Environmental Management by Local Authorities
under the Resource Management Act 1991

ASSESSMENT OF ENVIRONMENTAL EFFECTS (AEE): Administration by Three Territorial Authorities

Background Report
WAIPA DISTRICT COUNCIL CASE STUDY

Office of the
PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT
Te Kaitiaki Taiao a Te Whare Pāremata

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These findings are from one of three territorial authority case studies undertaken as part of an investigation into territorial authorities administration of the assessment of environmental effects. Conclusions from the three case studies are synthesised in a main report, which is available through Bennetts Government Bookshops. A brief summary of findings and suggestions for good practice are available from this Office on request.

The examples chosen within the case studies are more representative of "controversial" rather than "typical" consent applications for the councils concerned. Although this does not represent the usual council workloads, it is a useful indication of whether the councils effectively deal with more difficult issues and applications for activities that may have significant impacts on the community.

Throughout this report "assessment of environmental effects" is abbreviated as AEE, and the Resource Management Act 1991 is abbreviated as RMA.

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1 OVERVIEW

In general, the environmental record of the Waipa District Council appears to be good, within a pro-development context. District planners and councillors, as well as local environmental groups the investigation team contacted, are proud of Council achievements in protecting scenic corridors and local remnants of high conservation value, particularly kahikatea stands and peat lakes. Generally the district has a pleasant and productive rural atmosphere.

The Council has also made excellent progress in iwi consultation, compared with other district councils. Although there is much further to go to achieve full partnership under the Treaty of Waitangi, Waipa District has made a very good start and successfully trialled procedures that other councils would benefit from adopting.

However, there is a definite need for improvement in the area of monitoring and enforcement of conditions, to ensure that adverse effects are in fact avoided, remedied, or mitigated in practice.

1.1 Council structures and processes

Committee and staff structure

The Waipa District Council has two main committees, Regulatory and Administration. The Regulatory Committee makes decisions on resource consents, and there is no cross-membership from the Administration Committee (although members of the Regulatory Committee do sit in on the Administration Committee). Previously, the whole Council decided on consents. The Council considers that it has gone further in separation of regulatory and operational functions than other councils, including separation on their own engineering projects. Councillors have been supportive of this change.

The Regulatory Division is overseen by a Director of Planning Policy, and contains not only resource management, strategic planning and iwi liaison functions, but also district promotion, community services, environmental health and liquor licensing, building regulation, engineering regulation, rural fire control, animal control, and civil defence. Two planning officers, two assistant planning officers, and other planners under contract as required (two at present) work under the District Planner.

There is a Waipa Iwi Liaison Committee, comprising the Mayor, Deputy Mayor, chairpersons of the regulatory and administration committees, the General Manager, and two representatives of each of the three tribal trust boards in the district. The committee meets at least quarterly or more often as issues demand, and advises the Council on policy issues. The tangata whenua representatives on this committee are also members of and served by a hapu-based group, Ngā Iwi Tōpu o Waipa. This group also vets resource consent applications for matters of concern to iwi (see section 4 for more detail).

District plan

The Council has been operating under six transition plans, and advertised its new effects-based plan on 31 March 1994. The process of submissions and cross-submissions was underway at the time of investigation. The new plan, if it remains substantially the same as the draft, will give some specific guidance to consent applicants about the effects of concern to the Council, and the criteria that will be followed for considering whether to grant consents.

Notification of consent applications

The Council has delegated to planning staff decision on whether to notify consent applications and whether to grant non-notified consents. However, the chairperson of the Regulatory Committee is invited to sit in on the fortnightly staff management committee meetings (and she regularly does so) when these decisions are made or confirmed , and the Council receives a monthly summary of non-notified consents. To date, the Council has been satisfied with the delegated decisions.

The nature of effects is a consideration in any decision whether to notify; those considered to have "fairly minor" effects are given non-notified status. The Council's policy manual cites nine criteria for determination of "minor adverse effect", which include consideration of discharges to land, water, or air; noise and vibration; Council services; whether prohibited in the plan; traffic and signs; lighting and glare; and whether possibly affected parties have granted consent; and reference to sections 5 to 8 of the RMA (policy 2.3.3). An informal policy is "if in doubt, notify". If some neighbours consented, but not all, a consent would probably be notified.

Staff on occasion receive "very aggressive" pressure from applicants and their solicitors arguing that they should treat the application as non-notified. To date however, the Council has supported its staff in deciding each case on its merits.

Application fees

The Council charges out the planners' time to applicants, at 2.1 times the direct salary cost. If consultant planners are used, the applicants are still charged at staff rates, and the excess absorbed as a "public good" cost. If other technical consultants need to be hired (for example, acoustic engineers), then the cost is passed on to the applicant.

A planning/legal consultant in the district has observed that the total cost for applicants can be "prohibitive", and potential developments are not being put forward where anticipated costs of getting consents are out of proportion to likely revenue. In contrast must be noted the large upsurge in consent applications the Council has received in recent years.

Adequacy of resourcing

Because of political pressure to keep rates down and to lower costs, staff are under resource constraints. The staffing levels are adequate for "troughs" in the work load, and consultants are hired to handle the "peaks". In 1993/94, the staff processed 635 consent applications

(250 subdivisions and 385 other). An "economic upsurge" in the district has increased the resource consent workload by an estimated 25% over the last year. As an indicator of resource consent processing activity, consent fee revenue as at February 1995 exceeded the amount budgeted for that period based on previous years by 79%. Compiling the six transitional district plans inherited from amalgamation into one draft district plan has also consumed a huge amount of planning staff time.

1.2 Relationship between District and Regional Councils

Communication and liaison

On a case-by-case basis at an individual planning staff member level good liaison between the District and Regional Councils has been reported.

However, public understanding is not good concerning the differing roles of the two councils. This is manifest, for example, in public complaints about environmental effects also going to the wrong council, particularly with regional consent issues going to the district and some of the public expecting the District Council to fix the problem.

No formal regular liaison on resource consents is arranged between the two councils, nor effective "triggers" agreed on to ensure efficient coordination of consent hearings, and a number of misunderstandings and mis-communications have occurred. Applicants have received unclear or contradictory advice about whether the other council may require a consent application and when hearings might be held. In one of the cases studied, the District Council scheduled hearings even though it knew the Regional Council may be involved, and the hearings had to be re-scheduled.

The Regional Council is currently developing joint protocols with the Waikato District Council, which will include criteria for lead agency, coordination of timing, decision on joint hearings, and responsibility for analysis of submissions. Once Waikato District Council has developed its protocol with the Regional Council, the Regional Council will seek to develop a protocol with the Thames-Coromandel District Council, then Waipa District. The Regional Council is concentrating its effort on councils with which it has the most joint hearings.

The Regional Council arranges some pre-hearing meetings and all joint hearings, and satisfaction was expressed about the experience and skills of the Regional Council staff and their professional conduct of the meetings and hearings.

Joint hearings

A common complaint to the investigation team, and also to District Council staff, was that joint hearings caused time delays and extra costs. The District Council is unable to tell applicants in advance how long the process will take once the Regional Council is involved, as the Regional Council has a significant backlog of applications (an estimated 1,000 applications are in the queue). There have been delays of several months to as long as a year. Typically, a consent that would take 2.5 months at district level can take 6 months when both district and regional consents are required (for instance, eight months in the Bowe

quarry case). The District Council perceives that major regional issues get all the priority resourcing in the Regional Council (e.g. the Lichfield dairy factory), leaving smaller cases to languish.

Regional Council staff agree that they do have more applications than they can deal with on a daily basis, and they have a strategy to manage the backlog including taking on some new staff to alleviate the situation. Factors which have contributed to the consent application backlog at the regional level include: difficulties in co-ordinating multiple parties for joint hearings; not receiving the information they need from applicants; a steady increase in large projects, perceived to be a result of "economic recovery"; and the use of staff resources to establish regional plans, not having the benefit of decades of earlier plans to build on as district councils do.

Regional Council staff also noted that a number of applications are on hold because of deficient assessment of environmental effects (AEE) information, some of which are 'pro forma' applications from existing consent holders (application six months before expiry to ensure that the consent holder can continue business as usual (s 124 RMA)). If delays are occasioned by s 92 RMA requests for more AEE information, delay can also be attributed to the applicant. In some cases (e.g., Donaldson poultry, Skinner quarry), the District Council notified the application before the regional consent applications had been lodged, raising incorrect expectations of timing with applicants.

Although joint hearings are meant to pool resources and save on costs, district councillors perceive them to be very time-consuming, especially when compared to the District Council's hearings ("several days versus several hours"), implying extra costs to applicants and ratepayers. Councillors noted that they may have to sit through a lengthy hearing for an application which has a relatively small component of district compared to regional RMA content. Several parties asked whether all the issues that had gone to joint hearing were in fact appropriate for that treatment, particularly for moderately sized projects and/or where one council's consent was perceived to be very minor compared to the other councils. Issues with clear overlap, such as odour (e.g. Donaldson poultry case) were considered appropriate for joint hearing, but others (e.g. Bowe quarry, ECNZ tailrace) were queried by some involved parties. District Council staff consider that more cases could have separate hearings, but the regional policy has strictly interpreted the "shall jointly decide" of s 102(1) RMA.

The Regional Council staff are aware of perhaps four or five instances where costs were complained of as excessive compared to the scale of the operation. In the Bowe quarry case, the Regional Council did not consider the costs excessive for a joint hearing process, but did consider it unusual that neighbours' concerns on such a small proposal could not have been resolved independently of a hearing. Given that the submitter had appealed the previous consent and threatened to appeal a new one, staff felt it prudent to document the process sufficiently for it to be able to proceed to the Planning Tribunal if necessary. The District Council in that case granted partial remission of charges, and the Regional Council is looking at the issue, and will possibly develop criteria to assist with future cases.

