

Impact assessment effectiveness in Otago Regional and District Councils

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Abstract

The Resource Management Act (RMA, 1991) has been in place for over 28 years. Section 88 of the RMA (1991) requires ‘impact assessment’, under the name ‘Assessment of Environmental Effects’ (AEE) in accordance with Schedule 4 of the Act. There is a requirement for all resource consents, large and small, to have an accompanying AEE. There are a wide range of different forms of AEE that arise from different authorship. From a mother and father wanting to build a garage to multimillion-dollar infrastructure projects, all require an AEE. The wide scale of AEE presents challenges for planners. What is an effective AEE at these different scales? This research looks to answer this question through the perspective of planners working in a range of councils in the Otago region of the South Island of New Zealand. Effectiveness, as a component of impact assessment, is of growing academic interest. Several theories of how to interpret effectiveness exist. The most prominent theory evaluates impact assessment in relation to *Procedural*, *Substantive*, *Transactive* and *Normative* effectiveness.

Interviews with planners working in councils, to understand their views of effectiveness, were the primary sources of information for this research. Processing planners from the Otago Regional Council, Dunedin City Council, Waitaki District Council, and Clutha District Council were interviewed. Other sources of information include the National Monitoring System data, which collects data related to RMA matters from councils around New Zealand, and a case study. These sources of data supported one another and helped to provide a greater level of certainty in the results of the research.

This research compared the results of interviews, NMS data, and the case study to *Procedural*, *Substantive*, *Transactive* and *Normative* effectiveness. In general, impact assessment was found to be procedurally, substantively, and transactively effective, though specific problems were mentioned, particularly with regard to normative effectiveness. Procedurally, AEE adequately assess environmental effects. Substantively, planners were aware of the objectives of the legislation and were able to achieve substantive effectiveness throughout the AEE assessment process. Tools, such as non-formal communication, enabled a high level of transactive effectiveness. Normative effectiveness was the least well-attested with respondents recognising that barriers existed preventing AEE from being normatively effective.

A common theme in the literature is to develop a general framework and then adapt it to the specific local conditions. There are a range of categorisations of effectiveness. Each framework assesses achievement of impact assessment in each category. This research sought to adopt a framework for effectiveness in New Zealand. The research showed that substantive matters are the primary form of effectiveness in New Zealand. All other forms of effectiveness are subservient to substantive aims of the RMA. There is a close relationship between substantive, procedural and transactive effectiveness. Normative effectiveness was less well attested, though there was recognition of systematic barriers preventing normative effectiveness from becoming more prominent in New Zealand.

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Abbreviations

AEE – Assessment of Environmental Effects

CDC – Clutha District council

DCC – Dunedin City Council

MfE – Ministry for the Environment

NEPA – National Environmental Policy Act

NES – National Environmental Standard

ORC – Otago Regional Council

RMA – Resource Management Act

SEA – Strategic Environmental Assessment

WDC – Waitaki District Council

1 Introduction

Impact assessment exists as a tool for mitigating the environmental effects of proposals and also as a tool for decision-makers. The origins of impact assessment are that of poor environmental outcomes occurring from a lack of foresight of developers in the 1960s and earlier. As such legislation both domestically and internationally has implemented processes that require an assessment of the potential effects of an activity on the environment (Doelle and Sinclair, 2019; Morgan, 1995). In this way, foresight can be used to predict the most likely outcomes and mitigation implemented to prevent these outcomes from occurring in practice. This process is the backbone of impact assessment.

The study of impact assessment started essentially with the discipline itself with the National Environmental Policy Act (NEPA), enacted in the United States in 1969 (Glasson and Therivel, 2012). Most studies since then have focused on the ability of impact assessment to accurately determine, and mitigate, harmful effects of proposals (Cashmore, 2004; Bare and Gloria, 2008). Studies focusing on elements of impact assessment itself, such as baseline conditions, scoping, public participation, etc. (see studies such as Dipper, 1998; Gray and Edward-Jones, 1999; Sainath and Rajan, 2014;) are also common. These studies identify elements of the impact assessment themselves. These studies provide the basis from which developments into greater theoretical ideas such as quality and effectiveness take place.

The literature on the nature of effectiveness was pioneered by Sadler (1996) with his book *International Study of the Effectiveness of Environmental Assessment* this book pioneered the understanding of effectiveness as a distinct area of study and some of the linkages between quality and effectiveness. More recent studies by Chanchitpricha and Bond (2013) have formalised the modern understanding of effectiveness. More recent studies of quality have linked the well-established literature of quality to that of effectiveness (Bond et.al., 2018).

1.1 Research Objective

The current research looks to address the question of whether impact assessment, as required by the RMA, is effective in New Zealand. The Otago Region, located in New Zealand's South Island, will be used as the subject of this research. This is to build on the ongoing discussion of effectiveness in international literature as well as address the lack of formal research into the

effectiveness of assessment of environmental effects under the resource management act. This is to bridge the gap between the early work researching the RMA and what is actually happening today, after 27 years of practice. It also looks to compare the worked experience of those dealing with impact assessment with the international literature on effectiveness to see whether a theoretical model applies to the New Zealand context. Where this is not the case modifications might need to be made. Finally, the research tests the theoretical components of effectiveness against the results of the research to study their real-world application.

The objectives of this research are two-fold, to investigate effectiveness in New Zealand and to critique effectiveness theory. Investigation of New Zealand's impact assessment effectiveness will help to bridge the gap between earlier studies of the RMA and the professional practice that has occurred since. Effectiveness will be assessed through a theoretical framework which will itself be critiqued for appropriateness.

1.2 Impact assessment and Decision-making

Impact assessment can be observed from two perspectives: the 'project', and the decision. At the project level impact assessment is about allowing a proponent of an activity to anticipate the environmental effects and change them accordingly (Loomis and Dziedzic, 2018). This should enable the activity itself to be modified to better offset or mitigate potential effects it could have on the environment. This, ideally, occurs early enough in the process that the project can be easily modified to incorporate information found through the process of impact assessment or abandoned due to incompatibility (Bond et.al. 2013).

Impact assessment is often necessitated for an activity by a form of legislation. This impact assessment is then critiqued by professionals before an activity can be given approval. The information gained from the process of impact assessment needs to be communicated to a decision-maker to satisfy these requirements to ensure that a given project will not impact the environment significantly.

Decision-makers have finite resources to conduct an impact assessment. Time, money, and technical expertise must be used to both create and assess an impact assessment (Glasson et.al. 2012). The resources used to create or assess an impact assessment must be balanced in order to come to a decision with a minimum investment of time and effort.

Information provided to decision-makers must be communicated in a form that both effectively communicates the conclusion of the impact assessment, as well as satisfying legislative

requirements. Individual decision-makers often frame the information they receive around what they prioritise as important. These criteria sometimes come from legislation and are thus legally bound, but can also come from personal views. An impact assessment needs to provide decision-makers with information of sufficient quality, and in a form, which satisfies their decision-making criteria.

Decision making under any form of legislation has many constraints (Bekkeer et.al. 2004). As opposed to pure decision making, where the attitudes and desires of the participant may influence their decision (Edwards, 1954; Saaty, 1990), this is not so under a legislative framework (Bekkeer et.al. 2004). The freedom which some decision-makers have, such as those in political positions, is different from that which a professional has when constrained by a legislative and legal framework. Whilst decision-makers are often influenced by their opinions and values they are more importantly constrained by their professional role. This role, depending on the legislation, means that there is a specific set of constraints and conditions which they must consider. These can be legally based, a decision can be legally challenged under the legislation, or based around the objectives of the legislative framework, often these two modes are entwined. In this field, there is less room for personal views to be expressed in decision making, particularly with procedural small-scale applications.

1.3 Why effectiveness?

The idea of effectiveness of impact assessment is drawn from a characterisation of information. Information must be presented to a decision-maker in a form that they can use to make a decision. The information presented can be of high quality but be presented in such a way that it is not effectively allowing a decision-maker to come to a decision about a proposal. This is where the technical acuity of a particular impact assessment can be made ineffective by its inability to communicate with those making decisions. Impact assessment can thus be judged in two ways, quality, which determines the technical correctness of the information provided and effectiveness, which is the ability of that information to inform a decision (Bond et.al. 2018).

There is a relationship between quality and effectiveness. Quality is the information contained within an impact assessment. Effectiveness measures whether this information achieves a number of goals. Whilst both quality and effectiveness assess the information within the impact assessment they do so from a different perspective. The differences and a conceptual framework for the relationship between quality and effectiveness will be shown in Chapter 2 below.

This interesting question of effectiveness is one that has had a growing interest in the field of impact assessment. Building on the initial thoughts of Sadler (1996) authors such as Theophilou et. al (2010), Runhaar and Driessen (2007) and most significantly Chanchitpricha and Bond (2013) have expanded on these ideas and created frameworks for effectiveness. The primary framework for effectiveness is to categorise effectiveness in four distinct elements. Procedural, substantive transactive and normative effectiveness. These four elements can be used to assess whether impact assessment is being used effectively.

Ineffective impact assessment can waste the time of both decision-makers as well as proponents. If a proponent fails to obtain the permission required to enable their activity then they will have to reassess their plans. The impact assessment hasn't effectively considered alternatives, nor has it fulfilled the obligations of the appropriate legislation. Effort, time and resources have been expended to no benefit. If a decision-maker is met with inadequate information, it can make their assessment of the activity difficult or time consuming. Furthermore, ineffective information can lead to activities being allowed with deficient information, leading to activities that do not adequately protect the environment from its effects.

The scale of a project or decision will often change the ways in which it is assessed and who the decision-maker is. Small scale decision making is often made by professionals with little consultation to elected members or hearings panels (Peterson, 1997). Internationally, small scale activities generally have no requirement for impact assessment whatsoever (Court of Appeal, 2001, C/2000/3329 EWCA Civ 1012). Larger or more contentious decisions are often processed differently, with the specifics of this varying depending on the legislation (for example see Paliwal, 2006; Arts et.al. 2012). Generally, though larger decisions, such as political policy, will incorporate or be more values based while smaller scale decision making is more procedural.

In New Zealand, the Resource Management Act has been the subject of study in the '90s and early 2000s (Morgan, 1995; McKenzie, 2005; Rouse and Norton, 2010; Perkins and Thorns, 2001; Peterson, 1997). This work primarily covered how the legislation was formed and provided guidance to councils or individuals on what was the best way of writing resource consents and accompanying impact assessments. Similarly, the act was scrutinised in how it would manage certain environmental features, such as freshwater or forestry. This was fed by impact assessment and environmental literature on what was then best practice. However, more recent academic literature on the resource management act is scarcer. Very few authors have explored the nature of impact assessments in New Zealand (Morgan, 1995). Even fewer have explored the argument

of effectiveness under the resource management act (Morgan et.al 2012; Nagashima and Nakagoshi 2003).

The primary research aims are being assessed through three forms of data. These are interviews of council staff members who are involved in the processing of consents, analysis of a case study and assessment of the Ministry for the Environment’s (MFE) National Monitoring System (NMS).

1.4 New Zealand Practice

The process of legislative decision making is present in New Zealand on the local and regional level. The Resource Management Act (RMA) is the legislation that requires impact assessment. The environment is defined broadly in the RMA, these definitions are shown in Table 1.1 below.

Table 1.1: RMA definitions of environment from s.2 (RMA, 1992)

a) ecosystems and their constituent parts, including people and communities; and
b) all natural and physical resources; and
c) amenity values; and
d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.”

This broad definition fits well with the idea of environment in the field of impact assessment. It is not just the physical environment but also the social and built environment as well. Within the legislation, there is a hierarchy of activities each with greater restrictions. From least to most restrictive these are:

Permitted activity – expressly allowed, no application for permission needed

Controlled activity – allowed but permission must be given before activity can take place

Restricted discretionary – not allowed, may be denied, but matters which are considered are restricted to those as described by the council.

Discretionary – Not allowed, may be denied and all matter may be considered

Non-complying – Not allowed and all matters may be considered as well as that the effects of the activity must be “less than minor”

Prohibited activity – Not allowed and no permission will be granted.

These set out, in some way, the level of detail required for an impact assessment created for an activity. The impact assessment for a controlled activity will be much less detailed than that for a discretionary or non-complying activity.

Local and regional councils apply their own rules within the framework and will, in the case of controlled and restricted discretionary activities, limit the effects that they can use to come to a decision. In the legislation itself, the requirement for impact assessment is in s. 88 and the Fourth Schedule. s.88 of the RMA determines the specific requirements for resource consents (a permit to be allowed to do an activity not complying with rules) the fourth schedule gives guidelines on what this impact assessment must contain. Thus, every application for an activity not specifically permitted must have an accompanying impact assessment. The scale of these applications is broad. As every activity must have an assessment of environmental effects the vast majority of applications, primarily for small activities, have very brief assessments often written by the applicants themselves. Large activities often have a greater amount of detail and have professionals working to both provide data and write the consents themselves. Though these larger activities are often only a very small fraction of consents, as little as 5%, (Ministry for the Environment, 2019) they are what would be considered a standard impact assessment in other countries. Thus, in the New Zealand context, there is a much broader range of impact assessment than what is seen in other countries. As all activities must have a form of impact assessment accompanying them the volume of impact assessments is much higher than in other countries. This can provide a unique insight into the ongoing literature of effectiveness and quality.

Hearings are sometimes required for discretionary activities. Any activity which requires a form of notification will go through a hearing process to come to a final decision. The case study used for this research is an example of a hearing from a publicly notified resource consent. Supporting a hearing are a number of documents that can be used to assess the views of planners. These include the application itself, a planner's report, and a hearing report from the person conducting the hearing, giving the final decision. The planner's report gives their views of the information provided, what they see as being sufficient, or true, and what issues they have if any. This is accompanied by a conclusion with a planner's recommendation and justification for this recommendation. This type of data is used to understand how the planner views adequacy and effectiveness with the constraints of the legislation. Hence, interviews provide the general views of practitioners whilst the case study reflects what is being considered, in the planner's opinion, through the lens of legislation.

1.5 Structure of Thesis

This thesis will next discuss the context and review the theoretical literature in Chapter 2. Chapter 2 will also introduce the theoretical framework underpinning both quality and its relationship to effectiveness. It will also introduce the context of the Otago Region and the Councils that were studied. The theoretical review is linked to the ways in which New Zealand requires impact assessment through the RMA and as such these sections have been merged. Chapter 3 will discuss the methodology used to collect data, for National Monitoring System data, interviews and a case study. Chapter 4 will discuss the results of the research. Chapter 5 will discuss these results and apply the theoretical framework of chapter 2 to the results from Chapter 4. Finally, Chapter 6 will conclude the thesis and provide some general recommendations from the research. Organisation has focused on underpinning the requirement for the research first, combining this with the appropriate context of New Zealand impact assessment. It will then describe the research itself through methodology and results before agglomerating these two elements together within the discussion and conclusion.

2 Context and Theoretical Review

Impact assessment is the process of anticipating the effects of an activity on the environment. The first formal legislation requiring impact assessment on a wide scale was the National Environmental Policy Act (NEPA), enacted in the United States in 1969 (Glasson and Therivel, 2012). Studies of impact assessment conducted after this time have been focused on a variety of elements. Primarily the quality of the information that makes up an impact assessment along with what should be included (Cashmore, 2004; Bare and Gloria, 2008). Development of thinking about the effectiveness of impact assessment began with Sadler (1996) who popularised thinking about how impact assessment was being implemented. This research is following in the long line of investigations of effectiveness which began primarily with Sadler's (1996) work.

There are multiple sub-disciplines of impact assessment. The conversation of quality is very context specific and relies on an understanding of the specific sub-discipline, such as strategic environmental assessment (SEA) (Blond and Cherp, 2000; Fischer, 2010), cultural impact assessment (Lindblom, 2012), cumulative impact assessment (Ma et.al., 2009; McCold and Saulsbury, 1996) and many others. Each discipline has a unique perspective on quality owing to the different demands that each has informational quality and the ways in which it is applied.

