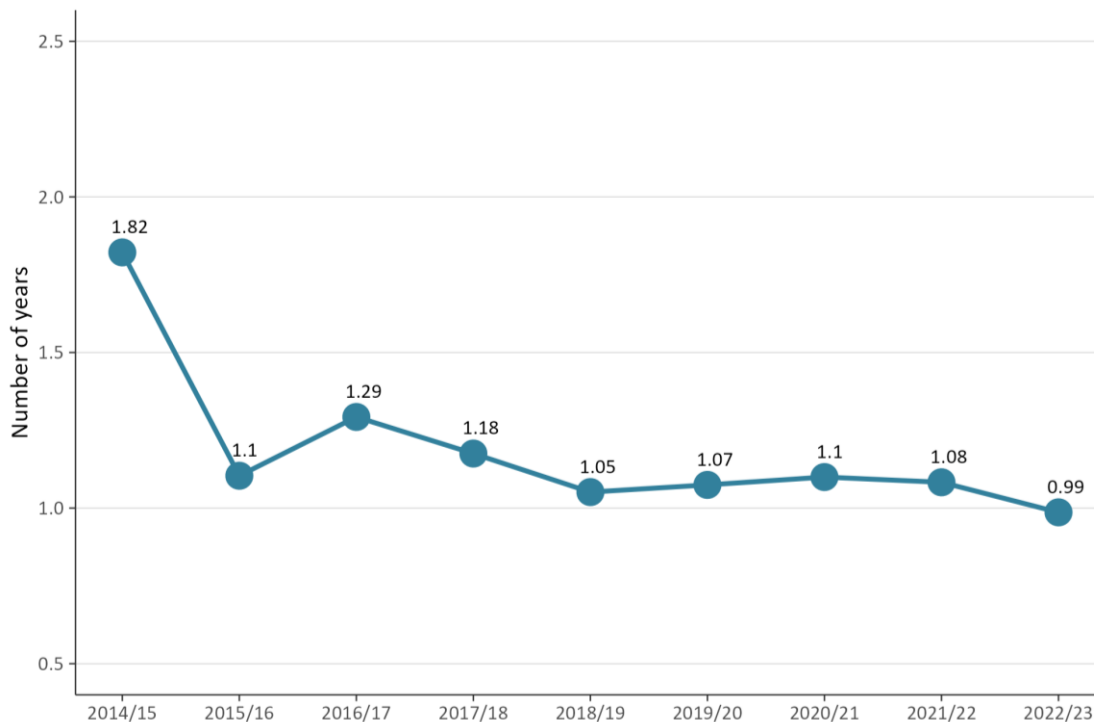
Councils must review their policy statements and plans, or any plan provisions, at least every 10 years. Plan changes can be initiated by councils or can be requested by private individuals or entities. These are known as plan-making processes and occur under Schedule 1 of the RMA.

Councils improved the timeliness of completing their plan change processes

Under Schedule 1, Clause 5 of the RMA, all local authorities are required to meet a two-year timeframe, from notification, to make decisions on proposed plans or plan changes.

Figure 12 shows that, since 2014/15, a downward trend has occurred in median plan-change timeframes, indicating that councils have continued to improve the median time taken to progress a plan-making process. As the most recent illustration of continual improvement shows, it took councils just under one year (0.99 median years) to complete a plan-change process in 2022/23, compared with just over one year (1.08 median years) in 2021/22.

Figure 12: Median processing time to complete a plan-making process once notified



Iwi and hapū participation within the resource management system

The RMA sets out different ways to enable iwi and hapū participation in resource management processes. Councils also have provisions in place for specific tangata whenua participation in resource management processes.