District councillors recognised that there was sometimes benefit in hindsight from Regional Council consent delays; failure to process District Council applications for a landfill and

sewage outfall to river meant the closure of a sub-standard tip and disposal to land options being located for sewage.

A variety of contacts expressed concern about the inappropriate influence of particular district or regional councillors in joint hearings, upon decisions on consents that did not belong to their council. For example, in the Bowe quarry case, regional councillors were seen to influence the decision on a district consent. Regional Council staff have pointed out that the decisions in question have been unanimous, and perceived influence may reflect variation in the experience and/or persuasive skills of councillors.

Overlap between regional and district consents

District planners expressed concern about the practicality of administering consents governing land uses which by their nature may result in discharge of contaminants to air and water. Good practice and siting may mitigate adverse effects to air and water; which consent should contain the relevant conditions, and which agency should monitor and enforce? Both the district and regional plans seek to prevent or mitigate adverse effects to air and water. A complicating factor concerns the district council responsibility for controlling odour nuisance under the Health Act. It was noted that conditions which give rise to odour may also give rise to flies and vermin, which are also part of the district's public health responsibilities. Such overlaps are therefore difficult to avoid.

The Regional Council has air discharge expertise among its staff and a number of District Council staff have air pollution control qualifications. In the Donaldson poultry case, the air discharge consent (odour) and the land use consent had identical conditions (arrived at through the joint hearing process). District planning staff report that the Regional Council air quality staff advise that they expect to enforce the conditions, but District staff envision that residents will be more likely to complain to the District Council.

1.3 Training

All permanent planning staff have had some formal training in planning, and short-term contract staff brought in to handle high work loads have variable backgrounds. Management supports upgrading of training (1% of salaries budget in division, and another 1% Council-wide), and examples given were RMA seminars, negotiation/ mediation, time management and stress management, and for management staff the Master in Public Policy degree. Ministry for the Environment guidelines on RMA practice are circulated to all staff, and Planning Tribunal decisions are reviewed at fortnightly planning staff meetings. These meetings guide less experienced staff in the management of difficult issues.

Two planning staff are relatively recent graduates and one consultant also teaches a postgraduate diploma on the RMA. Staff noted that until quite recently training was inadequate in terms of preparation for planning practice. The University of Waikato programme is now considered to be quite good. New Zealand Planning Institute seminars were considered to be adequate in content, and some were offered on negotiation/ mediation skills. Staff used to regularly attend to New Zealand Planning Institute conferences and seminars, until the fees went up; now attendance is restricted to fewer staff and venues closer to the district.

A number of contacts noted that the adequacy of training made available to planning staff depended more upon the attitude of managers than any lack of available courses or of Council resources. Examples of other district and previous county councils in the region were cited to illustrate that Waipa District had good managers by comparison.

The Council recently advertised to replace a senior planner, and found a shortage of experienced planners available to work as staff at the salary grades that can be offered. Good consultant planners are available, but the Council cannot afford consultant rates for day-to-day work.

It was noted that councillors need training too, particularly in the application and implications of the RMA. The Council has recently organised seminars to prepare councillors for hearings on the new draft district plan. The seminar will cover RMA powers and obligations, and Waipa councillors will combine with South Waikato District councillors.

Both planning staff and councillors are fairly stable in their positions, as is common for rural authorities, so training programmes need not be repeated often.

2 EXAMPLES SELECTED FOR STUDY

Examples chosen for more detailed study are described below. During the field visits, other examples were suggested by contacts: these are also used by way of illustration, but have not been studied in as much detail.

The bulk of resource consents are minor and non-notified, mainly subdivision and commercial activities. About 30 applications are processed each month, some two-thirds of which are non-notified. (See section 1.1 for a discussion of increasing work loads).

The types of issues discussed in the examples for this report, with more significant effects to consider, were estimated by planning staff to represent perhaps 5% of the total applications. In addition, two examples (Bowe quarry and Hamilton Road motel) have been characterised as *the* most controversial cases the Council has dealt with in the last five years. Therefore the examples (both those selected by the investigation team and later volunteered by contacts) are not typical of the main resource consent workload, but illustrate how Council manages the more significant effects and/or controversial issues.

Please note that the format of this case study differs from the other two in that details on key issues (e.g. AEE adequacy and mitigation of effects) are covered in those sections in a comparative way, rather than in this overview of examples).

2.1 Main examples

Note: all consents or scheme changes applied for in these cases were granted.

***Bowe quarry, Te Pahu** (R.C. 1377)*

This case involved an application for land use consent for extension of a 'brown rock' quarry that had come to the end of a five year consent under previous legislation. After the application was lodged a number of requests were made to obtain required information on effects and mitigation (largely visual, noise, and dust: also for the Regional Council, water quality). Submissions both for and against the quarry extension were received, a pre-hearing meeting was held which helped to clarify concerns and mitigation measures, and a joint District and Regional Council hearing granted the consents subject to conditions prepared to reflect concerns of interested parties.

The quarry is small, by both regional and national standards, and its adverse effects limited in scope and magnitude. Comments were received from a range of interested parties that the costs of the process were out of all proportion to the scale of activity, to the extent that the economic viability of the operation was threatened. Council expenditure of effort to address complaints under the previous consent was also considered by some to be much larger than should be expected, and by others to be totally ineffective. Some parties suggested that a full and costly consents process was entered into because of unreasonable behaviour and the inability of an aggrieved neighbour and the operator to resolve differences amicably, whereas the aggrieved neighbour continues to feel that due process failed to control adverse effects.

Donaldson poultry (broiler shed), French Pass Road (R.C.1399)

This case involved a proposal to locate a new broiler shed to house 30,000 chickens, with opposition from residents who had experienced adverse effects from existing broiler sheds and/or feared the same impacts would be increased in the area. After the first application (September 1993), additional AEE information was requested by Council (provided May 1994), largely relating to noise, vermin, and odour control. A pre-hearing meeting and joint hearing were held, and consents with conditions granted. The applicant feels that the costs of the process were excessive, and some opponents feel that their concerns were not adequately addressed.

The size of land holdings in the area were inherited from policies of the former Waikato County, which resulted in rural residential sized blocks in a rural zone. Such a zone allowed for agricultural activities with adverse effects that required a buffer zone to protect neighbours, but the result of subdivision was such that adequate buffer zones were not possible. Under the previous operational plan factory farming was a conditional use, and under the new draft plan factory farming would be a discretionary use.

Mars Confectionary factory, Bruntwood (Scheme Change No.1)

This case involved a proposal to establish a frozen confectionary factory, which would utilise local dairy products, on land zoned rural. The Council actively promoted the project as a source of business and job creation for the district, worked with the company to find a site, and suggested that the developer apply for a scheme change to allow such development, and apply for a controlled activity consent later. Approaching the issue as a scheme change first is supported by a 1994 Planning Tribunal decision[1], but submitters disputed whether the activity should have been redefined as a controlled or discretionary activity.

Two pre-hearing meetings were held to explain the proposal, potential effects (largely visual, noise, odour, and impact on infrastructure), and proposed mitigation measures, with professional presentation by the company. The original level of objection dropped considerably during the hearing and pre-hearing process, and there was no appeal. The scheme change was duly granted, and conditions include a maximum coverage area of buildings to ensure an adequate buffer zone. The company indicated that it might apply for a consent for a controlled activity in two years time.

The area is near a dairy factory, also accommodated by special zoning in the previous Council's plan. Noise effects from that site contributed to residents' concerns about the Council's ability to control adverse effects from the Mars site.

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1 *Campbell v Southland District Council* (14/12/94), W114/95 (Planning Tribunal), Judge Kenderdine, 72 p.

Subdivisions

a. Megaw, Lake Ngaroto (S.P. 1966)

This subdivision application was for a simple subdivision into a smaller house lot within a rural zone, the balance of the property to be consolidated into one title, a conditional activity under both the operational and proposed district plan. As is usual with subdivision applications in Waipa, this application was not notified. The case illustrates an instance of iwi concerns about waahi tapu being accommodated with an amended subdivision plan.

b. MacDonald, Pirongia (S.P. 2081)

This was for creation of a rural-residential lot sizes in a rural zone. This application was notified as it was a non-complying activity in the operational plan, although it would also be a discretionary activity under the new draft district plan. A submission received from the local citizens and ratepayers group expressed concerns including access to esplanade reserves (not accommodated), the creation of an 'urban' frontage in a rural setting (problem recognised, but allowed in plan wording), and safety of access onto the main road (considered, some amendments required). The Council required additional information such as soil percolation tests, and required the subdivision plan to be amended to take into account the special local conditions which would not accommodate septic tank drainage.

2.2 Other examples suggested by contacts

These have not been investigated in as much detail as the main examples (section 2.1), and are only used as further illustration.

Natural Gas Pipeline, Te Awamutu to Pirongia (RC 1472)

The Natural Gas Corporation sought to lay a long pipeline to supply natural gas to a new co-generation plant at a dairy factory. The company conducted its own extensive consultations with affected landholders and iwi prior to applying for consent and modified plans to accommodate their concerns. Despite hundreds of potentially affected parties, only three submissions were received in opposition, and the concerns raised in these submissions were all resolved at the pre-hearing meeting. Construction is now underway. It is an excellent example of good practice by a well-resourced developer.

Hamilton Road Motel, Cambridge (R.C.1319)

The applicants proposed to establish a motel on park allotment in an area where such development was allowed under the operational district plan. Some neighbours feared adverse effects to amenities, and enlisted support, and 222 submitters, mostly local people, opposed the granting of consent. A pre-hearing meeting was not held; the applicants suggested one to the submitters but they did not agree. The Council granted the consent subject to 19 conditions, it was taken to appeal, and the Council's decision was upheld by the Planning Tribunal but with conditions added to protect mature trees on site. The Tribunal reserved the issue of costs. Both the Council and the applicants sought costs from the appellants.