The study of quality is well developed and has a long academic history (Lee et.al. 1994; Josph et.al., 2015; Loomis and Dziedzic, 2018). Due to the discontinuous nature of quality assessments, it is necessary to look outside the realm of impact assessment to find elements common to all impact assessments in terms of quality. Such a theoretical model of quality is well developed by authors such as Bond et.al. (2018). The elements of this research will be reviewed in section 2.2 below.

Effectiveness is complicated by the different contexts in which it is applied. There has been an effort to create a unified theoretical framework. Such a framework has been developed from the work of Sadler (1996) by authors such as Chanchitpricha and Bond (2013); Loomis and Dziedzic (2018). The framework suggested by Chachitpricha and Bond (2013) is the most well utilised with confirmation of its efficacy by such as authors (Loomis and Dziedzic, 2018).

Applying an assessment of the quality of impact assessment to the real world presents a challenge. Decision-makers must look at a variety of different resources when making a decision. While sometimes decision-makers are free to make decisions without much constraint, such as in

strategic impact assessment, or environmental assessment, this is not always the case. As the scale of the impact assessment is reduced the discretion that decision-makers have is similarly reduced. As time, resources, and legislative restrictions are applied decision-makers need to redefine what 'quality' means. This redefinition is the basis of the conversation of effectiveness. An impact assessment is not assessed solely on its quality, but also its ability to convey important information to a decision-maker, in a timely and efficient manner, while meeting objectives and also creating change within the system itself. The nature of effectiveness is thus how the Elements of Quality applied in a given context.

Complicating quality and effectiveness assessments is the variety of ways different groups categorise them. Different actors have different demands and definitions. One group might focus on elements that others do not consider important. As an example, Radaelli (2005) argues that effectiveness and efficiency are often discussed by different groups in different ways. For instance, businesses look at the monetary costs, economists on financial efficiency, etc. Studies such as those by Dagiliute and Juozapaitiene (2018) and Rozema and Bond (2015) demonstrate this. Different parties having very different perspectives of effectiveness, and often studies themselves are conducted to look only at a particular aspect of quality or effectiveness. The specific context of the study, its goals and the individuals being studied, will thus change what results will be observed.

2.1 Elements of Quality

There are a variety of ways in which an impact assessment's elements can be assessed for quality. Quality is often discussed as something which is necessary, desired, and assessed for, but is often poorly defined (see Barker and Wood, 1999,). The reasons for this are as complex as impact assessments themselves. Impact assessment as a social and scientific tool needs to be necessarily scientifically rigorous. But often there are also cultural, social, and legal elements involved. Such is the complexity of the field, and those stakeholders which view assessments, that a framework is needed to conceptualise 'quality' at a broad level for all contexts. Bond et.al (2018) in their global review of quality assigned a number of elements, which will be replicated here, as a conceptual framework of quality. It should be noted that this review of information was made from a variety of different sources. It forms a meta-analysis of quality elements, taking common elements from other fields of what constitutes quality. They then connected this and tested relevance against several different reviews of impact assessment quality. Assessment of quality in the specificity of the elements to their given field. For this research, however, it is appropriate as impact assessment in New Zealand is similarly broad. Decision-makers in this context are often acting as Bond et.al

(2018) were in their assessment. Conglomerating ideas from other areas to create a framework that applies more generically to the exercise of assessing impacts.

The elements discussed by Bond et.al. (2018) are efficiency, optimacy, conformance, legitimacy, equity, capacity maintenance, transformative capacity, and quality management. These are defined in Table 2.1 below.

Table 2.1: Elements of Quality. From Bond et.al. (2018).

Element of Effectiveness	Definition
Efficiency	the extent to which the best outcomes possible are achieved through an IA process given existing constraints.
Optimacy	the extent to which the process follows best practice (e.g. international standards) rather than the minimum requirements in any jurisdiction.
Conformance	the extent to which an IA complies with set requirements.
Legitimacy	the extent to which individuals and society regard the process and outcomes of an IA as being reliable and acceptable.
Equity	the extent to which the impacts or benefits identified in an IA, and the steps taken to address the impacts or benefits, are evenly and fairly distributed across society.
Capacity Maintenance	the extent to which the practitioners of IA maintain the skills and knowledge to achieve the other aspects of quality.
Transformative Capacity	the extent to which the IA has empowered individuals or has changed values (institutional or individual) or increased knowledge and/or understanding.
Quality Management	the extent to which the quality is measured, monitored and managed by those conducting the IA.

The basis for this assessment is to conform a standard with elements that are recognisable to all fields of impact assessment. This framework was developed from outside the field of impact assessment as perceptions of quality from within the field often cloud objectivity in creating an encompassing framework of qualities (Bond et.al. 2018).

Due to the recent nature of this publication, there has been little discussion of it however authors such as Lee (2006), discuss many elements of qualities that are similar or identical to those above. These quality elements can hence be used to assess what individual practitioners are looking for. These can be elucidated through the data collection process. Not all of these elements will be recognised by all individuals. The perspective and background of each individual and their experience will define which quality features they look for. Deficiencies in these elements may lead to a perception of reduced effectiveness, or require additional investigation.

2.2 Effectiveness from quality

Effectiveness comes from the application of quality in the real world. The relationship has not always been clear. Cashmore et.al (2004) in particular note how complex ‘effectiveness’ is and the challenges associated with its research. The experiences of practitioners of impact assessment are widely different and the way they assess impact assessments is necessarily different. In the field of restrictive legislation, time constraints, and differing levels of activity impacts there will be different assessments for the effectiveness of a consent. There are relationships between quality and effectiveness. These relationships are not direct, though some direct relationships can be made. All elements of quality feed perceptions of effectiveness. In the most general terms, a low quality impact assessment is most likely to be ineffective. A universally high quality impact assessment will generally be more effective. Quality feeds into the impact assessment in terms of inputs, what needs to be applied to the assessment for it to be sufficient. Whereas effectiveness looks at the output of the assessment and asks whether it is fulfilling this obligation satisfactorily (Lawrence, 2013).

Chanchitpricha and Bond (2013) identify four main factors, built on earlier thinking by Saddler (1996), which can be used to assess effectiveness. These are **procedural**, **substantive**, **transactive**, and **normative** effectiveness. Chancitpricha and Bond (2013) define effectiveness as “the extent to which: it works (procedurally); its findings contribute to decision-making of project/programme/plan/policy development, and gain the acceptance and satisfaction of key stakeholders, on the basis of resources used (transactively); it achieves its intended aims (substantively); stakeholders can learn, improve their knowledge, and change their views (normatively)”. This definition has been used to develop a series of conceptual questions (Table 2.2) to interrogate the research.

Table 2.2: Conceptual questions arising from elements of effectiveness. Adapted from Bon et.al. (2018).

Element of Effectiveness	Definition
Procedural	Relates to findings and results, are they clearly delivered to decision makers? Are they accurate and can they be understood? Does the impact assessment allow decision makers to use the information to come to a decision?
Substantive	Does the impact assessment achieve the objectives set? Does it achieve the objectives of impact assessment, or of the legislation under which it is written?
Transactive	Has the impact assessment achieved its goals with minimum time and resources? Has it applied the thinking of the Baker and McLelland (2003) model in the proficiency in using resources to achieve objectives?
Normative	Has the impact assessment achieved normative goals such as changes in institutions or organisations?

These questions are not the ones posed to interviewees (which will be discussed in section 3.2 below). They are conceptual, used to understand elements of effectiveness within the research literature. They also act as a way to understand the relationship between effectiveness and quality.

Procedural effectiveness is well defined in the literature. It relates most directly to elements of quality. Any deficiencies in the technical accuracy of the impact assessment limit its procedural effectiveness. This can then lead to delays and reviews, which further compromise transactive effectiveness (discussed below). In this way, procedural effectiveness is something that is readily addressed by a discussion of technical correctness of impact assessments.

Substantive effectiveness is less well defined. It relates to the completion of an impact assessment which is adequately resolving the issues of anticipating environmental impacts and reducing or avoiding them where appropriate. To assess this from the perspective of someone processing an impact assessment can be difficult as there is a limited ability of them to consider alternatives. However, an impact assessment should, through the use of adequate justification, demonstrate how it is, for instance, reducing environmental impacts and these can then be peer-reviewed for adequacy. Once again, the relationship to quality assessments is clear as there is a tangible relationship between the peer review of the impact assessment and its substantive effectiveness.

Transactive effectiveness relates to the time and resource efficiency of impact assessment. It should be noted that the scale of an activity often determines what resources or time should be spent in this way. Often the easiest tool to use is to compare the costs of an impact assessment to that of the completed project itself (European Commission, 1996; Retief and Chabalala, 2009). There have been criticisms with this assessment, however (Brouwer and van Ek, 2004; Hoogmartens et.al. 2014). Regardless of how it is measured transactive effectiveness is one which is relatively easy to assess in the New Zealand context due to the legislation having strict deadlines on time. There is a small caveat in this that a consent can be extended through a s.92 request for additional information which pauses the statutory clock (RMA, 1992). Thus, there is an allowance for extension of timeframes if a consent authority deems it necessary.

Normative effectiveness considers the ways in which the systems surrounding an impact assessment are changed by its implementation. This is almost a certainty for those practitioners who create impact assessments. In the process of creation there is necessarily learning and adaptation which takes place. On the side of those processing consents however, there is not a clear linkage between IAs that are assessed. Changes in this instance have to do with the feedback which those processing consents give back, any institutional changes which might be implemented, or changes to legislation necessitating the IA. Such changes are often indirect and difficult to assess and collect data on.

It should be noted that there has been extensive literature by many authors, all who identify different elements of effectiveness by different names. Authors such as Retief (2007), Runhaar and Driesen (2007), and Elling (2008) all speak about effectiveness in similar terms, but with different nomenclature, or with modifications to the 4 elements given above. Complexity arises from how effectiveness is assessed by each author and their field of study within impact assessment as a whole.

There is a significant difference in the perceptions of an impact assessment's effectiveness depending on the group determining it O'Faircheallaigh (2012), also Partidario and Monteiro (2018). Different assessors have different normative goals. These goals can significantly impact the ways in which actors determine effectiveness. Similarly, there is a difference in thinking between authors working in different fields of impact assessment. Any determination of effectiveness must take all of this into accounting, observing and critiquing the specific perspectives being studied.

More broadly several authors (see: Bina, 2008; Elling, 2009; Fischer and Gazola, 2006) have identified that effectiveness is highly contextual. The context of the legislation, the legal institutions, and social norms all affect the ways in which effectiveness is determined.

Chanchitpricha and Bond (2013) attempted to develop the field of thinking for effectiveness literature assimilating many disparate views. The application of this thinking to the New Zealand context (discussed in section 2.3 below) relates to some elements that exist within the legislation. Hence, using this methodology as a basis for comparison and adaptation to the context of the research is appropriate.

The field of effectiveness literature is still developing, hence there are likely to be developments which could recontextualise or complicate the existing understanding of effectiveness. Chanchitpricha and Bond (2013) state clearly in their work that it acts “as a starting point”, and thus there is likely to be development and contention with the use of such a model in this research. While authors such as Loomis and Dziedzic (2018) accept these four elements of effectiveness, others such as Bond et.al (2015) include additional elements. This is a recognised limitation of the research and as such the results presented are done so in such an explanatory way that other authors may adapt the existing framework to their own with little effort. Additionally, there is sound evidence in the literature that makes use of the framework above, or something developed thereafter, to come to valuable insights (Pope et.al, 2018). In many assessments, such as that done by Pope et.al (2018) there is a modification of the principles of effectiveness to the case study at hand and the incremental development of the field, such as what Chanchitpricha and Bond (2013) suggested with their research. Hence there is fluidity in the four categories above and mobility in their definitions to enable a better understanding of a specific case or location.

Elements of effectiveness and elements of quality inter-relate. While all elements of quality feed into elements of effectiveness there are some which correlate more directly than others. These relationships are shown in Figure 2.1 below relating elements of effectiveness to elements of quality. This schematic builds, visually, on the work of Theophilou et.al. (2010), Chanchitpricha and Bond (2013) and Bond et.al. (2018) but is unique to this research.

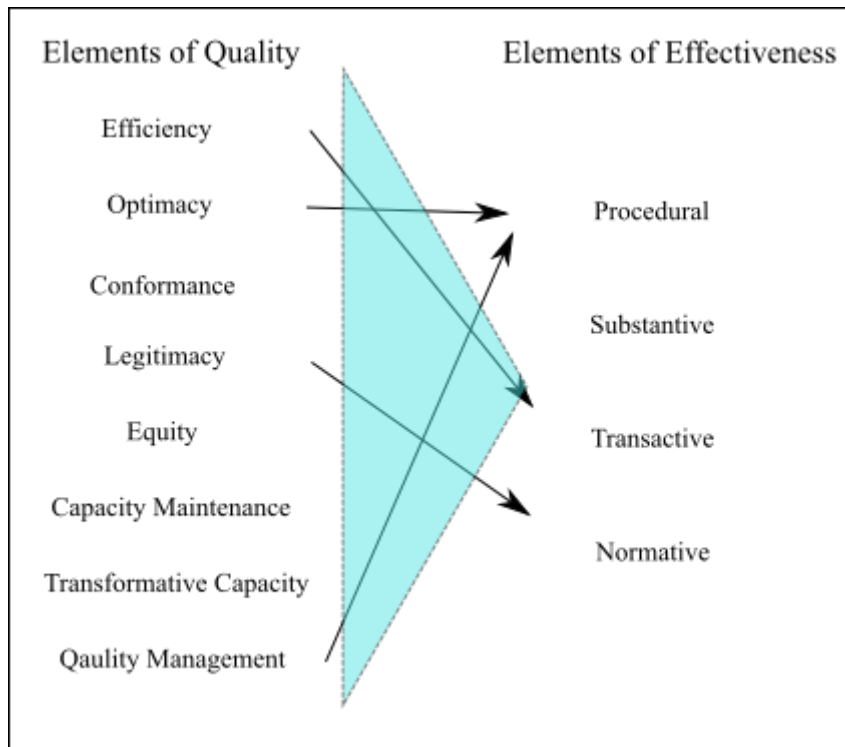


Figure 2.1: The inter-relatedness of Elements of quality and effectiveness. Adapted visually from Bond et.al (2018)

The relationships between the particular identified elements in Figure 2.1 are thus. Efficiency can relate specifically to transactive effectiveness as they both are concerned with conducting an impact assessment with the least investment of resources (Theophilou et.al., 2010). Optimacy and quality management relate to procedural effectiveness as they both look at elements commonly scrutinised by planning professionals (Chanchitpricha and Bond, 2013; Bond et.al., 2018). Legitimacy relates to normative effectiveness by providing social acceptance of the IA process (Bond et.al., 2018). The other relationships are less straight forward. Some elements of effectiveness relate well with all elements of quality, such as procedural effectiveness, whilst others relate less well so, such as normative effectiveness. Regardless, the relationship between quality and effectiveness is clear.

There is a range of ways in which effectiveness is assessed in the literature. A visual representation of this is shown in Figure 2.2 below. Each element is assessed in a different way though there are some overlaps, such as with public participation.