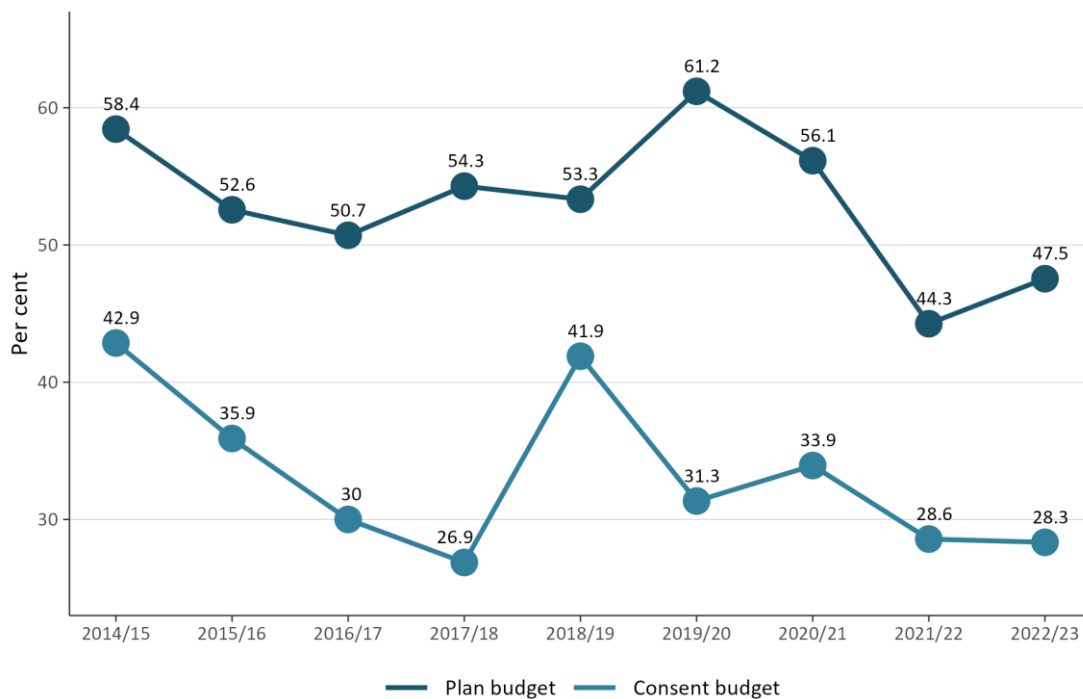
Provisions may come in the form of budgetary commitments from councils to support iwi and hapū along with other forms of contribution such as access to databases or memoranda of understanding.

There was variation in how councils budgeted for iwi and hapū participation in consenting and plan-making

Figure 13 shows the percentage of councils providing budget for iwi and hapū to participate in plan-making and resource consenting processes. Since 2014/15, there has been a general downward pattern for both, from 62 per cent to 44 per cent for plan-making, and from 43 per cent to 26 per cent for resource consenting.

The 2022/23 data shows a downward pattern on providing budget to iwi and hapū to participate in resource consenting processes. However, the data indicates that there is a 3.2 per cent rise in the percentage of councils that provided budget to iwi and hapū in the plan-making process, compared with the previous year.

Figure 13: Percentage of councils that provided budget to iwi and hapū to participate in plan-making or resource consenting