Residents perceive the Council as "supporting" the development, and have alleged that its staff are biased. The current draft district plan contains Rule 3.3.1.3.(c) which would prohibit non-residential activities in the area, and this was inserted by Council resolution and the draft plan approved for publication after the first consent hearing for this case (29 November 1993, nullified due to technicalities of notification) and before the second hearing (24 February 1994). Rule 3.3.1.3 has attracted submissions both in support and in opposition, and the plan has not been finalised.

Extra delays (and associated costs to applicants) were caused by the nullified first hearing, and the appeal (including waiting for a Planning Tribunal hearing). Construction of the motel is currently underway, closely monitored by neighbours, and in response to complaints the Council has taken enforcement action twice to correct breaches of conditions particularly related to the protection of trees (stop-work notice under Building Act to get site management plan as required by Planning Tribunal[2], then an abatement notice under RMA after this plan was not followed and damage occurred to the trees).

Long-track Motorcycle Racing, Cambridge (R.C.1517)

A private company wished to use the horse racing track in Cambridge for holding "longtrack" motorcycle racing events. The first application was withdrawn, then a second was lodged for four races, notified to 268 people, and 38 submissions were received (30 of which were opposed). Consent forms were taken around to residents by the applicants in the absence of full disclosure about likely effects, and considerable community controversy arose, both in opposition and in support. Concerns included noise effects on residents and on valuable racing horses kept in the area. The Council planner's report recommended against granting the consent in order to protect community amenities, but the Council agreed to one trial event, with noise and animal behaviour monitoring to determine actual effects, and required that new applications would have to be made for future events.

Refuse Transfer Station, Te Awamutu (Designation No. 85)

This is an example of the Council as applicant, and mechanisms to ensure independent scrutiny. Five options were evaluated by Council engineers, an independent commissioner was appointed, and the Council accepted the commissioner's recommendations. The proposal was notified but no submissions were received.

Sewerage Scheme, Cambridge

This is another example of the Council as applicant. The Cambridge Community Board was given the responsibility to evaluate community views on different options, and set up a consultative committee in order to do so. The Board endorsed their committee's recommendations, and these were in turn accepted by the District Council. Maori concerns about discharge to natural water were heeded, and a land treatment option chosen (wetlands

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[2] *I F Swindley v The Waipa District Council and P & A Fitzgerald (Applicants)*, Planning Tribunal, RMA 15-94.

and rapid infiltration). Resource consent applications have not as yet been made. Council has contracted an independent planner, and anticipates that an independent commissioner will be probably be arranged to consider the consent.

ECNZ Tailrace, Karapiro (R.C. 1332)

This involved a proposal to excavate and move very large amounts of riverbank area to create a new tailrace for hydro-electric development. Effects of concern included loss of rapids used for recreation and other alterations of river behaviour, principally Regional Council concerns. In a joint hearing consents were refused. In terms of earthmoving/quarrying activity, it was seen by the District Council as the most significant proposal the district has had in recent years.

Bell South Cellular Phone Transmitters, Mystery Creek and Karapiro (R.C. 1602 and 1582)

There are two notified applications for comparison, one with consultation perceived by residents and iwi as extremely poor where numerous submissions in opposition were received (Mystery Creek), and the subsequent case now underway where the company has improved its pre-application consultation markedly (Karapiro). Two additional applications for transmitters (R.C. 1446 and 1447) were not notified.

O'Donnell Duck Farm, Cambridge (R.C. 1412)

Neighbours of the proposed farm made it known to Council that they felt they had been misled as to the potential for nuisance in close proximity to residential areas, and a lot of submissions were received. As this was a new activity in the area, the environmental health officer visited another duck farm in Rodney County to observe potential for adverse effect, and ways to avoid it. Odour problems were considerable, compared with battery hen or broiler sheds, due to the moist environment. A pre-hearing meeting was not held as opposition was strong. The consent was granted with conditions, and the operator is to operate without creating nuisance, with the ultimate threat of stock removal if problems become extreme and persistent.

Skinner Sand Mining, Monovale (R.C. 1192, 1458)

These applications were for expansion of an existing operation. The application was notified by the District and Regional Councils, allegedly with inadequate information given in the application for interested parties to assess scale of the operation and likely effects. After a submission to this effect, the District Council requested more information from the applicant and the planner's report recommended against approval. The Regional Council denied the submitter access to all information on files under the Privacy Act. The denial of access involves disagreement as to what was "relevant information" and allegations by the Regional Council that files were sought only to find ways to oppose the application. A complaint has been made to the Ombudsman, but the Regional Council advises that as of May 1995 the Ombudsman was not pursuing it further.

Sunfruit Orchards Coolstore, Rukuhia (R.C.1339)

In this case consent was required for dispensation from bulk and location requirements (the area is in a landscape protection zone now, but was not so at the time). Consent forms were signed by all affected neighbours, who had seen the plan showing location and appearance of the cool-store. However, the resulting shed was not at all what was envisioned by one neighbour in particular; the structure intruded significantly into the landscape, blocked scenic views, and thereby disrupted neighbourly relations. A formal complaint has not been made to the Council, but rather to the local councillor. This case is an example of what can happen when affected party approvals are obtained from parties who don't in fact understand what is being proposed.

3 ASSESSMENT OF ENVIRONMENTAL EFFECTS (AEE) BY APPLICANTS

3.1 Advice to applicants

Public counter

Planning staff take turns on the public counter. The Council's policy manual and district plan contain criteria for activities, and staff have access to Ministry for the Environment guidelines. Application forms provide a checklist of issues for subdivision consents, and a copy of the Fourth Schedule from the RMA.

The majority of resource consent applicants are landholders themselves, and most are new to the RMA process. When they visit the public counter the planning staff get them to describe in their own words what it is they want to do, then work them through what the district plan says, what consents would be required, whether they need to also go to the Regional Council or other agencies for additional consents, and technical areas where professional advice would be advisable.

Apart from the general application form handout and photocopies of the relevant section of the district plan, all initial advice to the applicant is verbal. When all of the information is complex and new, it is debateable how much new applicants understand. Many applications arrive with inadequate information, and staff agree retention of staff advice could be a problem.

One applicant who received repeated requests from the Council for information and had to provide several documents, suggested that at the outset staff should provide a list of requirements specific to the planned activity, so the applicant knows what to expect.

Use of MFE guidelines

MFE guidelines for applicants and submitters were placed at the public counter initially and circulated to planning staff. Staff feel the main points are now adequately addressed in the Council's own application form. They do not want to overwhelm applicants with too much information. All planning staff have copies of relevant MFE guidelines and reports and are familiar with their contents, so their advice to potential applicants would reflect this.

Subdivision consultants

For subdivisions, planning staff deal almost exclusively with professional surveyors (not the landholders), and are satisfied that most surveyors now generally know what information the Council requires. A checklist of information to be considered is attached to the subdivision application forms provided by the Council. One prominent surveyor, who did not find this checklist sufficiently useful, uses his own checklist based on one used by colleagues in Hawkes Bay. Registered surveyors have also held local seminars with Council solicitors on specific issues.

3.2 Consultation with affected parties

Public understanding is not good concerning the legal requirements and practical necessity of good effects assessment and consultation with neighbours. Staff feel the most appropriate way to improve public understanding is to educate individuals who come to the public counter.

Counter staff explain to potential applicants that if they do not talk to their neighbours and obtain their consent, they may need to go to a notified application and submissions. Most people take consent forms with them as well as the application form.

Good examples of public consultation in the small number of examples in this study all resulted from good practice initiatives by applicants, not because of advice from planning officers. These applicants were relatively affluent companies that could hire professional assistance (Mars confectionary and natural gas pipeline cases). Staff do however promote good public consultation practice to all potential applicants.

In the Donaldson poultry case, the applicant himself visited neighbours and explained in good faith what he proposed to do, but numerous submissions were made and the nearest neighbour withdrew her consent when issues of odour and noise arose. In the O'Donnell duck farm case neighbours felt the applicant had misled them on such issues such as odour, and in the Cambridge long-track racing case neighbours felt themselves misled concerning potential noise effects. In the Bowe quarry case, a petition of support was obtained by the applicant from more distant neighbours and clients, but communication between the applicant and the neighbour closest to adverse landscape and dust effects had already been poor for years. In both subdivision cases, the applicants do not appear to have consulted with neighbours or interested parties at their own initiative; this was effected through submission in the MacDonald case, and through request from Council to consult with iwi in the Megaw case.

In a number of cases, applicants expressed frustration about people who put in their submission without checking with the applicant first about the facts. If information could be made clear early by applicants themselves, misunderstandings and conflict might be avoided.

Section 4.2 discusses adequacy of consultation on matters of concern to tangata whenua.

Problems with use of consent forms

The Council has provided "consent forms" for affected parties to provide written approval. The text on the back of the form advises affected parties of the legal implications of signing, and on the front provides for sighting and signing plans, and giving consent, subject to conditions if they wish. However, the forms can be separated from the application, the form does not suggest that affected parties acquaint themselves with potential adverse effects before signing, and there is no mechanism to confirm whether an AEE has been sighted and understood.

In a number of cases people appear to have signed the consent forms without being fully informed of the proposal. There are cases of agreement being withdrawn after the signer has

obtained more information (eg: Cambridge long-track racing, Donaldson poultry and Bowe quarry cases), consent forms being presented for signing already filled out by applicants without background information (Cambridge long-track case), people consenting and then finding the result not at all what they expected (Rukuhia cool-store), consents being signed after sighting plans which later changed in some important details (Hamilton Road motel case -- however, the person concerned eventually consented to the amended plans). There have been instances of applicants applying pressure to "sign on the spot", without giving signatories time to consider the plan and its implications, and applicants giving out misinformation on whether the other neighbours had already signed.