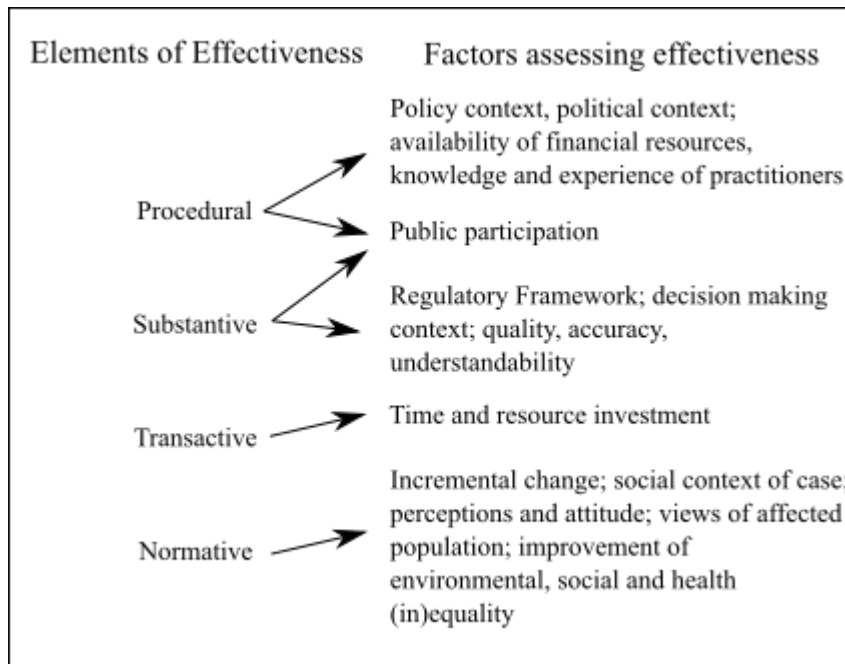


Figure 2.2: Factors assessing effectiveness from Chanchitpricha and Bond (2013)

Comparative studies of different impact assessment legislation and systems have been conducted, however, the research on the specific effectiveness of the legislation in those countries is less well studied (Runhaar et.al 2010, Swangiang 2018). Studies of the local experience of decision makers within a particular system can give context which is otherwise not assessed in comparative studies. Authors such as Aarts et.al (2012), Duarte et.al. (2017), Lynhe et.al. (2015), Runhaar et.al (2019), and Zvijáková et.al. (2014) have studied effectiveness in England and the Netherlands, Brazil, Denmark, Flanders, and Slovakia respectively. However, there has been no similar study conducted in New Zealand. Given the age of the Resource Management Act and its necessity in most of the decision making at a local, regional and national level it is an important field of study. Further impressing the importance of this study is the familiarity that has been developed within the profession, with impact assessors from a variety of fields all conducting assessments within the legislation for the last 27 years.

2.3 Effectiveness in the New Zealand Context

Authors such as Fischer and Gazolla (2006) have recognised that the literature regarding effectiveness is often framed for a particular location. In their assessment, they found that there were modifications necessary to apply effectiveness to the Italian context. In this way, there are modifications that may be made to apply the above framework to New Zealand's unique legislative environment.

New Zealand has a very special legislative situation that is not shared by other countries. The Resource Management Act (RMA) from 1992 applies a framework which requires an impact assessment for every application that must be applied for, according to schedule 4 of the legislation. These are referred to as an “Assessment of Environmental Effects” or AEE. The volume of impact assessments in New Zealand is higher than for other areas around the world. The range of information required is similarly varied as the scale of activities which are assessed is broad and all-encompassing.

The organisation of councils, who make decisions based on the impact assessments provided, is very different from those found overseas. Those assessing consents are professional bureaucrats, often with professional qualifications in the field of planning, environmental management, or surveying. There are also technical experts, working for councils or employed for peer review, who review technical information provided as part of an AEE.

In New Zealand there are 62 Territorial Authorities, 11 Regional Councils and 5 Unitary Authorities (a combination of the responsibilities of Territorial Authority and Regional Council). Councils vary in size across New Zealand. The largest council is that of Auckland, administering the largest population, though not the largest land area, of approximately 1.4 million people with over 7000 staff members (Auckland Council, 2017). The smallest council is the Chatham Islands, with a population of only approximately 6000 and 12 staff (Chatham Islands Council, 2018). The Otago region, shown in Figure 2.3 below, which is being investigated for this study, has a usually resident population of 202,470 and covers 31,209 km² (Otago Regional Council, 2019). The Local councils which were investigated for this study are those of Dunedin City Council, Waitaki District Council, and Clutha District Council. Dunedin City Council has a population of 120,000 individuals. The council area is quite large compared to other cities in New Zealand with the council managing a land area of 3,280 km² (Local councils NZ, 2019a). It is strange in its constitution in that it has many rural areas outlying the city itself due to a unique history. Clutha District Council is a small rural council to the south of Dunedin. It is a small rural council with a population of approximately 17,000 managing a land area of 6,335 km² (Local Councils NZ, 2019b). Waitaki District council is a predominantly rural council centred around the small city of Oamaru. The district in total has a population of approximately 21,000 spread over a land area of 7,109 km² (Local Councils NZ, 2019c). Uniquely amongst this group, a portion of the Waitaki district council resides within the Canterbury regional boundary.

Both Clutha District Council and Waitaki District Council have significantly fewer staff working for them when compared to Dunedin City Council and Otago Regional Council. Dunedin City



Figure 2.3: Map of the Otago Region, showing internal council boundaries. Credit: http://www.localcouncils.govt.nz/lcip.nsf/wpg_URL/Profiles-Councils-by-Region-Otago

Council is the largest with 708 staff members (Local Councils NZ, 2019a). Meanwhile, Otago Regional Council Employs 188 staff (Otago Regional Council, 2019), Waitaki District council, 177 (Local Councils NZ, 2019b) and Clutha District Council 87 (Local Councils NZ, 2019c). Data from the Ministry for the Environment (2019) shows the number of full-time staff working on consents. The data shows numbers in equivalent employees working full time (FTE). This information can be found in Table 2.3 below.

Table 2.3: Equivalent full-time staff working on consents in the four studied councils. Data from Ministry for the Environment (2019)

Council	Staff working on consents (FTE)
Otago Regional Council	10.3
Dunedin City Council	12
Clutha District Council	0.85
Waitaki District Council	3.5

Councils themselves, depending on size, will have more than a single planning department. Often, particularly for larger councils, there is a separation between those processing consents and those who are creating the policy and rules for those who must apply.

Those members of council who are responsible for processing resource consents and their attached AEE are generally professionals with a degree in planning (either a Masters of Planning or Bachelor of Resource and Environmental Planning), though this is not always the case. They work full time in the assessment of Resource Consents. They are thus exposed to and must be expert in assessing the associated AEE. Whilst they are not technical experts in all matters which they may need to assess they have mechanisms to enable technical professionals to provide peer review of information.

The skills and experience such professionals hold are myriad, as with any large profession. Planners in New Zealand must apply not their own discretion but look to permit, restrict, or deny, a resource consent based upon the rules of the council under which they work. Whilst this is true for smaller consents the role they play for notified consents is to be advisors, writing a report which advises a hearing panel on which decision to make. A planner, in this instance, acts not as a decision-maker, but as an advisor to those who do make decisions. The range of scales, as discussed above, along with specific requirements of a local plan, as well as the notification status, is the context of effectiveness in which they work.

There are multiple recognised processes that can be used to permit an activity that is otherwise not allowed. Under the RMA any activity which is not expressly permitted may be made more permissive through granting of a resource consent, which is a specific dispensation to allow a restricted activity. However, there is also an equal weight to change the rules of the plan. This process can be implemented by a private individual and is given equal representation. In the presentation of this research, this process is not being considered as this process is much more complex, less common, and not commonly addressed by those interviewed.

Review and research on the effectiveness of the resource management act in New Zealand have not been undertaken from a domestic perspective. Those authors who have studied the system extensively (such as Nagashima and Nakagoshi, 2003) focus on the effectiveness of the system as a whole, or for a particular subject area (Hapuarachchi et.al., 2015). Much of the literature is comparative, looking at the system with an outside perspective. Whilst there has been relatively little, if any, research done on the experiences of those working in the system itself. Research that

has been done is often older (see Morgan, 1995; Peterson, 1997;), and thus any development in professional organisation, recommendations, experience or social change has not effectively been assessed. The current study looks to address these issues by conducting a study into the views of planners on their perceived effectiveness of impact assessment within the New Zealand framework of decision making.

This is the first study of its kind within New Zealand. While this study focuses on processing planner's perspectives there are additional gaps in the study of all professional planners. There has been little analysis of the effectiveness of any of the aspects of impact assessment in New Zealand. Both technical aspects of impact assessment and all scales from policy assessments to small scale consents done by lay-people have yet to be studied for their effectiveness. This study thus hopes to fill the void of knowledge that is the current.

The objective of this research is to act as the first step in the assessment of effectiveness in New Zealand. It is intended as a cross-sectional study to investigate all consents through the perspective of professional planners employed by councils. The framework from literature, discussed in section 2.2, is used to assess effectiveness and constitutes an important component of the research.

3 Methodology

The general methodology used for this research is a triangulation method. Qualitative methods were used to address the research topic from the perspective of planners in the field. This was to give a general understanding from planners of effectiveness.

Of interest was the way in which planners judge effectiveness in the RMA framework. This was achieved through the analysis of a case study. This was used to explore the views of planners in their capacity as advisors to decision makers and to frame how their decisions are made within legislative limits.

To support these qualitative methods quantitative data was used. Quantitative data was used to support, or refute, comments made by staff through an easy to assess data set. The data were collected from the National Monitoring System, which collects data about RMA topics from all councils in New Zealand.

Using both of these qualitative and quantitative data the research topics could be explored and a view on the effectiveness of AEE could be made.

There are three forms of data collection used to explore effectiveness within the councils studied. One of these was quantitative, the other two qualitative in nature. These were:

- Analysis of data from the National Monitoring System (NMS), collected by the MfE (quantitative)
- Key informant interviews (qualitative)
- Case study analysis (qualitative)

This chapter will describe the research methodology and outline the reasoning for each data collection method as well as describe the strengths and weaknesses of this methodology.

The triangulation method uses multiple sources of data to gain a more holistic understanding of a subject area. The deficiencies of a single source of data are compensated for in the strength of other forms (Manichiello et.al. 1990). In this way, a more reliable conclusion can be made from the data collected using parallel lines of inquiry to critique and support one another.

This study seeks to ascertain the views of council staff on the effectiveness of Impact Assessment. In New Zealand, this takes the form of a resource consent application and its associated AEE. Personal accounts of the quality and efficacy of information received were assessed through

interviews. This was the primary information used to understand effectiveness in councils and was supported by the other methods.

The councils investigated were the Otago Regional Council, Waitaki District Council, Clutha District Council, and Dunedin City council. Though the study was of councils in the Otago region it is hoped that the methods used are applicable for other councils and could be used for additional studies. This research could hopefully act as a springboard for additional studies of effectiveness throughout New Zealand.

Planning in New Zealand is unique when compared to international examples of planning legislation, due to the consistency, in terms of scale, with which impact assessment is carried out. All activities which require consent must have an associated AEE. The uniqueness and novelty of this approach, where all activities requiring consent require an AEE, makes it desirable to study in-depth. The scale of AEE which this research investigates reflects that of impact assessment reviewed in New Zealand. A larger consent was used as a case study because smaller consents have less detailed AEE written and are less likely to produce a planners report which can reasonably assess views of effectiveness. Furthermore, larger activities are more likely to be appealed, and thus have a detailed hearing which critiques both the planner's report, as well as the initial AEE itself. The remainder of the data, primarily the experiences of planners, reflect the common scales that planning in New Zealand takes, this being the aforementioned range of scales. This research can thus contribute significantly to the international literature on effectiveness by showing how a different planning system interprets effectiveness.

3.1 Data from the NMS

The national monitoring system is a national system of data collection managed by the Ministry for the Environment (MfE). This system replaces a previous biennial collection of data regarding consents. National Monitoring System data is a collection of data submitted to MfE about resource management issues such as planning timeframes and This includes data about plan-making processes, such as plan reviews and appeals, as well as consent data, such as the number and type of consents received by councils. The primary data collected of usefulness for this research are:

- Type and number of consents
- Notification type
- Timeliness
- Costs of consents

The type and number of consents indicate the gross numbers of consents processed and their category, such as land-use, water permits, discharge consent, etc. These are not necessarily related to the gross number of resource consent applications and thus related AEE, as a consent can be bundled, such as requesting land-use, discharge permit, and water permit all in a single consent with a single AEE.

Notification type indicates how many consents were non-notified, limited notified or had public notification. This isn't necessarily a proxy for public participation, however, as applicants can get written approval from affected parties before submitting a resource consent application. In these cases, notification may have taken place, but is not recognised in the statistics.

Timeliness is the gross number of consents which do or do not meet statutory deadlines. The deadline for a consent to be processed is 20 working days. There is allowance within the RMA for there to be extensions to this timeline.

Costs of consents relates to the fees charged by a council. Some consents can be applied for with exemptions from fees and are recognised as such in the data. The costs are in NZD.

The NMS data presented is a qualitative method used to understand the context of the councils at play. The responses from key informant interviews and criticisms made therein can be related to the data. Qualitative data from interviews can often overexpress common complaints, thus this data can help to

3.2 Key Informant Interviews

In New Zealand, the processing of consents is done primarily by staff within a council. These professionals are often career bureaucrats who work with consents every day. They have a range of seniority and educational backgrounds. Planning staff commonly have a degree in planning, but this is not always the case. It was important for a wide range of staff experiences to be studied as often staff with lesser experience will be assigned to different work. To understand the full range of impact assessments it is hence necessary to interview a wide range of staff seniorities.

Key informant interviews are well established within qualitative research as a tool to understand the perspectives of individuals. Six key informants were interviewed from the Otago Regional Council, Waitaki District Council, Dunedin City Council and a former staff member of Clutha District Council. Key informants were selected for their experience with processing consents. A range of staff seniority were interviewed. The most experienced staff member had over 10 years of experience and was a senior planner. Whilst the most inexperienced had only 2 years of

professional work experience. A graduate planner was sought however an interview could not be conducted.

Those who were interviewed were primarily self-selected. An invitation to participate in the research was given to the head of planning departments asking for interviews with junior, intermediate and senior level planning staff. This email was, in most cases, passed on to planners who were interested. Of 15 respondents to these referrals, six key informants were eventually interviewed. A single interviewee was selected by the researcher through professional networks due to their experience. Each key informant has had their identity anonymised. Each respondent was given a pseudonym. The pseudonyms used, and from which council each respondent was interviewed from (regional or district/city) is given in Table 3.1 below.

Table 3.1: Key informant pseudonyms

Interviewee pseudonym	Council type
Meredith	Regional
Taylor	Regional
Mary	District
Sam	District
Elizabeth	City
Anne	City

A semi-structured approach was used as it allows participants and the interviewer to deviate from the assigned questions and explore topics that the interviewee may have a greater amount of knowledge or interest in. This flexible approach and allows the research topic, as well as any auxiliary topics, to be explored in sufficient detail. As Gubrium and Holstein (2003, pg 68) note, an interview rarely follows questions and can often deviate. Thus, the method chosen above was used to embrace this uncertainty and use it to enable an engaging interview.

Interviews were conducted in a free form way. A range of guiding questions was asked initially which were often modified during the interview. In this way each interview had the same topics covered, but the specific content of each question was unique to each interview. All participants were given an information sheet of questions to be asked prior to interviews (Appendix A). This

gave them some understanding of the topic prior to the research as well as to obtain ethical consent for the interviews.

3.2.1 Data Analysis

Handwritten notes were written for, accompanying each interview, as well as an interview recording being taken. All interviewees agreed to be recorded. After the interview was completed interviews were transcribed with key quotes being taken verbatim. The approach was not to transcribe all verbatim contents of the interviews but to capture the key points and reinforce these with appropriate quotations.

3.3 Case study

A case study was selected to ascertain the views of planners within the public space, within the constraints that the legislation imposes. A case study was selected as it can be used to compare the views with those that are used on a daily basis to justify decisions made.

Decision making in the context of the New Zealand legislative environment is conducted by professionals, be these planners or commissioners. Planners will give a recommendation to an authority to grant or deny consent. Commissioners make decisions on notified consents based on information provided to them from planners and proponents. The views that planners must take, in acting as agents of their council, are oftentimes different from the one they take personally. These differences are difficult to ascertain simply by interviews. Interviewees may overexpress certain views. This may be due to personal issues with the resource consent process that they are unable to communicate professionally due to professional constraints. These views, whilst telling in terms of what they view as being effective, may not be what is communicated through their professional reports. A case study is used to understand the experience of planners, to analyse an example of the professional output of a planner and compare this to personal views, assessed through the aforementioned interviews.