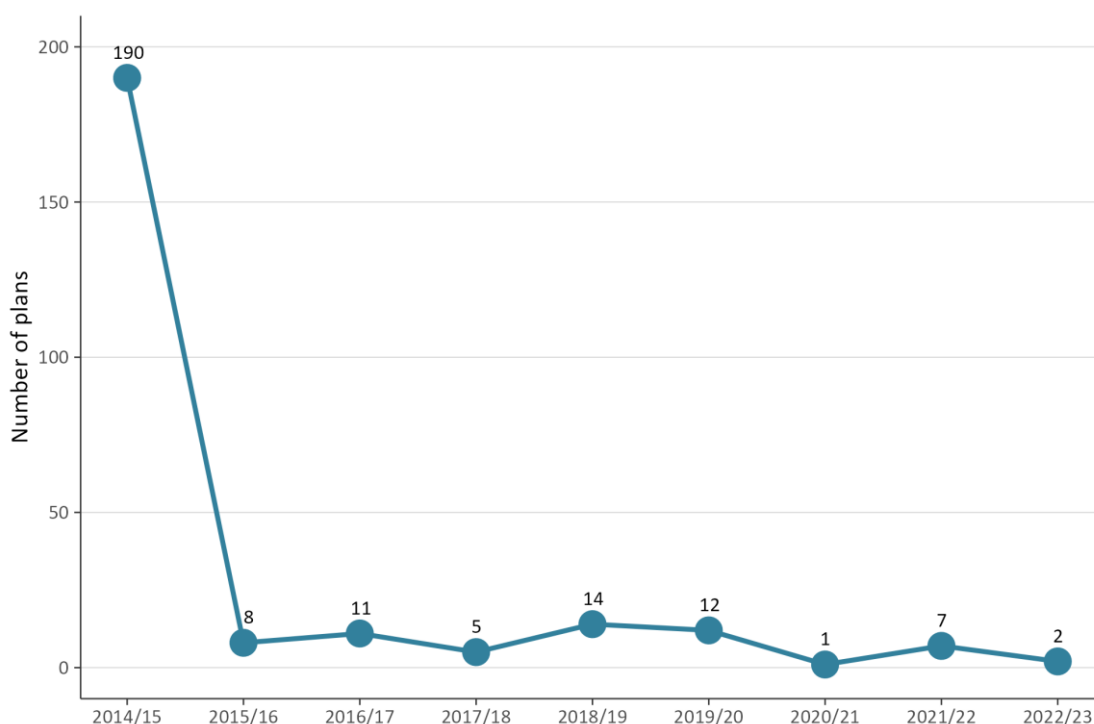


The number of new iwi management plans remains low

Iwi management plans describe resource management issues of importance to tangata whenua and can also be used to express values relating to specific areas, natural resources or taonga. Iwi management plans can also provide guidance for interactions between councils and iwi and hapū, as well as direction on decision-making and information requests. An iwi management plan can help improve understanding of specific values and interests for tangata whenua.

Figure 14 shows that, in 2022/23, the number of new iwi management plans endorsed by iwi authorities and lodged with councils remained low.

Figure 14: Number of new iwi management plans endorsed by iwi authorities and lodged with councils



Note: Iwi management plans lodged with more than one council are counted separately.

Compliance, and enforcement

Under the RMA, all councils have a responsibility to monitor a range of matters as part of their compliance, and enforcement duties. Such functions enable all councils to:

- ensure the efficiency, effectiveness and enforcement of policy statements and plans
- monitor and enforce the exercising of resource consents and resource management plans
- ensure people and companies are delivering the environmental outcomes supported by councils.

Compliance, and enforcement is an important part of councils fulfilling their statutory functions to show that their objectives, policies and methods are meeting the purpose of the RMA. The amount of active compliance, and enforcement work varies between councils, depending on the number of consents they have and the local environmental context.

Councils can use different types of enforcement tools under the RMA, from issuing abatement notices or seeking an enforcement order, through to issuing an infringement notice or taking a prosecution.

Enforcement action taken by councils continues to show variation

Figure 15 shows that enforcement actions taken by councils have varied since 2014/15. The 2022/23 data showed that regional councils increased their enforcement actions, compared to 2021/22. By contrast, territorial authorities and unitary authorities showed a decrease, compared with the previous year.

Figure 15: Number of enforcement actions (infringement notices, abatement notices and enforcement order applications) taken by councils by council type



Note: The above excludes data that has not been reported to the Ministry or reconciled by councils.

Staffing levels on resource management work varied

Full-time equivalents measure the number of employees working in the different areas of consenting, plan preparation processes (planning) and compliance and enforcement at councils. Since 2014/15, consenting staff numbers have remained higher than full-time equivalents measured in planning and CME.

Figure 16 (overleaf) shows an increase occurred in the number of consenting staff during 2022/23, up to 1,250 full-time equivalents, compared with the previous year.

In 2022/23, the data also showed that the number of full-time equivalents for planning staff decreased, compared with the previous year. Full-time equivalents for compliance, and enforcement staff also showed a decrease, compared with the previous year.

Figure 16: Number of full-time equivalents working on resource management at councils by subject area