In one case of a proposed car yard, consent forms signed before plans were available to sight were rejected by Council, as was the application for not being accompanied by an approved set of plans. In this instance, the applicant had also misled the affected parties by informing them that the Council rezoning and approval of his car yard were a foregone conclusion.

Councillors felt that the problem in some cases may have been due to poor advice from the applicant's lawyers and other consultants, and suggested that the applicants should come to the district planning staff for good (and free!) advice instead. However, other local observers noted important factors were also "human nature", desire of neighbours to be co-operative, and poor understanding of the legal implications of granting affected party consent.

The planning staff do not check with consent signers about what plans or reports they may have sighted, but take the signed consent form on face value. The form has a place to indicate that the signer has "viewed and signed the plans giving details of the proposal". All applications must be accompanied by plans which are initialled by those parties granting consent. However, planning staff sometimes find out about poor informing of affected parties by applicants through complaints from concerned parties (e.g. Cambridge long-track), or through consents being withdrawn (Donaldson poultry).

In granting written approval people sign away the ability of consent authorities to consider their concerns in the resource consent granting process. There is an argument that effects on their *property* over the long-term might still be able to be considered, but this would possibly carry less weight with decision-makers.

There is naturally a desire on the part of applicants to "make light of" potential problems, as they want to get their consent granted. On the other hand, neighbours tend to want to maintain good relations and not be seen as obstructive. The irony is that if potential effects are not dealt with honestly at the outset, neighbourly relations may sour anyway.

It has been suggested that public education is required on the importance of consulting with neighbours, and of checking all information before signing consent forms. One method suggested was educational ads on television, in order to reach a wider audience.

Adequacy of information available on planning maps

In the MacDonald subdivision example, and also in the Hall subdivision down the road, the applicant was unaware of particular drainage problems in the Pirongia area, and additional percolation tests and subdivision plan amendments were required. The district plan does not

give any guidance to applicants on this matter; it is known only by means of "institutional memory" built up from past experience. The Council's ability to include this sort of information in GIS mapping is at least a year away.

Sources of nuisance (e.g. odorous industries, factory farms) are also not noted on maps so as to inform prospective land purchasers and prevent development of sensitive land uses nearby. However, the Council is now noting airport noise problems through use of an airnoise boundary and is placing caveats on titles under s 221 RMA when land within the boundary is being subdivided for noise-sensitive uses.

See section 4.2 for a discussion of waahi tapu and mapping.

Availability of information to interested parties

With notified consents, staff advise that documentation is provided to interested parties on request. Additional information requested from applicants (s 92) and the planner's report is made available to submitters before the hearing; "total discovery" of facts is standard practice (e.g. all parties get access to all information). However, complaints have been made about the adequacy of the information lodged with the application (Skinner sand mining) and the inadequacy of time to consider the planner's report before the hearing (Hamilton Road motel; the planner's report was received three days before hearing). In the latter case the Council sent out information in accordance with statutory requirements, and the Council notes that submitters may be relying too heavily on the planner's report to prepare their cases for the hearing.

4 COUNCIL REVIEW OF AEE ADEQUACY

4.1 Process for assessment of applications

When applications are received, they are logged into a computer, assigned due dates, and assigned to a planner. Generally, a planner will have "ownership" of an application through the entire process, from application to consent, through to handling any complaints regarding enforcement of conditions. Exceptions occur where work pressure requires a re-allocation of the application or hiring of a planning consultant (e.g.: Donaldson poultry, Bowe quarry). Decisions on notification and use of pre-hearing meetings are left up to the planning officers concerned (with accountability to management and the Regulatory Committee).

In all cases studied, Council planning staff reports checked and reported to Council on whether the proposed activity was allowed under Council operative and proposed district plans. Where another area of Council was involved, such as Drainage or Environmental Health, the views of those officers were also obtained.

Checking adequacy of information provided in applications

The combination of work load and statutory time constraints means that there is limited time for looking at details, especially for non-notified consents. However, an estimated 90% of applications are for activities that have occurred in the district before and with a fairly stable planning workforce someone on the planning staff will be familiar with effects implications and can be consulted.

In the Council's experience, for the great majority of smaller scale proposals, applications are generally of poor quality and provide insufficient information, even when applicants hire a solicitor or other professional to assist. Planning staff frequently have to request further information (s 92 RMA). However, they find that responses to requests for further information are "always good", perhaps assisted by the focus on specific detail in contrast to the generality of the forms.

With larger scale projects assisted a number of professional consultants, such as the Natural Gas Corp. pipeline or the Mars confectionary factory, the required information is generally provided with the application. In all other examples looked at, more information was required than that provided initially by the applicant.

In many cases staff rely on familiarity with the area, but do prefer to visit if time allows. For resource consents the regulatory engineer does visit every site to check matters relating to the Building Act, and the planners can ask the engineer to check matters for them. In the Bowe quarry case, a planning consultant met separately on site with applicant and concerned parties. In the Hamilton Road motel case the Council ensured all issues were discussed and checked draft conditions with the applicant for workability. In the Donaldson poultry case, the applicant complains he did not meet the planner face-to-face on site until the pre-hearing meeting (in contrast to the Regional Council officer who made regular contact and discussed options).

Reliance on submissions

In a number of cases, the Council did not request additional information on effects and mitigation until submitters expressed their concerns. This safety net will not be available in non-notified applications, and is not effective if information available to the public does not clearly indicate likely effects. The Council has however put in place a safety net for iwi concerns (see section 4.2).

Examples in this regard are the Bowe quarry case (dust, landscaping, accurate mapping of site), the Donaldson poultry case (odour, noise, vermin control), the Hamilton Road motel case (protection of mature trees), the Skinner sand mining case (scale and mitigation), and the O'Donnell duck farm case (odour, vermin, noise). In the Donaldson poultry case the Council did not request the mitigation information, but rather the applicant provided it themselves to meet submitters concerns. In the O'Donnell duck farm case mitigation information was gathered by staff, not the applicant.

Examples where the Council of its own initiative requested information from applicants separate from submissions are the two subdivision cases (MacDonald; soil percolation data: Megaw; iwi concerns).

Consideration of cumulative impacts

With the Mars confectionary case, cumulative impacts to the neighbourhood from incremental growth of industry were deemed by planners' reports and councillors at the hearing to not be valid considerations, because they were considered to be mitigated by a stringent site coverage requirement (4.5%). In the Donaldson poultry case, the planner recommended against granting consent to avoid cumulative adverse effects on neighbourhood amenities, but councillors did not agree, because they believed that the conditions placed on the consent would adequately prevent adverse effect.

Use of consultants

In areas where the Council does not have expertise, consultants have been employed (e.g. noise, soil testing, farm management, and landfill engineering). Planners are also brought in on contract during periods of high work load to process applications (presently two extra staff on short-term contract, one other planner hired on a case-by case basis).

In the Bowe quarry case, the consultant planner's report on effects and mitigation and their conduct at the pre-hearing meeting was perceived by submitters as very fair, but some submitters were concerned that councillors did not accord the planner's recommendations sufficient weight. The first time anyone representing Council visited neighbouring houses to assess effects was when the consultant was employed. Both planning staff and councillors were pleased with the consultant's work. The applicant felt the hiring of a consultant was an unnecessary complication and expense, but Council policy is to charge out consultants at staff rates, and costs in this case related more to the difficulty in resolving a long-standing dispute than to the involvement of a consultant.

4.2 Effects on resources valued by tangata whenua

After several years of trial and error the Waipa District Council and local iwi have developed a practical method to ensure that iwi concerns can be ascertained by staff and understood by decision-makers prior to decisions on resource consents applications, as required by the RMA (see MFE 1994). Comparative studies being undertaken in association with the Maori Studies Department of Waikato University suggest that Waipa District Council has done very well in this area compared with most other district councils (P.Nuttall, pers.comm.). Local iwi realise that Waipa is ahead of other councils, and see the process as an interim one that can act as a "safety net" until a more proactive partnership is developed in the future.

All non-notified and notified consent applications are now sent to Ngā Iwi Tōpu o Waipa for checking. This umbrella group was set up by iwi a year ago in part for this purpose. The group has representatives of hapu in the district, and each hapu has full autonomy in defining concerns it may have about proposals within its area. In contrast to the "high- powered" consultative committee comprised of councillors and kaumatua from Trust Boards that the Council and iwi first tried and found unsatisfactory, Ngā Iwi Tōpu o Waipa consists of "workers" from the hapu who have specialist skills and knowledge. The group is currently moving from being a group established in reaction to the needs of the Waipa District Council to establishing its own proactive policies.

Councillors noted that among the "learning curves" were for iwi to devise a method that could work within statutory time frames, and for Council to learn that the specific information it needed from iwi to fulfil its obligations under RMA could in fact be provided by iwi but payment was essential for iwi specialist services.

The group is supported by Council in that support and mileage costs are covered, in total some $30,000 per year. A $20 "checking fee" for all applications is also paid to Ngā Iwi Tōpu o Waipa, which is covered as part of the application fee. The group has 20 working days to note whether they have a concern, and they estimate that the checking fee covers perhaps 10% of their true costs. Ngā Iwi Tōpu o Waipa also estimate that of the 85 applications they are currently processing, 25-30% require further investigation with regard to iwi concerns.