The case study selected will be a s.42a report from a planner to council regarding a resource consent. A s.42a report is an advisory report written by a planner in a supportive capacity to the true decision-maker, generally being either a senior council staff member, an elected official, or an independent commissioner. These reports state whether a planner has found the information in the applied consent satisfactory and which parts of the report, if any, are lacking. In this way, the s.42a report gives insight into the professional views of the planner of the effectiveness of a given

consent. This can be compared with the interview results to give insight into procedural effectiveness and also of normative capacity.

The case study used for this research is an application from Ngai Tahu holdings for afforestation of a rural forestry block. This consent was publicly notified. The consent was recommended to be denied by the planner. The consent was publicly notified, because of this, and because a number of respondents from this notification requested to be present, a hearing was held for this consent. In this hearing, the commissioner disagreed with the decision of the council planner and granted consent for the afforestation and associated clearing of native vegetation.

3.4 Ethical considerations

3.4.1 Positionality

An important consideration throughout the research process is positionality. Positionality seeks to understand the place of the author within the research context. This position can frame or determine the answers which are given and how the author interprets the answers given in the research.

The specific position of the author is important to recognise as it contextualises all information provided throughout the research process. Understanding the author's age, ethnicity, gender, and nationality can help to understand the participants potential responses. To this end, the author is a young, New Zealand European (Pakeha) male. The author has spent the majority of his life in New Zealand, but not in Dunedin itself. While the author is currently studying in Dunedin and has done so for some years this was study in a different subject area.

The author has had very limited professional contact and experience with some of the interviewees. Primarily this contact was through the New Zealand Planning Institute in a professional capacity. Some key informants were known to the author prior to the research through membership in a professional organisation (New Zealand Planning Institute) as well as in conversational meetings as a student planner. Aside from the aforementioned meetings none of the participants are known to the author.

This research was carried out within the Otago region, at both the regional and District Council level. The specific circumstances of different councils may mean that the views expressed in this research are limited to the councils studied. However, due to the lack of research into this topic hopefully more studies will be conducted to understand whether the insights of this research are also applicable to other councils around New Zealand, and also to other locations internationally.

The key findings should make known some trends which can be further studied to understand their applicability both domestically and internationally.

The research was conducted to examine the effectiveness of impact assessment at the regional and local level in New Zealand. The author's experience in this space is minimal, with only a short professional background in a private consulting firm prior to commencement of the research. This professional experience was limited to regions outside Otago.

With limited experience working professionally within the region and a view toward the research as an academic learning experience there is objectivity in the research. It is being conducted to assess the views of those who are being interviewed or assessed through case study analysis. The primary driver of this research is a lack of current understanding and a desire to learn the views of those working in the planning system in the aforementioned context.

The author has thus attempted to be as objective as possible, by recognising their positionality and having limited personal experience with those studied. Objectivity is ensured by taking the position of an objective researcher with an eye to understanding the views of these interviewed whilst tempering these views with additional data. An effort was taken to extricate the researcher from a single perspective through the use of a triangulation method with multiple data sources. Each data source was treated as independent information, which was compared to one another. No weight was given to one source of data over the other.

3.4.2 Ethics

There are a number of ethical considerations in conducting this work. Primarily regarding potentially sensitive information which respondents may have provided. There is a risk that if a respondent has made a sensitive comment that this could have an adverse effect on their career. As such every effort has been made to ensure anonymity for participants. All participants were provided with an information sheet which outlined the research aims. Accompanying this in each face to face interview an ethical approval form was signed (Appendix B). No participants wished to be acknowledged by name and thus all have been given pseudonyms above. One participant participated in the research but asked that they be removed.

3.5 Limitations

The research had a number of limitations that need to be recognised when reading through the remainder of the thesis. The number of participants was a significant factor for this research. While additional participants were sought there were a number of unforeseen circumstances that

prevented potential participants from taking part. Contact with those interested was often ignored, approximately a third of those contacted for an interview whilst initially interested did not engage to make an interview. One potential interviewee had a personal emergency and could not make another time. Whilst the research focuses on the Otago region it would have benefited from some wider inclusion. In particular, there are two additional councils in the Otago region that were not investigated, Central Otago District Council and Queenstown Lakes District Council. The scope of the research was limited to fit the time constraints of the Masters of Planning research program. A survey was considered as part of this research. However, there were time constraints and also a recognition of survey fatigue within the planning profession at large which would limit the effectiveness of the results thus obtained.

In interviewing participants it is common for the most outstanding or problematic topic to be brought up. Often interviewees can misunderstand questions or their own responses. As such the use of data from the NMS is being used as a way to contextualise statements and qualify what proportion of consents interviewees are responding too. In this way, comments can be incorporated into the study without lending undue weight to any particular argument.

There was a single participant who chose to be excluded from the research after their interview was conducted. This interviewee did not give a reason for their exclusion but did aid in obtaining the case study which was used.

3.6 Conclusion

A triangulation approach utilising key informant interviews, analysis of the MfE NMS database and analysis of a case study were used to obtain results. The triangulation approach is being used to verify and contextualise the primary qualitative data in the form of key informant interviews.

4 Results

4.1 Introduction

The results collected were used to assess matters of the effectiveness of impact assessment in New Zealand. Three forms of data were collected to come to this conclusion. These were, data from the National Monitoring System (NMS) from the Ministry for the Environment (MfE), interviews with planners at councils, and finally an analysis of a hearing from the public notification of a consent within the Waitaki District Council. Each form of data is analysed separately. Together the three sets of data will be used to analyse the effectiveness of impact assessment in the Otago region of New Zealand. The triangulation method used here presents an opportunity to scrutinise data from different perspectives providing greater reliability and scrutiny for the results collected.

This results section discusses the primary results from the three approaches explained in Chapter 3. First will be an assessment of the data from the National Monitoring System provided by the Ministry for the Environment. Secondly, the results from the key informant interviews will be assessed. Finally, the case study of a development project from the Waitaki District will be reviewed.

4.2 National Monitoring System

The national monitoring system data is a yearly assessment of data submitted to the Ministry for the Environment from Local and Regional councils across New Zealand. The National Monitoring System data is collected by the Ministry for the Environment by all local and regional councils. Each data year is the financial year of the given dates. The data does not necessarily represent a completely accurate picture. As MfE points out data cannot be verified for complete accuracy in all regards. Similarly, there is some ambiguity in some sources of information, such as timeliness, due to the ways in which they can be interpreted. This data represents the large-scale trends for each council and can be used to compare councils to one another, as well as to national averages.

4.2.1 Resource Consents

Resource consent numbers are the raw number of each resource consent type issued by a council in the surveyed year. The two years where data were gathered for this study were the 2016-2017 reporting year and also the 2017-2018 reporting year. Some trepidation should be made when scrutinising the Otago Regional Council data when compared to the other councils. This is due to the fact that regional and local authorities have different responsibilities, and therefore, different

consents must be applied for from each council. The RMA(1991) in s.30 and s.31 lays out the responsibilities of regional and district councils. Under s.30 coastal permits, discharge permits, and water permits are only issued by regional councils.

Resource consent data is being used to understand the types of consents, and the relative scale of consents received by each council studied. Each council has a different size, number of staff, environment, and community. It is important to understand the relative size, and the difference in types of consents, between each council.

Figure 4.1 shows the raw data from the NMS. The Dunedin City Council is by far the largest council in terms of consents issued in a year. Dunedin city council received 877 and 852 consent applications, for 2017-2018 and 2016-2017, respectively. Otago Regional Council received 503 and 450 consents for 2017-2018 and 2016-2017 respectively. In contrast, Clutha and Waitaki Districts processed significantly fewer consents. Waitaki District received only 158 and 153, and Clutha receiving 75 and 74, for 2017-2018 and 2016-2017. The proportion of different consent types was slightly different across the 3 councils and when compared to NZ averages. Given the difference in consents from councils instead of comparing to New Zealand totals the totals of the district councils are compared with other territorial authorities across NZ (NZ District Totals) and the Otago Regional Council is compared with the totals of all Regional Councils in NZ (NZ Regional Totals). A comparison of the proportion is given in Figure 4.2 and Figure 4.3 below.

Dunedin City Council receives a relatively high number of land use consents; however, Clutha District Council has a higher number of combined land-use and subdivision consents. Waitaki District Council has a proportion of consents roughly similar to the NZ average for territorial authorities in NZ. the proportions for both Territorial authorities and regional councils are not significantly different between the two separate years.

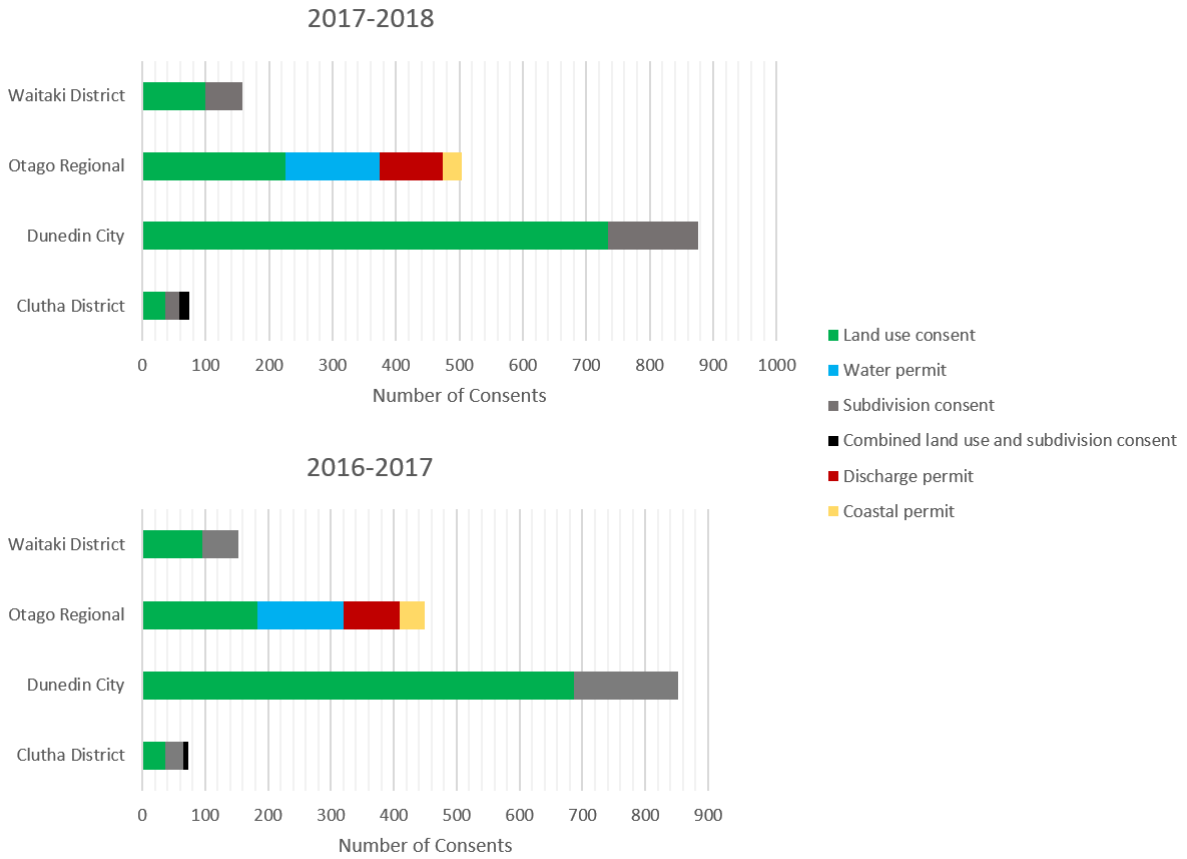


Figure 4.1: Total consents applied for in each assessed council in the 2016-2017 and 2017-2018 reporting year (From NMS)

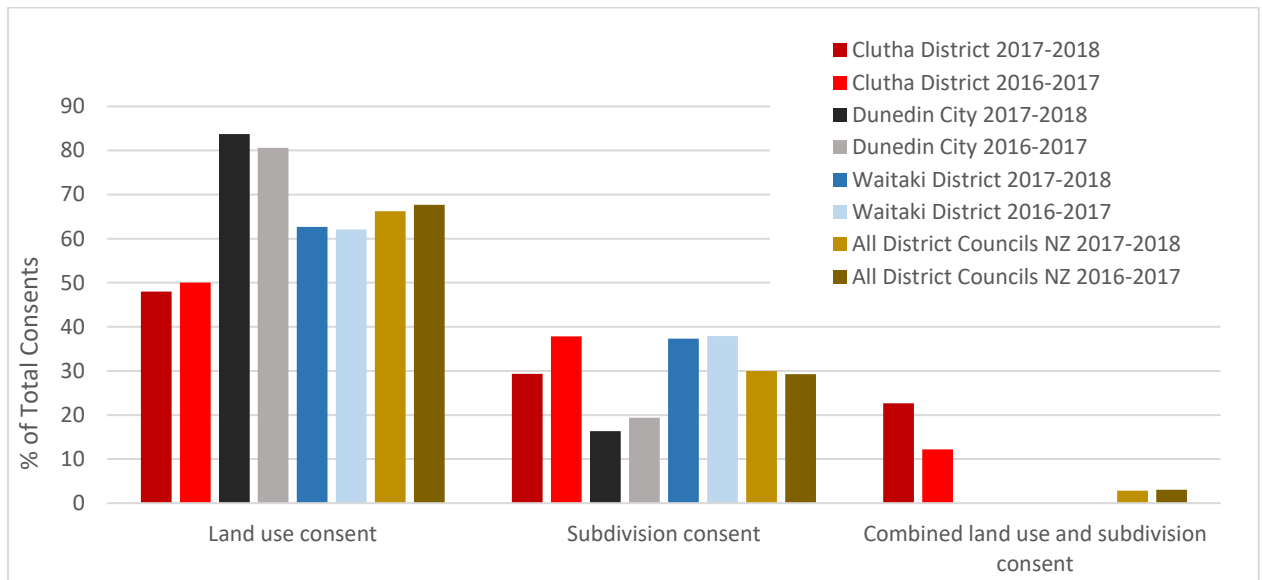


Figure 4.2: Percentage of total consents for each consent type at Territorial Authorities in the studied region and for all of New Zealand in the 2016-2017 and 2017-2018 reporting year.

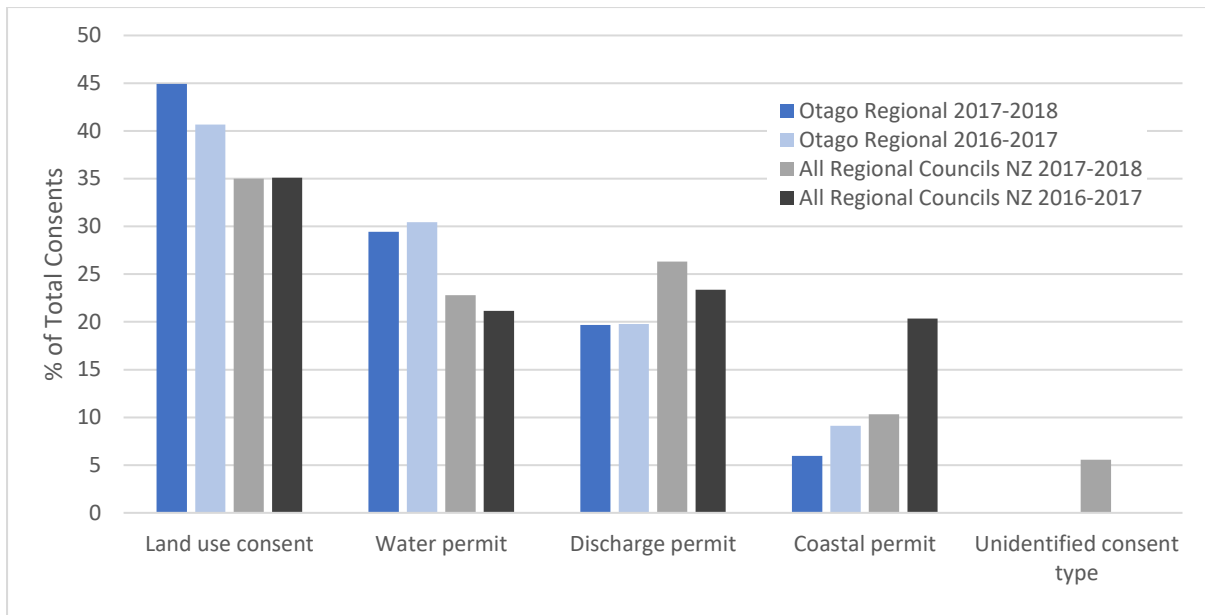


Figure 4.3: Percentage of total consents for each type of Regional Consent at the Otago Regional Council and all Regions in New Zealand for reporting years 2016-2017 and 2017-2018

4.2.2 Notification type

Notification type represents the number of consents that are not notified; are notified to a limited number of interested parties (limited notification), and notified to the public (public notification). Notification often occurs with large applications, though this is not always the case. This data is being used as a proxy for complexity, as well as public participation. A higher proportion of notified consents represents a higher number of more complex consents, as well as a greater amount of public participation. Figure 4.4 below shows the gross number of notifications across the four studied councils as well as those for all of New Zealand.