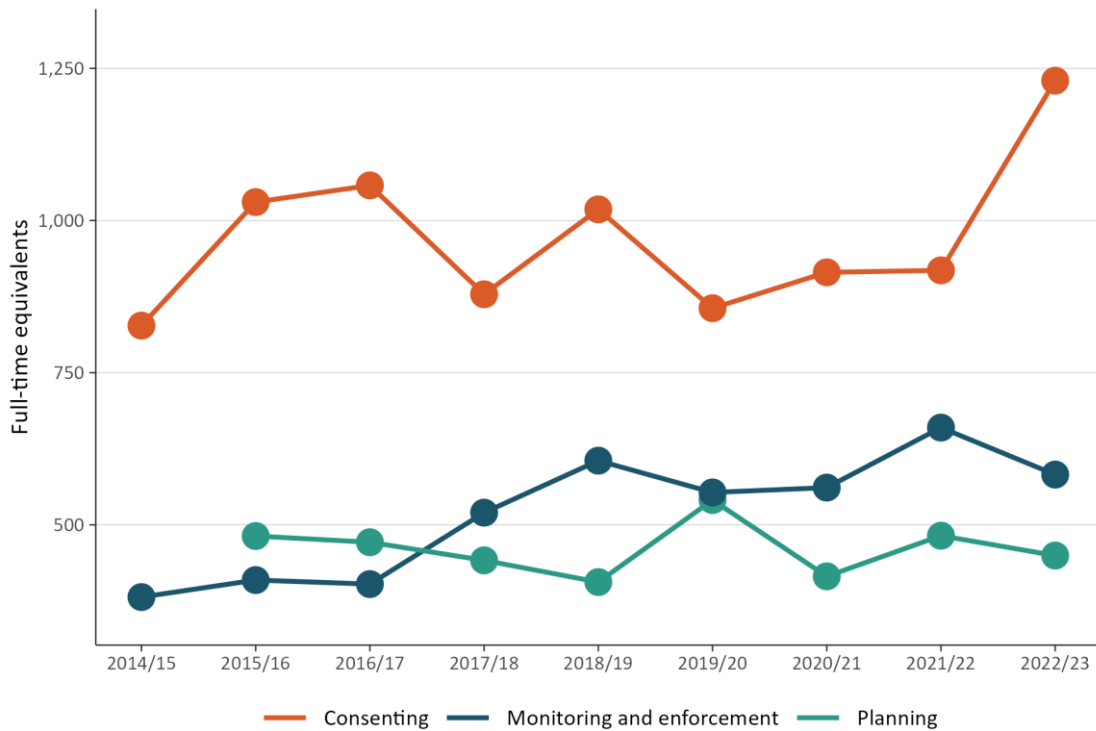
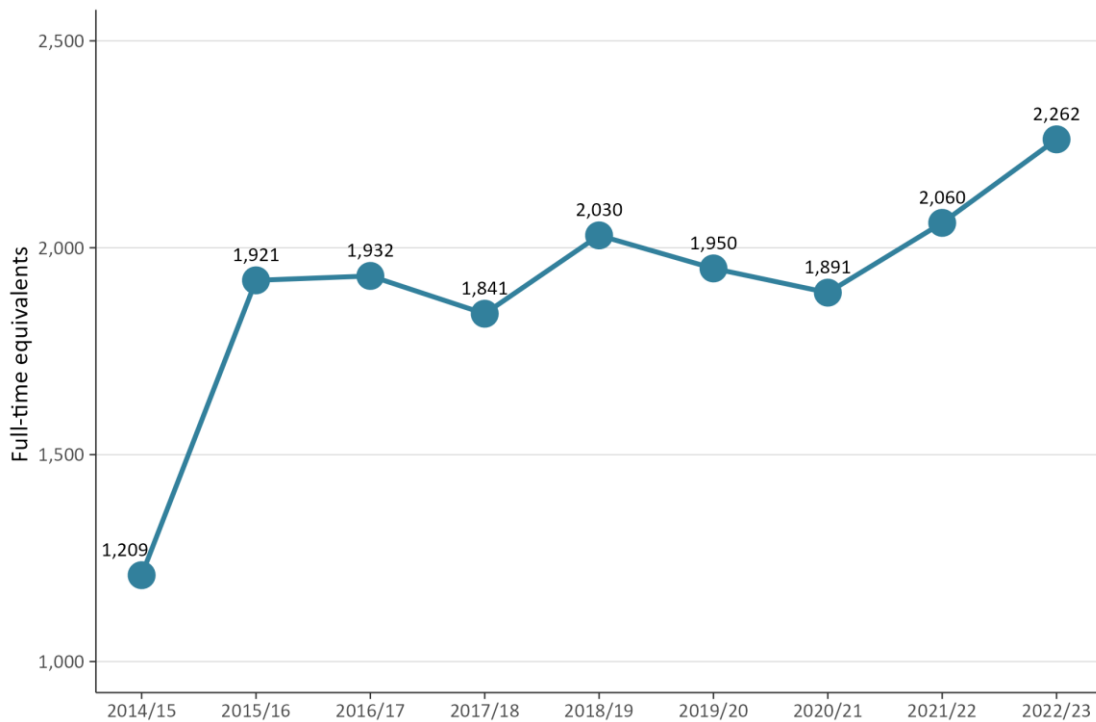


Figure 17 shows councils employed their highest number of full-time equivalents in resource management (the data combined compliance, and enforcement, and planning policy staff) in 2022/23. The 2022/23 data also illustrates upward growth has occurred since 2020/21.

Figure 17: Number of full-time equivalents working on resource management at councils



Note: Full-time equivalents data records the number of staff employed and do not include vacancies.