Iwi find that in most cases the information that accompanies the consent applications is sufficient for them to tell whether there may be concerns. If a concern is expressed, the Council can exercise a s 92 requirement for the applicant to get more information from iwi. If further investigations are required, actual and reasonable costs are charged to the applicant by the hapu concerned through the iwi group and the Council consent fee.

From the point of view of Ngā Iwi Tōpu o Waipa, the crux of the matter is "how well do decisions help the environment?" Their goal is to ensure that environmental quality is not degraded, and that ideally environmental quality gets better. They do not expect they can fully restore what has been lost, but hope nonetheless for steady improvement. For the future, the iwi would like to be involved as equal partners in development of district plans, rather than being forced to contribute via submissions and cross-submissions. They found that perhaps half of their concerns were addressed in the Council's strategic plan, which they feel is progress in the right direction.

All parties attributed progress to date to the effect of "personalities"... the desire to make it work, face-to-face encounters, and the political will of Council staff and councillors, and particularly the mayor.

The iwi group has found that if only notified applications had been sent to them, some important concerns would not have been dealt with before consents granted. Examples include a stock underpass that as originally designed would have gone right through an old kainga site, and the Megaw subdivision.

In the Megaw subdivision case, neither the application nor the district plan maps indicated waahi tapu on the property. The non-notified consents "safety net" procedure was not yet in place, but as a waahi tapu issue had arisen in the area before the planner chose to check the proposal with the iwi consultative group. It was determined that a waahi tapu would in fact be affected by the proposed house site, and Council staff encouraged consultation and resolution of the issue. In due course the plan was amended to shift the house site away from the waahi tapu, which was accepted by iwi and then approved by Council. This process caused sufficient delay, however, for the original purchase offer to the landholder to be lost.

In the Bowe quarry case, which was publicly notified, local iwi made a submission on the resource consent application and they expressed concern about possible impact to the stream or to waahi tapu. The applicant had not previously consulted with iwi, and a s 92 request was made to the applicant by the District Council. Following consultation with iwi on site, consent conditions were devised to the satisfaction of iwi and they withdrew their opposition.

The iwi group has found that most applications state that the applicant is "not aware of" any waahi tapu or Maori concerns, but the applications give no evidence to demonstrate that genuine research was done. A surveyor who does much of the subdivision work in the district says he checks the district maps for noted waahi tapu, but never asks clients how they know whether or not there are sites of tribal significance on their land.

Council planning staff noted that the Fourth Schedule RMA does not mention iwi consultation by applicants. Although the Planning Tribunal has ruled that clause 1(h) of the Fourth Schedule (effects assessment by applicants) requires consultation, and that iwi concerns can come within the definition of 'effects'[3], the lack of clarity in the Fourth Schedule is seen as creating an unnecessary source of disagreement between iwi, councils, and applicants.

Given time constraints that apply once an application is notified, in cases where significant iwi concern exists the iwi have found the process and results much more satisfactory when an applicant approaches them *before* submitting an application to Council. However, the iwi still want to retain the checking process as an essential "safety net" to ensure nothing important is overlooked.

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3 *Aqua King v Marlborough District Council* (28/3/95), W19/95 (Planning Tribunal), Judge Kenderdine

The group has found that corporate applicants can learn from their experience, and develop good iwi consultation methods. The examples given were Bell South, which had "terrible" iwi and public consultation for their Mystery Creek transmitter, but are now making excellent initiatives concerning the siting of their proposed transmitter at Karapiro; and the Natural Gas Corporation's proactive consultations over their pipeline route.

However, iwi do not want to be approached by all 400 applicants each year, nor do applicants want to consult when it isn't necessary. The district plan maps show those waahi tapu listed by the Department of Survey and Land Information, Historic Places Trust or the Archaeological Society but not all, and the district plan maps do not show many areas of likely concern. The reason is partly because the definition of waahi tapu differs between iwi. Iwi are currently considering whether they will seek resources to draw up a more useful waahi tapu list, but they remain concerned that precise locations may lead to desecration of sites as has occurred in the past.

Rather than pinpointing sites on district plan maps, another option may be to shade in key areas of iwi interest on the district plan map so as to alert applicants that pre-application consultation with iwi would be advisable. This option was considered practical by planning staff and the subdivision surveyor spoken to.

Iwi have found that when they talk to applicants that the applicants have a very poor understanding of the RMA requirements to ascertain matters of concern to tangata whenua. Councillors and planning staff also encounter ratepayer opposition to the concept of paying for iwi information or to "asking for iwi consent". The general public still think of iwi as just one interest group among others, instead of as specialist consultants whose services may be required in some instances to meet RMA requirements. The suggestion of adding an explanatory sheet to the resource consent application form to improve public understanding was well received by iwi, planning staff and the subdivision surveyor spoken to.

4.3 Quality of planners' reports

Generally, planners' reports that were sighted clearly expressed the necessary information, and paid attention to relevant factual detail. The one prepared by a planning consultant was particularly well done. In this report (Bowe quarry) and the planners report in the Donaldson poultry case, it was obvious that particular effort had been made to understand and effectively mitigate concerns of affected parties.

In the Donaldson case report, however, planning officer opinion in some areas was poorly substantiated, and some important technical assumptions had not been checked with the applicant. In this case the officer concerned had been "thrown in the deep end" without much planning background, and improved training and support are being provided. The consultant working for the applicant in that case finds that this was an exception and the Council staff generally do meet with applicants and work details through.

Councillors on the regulatory committee generally expressed satisfaction with the quality of the advice in the planners' reports. Practising consultants in the community also find them generally of high quality. In comparison, the old county planners' reports were described

as "back of the envelope" jobs. Councillors commented that on the whole they need all the information provided them, although they would like more effort put into summaries. In joint hearings however they receive a lot of technical material from the Regional Council that is not relevant to their statutory responsibilities, and this takes considerable time to deal with.

District Council planning staff find that most of the time councillors take their advice.

5 RESOLUTION OF CONFLICT AND MITIGATION OF EFFECTS

5.1 "Development bias" of Council

Both planning staff and councillors noted that the Council generally wishes to support development, and that even if there is opposition to likely effects the Council will "err on the side of development" and "try to find ways of approving it". In the examples studied, pre-hearing meetings have been seen by some submitters as organised to convince submitters of the need for the development and "find ways around" their concerns. However, other parties viewed this process as finding acceptable ways to mitigate potential adverse effects.

When administering resource consents, the Council also attempts to be supportive of development. In the Bowe quarry case, this meant that cartage of previously quarried materials was allowed to proceed even though the old consent had expired and the bond required for the new consent had not yet been obtained. Considering the time delay in granting consent, the fact that a bond had been applied for at a finance house, and commercial pressures, the Council allowed the cartage. This was seen as reasonable and practical by Council staff and the operator, but unreasonable by those who had perceived breach of conditions under the previous consent and hoped the new consent would be an improvement. The Council has since received the bond (13 March 1995).

5.2 Use of pre-hearing meetings

Regulatory Committee councillors find the pre-hearing process excellent. Under previous legislation the county council would not permit such discussion for fear of such action being prejudicial to the hearing. The planning staff manage the meetings, and the councillors receive the reports but are not actively involved in the meetings (they may however attend, to observe and be seen to be interested in listening to both sides). Advantages of the process noted by Council contacts include informality ("you don't get the lawyers sticking their beaks in and winding up the whole process") and face-to-face discussion which encourages reasonable compromise.

Planners have a "free hand" to consider whether to use pre-hearing meetings to assist the resolution of issues in notified consent applications that they are managing. Such meetings can also provide a useful tool to assist the planner in writing their report for the Council, especially with regard to effects and mitigation options. However, the statutory time frame for processing of applications is seen to work against use of pre-hearing meetings, unless the Regional Council is involved. The Regional Council advises that choosing to work in a cooperative rather than adversarial way can further extend the time frames.

The planning staff consider that the removal of formality at pre-hearing meetings is a distinct advantage, and a face-to-face discussion encourages more reasonable behaviour and willingness to negotiate. However, some pre-hearing meetings were seen as further entrenching attitudes. Parties who had experienced pre-hearing meetings generally found them useful, particularly submitters and consultants working for applicants. Applicants, who had to pay for the process, were less enthusiastic if they were seeking to establish smaller-scale projects (Bowe quarry and Donaldson poultry cases), but pro-actively sought pre-hearing meetings in large scale projects (Mars confectionary and Natural gas pipeline cases).

It is recognised that if the planner managing an application has already reached a conclusion, that planner should not facilitate a pre-hearing meeting. In some cases where the Council is clearly a proponent, or where there is a long history of Council involvement, an "independent" facilitator or chairperson has been found (e.g. Mars confectionary, Bowes quarry). Joint pre-hearing meetings are organised and chaired by the lead agency, often the Regional Council and sometimes the District Council (e.g. Bowe quarry).

5.3 Avoidance or mitigation of identified concerns

Ideally these matters are sorted out prior to consent by planners through negotiation with applicants and submitters or through pre-hearing meetings. In a number of the cases studied this is what occurred, but some concerns remain.

Odour: poultry sheds

A principal concern associated with the Donaldson poultry case was odour. Although odour emissions require an air discharge consent by a regional rather than a district council, whether or not odour-generating land uses are approved is a district council concern. Both the land use and air discharge consents have a condition that requires that odour nuisance shall not be experienced beyond the property boundary. Abating odour nuisance "without delay" is not possible at the peak of the broiler cycle except by removing the birds. In contrast, in the O'Donnell duck farm case, which did not involve the Regional Council in joint hearing, the District Council has inserted a clause specifying removal of stock as a potential action if odour becomes a major problem. Installation of odour control technology can be a costly and time-consuming option, and is not an option required by the consent.