The number of notified consents of any sort is very low. Less than 5% of all consents are notified and even fewer are publicly notified. The numbers for the studied councils are consistent year on year as well as with the New Zealand average. One exception to this was the Otago Regional Council who had a greater number of notified consents in the 2016-2017 reporting year. This was both significantly more than the number for 2017-2018 as well as greater than the national average.

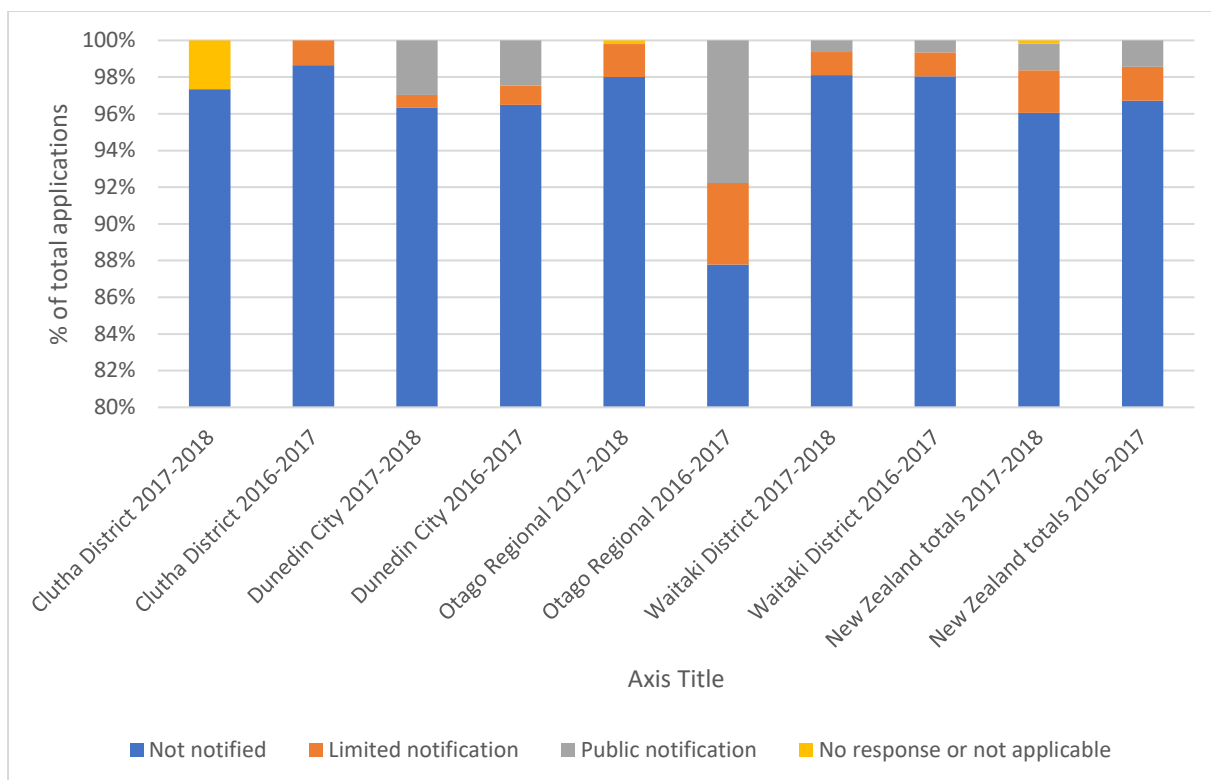


Figure 4.4: Notification type by percentage of total consents. Note: bars begin at 80% of total consents.

4.2.3 Timeliness

Timeliness measures whether consents were processed on time. Generally, the statutory deadline is 20 working days. Timeliness thus represents the proportion of consents which are completed within statutory timeframes. This can be used to determine whether the councils studied are transactively effective, with respect to statutory limitations. Table 4.1 shows the data from the NMS.

The councils studied perform better than the average for all New Zealand. Clutha district council processes all of its consents, in the two assessed years, on time. Otago regional and Dunedin city council do not have significant numbers of consents requiring additional processing time. Waitaki District in 2017-2018 had some which were not processed on time however this was not the case in 2016-2017, and in both cases was better than the national average.

Table 4.1: Number of consents processed within the statutory timeframe.

Council	Processed on time	Not processed on time	No response or not applicable	% On-time
2017-2018				
Clutha District	75			100%
Dunedin City	862	1	14	100%
Otago Regional	502	1		100%
Waitaki District	147	11		93%
New Zealand totals	35413	5751	477	86%
2016-2017				
Clutha District	74			100%
Dunedin City	832	3	17	100%
Otago Regional	449		1	100%
Waitaki District	150	1	2	99%
New Zealand totals	39746	4105	289	91%

4.2.4 Costs

Costs are the monetary costs of gaining a consent. This is the amount paid by the applicant to the council for processing a consent. It does not represent the cost of producing the consent and its associated AEE. It does, however, reflect the costs for a consent that is under the control of councils. Table 4.2 below shows the number of consents requiring costs to be paid and the average amount that was paid. The average for the councils studied is significantly lower than the NZ average. Similarly, there was an increase in consent costs across New Zealand. In the studied councils, however, the costs did not significantly increase, and, in the case of Waitaki District and Otago Regional Council, it was actually reduced.

Table 4.2: Consents requiring fees in each studied council as well as the cost of this in New Zealand Dollars.

Council	Applications with a fee	Applications with no charge	Costs bundled with other applications	Average cost of applications with a fee paid	Average cost of applications (including no charge and bundled applications)
2017-2018					
Clutha District	75			\$693.60	\$693.60
Dunedin City	652	93	132	\$1,837.74	\$1,366.25
Otago Regional	491	12		\$1,319.36	\$1,287.89
Waitaki District	143	1	14	\$1,221.30	\$1,105.35
New Zealand				\$4,039.55	\$3,389.39
2016-2017					
Clutha District	74			\$702.83	\$702.83
Dunedin City	638	81	133	\$1,769.15	\$1,324.79
Otago Regional	429	21		\$1,899.21	\$1,810.58
Waitaki District	141		12	\$1,412.00	\$1,301.26
New Zealand				\$2,383.24	\$2,007.58

4.2.5 Summary

The data shows that the largest council by a large margin is the Dunedin city council. The proportion of consents for each council is similar between years but each council has a unique distribution of consents demonstrating a uniqueness between councils. Notification numbers are very low, similar to national averages, with Otago Regional council showing the greatest variation in notifications year on year. All councils studied process consents on time and are much better at processing consents on-time compared to national averages. Finally, each council is cheaper, cost-wise, to process a consent than the national average with the Clutha District Council being particularly affordable.

These results show the differences, between councils, as well as comparing councils against national averages. Some factors, such as the distribution of consent type and notification, are roughly equivalent to national averages, while other factors are significantly improved, such as consent costs and timeliness. These results show how each council relates to one another, as well as with the national averages. This gives context to the comments made showing how differences in consent types, timeliness and costs manifest in the experience of effectiveness across different councils.

4.3 Key Informant Interviews

There were 6 key informant interviews conducted as part of this research. The results of this were categorised into the 4 forms of effectiveness, described in Section 2.2 above. These are Procedural, Substantive, Transactive and Normative effectiveness. It is important before discussing the four forms of effectiveness that there was another important theme that arose from the research. This is the split between the professional and layperson applicant. This will be discussed in section 4.3.1 before the other forms of effectiveness are discussed as the distinction between layperson and professional was a significant factor determining whether a consent was seen as effective or ineffective by those interviewed.

4.3.1 Layperson – Professional Divide

When discussing all forms of effectiveness, it should be noted that all participants recognised that there were two different types of consents received, those conducted by laypeople, and those conducted by professionals.

“[Quality] also depends on whether they’ve got a consultant or not.” - Taylor

The experience of all participants was that the smaller scale activities were often conducted by the applicant themselves, in many cases a layperson with little professional experience in planning.

“there’s usually a difference between consents that have been made by surveyors or planning professionals and just mums and dads” – Anne

“Generally, when dealing with planning professionals were dealing with a higher level of application.” – Sam

All participants recognised that there was a significant difference in the size and quality of consents prepared by laypeople. Laypeople or non-planning professionals were likely to give consents regarding smaller-scale activities, whilst professionals were much more likely to engage in larger consents requiring a greater amount of work.

“I think most people that are gonna go down that path realise that they are going to need an expert to do it for them.” – Anne

“I guess larger scale they most likely have a consultant.” - Meredith

It is also recognised that laypeople have a much poorer understanding of what is required of them and this can lead to confusion. This is both within the realm of the legislation itself, the language and terminology used, as well as the technical requirements of the AEE that needs to accompany a consent.

“I don’t know. It is so hard for people who aren’t in the world of planning to... you know its such a new, its all new language. People are, all they wanna do is build a house... and there’s all these complicated things. What’s a HAIL what’s an AEE y’know, how are they supposed to know?” –

Anne

“To them, a consent is just a building consent and they can’t... don’t understand the resource consent process.” - Sam

It is clear through the results given later that there is a significant difference between laypeople and professionals. A planner often working with professionals may have a different impression due to these differences and this should be taken into consideration when looking further at the remainder of the results.

4.3.2 Procedural Effectiveness

Procedural effectiveness looks at whether the information provided to decision makers allows them to come to a decision about a proposal. Whether there is technical sufficiency in the information provided and whether it is sufficient to come to a decision about a proposal. There was a very mixed view of the sufficiency of consents. Some, such as Anne, believed that a lot of work had to be done. It seemed those members of larger councils had a poorer view. Similarly, it was felt that layperson applicants had a significantly lower quality of consent than professionals.

“Most applications are bad. They often don’t have everything that we need” –

Anne

“If its joe blogs wanting a garage, they’ll be – very poor, very poor. A consultant you expect something reasonable, you don’t always get something reasonable.” – Elizabeth

“Generally, when dealing with planning professionals were dealing with a higher level of application.” – Sam

There is also recognition of the aforementioned lack of understanding by lay people applicants. Planners recognise that a misunderstanding of the process can lead to ineffective assessments.

“Lots of people don’t actually understand our processes... I’m talking about mum and dad application.” – Mary

Some respondents found that there were issues with consents not having enough information, or having too much information. It is unclear whether this is for the AEE itself or for the consent more generally. What is clear is that these issues are present at all of the councils interviewed.

“Most applications are bad. They often don’t have everything that we need” –

Anne

“If consents came in good it would take so much less time.” - Anne

“They can provide information but it was really difficult to take that a step further, in terms of what is the level of effect.” - Sam

Non-formal planning tools

There is a general understanding, particularly amongst those with more experience, that casual conversations, generally over the phone, but also in person, can lead to a much-improved process, especially where there are small errors in the consent and AEE process. A lack of information or a misunderstanding can, in many cases, be solved with a simple phone call. A similar process of pre-application meetings can also help, though one informant (Anne) recognised that this was not universally accepted as being good.

“They can give us a call and ask “hey I’m going to put this is what do you think” and we can give them a steer.” – Meredith

“We probably do [get better consents] by on large but every so often there’s one that ... pre-application planners can make big calls, that aren’t there’s to make. Overall they are good.” – Anne

These conversations also lead to greater transactive effectiveness, which will be discussed in that section below.

Technical information

In terms of technical information, there were some issues recognised. Most respondents recognised that it was not their field of expertise and were hence asked about how they assess technical information from those who are sufficiently qualified. There was a recognition that in this area many technical experts are not adept at communicating in the language of the legislation and thus make it difficult for planners to take their advice at face value, or that they had to adapt this information.

“But I wouldn’t make that call I would wait for them to tell me what information they need” - Meredith

“you might, for example, get a shop full of carparks... but you might want to know how many staff are there and all this kind of peripheral information.”- Mary

“Sometimes it just feels like its copy paste so just have to go back to them and say hey, that’s what you’ve put in there but what about this and ask critical questions of what you want with them.” – Mary

“Is there a statement in there that I can take and apply and get us through this process?” – Elizabeth

Planners must assess whether the information being given to them is sufficient to come to a decision, or whether they need to request additional information. The participants in this study recognised that there was a limit to their technical knowledge. The limits of this understanding must be overcome by peer review by technical experts. All respondents recognise that there are limits to their knowledge. However, some are also reticent of the information they receive from experts recognising that the way in which technical experts and planners communicate is sometimes different.

“Our expertise is the framework; their expertise is the science or hazard.” –

Taylor

“But it's not our call, we aren't the ones that stand up in court. It's their call.” - Taylor

“As the processing planner, you're sort of going ‘the applicants provided this information do we consider this correct do we need this to be peer-reviewed.’ –

Sam

“What you've always got to be conscious of, as a planner, what are your limitations. You're not an expert in construction, in landscape design, you're wearing a planner's hat.” – Sam

“If you're dealing with an urban designer and they consider the effect on streetscape more than minor. You've got to recognise that, are they speaking from an RMA minor effect, or speaking from an urban design...” – Sam

Checklists

Some councils are innovative. Sam, for instance, demonstrated that checklists can have a positive impact on laypeople and their ability to create effective AEE and consent. However, not all respondents believed this, Anne and Taylor recognised that while they were effective tools sometimes their use was not appropriate or was not being utilised correctly.

“We had sort of created this cheat sheet, it was not a cheat sheet but it was sort of a break down all the different things you need to think about. How does your proposal affect this and what are you doing to avoid remedy or mitigate this.” – Sam

“People will go ‘Oh well that probably doesn't apply to me.’ No, the checklist is there for a reason you have to provide all of those things.” – Anne

“Gotta be careful going through that everything is there” – Taylor

Notification

The significance between notified and non-notified consents was something which was recognised by those interviewed. Some agreed that notified consents should have a greater level of information and greater scrutiny because of those, while others disagreed with this point. Informational

requirements for notified consents were higher, as both Elizabeth and Anne point out this was often not met.

“If something is to be notified then you would want it to be thorough.” –

Anne

“Not necessarily the consultant will produce what they produce and notified or non-notified doesn’t really worry them. The applicant should be more concerned in that notified should be much fuller.” – Elizabeth

While Sam disagreed with this perspective.

“If you have a rule that says it must be notified it’s in the best interest of the person to provide more robust information. I don’t think you look at them different.” – Sam

Summary

Respondents understood what information they required to come to a decision. This information was often not delivered to them, particularly in the case of layperson consents. Non-formal tools act as a good way of ensuring procedural effectiveness for both lay-people and professionals.

4.3.3 Substantive Effectiveness

Substantive effectiveness looks at the achievement of the objectives and principles of the legislation, in this case, the Resource Management Act. Respondents were not asked this in specific terms however their comments on a range of topics could be assessed as understanding their views.

We again see the difference between laypeople and professionals. Anne pointed out how laypeople do not understand the objectives of the legislation and that this inhibits them from creating and effective AEE.