The applicant's principal consultant noted that there was uncertainty of compliance with regard to odour because it would depend on the choice of odour control technology The operator would have some risk of additional upgrading costs if odour problems arose. The applicant states that there could be "about ten tricky days every two months" (that is, 60 days a year) when there might be risk of causing odour nuisance to neighbours.

The joint hearing committee accepted that in the broiler chicken raising cycle nuisance odours could be generated at certain times, but considered that the proposed shed design and management and separation distances were adequate. The joint hearing report also noted that complaints about existing problems at the neighbouring MacArthur sheds were not relevant as "there has been ongoing upgrading in the technology [for] control of odour", without exploring whether such technology was adequate to prevent odour nuisance without a buffer around the sheds or whether such technology was in fact part of the planned development.

The Regional and District Council consents both state that there shall be no objectionable odour at or beyond the boundary, and provide for regular review (after first year, then every two years) of conditions to address any adverse effects. The Regional Council consent also provides that an odour nuisance incident exists either by Council staff defining it to be so, or when three or more individuals sign a complaint; in this case the consent holder must prepare a written report on mitigation measures.

Traffic noise

In the Donaldson poultry and Mars confectionary cases, submitters were concerned about night-time noise from traffic going to and from the new factories, but the Council decided it could not control this activity. While under the RMA district councils have no powers over noise from moving vehicles on public roads, arguably they have control over operating practice of vehicles on premises that contribute to the timing and magnitude of road traffic, or on whether traffic-generating activities are given consent in those particular locations.

The Council does pay particular attention to road safety, in particular requiring safe access to and from properties (e.g. Mars confectionary and MacDonald subdivision cases), and in the Mars case paid particular attention to the siting of entry points and to building locations within the site. These do not, however, influence the volume or timing of traffic that is generated by activities on the site.

In the Mars case, delivery trucks could be restricted to certain hours, but the plant's 24-hour operation would also cause significant increases of employee vehicle traffic late at night and in the early hours of the morning. The planner did not consider alternatives to mitigate traffic noise, such as the company changing the shift hours or providing carpool or vanpool options.

In the case of the broiler sheds, the timing of truck arrival and departure when removing grown broilers is determined by transport times and the factory shifts at their destination, and the need to remove the birds at night when they are easier to handle. Therefore, installation of broiler sheds of necessity means truck impacts (acceleration, air brakes, rattling of large number of wire crates) on the property and adjacent roads every 6 to 8 weeks, early in the morning when people are trying to sleep. The consent for the nearby MacArthur broiler shed has a condition restricting the hours of truck traffic on the property. While theoretically enforceable, complaints made by neighbours to a Council planner were referred to the poultry company rather than to the local Council enforcement officer. From the point of view of the neighbours, this condition has never been successfully enforced. After the investigation team brought this to the attention of the Council, the Council undertook to initiate enforcement measures.

The land use consent for the Donaldson operation requires that district plan noise levels not be exceeded, but unlike the MacDonald consent the Donaldson consent does not mention time of truck travel. Noise nuisance relates to *changes* in noise level, and ambient levels late at night and in the early hours of morning are such that sleep can be disturbed even when the district plan noise levels are not exceeded. A clause providing for regular review of conditions may assist, but only if formal consents are received. As shown in the MacArthur case, adversely affected people do not consider that complaining to the Council is worth their effort.

Some argue that all rural industries create noise and traffic, and people who have chosen to live there must expect such things. Examples given of existing early morning traffic in the Cambridge area were horse floats (3 to 4 am) and whey (24 hours transport to treatment ponds). However, it was noted that the majority of heavy truck traffic occurs and is expected in rural areas during the daylight hours, and late night and early morning traffic might still be considered a situation that requires particular attention.

Buffer zones and noting zones of influence on plans

Inghams staff apparently commented to a Council planning officer that prospective poultry farmers should ideally buy a large property (20-50 acres) and locate their sheds well inside boundaries. In the Donaldson case the applicant was unaware of this suggestion. It is his understanding that all farms feeding the factory are on much smaller properties, and arranging things otherwise would be a waste of land.

The pork industry has made recommendations concerning the use of buffer zones to mitigate odour nuisance. One of the Council's environmental health officers noted that although buffers are a good idea, there can be great variability in the distance odour travels (for example, with thermal lift people who are 60 km away can sometimes smell the Kinleith paper mill).

With regard to airport noise, problems are arising in cross-boundary effects. The Hamilton airport is in Waipa District, and the Council is placing airnoise boundary development controls and covenants on titles with regard to noise insulation so as to prevent impact to residences and other noise-sensitive activities. Other noisy activities are being approved by the Council in the same area (gun club, go-cart track). However, noise crosses over the river into the province of Waikato and Hamilton City District Councils. Waipa District councillors and staff are particularly concerned about the failure of the other councils to ensure adequate guidance to potential rural-residential purchasers, thus creating problems for the future. They see a risk to the operation of the airport, which is a significant economic resource for the district and which is scheduled to expand into international flights.

Integration with subsequent consents

Some mitigation measures are left to building consent officers to monitor and enforce. Administrative procedures exist to cross-reference building consent applications to planning consent applications. In the main examples studied the effectiveness of these procedures could not be ascertained, and in the Hamilton Road motel case the procedures seemed to have failed in some respect.

One concern with the Mars confectionary case was the ability of the Cambridge sewerage scheme to accommodate trade wastes, and on-site storage to enable off-peak discharge was recommended. The conditions associated with the scheme change do not reflect this, but may be addressed when the company applies for the controlled use consent that is still required.

In the Donaldson poultry case, one concern was potential night-time noise from the large fans which maintain a controlled environment in the sheds. The noise consultant hired by the applicant noted that to meet the district plan noise standards the fans would require acoustic hoods. A condition requires the sheds to meet the district plan noise standards. It is expected that an acoustic certificate will be required as part of the building consent process.

Whether the necessary linkages will be effective in these case is yet to be seen. The Hamilton Road motel case does raise some doubt, because conditions imposed by the Planning Tribunal were not enforced by the building inspection staff.

In the Hamilton Road motel case, construction was allowed to commence before tree protection conditions imposed by the Planning Tribunal were given effect. The Council issued a stop-work order until a required construction management plan was provided, but made the order only after neighbour's complaints had alerted Council to the problem. Then some conditions of the plan were not met, and again the neighbour had to complain to alert the Council to the problem. An abatement notice has now been issued by Council, but some damage has already occurred to the mature trees that were to be protected.

5.4 Fairness and costs: submission and appeal process

Regional Council staff noted that the RMA in practice has resulted in more consultation and expense than perhaps was originally envisioned. Where should these costs lie? Some applicants have argued to Council staff that consultation is not their responsibility. Extent of effects assessment is driven not only by the scale of the operation but by submitters as well, and submitters and applicants have very different expectations.

A variety of contacts (applicants, councillors, Council staff and community business people) expressed the opinion that rights to object made the process too time consuming and costly, and could also "stifle business development". Others have observed that the right to object is an essential part of democracy, and that in the cases studied all issues raised by submitters were valid. Some perceived it was perhaps too easy to slow the process (lodging submissions was free or inexpensive, and all costs were borne by applicants and ratepayers), and comments were made about how people with unreasonable expectations could impose considerable costs on applicants and not have to bear much cost themselves. Local cases which most aroused concern appeared to be the Hamilton Road motel and the Bowe quarry. However, other local observers did not find submitters' concerns unreasonable, noting that applicants had not done enough to find ways to mitigate adverse effects. Submitters in those cases found the process also unsatisfactory, because of outcomes as well as costs to themselves.

Some observers suggested that a method should be found to require complainants to try and resolve matters with applicants first, and others felt that objectors should pay for lodging a complaint to help cover Council and operator costs.

Another suggestion was a requirement to apply to an independent adjudicator after the Council decision, to obtain leave to progress to the Planning Tribunal. This suggestion was made in order to discourage complaints seen as vexatious or petty. It was also suggested that the possibility of the Tribunal awarding costs against appellants should be made more clear.

The Council has also found that where applicants cannot secure the consent of affected parties an expensive notified consent process is required by law, even though the parties have already been informed about the proposal and have the information about the AEE. It has been suggested that an alternative procedure could be enabled by an amendment to the RMA, where one could move directly to pre-hearings and consent hearings without going through notification, where a council can demonstrate that affected parties are already aware of the proposal. However, without appropriate statutory amendment this would remove the right to make a submission and hence the right of appeal to the Planning Tribunal.

6 MONITORING OF EFFECTS AND ENFORCEMENT OF CONDITIONS

A comparative study of environmental monitoring practice by six councils in the Waikato region (Otorohanga, Matamata/Piako, Waikato and Waipa District, Hamilton City, and Waikato Regional Councils) has recently been completed (Devlin 1995). Conclusions include:

- Most councils depend on monitoring of resource consent conditions as the basis for their monitoring programme. None of the councils studied had developed environmental indicators. This transitional stage may result from council experience under previous legislation, which only required compliance monitoring.

- The monitoring approach is predominately "reactive" rather than "proactive".

- "Technical" reports comprise 44% of compliance monitoring information, while "political" sources (public complaints) provided 56%.

- There is a strong staff commitment to monitoring, but it has a low priority in terms of job descriptions and resources allocated.

- Environmental monitoring is not assigned a separate budget by any of the councils surveyed.

The remainder of this section refers only to the Waipa District Council.

6.1 Monitoring and enforcement "complaints driven"

Officially, planning and environmental health officers have been responsible for enforcement of consent conditions after consents were issued, but in practice had little time to do so. For planners, the constant pressure of new consents to process, a new district plan to prepare, and the natural reluctance to act in the "policeman" role meant that enforcement effort was minimal. Environmental health officers who can deal with such complaints as noise and odour, have a wide range of licensing and inspection responsibilities under the Health and Sale of Liquor Acts (e.g. food premises, infectious diseases, liquor licensing), and these responsibilities take an estimated 80% of their time.