“I think they think that environment means soil and water and air. So, they go ‘why would my garage have an effect on the environment?’” – Anne

“Not everyone knows what RMA is trying to achieve.” - Sam

Large and small councils

In this research, those in smaller councils had a greater awareness of substantive goals of the legislation and hence had a more concrete view on whether consents and their AEE, was, in their

opinion, effective. For example, Sam, who had experience in a smaller council, had a greater understanding and was more conversant with the idea that the legislation was to enable the community to fulfil their own needs.

“Also, plan was achieving what it was set out to achieve” – Sam

“If a person, you know they’re never going to deal with the RMA again in their life I think you’re definitely going to support them more.” – Sam

This view was not isolated just to the small council, with a planner from a larger council also indicating that there is an understanding of the substantive goals of the legislation across a wide range of council working environments.

“Someone in our team quite commonly says we’re not here to inhibit people getting consents, we’re here to help them do what they want to do.” – Taylor

It is uncertain whether this awareness of substantive goals of the legislation is due to the size of the council, or a more individual view of the planners interviewed.

Activity Status

There is also some criticism of the legislative practice of having different activity statuses. Planners seldom see a difference in the effectiveness of more restricted activities. This was quite notable for the two city council planners interviewed.

“I think the whole activity status thing is dumb. You hardly notice the difference.” – Anne

“In terms of what you’re assessing you need it to be of a higher level. But reality is a lot of people in the community they just hear resource consent. They don’t understand there is different levels of consents.” – Sam

“No, no they have a template and they use it and it doesn’t matter.” – Elizabeth

“I don’t think it is a controlled or discretionary that you’re going to get better info.” – Mary

Statutory limitations

Some planners recognised that the legislation itself imposed limitations on what could be assessed. This can limit the matters which are assessed and what can be used to come to a decision, limiting effectiveness to only those matters in the legislation or its framework.

“We’re limited to our plans” – Taylor

“We can’t stop someone from applying for something. All we can do really is funnel their application into what sits within the [councils] ideals for the area and what’s in our plan and our framework and things.” - Taylor

“Plan should be directing you toward what you need to be thinking about anyway.” – Sam

Policy analysis

Important to note, those interviewed from the regional council made particular mention of policy analysis and its importance in the consenting process. They made the point that plans must be consistent with policies and objectives within plans. This point was not supported by others, with Elizabeth in particular not having high regard for it.

“They need to justify why they may not be consistent with all the policies and objectives.” – Meredith

“I don’t care about policy assessment, different type of work perhaps.” – Elizabeth

Respondents also recognised that the objectives of the process were often overshadowed by the activity itself. The objectives of the process came last after primary decision making had occurred.

“You can definitely tell because policy always comes last. You can tell that the person has said hey we wanna do this activity. I think it almost always goes that way.” – Taylor

Greater substantive effectiveness in a cohesive community

Interestingly the smaller council of CDC had a higher level of substantive effectiveness. This was because the council’s plan was achieving its substantive goals. Sam recognised that the plan was achieving its intended purpose. In her experience with the CDC the planning framework, which

the community agreed to, was succeeding in achieving the objectives which the community set for itself.

“We really encouraged development, and that was our plan provisions essentially. So, our plans were generally quite permissive, in terms of what you could do.” – Sam

“... plan was achieving what it was set out to achieve” – Sam

She furthermore suggested that the council she worked in was effective as many activities did not require consent and thus it was serving the community well.

“Is a testament to community tolerance around planning and gave written approval.” – Sam

“Definitely when you’re working in a council where its quite a permissive planning environment” – Sam

“Planning should be about the people.” – Sam

“If a person can’t put in a straightforward consent to breach a height with no adverse effects then there’s something wrong in the process there.” – Sam

“You have to go to the plan.” – Sam

Summary

Substantive effectiveness was variable across the councils studied. Respondents recognised that effective plans could contribute to effective written consents. Respondents were well aware of the substantive goals of the legislation and the plan under which they worked. Some substantive tools, such as activity status, made little difference to the effectiveness of AEE.

4.3.4 Transactive Effectiveness

Transactive effectiveness is the time and resource used to create and assess a consent. Respondents had a large number of views of what can be termed transactive effectiveness. An example of how casual conversations can enable greater transactive effectiveness for both layperson and professional consents will be addressed in a small exemplar given below.

Scale

In general, there is a good understanding among planners that a consent and accompanying AEE should, in scale, breadth, and complexity, be relative to the scale of the activity. Planners understand that there is a different level of complexity determined by the application and that the information they receive or expect, is relative to the scale of the activity.

“Completeness to what the scale of the activity is.” – Taylor

“Comes back to thing at the start, the scale of the effect.” – Taylor

“You’re probably gonna get more information to assess” – Mary

“If I was doing a land-use consent depending on the size of the consent, if it's just a garage and side yard I don't expect much, not looking for much I won't get much.” – Elizabeth

“It's the terms they're seeking as well, there's all those factors that we look at...” – Meredith

Most of the respondents recognised that those applying were receiving consents that were appropriate in terms of scale. One exception to this was Elizabeth, who recognised that in the city council position she held there were some larger applications that failed to have an AEE which matched the scale of the activity being applied for.

“Some of the big ones have been surprisingly light, big hotel a few years back... They had practically nothing.” – Elizabeth

Layperson – professional differences

The relationship between layperson and professional consents in the realm of transactive effectiveness is recognised by all of those interviewed. Due to the significant differences between the scale of consent made by professionals, who deal with many scales, to lay people who often only write small scale consents. Thus, it is anticipated by those interviewed that layperson consents will be of smaller size compared with professional consents.

“Especially if it is someone who doesn't understand the system and it's not worth getting a proper AEE out of them.” – Anne

“It's a different level of information you need. They would be handwritten a couple of sentences.” – Sam

Bloated consents

Some of those interviewed recognised that bloated consents, with too much writing, are much less effective. This issue can be due to laypeople, who will give some unrelated information. It can also be due to professionals who write a consent that is too large, or not focused.

“Surveyors, some of them give me nothing, which is not great, we have another one who write a book and I skim read it. Somewhere in the middle, just give me the facts, the details.” – Elizabeth

“Sometimes you get, again, consultants will give you a book when you don’t need that, just need the essential stuff really.” – Elizabeth

“So they literally just fill in a form and hand it in.” – Anne

“The trouble with if you get far too much, you’re inclined not to read it. We skim it and get the drift.” – Elizabeth

“You would get people who write a story about why they want a building.” – Sam

Summary

Respondents recognise that activities that are larger require an AEE which is consistent with this scale. They often receive consents that are appropriate to this scale however this is not always the case. Unnecessary, or unhelpful information is often added by lay-people who do not understand the planning system which they use. Some professionals write consents that are unnecessarily large.

4.3.5 Normative effectiveness

Normative effectiveness discusses the ways in which an impact assessment, or consent, can enable changes to impact assessment processes and systems. Normative effectiveness is observed where the process of impact assessment leads to change to the systems which require or create it, in this case, the RMA. Normative assessment in the context of this research is highly limited. Few planners recognised the ability of consents to feedback into the consent process or the legislation. There was some note of formalised training and how this can influence the ways in which planners consider an AEE to be effective.

Formal training

Elizabeth and Mary had conflicting views on how training relates to their ability to determine consent effectiveness. It should be noted in this assessment that Elizabeth is a more senior planner whilst Mary was a more junior planner. Elizabeth thought that the formal training she had bore little relationship to her practice of assessing consents. Mary, contrarily saw whilst not perfect the training scheme she was taken through had helped her in assessing consents.

“I did the paper at university ... impact assessment one. Good in theory, doesn't bare much relationship to my life at all.” – Elizabeth

“I entered one of those trainings.... You still have questions. Every situation is different, and you have a different view on what's happening. It makes you think...” – Mary

Personal views

Of particular note was a question which was raised in all interviews which took the general form of “how do you reconcile your personal views and values with your professional position as a planner?” The answers to this question were telling in that they showed how the views of planners can be constrained by the legislation and professional role and limit their ability to implement normative change.

“You kind of have to put your own thoughts on things aside and work within the framework.” – Taylor

“We know we are supposed to be professional and everything.” – Mary

Sam, in particular, raised a very pertinent point about normative effectiveness in New Zealand. Councils, depending on their size and organisation, will separate their planning departments, or have a separation between the roles of planners who process consents and those who create plans. As same points out:

“If you have values as a planner that's what the policy space is about. And that's where you can promote your values is in the policy space as opposed to a consenting space.” – Sam

Learning

Many respondents recognised that there was a progression in the types of consents that planners dealt with. This progression of skills allowed planners to develop skills over time. Furthermore, councils with larger planning teams had senior members who had both formal and informal training and advice from more senior planners. Development of skills and specialisation lead to greater transactive effectiveness as the specialisation of each planner enables them to effectively assess these types of consents.

“Consents are assigned to us according to our strengths.” – Elizabeth

“We also do different things, for instance, I tend to deal with water.” –

Taylor

Summary

Respondents recognised that there are obstacles inhibiting normative effectiveness with little ability of planners to influence planning systems. Tools used by planners that increase their experience and improve their abilities are being well utilised.

4.4 Case study

The case study assessed is a planner’s report for forestry development in the Waitaki District. This consent was notified and subsequently had a hearing. There are two documents from this consent that have been assessed. These are the planner's report (Appendix C) and the commissioner’s decision and report (Appendix D). The planner's report allows us to see the professional advice that planners are giving. Through this, we can understand what issues they are identifying as most important in their professional role as advisors. The planner’s assessment will offer advice to either grant the consent, grant with conditions, or deny the consent. In this instance, the planner recommended that the consent be denied based on the information provided.

The proposal which was applied for in the consent was for the afforestation of a 755-hectare block of land within the rural zone of the Waitaki District. The afforestation section of the consent was a controlled activity and was assessed under a national environmental standard (this being the National Environmental Standards for Plantation Forestry), as opposed to the district plan. Associated with this activity was the clearance of native vegetation. This clearance was a discretionary activity under the operative Waitaki District Plan. In this situation, the National Environmental Standard (NES) and District Plan act as separate authorities, in essence, two

different plans under which decision making can occur. In this instance, however, due to the clearance of native vegetation, the plan was not assessed under the NES but under the district plan.

Pursuant to the hearing the commissioner granted the consent, against the advice of the processing planner. The reasons for this will be discussed in the sections below.

4.4.1 Planners report

The planner's report is the report made by the processing planner after they have assessed the activity. This report is the first decision document and gives a recommendation to accept or decline an application. In this instance, the planner's report recommended that the application be declined.

The processing planner identified two primary issues. These were landscape and visual amenity and ecological effects. Less important issues included the impact on roading infrastructure, safety and any positive effects from the activity.

Of particular note is section 7. This section outlines what areas can be considered with respect to the attached AEE. In this section, a lot of time is spent to investigate what appropriate rules apply to the application, without any assessment of the AEE itself. Section 7 has 24, when compared with section 10 (assessment of effects) it is approximately 20% as large, in terms of the number of paragraphs.

Section 8 dictates the views of the public notification which was held. All members of the public who made submissions opposed the proposal.

Section 10 of the proposal is the primary focus of this research as this is the planner's assessment of effects resulting from the activity, as it is applied for. This section of the planner's report shows what the planner is assessing for this application. Paragraph 10.13 through to 10.16 show that the planner, in the case of assessing the landscape's current state and potential impact of change in that state, leans heavily on the assessment of a landscape architect as well as that of a peer review requested by the council. Here the planner is deferring the expertise to professionals in the field and is reflecting their findings in the planner's report. In paragraph 10.18-31 the planner critiques the proposal relating to a number of matters, those personal, as well as those recognised within the Waitaki district plan. Concluding, in paragraph 10.38, the planner states that the effects are "more than minor" and that there could be further mitigation of the impacts of the proposal on the landscape and visual amenity. The planner throughout this section uses a framework to assess the activity, despite the activity being discretionary, meaning all effects can be considered.

In this planner's report, some issues are discussed by the planner with no reference to outside information (For example paragraph 10.69-77 discussed a variety of potential effects). The planner is identifying and discussing effects based on the application as well as their own experience. Discretion is being used to identify problems from the planner's experience. In this way, the planner is exercising professional judgement.

Section 16 outlines the specific reasons for the planner to decline the application. Applying the four elements of effectiveness to each paragraph can help to identify where the planner perceives a failure of the consent. Paragraph 16.1 and 16.5 relate to a failure of procedural effectiveness. Paragraphs 16.2, 3, and 4 relate a failure of substantive effectiveness. Paragraph 16.5 also relates to transactive effectiveness.

4.4.2 Commission and final decision

This consent was heard in a hearing and this hearing overturned the recommendations of the planner to decline the consent. The commissioner's decision is given in Appendix C. The reasons for the decision are numbered, beginning on page 13.

A number of procedural and substantive issues were raised in the hearing. These were primarily related to those matters discussed in section 7 of the planner's report. These issues are the bundling of consent and rules which are relevant to the planning process. These questions contribute significantly to the report as any recategorization of the AEE would limit the effects which could be assessed. This would hence make the deficiencies identified less significant or limit what could be assessed. In this way, the commission is being asked to decide on what matters the planner can use. In this instance, the commissioner agreed with the planner's assessment.

The evidence given throughout the hearing was largely the same as that given to the processing planner. Thus, the primary reasons for the hearing were simply for the commissioner to establish whether the assessment was adequate in its findings.

Throughout the 'reasons for decision' chapter, the commissioner outlines their reasoning for their decision. The reasoning for accepting the application, as opposed to the planner's recommendation, is that enforced conditions would mitigate the potential adverse effects of the activity (see paragraphs 13, 15, and 24). Other times it was simply determined by the commissioner that the effects were able to be remedied or not as severe as first assessed (see paragraph 13, 16, 18, 22 and 32)

Throughout the report, the commissioner reinforces that the assessments done by others are accurate and agree with many of their statements. However, the final decision is contrary to that of the processing planner and the consent was thus granted.

4.5 Conclusion

The results from the NMS data show that the councils studied have differences in the number of and type of consents processed as well as the monetary costs of consents. Very few consents from any councils were notified, with a similarly low proportion of notified consents when compared to the rest of New Zealand. The NMS data also shows that the council is roughly equivalent to the rest of New Zealand in terms of the types and proportion of consents received but perform better when considering timeliness and costs.

Key informants showed that there were significant differences both between councils, as well as between individual planners. Their experiences can show that there could be a significant divide between layperson and professional applications. The performance of consents in all four categories was significantly affected by this split, in terms of scale and professionalism. Procedural effectiveness across councils was seen as generally sound but significant challenges were noticed, particularly regarding layperson applications, in the larger councils. Substantive effectiveness was important with planners recognising their role within the planning system. More socially cohesive councils appeared to have better substantive effectiveness by having a plan with objectives that were understood. Those interviewed saw transactive effectiveness as being sound. Expectations in terms of size and quality of AEE were greater for larger, more involved activities. Normative effectiveness was the least well attested to in this research, with respondents recognising that there were obstacles limiting their ability to modify the institution of planning in which they worked.

The case study showed that the most significant form of effectiveness, in terms of coming to a decision, was substantive effectiveness. Procedural effectiveness was sound as the resource consent provided adequate information and fulfilled statutory requirements. Transactively the consent had few issues. The size of the consent was consistent with the size and scale of activity to which it related. Substantive effectiveness was the primary way in which the planner showed that the activity would be insufficient and should be recommended for denial. The commissioner's decision was based on a different assessment of the activity and an alternative view on what constituted adequate mitigation of effects.

The case study and interviews are consistent with one another. The views of planners in interviews are supported by their professional output in terms of the planner's report. The interviews did not

demonstrate significant differences in views to that which are shown in their day-to-day work. NMS data, when compared to the other forms of data, show that each council has a different planning environment. Some of the complaints of planners, such as the inability of lay-people to write sufficient consents, or consents which are bloated with unnecessary detail, are not significant enough that they cannot be processed within statutory time limits.