As a result, under both the old county and the new district councils, enforcement of conditions was very much "complaints driven", and there was little pro-active monitoring. A few "blitzes" were done to check on certain issues, such as quarries, after the advent of the RMA.

In early 1995 Waipa District Council hired a monitoring and enforcement officer, in response to the recognition that enforcement of consent conditions was "slipping by the wayside". Staff note that "complaints driven" enforcement is common with all councils, but hiring of a separate enforcement officer is a recent phenomenon and still uncommon. In addition, smaller councils have insufficient resources to make such an appointment.

Staff recognition of the problem came a number of years earlier. They recognised in 1991 that the RMA required greater attention to managing effects and made proposals to management; this was followed by increasing frustration before budgeting for monitoring and enforcement staff actually occurred. Budget cycles and inertia against change were noted as factors contributing to delay.

Monitoring and enforcement will be assisted by a computer database of consents, which now provides the facility to record review/expiry dates of consents, record receipt of bond documents and whether work required by conditions has been done, whether enforcement action has been required, and which monitoring checks are due. However, the Council's complaints register currently records complaints on all issues, not just enforcement of resource consents.

It remains to be seen whether one monitoring/enforcement officer is sufficient, given the large number of existing consents, the continuing output of five planners plus contract workers, and huge range of matters to cover, from complex or long-standing adverse effects mitigation under RMA to non-complying signs.

Reliance on complaints unrealistic?

Resource consents appear to be granted in the expectation that complaints will alert the Council to problems if or when they arise. Council officers have noted that with adverse effects that may be intermittent in nature (e.g. noise, dust, odour), constant monitoring by the Council is not practical or realistic, and observations (and complaints) by neighbours is essential to the monitoring programme. Perhaps this should be formalised once consents are granted.

A number of observers noted that people are reluctant to lodge complaints despite there being a genuine problem, because they have to live with the person causing the nuisance as a neighbour. It was noted that rural people especially tended to complain less in the interests of keeping the peace and reciprocal good will ("may need to borrow their tractor some time"; "their kids go to the same school and mine would suffer"). If the Council seeks to enforce consent conditions only when complaints are received, and those getting the most complaints attract more attention, then this may mean in effect that once the consent is granted, adverse effects may be imposed with no realistic remedy for people who for whatever reason are not inclined to complain officially.

In contrast are the few cases where persistent complaints and pursuit of legal rights is alleged have to placed unfair costs upon applicants. Some applicants have complained that the Council "is obliged to act" on every complaint as though it is valid, thus imposing costs, regardless of whether the complaint is substantiated or not.

The community bears the cost of adverse effect if the Council is not advised of problems or does not enforce conditions, whereas the community and consent holder bear costs if complaints are unwarranted but still acted on by the Council.

6.2 Enforcement history and opposition to new applications

In the Bowe quarry, Donaldson poultry, and Mars confectionary cases, perceived failure of the Council to control adverse effects from related activities in the past contributed significantly to residents' opposition to the new applications. All of these cases were inherited from previous county councils and perceptions of lack of enforcement both predated and are concurrent with the Waipa District Council. Enforcement activity by the present council in the Bowe quarry case was viewed by Council staff as in excess of enforcement for any other site in the district. The bottom line in these cases is continued experience of adverse effect by neighbours, regardless of Council action or the wording in consents and plans. This situation can be exacerbated by, and create anew, bad relations between neighbours

Donaldson poultry case

The unmitigated impact of the neighbouring Marr/MacArthur broiler shed on neighbours (noise, odour, other air contaminants) led to concern about the ability of the Council to ensure that similar problems would not be created with a new broiler shed.

The neighbour's complaints had initially been directed to the previous county council, and effective enforcement did not occur. With regard to early morning traffic noise (which can be controlled under one of the consent conditions), complaints were then directed to the new owner who claimed he had not been made aware of the consent conditions by his predecessor (Marr). The neighbours asked a planning officer in Te Awamutu (who later handled the Donaldson consent) how to lodge complaints about early morning truck traffic noise, and he apparently advised them to complain to the poultry company and send him a copy of the complaint. The nearest enforcement officer in Cambridge was not made aware of the complaint, and the first he heard was when the new owner asked him what the consent conditions were and "how could he get around them". Officially, the Council maintained that it received no complaint from the neighbours, and if only complaints were received, then enforcement action could have been taken. The property is now up for sale, and the neighbours are concerned that the whole process will repeat itself. During this investigation the problem was brought to the attention of the Council, which indicates it will pursue effective enforcement.

Bowe quarry case

Numerous allegations of Council failure to enforce conditions were made under the previous consent, and also some under the new consent. The quarry operator, the Council, and outside observers agree that some of the complaints were valid, but many were considered "nit-picking" or vexatious. The operator complains that the Council can close him down whenever a complaint is received until it checks on the complaint's veracity, while in the meantime he has commercial contracts to fill. The principal complainant however believes that the Council allows the quarry to continue operating despite breach of Council consent conditions. He has also raised concerns about legal obligations under mining legislation not being fulfilled, but the mining inspector has advised that this concern is incorrect.

The Council file records considerable Council effort to check on the veracity of complaints and seek enforcement. However, the Council has also acknowledged in hindsight that certain conditions on the previous consent from the county were unenforceable. The requirement of a written reinstatement plan and performance bond has now improved the situation with replanting and screening at the site, but unfortunately the new district consent conditions relating to dust and noise cannot be enforced by the Council to effectively mitigate the effects. It is understood that councillors designed these conditions to encourage the applicant and submitters to communicate and resolve issues of dust and noise from truck traffic, and the conditions were not recommended by or checked with planning staff.

This is a long-standing dispute, and each party reported being rebuffed in its attempts to visit and speak with the other to resolve complaints, and there have been threats of legal actions or charges from both sides. Given the present climate of mutual disrespect between neighbours in this case, the spirit and letter of these consent conditions are unlikely to be upheld.

Mars confectionary case

One objector in this case was not adjacent to the proposed site, but for 22 years had experienced unmitigated adverse effect from a specially-zoned industrial plant in the neighbourhood and did not think the Council should impose more impacts on the community. Neighbours of the proposed Mars site sought reassurance that this type of problem would not be duplicated. Most were assured, but at least one neighbour intends selling and moving. Unlike the situation with the existing dairy factory, the scheme change includes design criteria for area of site coverage, landscaping, noise, glare and lighting, and servicing, and would allow for any industry of similar type to that proposed by Mars.

In the case of the existing dairy factory problem that aroused concern, the house was established five years before the plant was installed, without a buffer zone in the middle of a rural area. The operational district plan inherited from the previous county council had noise standards for activities in industrial areas and rural areas, but not activities in industrial areas that impact on rural areas. Recent Council and dairy company data confirm that the district plan noise standard for rural areas is being exceeded to a significant extent, but note that the company complies with the noise standard for the industrial zone. The Council considers that it is neither practicable nor possible for the dairy company to meet the rural zone noise standard, despite mitigation options being available, such as buying affected properties or installing noise insulation in the factory. The proposed district plan has tighter noise constraints than the operational plan, but Council staff have now put in a cross-submission to raise the noise levels for the new district plan so as to accommodate the existing noise levels at Hautapu and other selected industrial uses established near rural and residential zones.

6.3 Unenforceable wording in conditions

It has been recognised that the wording of consent conditions in the past often frustrated enforcement if the consent holder did not adhere to the "spirit" of the consent. In particular, planning staff noted the lack of set deadlines or time frames, specified scale, and "catches" to ensure compliance.

Councillors want to be seen to be helpful to both applicants and affected parties, but sometimes they place conditions that on the surface appear to meet an objector's concern, but in practice cannot be monitored or enforced effectively. Being seen to be mitigating adverse effects in consent conditions may not however be the same as actually mitigating them in practice.

A presumption in favour of applicants (see section 4) may mean that adverse effects are not in fact adequately mitigated. In the Donaldson poultry and Bowe quarry cases adverse effects were still possible for neighbours to the site if operators failed to apply effective means of mitigation, and if the Council was reluctant to take enforcement action. A number of consent conditions purporting to mitigate these effects may well be unenforceable (see section 5.3).

Council staff have noted that once all evidence is heard by councillors at a planning hearing, then councillors are not permitted to seek further advice from staff about an application, apart from clarification of points raised during the hearing. They also report that this is a point which concerns councillors, who still do their best to ensure that conditions are practicable and enforceable. Legal advice to the Commissioner indicates that no additional evidence should be accepted once the hearing is completed *except with the knowledge of all participants*.[4] This advice suggests that further advice about conditions can be sought as long as the information is shared with all parties.

Use of bonds to ensure compliance

Over the last two years in Waipa, performance bonds and public liability insurance have been increasingly used as part of consent conditions. An extensive in-house exercise was required with Council solicitors to clarify practicalities such as who may issue and who may be bonded. The Bowe quarry is a case in point.

Problems of specificity in abatement notices

One RMA enforcement officer noted that in order to serve an abatement notice, the Council had to specify *how* that nuisance should be abated, and if it did not know how it could be done then it could not abate the breach of conditions or breach of RMA. However, enforcement officers may be too cautious.

Section 324 RMA requires the abatement notice to state the action required to be taken or ceased, and Form 24 of the RM (Forms) Regulations 1991 requires that precise details must be given. While in the case of noise where the RMA specifically requires the best practicable option to be adopted, case law suggests that the Council must specify what it considers the best practicable option to be.[5] However, in other situations case law indicates that the Council must specify the *action that is causing the adverse effect* and/or the *effects*

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[4] Ss. 39, 42A(4) RMA; *Local Government in New Zealand*, Palmer 1993, p.610; *Denton v Auckland City Council* [1969] NZLR 256.

[5] *Wilhelmsen v Dunedin City Council*, 1 NZRMA 284.

that are to be achieved rather than *how* these are to be addressed.[6] Consent holders should be free to find the best way of abating adverse effect and nuisance, and Council staff cannot be expected to be technical experts on every aspect of abatement technology.

6.4 Ignorance of old consent conditions by new owners

This problem has surfaced in a number of cases in the Cambridge area, and may be more widespread. Some new owners have been unaware of the conditions on consents granted to previous owners under the old county council regime, Council staff had not had time to familiarise themselves with all the old files, and only complaints by residents have brought breaches of conditions to light.

Consents and conditions may be discovered if a project information memorandum is requested under ss 30-31 of the Building Act 1991, but this memorandum request only applies where an activity is contemplated that requires a new building consent. A land information memorandum under s 44A of the Local Authorities Official Information Act, 1987 could provide the necessary information, but obtaining either document is voluntary, and is perceived as expensive (at Waipa, currently $300 plus GST). The Council has recently invested in a GIS system, to streamline and improve the information base for preparation of project information memoranda, and hopefully reduce costs in due course.

With subdivision and related issues only, it is possible to register such information against a land title (s 221 RMA), and to avoid future problems this practice should perhaps be more widespread as new consents are granted. However, if consents are of short duration this practice may be seen as unnecessary bureaucracy. The Council has used the s 221 provisions to note airport noise risk on a new subdivision, the presence of high voltage lines, special septic tank management requirements, and bush protection agreements.

Examples were given of land agents showing people properties on days when common adverse effects did not occur (e.g. on the designated quiet Sundays of the month when go-carts are not operating, and when in any case airport traffic is slow). There could be some requirement that project and/or land information memoranda be obtained before any sale & purchase agreement, or at least a brochure available via agents and conveyancing solicitors explaining why it is a good idea to obtain such information.

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[6] *Zdrahal v Wellington City Council*, AP99/93, HC Wellington, Greig J, 16/12/94.

7 SUMMARY OF KEY FINDINGS

Good practice

- Waipa District Council has made significant progress in protecting scenic corridors and local remnants of high conservation value, particularly kahikatea stands and peat lakes.

- The Council's new draft district plan under the RMA was notified much earlier than the other councils studied (31 March 1994), and as drafted gives good guidance to applicants about effects of concern to the Council and the decision-making criteria that will be used.

- The Council has achieved a good separation of administrative and regulatory functions. The examples studied of 'council as applicant' show good practice in the use of notification and independent reviews.

- The Council has addressed the issue of notification well. It has devised guidance to staff on the assessment of "minor adverse effects" (Policy 2.3.3), and has a "when in doubt notify" approach, despite occasional aggressive lobbying from applicants to the contrary.

- The Council has budgeted to allow contract staff to be brought in to handle peaks in workload, and contracts to specialists when technical expertise is unavailable on staff.

- Reports on resource consent applications are generally thorough and of assistance to decision-makers, and councillors follow the advice given in the majority of cases.

- The Council makes good use of pre-hearing meetings to clarify concerns and acceptable mitigation measures, and seek to resolve conflict. Statutory time constraints and recalcitrant parties restrict greater use of pre-hearing meetings by the Council.

- The Council has made excellent progress in iwi consultation, compared with other district councils, although there is much further to go to achieve full partnership under the Treaty of Waitangi.

- There has been a need for improvement over a number of years in the area of monitoring and enforcement of conditions, to ensure that adverse effects are avoided, remedied, or mitigated in practice. The Council in 1994/95 hired a monitoring/enforcement officer, which is a good initiative.

- The use of s 221 RMA to note sources of adverse effect on titles when subdivisions are approved is a good practice to ensure that landholders and their successors are aware of environmental constraints.

Suggestions for improvement

- Verbal advice to applicants at the public counter and attachments to the application form provide good basic information, but the number of applications with incomplete AEE (± 50%) is far too high and suggests poor understanding by the public.

  The resource consent application form should encourage applicants to discuss their project with the Council before applying for consents, and verbal advice to applicants should also be put in writing.

- Public and applicant understanding appears to be deficient on the value of good early consultation and the need for written approvals from affected parties to be well-informed.

  The "consent forms" for affected parties need to be further improved so as to focus applicant and affected party attention upon the need for potential adverse effects to be understood, and the AEE to be sighted, before signing.

- Public and applicant understanding is poor with regard to Council obligations under RMA regarding consultations and understanding iwi concerns before making decisions, the Council "safety net" procedure, and the need to reimburse iwi when serving as consultants to obtain specialist information, and this impedes effective consultation between iwi and applicants where it is required.

  The Council should attach an explanation to the resource consent application form which explains iwi consultation obligations of the Council under RMA, the reasons for the "safety net" and how it functions, the role of applicants, and the role of iwi as specialist consultants if iwi concerns are found in connection with an application.

- Councillors while seeking to meet the concerns of both applicants and affected parties may place conditions on a consent which appear to address the issues, but in practice may not be enforceable. Legal advice to the Commissioner is that councillors after the hearing may seek additional advice from staff on the enforceability of conditions, so as long as applicant and affected parties are kept informed.

  Councillors should seek advice on whether conditions will be enforceable in practice before placing them on the consent, and should ensure that participants in the hearing are informed of this additional information.

- Council's new monitoring/enforcement officer is a good initiative.

  However, **the officer's workload and success rate needs to monitored to check whether additional officers will be required to ensure that district plan requirements and resource consent conditions are followed in practice.**

- The view of some Council staff is unnecessarily cautious in believing that abatement orders cannot be made without specifying exactly how the nuisance shall be abated.

  Note that abatement notices need not specify abatement method to be used, except in the case of noise where the Council must specify what it considers the best practicable option to be. The Council does need to specify what action is causing the adverse effect and what effects are to be achieved. (see legal citations, last part of section 6.3).

APPENDIX: PERSONS CONSULTED

Listed are people who responded to our invitation to provide information to the investigation, and were either met in person (noted by *), talked with over the phone (p), and/or who expressed their views in writing (w). Many others were invited to participate but chose not to be involved.

Waipa District Council

Members of the Regulatory Committee
* Cr. Bruce Berquist (Mayor)
* Cr. Rosemary Hill (Chairperson)
* Cr. Joe Olliver
* Cr. Diane Sharp
* Cr. Pat Tindle

Planning staff
* Jim Mylchreest (Director-Planning Policy)
* Garry Dyet (District Planner)
* Wayne Allan
* Chris Parlane
* Darby West
* Diana Murray
* Wendy Harris
* Naretta Hingley
* Dorothy Wakeling (Planning consultant)

Environmental Health staff
* Verdon O'Donoghue

Building Control staff
* Owen Johnson

Environment Waikato (Waikato Regional Council)
* Bob Priest
* Simon Bannock
* Maureen Poole
* Katherine Ennis

Ngā Iwi Tōpu o Waipa
* Peter Keremeta
* Tom Tauroa
* Harold Maniapoto
* Rev. George Maikuku
* Lynn Britton
* Richard Cribb
* Sunnah Thompson
* Paretutaki Hayward
* Maihi Maniapoto

PERSONS ASSOCIATED WITH CASES STUDIED

All parties involved in cases studied (applicants, consultants, submitters) were contacted. Not all wished to be involved in this study.

Bowe quarry

Applicant and supporters
* Brian Bowe * Teresa Bowe
* Preben and Kathleen Neilson

Submitters
* David & Muriel Wright * Pat O'Connor
(p) Paul Lynch (Public Health Unit, Hamilton)
(w) Tony Fraser (Maruia Society, Waikato Branch)

Donaldson poultry

Applicant and associates
* Denis Donaldson (p) John Olliver

Submitters
* Don Bate & Averil Taylor

Mars confectionary

Applicant and associates
(w) Conway Stewart (Woodward-Clyde)

Submitters
* Mary Bourke (p) Gordon Rodger
(also Morva Blackie - see Cambridge Community Board)
(also Grant Kneebone - see Others)

Subdivisions

Applicant and associates
* David Latham (Surveyor for both Megaw and MacDonald cases)

Submitters
(p,w) Sabina Owen, Pirongia Township Citizens & Ratepayers Association (MacDonald)

COMMUNITY GROUPS

Cambridge Chamber of Commerce

*	Michael Neil	*	Richard Seabrook
*	Barbara Taranaki		

Cambridge Community Board

*	Morva Blackie	*	Reg Procter
*	Julie Redder	*	Rob Feisst

Farm Forestry Association (Waikato Branch)

(p)	Chris Cable	(p)	John Simmons

Federated Farmers

*	Graham Pinnell (President, Waikato Province)
(p)	H. Poot (Te Awamutu Branch)

Forest and Bird Protection Society

(w)	Philip Hart	(w)	Bunny Mortimer

OTHERS

* Trish Devlin	Wakeling and Associates
* Stephanie Hammond	President, Waikato Branch New Zealand Planning Institute
(w) Grant Kneebone	Geotec Consultants
(p) Peter Nuttall	Maori Studies Department, University of Waikato
* Barry O'Conner	Manager, Waikato Regional Airport
(p) Pippa Wallace	Solicitor, member of Cambridge Tree Trust

Hamilton Road motel - submitters

(w) Stewart Ostler	(w),(p) Elizabeth and Ivor Snowdon
(w) Doreen Hickey	(w) Ira Swindley

REFERENCES

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MINISTRY FOR THE ENVIRONMENT, 1994, *Case Law on Consultation: Case law under the Resource Management Act 1991, regarding the issue of consultation with tangata whenua, to 30 November 1994*, Working Paper 2, November 1994, Wellington.