5 Discussion

5.1 Introduction

This chapter will discuss the results and the effectiveness of impact assessment in New Zealand. The social and geographical context of each council will first be discussed. This is important when considering the applicability of results to other locations. The four elements of effectiveness will then be discussed. In order, these are procedural, substantive, transactive and normative effectiveness. The divide between layperson and professional applications, an important factor in the impact assessment process in New Zealand, is then discussed. Finally, a framework for effectiveness in New Zealand will be proposed. This will synthesize the discussion with elements from the literature review to both develop a theoretical discourse of effectiveness as well as to adapt such discussions

The new framework for effectiveness will constitute a first step toward analysing the unique planning environment in New Zealand. The aim of this chapter is to examine the effectiveness of impact assessment within New Zealand, confirm the appropriateness of theoretical frameworks to the councils studied, and move toward a framework that reflects the professional experience of those working in New Zealand.

The terms ‘impact assessment’ and ‘assessment of environmental effects’ (AEE) are used interchangeably. They are synonymous, as AEE is simply the name given to impact assessment within legislation in New Zealand. Planners commonly refer to AEE and resource consents synonymously. All resource consents require an AEE of some sort pursuant to Schedule 4 of the RMA (1991) (RMA (1991), 1992). It was common for council planning staff in particular to use ‘resource consent’ and ‘AEE’ interchangeably, which will be a system followed throughout this discussion.

5.2 Context of councils studied

The context of each council is an important factor when considering the opinions of effectiveness that each respondent provided. There are three categories for local and regional councils in New Zealand, these are Territorial Authorities (District and City councils), Regional Councils, and Unitary authorities. None of the councils studied are Unitary Authorities and so the responsibilities of these will be ignored. The Dunedin City Council (DCC), Waitaki District Council (WDC) and Clutha District Council (CDC) are all territorial authorities. This means that they deal with land-

use consents and subdivision consents only, as seen in Figure 4.1 above. The Otago Regional Council (ORC) is a regional council and therefore deals with a wider range of consents, such as consents regarding the emissions of pollutants (both to air and water) as well as the distribution of water.

Due to the differences in the responsibility of the councils, it would be expected that they are each exposed to different kinds of AEE and have different views of effectiveness. Territorial authorities deal with a smaller scale of consent and of a limited type, being concerned with only land-use and subdivision. In this instance, territorial councils process more consents from laypeople. Lay people are more likely to write their own, small scale, AEE. This information suggests that regional staff process fewer consents from laypeople and more from professionals. Similarly, the most disparaging comments made regarding the quality of layperson AEE came from those working in territorial authorities, particularly in the Dunedin City Council.

Regional councils are less likely to receive consents from laypeople. Taylor, a regional staff member, stated that at the time of the interview approximately 80% of the applications she was processing were from professionals. Furthermore, the consents received by the council from laypeople were generally small-scale water extractions. In this situation, laypeople applications come in a more prescribed form, which both of those interviewed recognised was simpler to process.

The number of consents which a council processes can affect the views of planners. There was a particularly large difference in the number of consents processed by the DCC and the smaller territorial authorities of WDC and CDC. The proportion of consents remained relatively stable, however, the sheer volume of consents for DCC is significantly higher. The DCC receives, each year, twice as many consents as the WDC and CDC combined. The proportion of consents to population is also higher, with the DCC having 13 times as many consent applications than CDC, but only seven times more people. This higher number of consents required by the DCC, both in absolute numbers, as well as in proportion to population, is due to two factors. The first, the size of the council, with DCC being a much larger council in terms of population. Secondly, permissiveness, which is how restrictive a plan is with respect to permitted activities. In the case of the council Sam worked for, Clutha District Council, there was a permissive planning environment. This limited the numbers of consents which are applied for as there are fewer activities that require resource consent.

The positions of those who were interviewed is another consideration for the analysis of results. Those interviewed in councils were intermediate or senior-level planners. There were no junior

planners interviewed for this research. Similarly, only a single senior-level planner was interviewed. Thus, the majority of those interviewed had around 3-5 years of experience in the planning field. Taylor stated that senior planners often get more complex applications. When the complexity of a consent increases, so too does the expected quality of AEE as well as an expectation for more professional documents, such as ecologists' reports.

This positionality of participants is important to recognise as the effectiveness of a consent is expected to increase with the complexity of the activity to which it is attached. In more complex consents the amount of information to scrutinise is greater and there is also a greater reliance on technical experts to peer review technical reports. Those with greater experience of the planning process will defer to professionals, particularly for technical reports attached to an AEE.

5.3 Procedural effectiveness

Procedural effectiveness was of varying quality, according to those interviewed. Generally, the procedural effectiveness of consents is good. The number of consents processed on time is very high and compares favourably to other councils in New Zealand. Matters such as timeliness, costs and technical competency of consents were all recognised as being effective. The absolute number of consents not processed on time was also low. The cost of processing a consent, in monetary terms, when compared to the rest of New Zealand, is significantly lower. To support the basic statistics from the NMS survey the opinions of the staff at councils generally support a view that the majority of consents which they receive have sufficient information for them to come to a decision. The case study also reflects this, with the disputed information in the consent related not to the technical information provided, but with substantive concerns.

Procedural effectiveness, as framed by the literature review, means the ability of a consent to provide results to decision makers which they can use to come to a decision. The results discussed here are those which measure ways in which decisions are made. In this assessment, the literature provides the frame in which the results are being analysed.

5.3.1 Timing

The majority of consents in the studied councils were processed within the statutory timeframe. Though the data from the NMS survey are sound there needs to be some discussion on the limitations of this data. The timeframes which are referenced in the NMS are those laid out in the Resource Management Act. For non-notified consents, which are by far the majority, as discussed below, there is a 20 working day timeframe for a consent to be issued, rejected, or have a request

for either more information or to be delayed. This four-week process compares well to international examples of planning permissions. For example in Ireland something akin to a resource consent takes approximately 4 weeks to process (Department of Environment and Local Government, 2002), in England it takes approximately 8 weeks (Department for Communities and Local Government, 2015) and in Ontario a similar process can take 180 days (Government of Ontario, 2019). The statutory timeframes for planning in New Zealand are thus comparable to those in other countries, and in some cases superior. A limited or publicly notified hearing has a much longer timeframe. In New Zealand, this process is legislated to take 6 months, with a wide range of opportunities for appeal (Ministry for the Environment, 2014). This process is, when compared to previous examples, also within international norms.

When comparing councils in the Otago Region to national examples of consents the timing in these regions is also favourable. Compared with national averages there are far fewer consents which are not finished on time. The councils studied have 100% of their consents returned within statutory timeframes, the only exception is the Waitaki District Council who had 93% on time in 2017-2018 and 99% in 2016-2017. Compared with the national average of 86% in 2017-2018 and 94% in 2016-2017 the Otago Region has a much higher number of consents which are on time. With the smaller councils, this is expected as there are far fewer consents, and most likely there will be fewer large complex consents. However, the resources for these councils are also less. In the examples of Clutha District Council, Otago Regional Council and Dunedin City Council they are effective in processing consents on time. In terms of the processing consents on time, Waitaki District Council has the highest number of consents not processed on time but is still better than the national average.

While the above information suggests that all consents are completed within the 20 working day timeframe given above this may not always be the case. The RMA (1991) has several ways to extend the timeline for consents. In particular, this is due to notification of the consent, in a limited or public fashion, as well as requests for additional information under s.92 of the RMA (1991). The data collected does not describe how many of the consents have had these requests. Consents which take longer due to notification are very few, as described below. The 20-day timeframe can be taken as the amount of time which the majority of consents take to process, with an unknown number of consents taking longer due to s.92 requests for additional information. All of the councils that have been studied in this research are effective, processing consents within statutory timeframes. When compared with both domestic and international examples they perform adequately.

An important note about timing is that this is from the perspective of those working as professionals processing consents. This research has not attempted to take the view of those who are applying for activities. Effectiveness from the proponent's perspective is outside of the scope of this research. The comparisons above to international legislated timeframes may be criticised by proponents as being too long. However, this research is not from the proponent's perspective but that of those working within the legislative system of the RMA (1991). A more in-depth study of the system from the proponent's perspective, or with a more broad scope, could investigate this element of timing and effectiveness.

5.3.2 Notification

Notification of consents is a good proxy for the complexity, whilst also demonstrating elements of substantive effectiveness through the practice of public participation. This section will discuss the component of notified consents with regard to technical complexity. The amount of notified consents of any form is very low. NMS data show that there are fewer than 10% of notified consents in any council in any of the studied years. The rates for all council over the collected years is similar to that of the national average with Clutha district having a particularly low number of notified consents with only a single consent being notified for the entire two-year data collection period.

There are a number of reasons for notification however very few of these are triggered. Consents attached to larger activity are more likely to be notified, though this is not always the case. In some cases, rules can preclude notification of a consent so a larger or significant activity can avoid notification due to not triggering specific criteria. The RMA (1991) itself provides a framework for notification in s.95A and s.95B (RMA (1991), 1992). In these sections affecting certain groups requires notification of some type. Where these groups are identified then notification must be given.

Notification can be seen as a rough litmus test of how Councils in New Zealand compare with international examples of impact assessment. International requirements for impact assessment have a limitation on scale (see Court of Appeal, 2001, C/2000/3329 EWCA Civ 1012). Consents requiring notification can be used as a proxy to compare AEE in New Zealand to impact assessments conducted overseas. The number of AEE of comparable scale to international examples of impact assessment is very low. The Clutha District Council, for example, having only a single consent which was notified in the two-year period that is being analysed. Other councils

had very low numbers of notified consents, with the greatest proportion of notified consents being the ORC in 2016-2017 at only 12%.

Due to the consistency of consents of a smaller scale, planners are exposed to impact assessments even when there is no significant activity occurring. The ubiquity of impact assessment in the New Zealand context ensures that planners are consistently working with impact assessment. Hence, when larger consents, requiring a greater degree of assessment, are given to a planner they may be better equipped than those in other places internationally who may deal with significantly fewer impact assessments in any given year. This also suggests that those planners in smaller councils may have a greater level of professional flexibility as in larger councils there can be compartmentalisation of roles. Staff members at a junior level generally do not contend with consents of a greater size. Compartmentalisation of roles relates most significantly to normative effectiveness and will thus be explained more fully in that section below.

Community cohesion can lead to effective systems where notification of consents, as well as consents and AEE, not being required. The framework of the RMA (1991) does give guidance on what must be notified, however, there are tools which proponents can use to preclude needing to notify a consent. Affected parties can waive their right to be notified with a written approval form. As Sam pointed out in her interview an accepting community can often avoid having consents notified by getting an 'affected party approval'. In these cases, the closeness of the community, or effective consultation, can increase the procedural effectiveness of impact assessment. In the examples from this research the smaller, more rural, CDC tended to have a higher level of procedural effectiveness due to this greater engagement with neighbours. This is recognised through the very low number of notifications in the NMS as well as evidence given from Sam's experience. Not all rural councils behave in this way, as evidenced by the fact that the WDC had a similar proportion of notified consents as the more urban DCC as well as the ORC. This suggests that elements of community closeness and good communication leading to better procedural effectiveness are based on the communities themselves and less so on the rurality of the Territorial Authority.

Differences between limited and public notification are also important. Limited notification is a notification to only those deemed affected parties. These are generally close neighbours or interest groups who have a reserved right. In the legislation the timeframes for limited and full notification are different. The timeframes for limited notifications are shorter than those for public notification. Hence a limited notified application is more time-efficient than a public notification.

There was a variable amount of public and limited notifications in the ORC between each reporting year. 12% of consents being notified in 2016-2017, 8% of which was public notification, but only 8% being notified in 2017-2018, all of these being a limited notification. A similar variation was not found in the other councils with them having a consistent percentage of notified consents between each year. Notification can be variable year on year, depending on the circumstances, but appears to be consistent in most council.

The distinction between notified and non-notified by those interviewed was not large, due to the small number of notified consents of any sort which were assessed. Respondents recognise a higher demand for informational quality, but this is seldom observed. The reasons for this lack of effectiveness in larger consents appears to be the

When looking at the four councils studied, the council with the greatest number of notified consents is the Dunedin City Council. Generally, the DCC and ORC have both the greatest number of consents, as well as the greatest proportion and number of notified consents. There was also a significant variation in the number of notified consents at the ORC between the two years where data were analysed from. The variation in the number of notified consents demonstrates that developments, and consents, can be highly variable. In the DCC and WDC, the number and proportion of notified consents was more consistent year on year.

The informational requirements of notified consents were higher. Those interviewed recognised that consents that are notified should have a greater amount of detail. However, as Elizabeth pointed out this was often not occurring. Consents that are to be notified, due to their complexity, are often written by professionals. While council staff had higher standards for the information for public notification they also recognised that this was often not the case, with notification having little to do with the effectiveness of a consent.

5.3.3 Written consents

A difficult to assess factor for consents is the way in which they are written. The information they provide, the readability of this information, and the ability of a planner to assess this information efficiently. From the above data procedural effectiveness is sound. However, the opinion of planners suggests that there is a significant difference between the data, as collected in the NMS, and the actual reality of processing consents.

Most of those interviewed recognised that there were deficiencies in consents that they process. There was criticism levelled to the layperson consents, where all of those interviewed recognised that they were of limited quality. This reflects an inability of the layperson to understand the

legislation, the language used, and the necessity of the information required by decision-makers. This problem is a problem inherent to the nature of the planning system in New Zealand as there are many scales of activity which may require consent which simply does not justify the use of a professional planner. This reality was well attested by those interviewed and will be discussed in more detail in the layperson professional divide section below. These findings show that the work from Peterson (1997) is still accurate and that in the 22 years since that research was completed there are still consistent problems with layperson consents that have yet to be addressed. This suggests a systematic failure of the system to enable lay-people to write effective consents.

Problems with professional consents

Those interviewed recognised that there were some issues with AEE written by professionals. Though the general quality of consents from professionals is higher there is a number who still have issues. The main issues raised by those interviewed were a lack of compatibility of templates, newer planners having a poor understanding of processes at council or simply poor consent writing skills. It is important to note that while these problems are discussed they reflect by far the minority of consents received by professionals and that the majority of professional consents are written effectively.

Templates can relate most significantly to transactive effectiveness due to their use by professionals to decrease the time necessary to write a consent for a council. However, their reduction of procedural effectiveness is also important. It is difficult to understand exactly in which ways these templates are deficient. Communication between planners and professionals already appears to be sound, something which will be discussed later. In these situations, the existing conversations that planners are having with professionals are an existing tool that can be used to improve any issues with problematic templates from professionals. While there was some complaint of lack of compatibility this issue is not significant and was noted as being a minor issue, not common to all professional consents.

Newer planners having poorer skills is not a permanent problem but only a temporary one. Elizabeth, in particular, addressed the issue of skills development among planners stating that while some planners initially have problems with consents which are insufficient, these are quickly addressed. Taylor expressed a similar opinion that those professionals who are new to writing consents are often easily corrected. In these instances, the current methods of communication are leading to effectiveness being implemented in the most efficient way. Planners at council already have the tools and ability to inform professionals of their deficiencies and these methods are working well to enable effective impact assessment.

Poor consent writing skills was an issue raised for both lay-people and professionals. Lay-people are simply unfamiliar with impact assessment processes. In instances where a layperson will not interact with the legislation or planning instruments very often, there is little that can be done to enable more procedural effectiveness.

For professionals, there was a range of criteria that were recognised as being problematic. Sometimes this can take the form of too little information, and in others too much information. These issues are primarily transactive matters and will be discussed in that section.

Peer review of technical information

An important aspect of procedural effectiveness is that of professional advice given to planners. Planners are not technical experts in all aspects and as such need to be given reports from professionals in other fields, such as ecology, traffic or urban design. The reports they receive from these experts constitute an important component of effectiveness, particularly in larger consents where these would be more common. These often take the form of a report which is incorporated into the resource consent. These reports will then be peer-reviewed to confirm their accuracy. Those interviewed had a mixed view of these reports. Elizabeth and Anne both mentioned that professionals sometimes give information in a form that is difficult to apply to the consent which they assess. They also recognised that this was not necessarily a significant issue and was easily addressed by conversation within their own council. There were some issues, though these were easily resolved. The advice they get given, after appropriate scrutiny to conform to planning language and context, is effective.

Generally, professional consents are written well, with a small minority being problematic. Those that are problematic are generally only temporary issues. Thus, professional deficiencies in written consents do not inhibit the procedural effectiveness of consents in NZ. The largest problems with written consents are from laypeople, a problem that has existed for at least the last 22 years.

5.3.4 Other matters

Whilst those matters above are the primary ways in which procedural effectiveness is assessed there are some other matters that deserve mentioning. Firstly, the case study shows that consents are technically complete, covering the matters that are required by the RMA (1991). Secondly, the use of prescribed forms, particularly in smaller-scale consents, can be a useful tool for enabling effective impact assessment.

Planners interviewed did not recognise that there was an issue with the information provided, that it was untrue or falsely written. The case study reinforces this with the ecologist's report and its peer review of both agreeing with one another. In these instances, it is clear that the information is sufficient, as long as the correct consents are being applied for.

Prescribed forms constitute a unique form of AEE. Prescribed forms are generally used for smaller-scale activities by laypeople to apply for resource consents. When prescribed forms are used "impact assessment" constitutes perhaps only a few sentences or a paragraph. Here it can be very difficult to assess effectiveness directly. This small scale of impact assessment is one that is seldom studied in other countries as it simply does not occur at these scales. These forms have been seen as both helpful, and harmful by those interviewed. Some saw them as being necessary to enable effective consent, especially for much smaller activities. Others saw them as being less useful as their experience with prescribed forms was in the form of specific forms for specific activities. In an instance where the range of impacts resulting from an activity could be broad, they abandoned using prescribed forms. Prescribed forms are thus a useful tool, particularly for smaller activities, but one which must be carefully criticised if it is to be used for activities that justify a more complete impact assessment.

5.4 Substantive effectiveness

Substantive effectiveness is primarily concerned with whether the objectives of the impact assessment process can be met. In the New Zealand context, the primary guiding principles of legislation requiring impact assessment is the RMA (1991). Under the RMA (1991) there is a hierarchy of plans all of which lay out substantive goals for the rules made under them. Most relevant to the planners on a day to day level are District and Regional Plans. District plans lay out the objectives, policies and then rules which must be followed. Furthermore, the legislation also outlines how different activity statuses must align with plans. For instance, a non-complying consent may be issued only if it does not contravene objectives and policies within a district or regional plan. When considering substantive effectiveness this discussion will look at both the broad picture objective of impact assessment and the RMA (1991) as well as the finer details of the objectives, policies, and rules of district and regional plans.

The literature provides the basic framework for substantive effectiveness as "the extent to which it ... achieves its intended aims" (Chanchitpricha and Bond, 2013). This sub-chapter takes that information which helps to show how the RMA (1991) is achieving its intended aims. The literature is again acting as the frame in which the discussion is taking place.

The case study illustrates how substantive matters are considered when applying for a contentious consent. In the example that has been analysed the primary area of concern is not whether the information provided is correct but whether the changes to the environment align appropriately with the given rules of the Waitaki District Plan. In this way, the impact on the environment is less important than that those changes are provided for within plans. Substantive goals then become highly relevant to the exercise of impact assessment in New Zealand.

The procedural matters of the consent were not contested, with both ecological reports coming to the same conclusion. The primary focus in that instance was whether the activity was contrary to the substantive goals of the plan itself. The planner thought that this was not the case and questioned the validity of the appropriateness of the activity in its receiving environment. In this situation, the substantive goals of the plan to limit development or change to the area in which it was placed was the primary area of contention. This case reinforces the idea that decisions are primarily based around the substantive goals of the plan under which they are made and less important is the desire to anticipate activities and protect the environment.

The substantive goals of the legislation at the local scale far outweigh the erstwhile goals of the legislation or impact assessment as a whole. One of the reasons for this in New Zealand is that the objectives of the RMA (1991) and the hierarchy of plans under it must give effect to one another. Therefore, for a rule to be made at the regional or local level, it cannot contravene the hierarchy of documents above it. This includes regional policy statements, national policy statements and the RMA (1991) itself. Due to this subservience, on the day to day level, the plan is most important when determining the substantive effectiveness of a consent and associated AEE. Being contrary to the plan is being contrary to the objectives of the RMA (1991) as a whole.

Further supporting this, the importance of the District (for territorial authorities, in this case, the DCC, WDC, and CDC) or Regional plan (for the ORC) is one of the first elements scrutinised when considering consents. Many of those interviewed stated that one of their first steps in processing a consent was to decide whether the relevant rules had been considered. Anne, in particular, noted that she did not trust proponents to honestly consider all relevant rules. The strength of Anne's position, in not trusting applicants, was outstanding. However, the sentiment was supported by all others who were interviewed. Understanding which substantive elements a consent is contrary to is one of the first steps for planners in assessing the effectiveness of AEE on the whole. This shows the importance of substantive effectiveness throughout the entire AEE process in New Zealand.

The relative importance of substantive effectiveness is something unique to this study of New Zealand impact assessment. This reflects how an understanding of smaller scale impact assessment can affect larger-scale applications. The assessment of substantive goals is something that is necessary at a small scale to understand what needs to be applied for (an element of transactive effectiveness). For larger applications, this is still done, even though these projects, if of significant scale, should be conducting a full impact assessment, similar to international norms. However, both planners and proponents use substantive goals to limit that which must be assessed. In New Zealand elements of procedural, substantive, and transactive effectiveness are linked through a process of scrutinization of plans that is essential to the practice of AEE. This linkage between the three elements will be discussed more completely below.

Sometimes mistakes can occur in establishing the correct rules for the activity taking place. At the regional level, which deals primarily with environmental changes such as earthworks, discharges and the like, some proponents would not apply for relevant consents as a consequence of their activity. One such example was where a consent may apply for the excavation of material but not to deposit this material. In such a situation the AEE may consider elements that are important but lack the detail required for the alternative activities which are missing. In this way, a lack of substantive effectiveness leads to reduced procedural effectiveness. As the activity does not assess relevant rules, this can lead to needing to apply for another consent or having to apply for a modification to the consent which is submitted. These matters take time and resources that would be more efficiently used if the correct rules were assessed from the beginning. This type of relationship between flaws in one form of effectiveness leading to flaws in the others is important in understanding the interrelationship of the different categories of effectiveness.

The difference between the small permissive council of CDC and other councils was an important example of where having a community who understand the substantive reasons for a plan can lead to fewer resource consents, and their associated AEE. The cohesion of the local community leads to both substantive and procedural effectiveness. Rules in the plan were permissive so that few consents were needed. Thus, many activities which might need a consent, and subsequently an impact assessment, would be permitted. This shows how a substantively effective plan can lead to no impact assessment taking place at all.

Another element of the substantive goals of the legislation applying to consents is that planners have a permissive willingness. As has been discussed above there are very few consents that are outright rejected. Planners recognise that they are not in place to inhibit people from completing projects. This kind of permissive mindset related well to the permissive environment for a wide

range of activities within the RMA (1991) itself. Planners appear to have a good understanding of substantive goals. For instance, they did not want to inhibit activities taking place but ensure that the appropriate methods were used to mitigate their effect on the environment.

Relating understanding of substantive goals to the effectiveness of consents is a little more difficult but is provided for with evidence. The case of casual conversation demonstrates the ability of planners to utilise pragmatic solutions to enable more effective AEE. In these situations, planners can give a phone call to an individual to alert them of a potential problem with their consent. This appears to be the case with professionals and with lay people who both are given this type of communication. This allows any substantive and procedural errors to be corrected. This is also transactively effective as it allows the proponent to modify their application in a timely fashion and without the necessity of statutory requests. This type of pragmatic solution is allowing three elements of effectiveness to be simultaneously improved in a situation where a 'blunt tool' of statutory requests would be inappropriate.

One element of substantive effectiveness almost unique to New Zealand is the case of activity status. Activity status determines whether an activity requires a resource consent, and thus AEE, and what matters can be considered. This would, on the surface, require that different activities, which do not conform as well to the substantive goals of a plan, should have a more complete, or higher quality AEE. This is not the case, however. Planners saw little to no difference in the kinds of AEE they received regardless of their activity status. This suggests that the routine nature of consents can lead to them all being treated the same, from the perspective of proponents. While expectations of quality are higher these are not necessarily being met, leading to potentially ineffective impact assessment. This is once again another way in which the substantive goals of the legislation to have a range of different activity statuses can be used to assess whether procedural and transactive effectiveness have been implemented appropriately.

Substantive effectiveness of consents in New Zealand is tied into the effectiveness of the whole RMA (1991) and the planning process as they are linked intimately with one another. In this analysis, there is a range of tools that planners use to analyse substantive effectiveness. These are oftentimes separate to the tools which they are given through the RMA (1991). Pragmatic solutions and community buy-in has led to a high level of substantive effectiveness. In many situations where consents are denied the matters which are most important are substantive, as demonstrated through the case study.

5.5 Transactive effectiveness

Transactive effectiveness relates to the importance of timing and resource efficiency. In this analysis, it is important to note that there has been no study from the proponent's perspective. The scale of a consent determines the investment of time and resources used to assess effectiveness. An AEE linked to a consent for a smaller activity will require much less resource investment than for a larger activity. The breadth of scale in New Zealand gives a good opportunity to scrutinise transactive effectiveness. Based on the interviews undertaken there is a much lower expectation in both size and quality of information for smaller activities. Several of those addressed that scale was an important determinant of the amount of information expected. Planners understand that there is a greater need for more comprehensive assessment only with larger applications.

There are a variety of methods that planners use to enable greater transactive effectiveness. As discussed above, a common tool which planners use is to have casual conversations with applicants. These casual conversations are a pragmatic solution which decreases the need for the use of statutory tools. This can increase the transactive effectiveness as these conversations generally shorten the total time it takes to process a consent. Furthermore, they do not add to the 20-day statutory time limit, further improving transactive effectiveness.

In a similar fashion to that above planners within councils can have conversations with professionals who commonly write consents. This can help to guide the professionals in writing more efficient consents that are easier to process. This process was observed for both the ORC and DCC. This pragmatic solution helps to improve transactive effectiveness by helping professionals to understand the information required and have a better understanding of what is relevant to include in an AEE.

One exception to this general rule of transactive effectiveness is the case of large consents having poor AEE. Several examples from the DCC are indicative of large proposals that fail to include relevant information and to the extent of the activity. This was only observed for the DCC and reasons for it are difficult to ascertain. While it is not common, as exemplified by the absence in other councils, it nevertheless is an important note. Applicants should be aware of the increased scrutiny given to larger projects. Fortunately, this lack of transactive effectiveness is not common.

An issue concerning the ability of planners to process consents is also the size of those consents themselves. It is expected that a larger AEE will take longer to process and require the input of other professionals. While there are some consents which do not have enough information there

are others who have too much information. Bloated AEE and consents limit the ability of planners to process them effectively. This most often takes the form of planner's skim reading an AEE. This severely reduces the scrutiny and legitimacy of the planning process. If planners are not scrutinising an AEE they may miss information or focus only on that which they consider most important. Hence larger, bloated, consents are ineffective and raise a question of the validity of the planning process.

This study has not attempted to answer the question of time or money invested in impact assessments, or in the creation of consents. This is impossible to do from the council's perspective. However, it is an important factor in determining transactive effectiveness in New Zealand as a whole. A future study of the perspective of professionals with respect to effectiveness is justified to help confirm or broaden the scope of this inquiry. Due to the limitations of this research, there was not enough time to be able to explore this perspective despite its importance to the assessment of AEE in New Zealand.

Prescribed forms, as mentioned above, are an important tool to enable effective resource consent, particularly on a smaller scale. Prescribed forms for the layperson help to guide them through the resource consent process. In these instances, the AEE portion of the consent is either a single question or a range of questions. Answering these questions then constitutes the impact assessment. On the small scale, this is perfectly sufficient, particularly where the activity is only marginal in the reasons for it not being entirely permitted. Prescribed forms, for the purpose of creating a more efficient process with respect to laypeople, are thus a useful tool.

Pre-application meetings are another effective tool which planners use to aid both professionals and lay-people toward more effective consents. For laypeople, this will often be an over the counter, informal meeting or phone call. For professionals, it can constitute either informal meetings, in a similar fashion to laypeople, or involve a full meeting, with costs being charged back for their time. Councils often have a certain amount of time which they can use to aid proponents. This free time allows proponents to assess the effectiveness of their application before applying. When issues are identified these can be ameliorated pre-application and limit the amount of time which planners take in processing a consent. Whilst all of those interviewed agreed that these were a useful tool that leads to greater effectiveness of consent there was one who disagreed. Anne, whilst recognising that there was a general increase in effectiveness, also thought that some planners could make a decision which was not theirs to make. This once again becomes an issue of staffing at councils. Smaller councils are more likely to have fewer planners. While a larger council with more planners can have staff who engage in pre-application meetings who will not get issued that

consent to process. So, while the general rule is that pre-applications save time and increase the effectiveness of consents this is not completely universal.

5.5.1 Costs

The costs of consenting will be compared only to domestic differences in costs as this aspect of pricing is difficult to compare to international examples. No information can be generated on the comparison of the costs of consent to the cost of the activity or development to which it is attached. This inhibits the ability to compare costs in New Zealand to international examples.

When comparing the costs of consents within the studied region they are all similar in the DCC ORC and WDC. Clutha is significantly cheaper than the other assessed councils in this study. The costs of all consents are under \$2000. This compares very well to examples in the rest of New Zealand. The costs in the studied region are less than half, with the CDC being even smaller still. In a similar way, the cost increases between the two data collection years are also significantly lower than the national average. Costs to the proponent are an important factor in transactive effectiveness as an undue cost of consent will apply an undue cost to the entire project. On the project level costs are important. However, it is impossible to ascertain how much the costs of processing relate to either the costs of a project's impact assessment such as the costs of professionals employed to produce a consent or supporting information. So, while the costs for the processing fees are low when compared to those in New Zealand it is difficult to know whether these direct and easy to assess costs are the same as those which proponents pay for the entire impact assessment process. While the costs of the studied region are low and suggest a high level of effectiveness, it is difficult to understand whether the total costs of the entire impact assessment process, including fees, are similarly low.

In summary, the transactive effectiveness in councils in Otago is seen as being effective. There are many different tools that are used to enable transactive effectiveness. Most issues with transactive effectiveness involve a misunderstanding between planners or are outliers which are uncommon, but nonetheless noticeable.

5.6 Normative Effectiveness

Normative effectiveness is the ability of the impact assessment process to be modified by the production of that assessment. In the New Zealand context, this would mean that the process of AEE, and resource consent more generally, are able to feed back and make the process more effective. This research has found that there are some ways in which consents can be normatively

but by on large they are not so. The reasons for this are due to the routine nature of impact assessment and the compartmentalisation of plan-making and consent processing. Factors working toward normative effectiveness are the learning process of planners, communication within councils as well as specialisation of skills.

The most significant barrier inhibiting normative effectiveness in New Zealand is the compartmentalisation of planning. Planning departments, especially in large councils, have a separation of roles between those making plans and those processing consents. As mentioned above the importance of substantive goals and the framing of all consent processes is around objectives, policies, and rules within District and Regional Plans. The staff who process consents are not necessarily involved in the process of plan creation or modification. In this way common errors, rules not being applied directly, or a lack in the environmental protection that the RMA (1991) is built on must be communicated indirectly. In these ways here is a gulf between the three strongly linked areas of procedural, substantive and transactive effectiveness and that of normative effectiveness. Several planners interviewed recognised this limitation recognising that there is a level of separation between plan-making and consent processing. They further recognised the separation of roles where those working with plans are not necessarily able to influence the plans which are created.

In smaller councils, this separation is less pronounced. As there are fewer staff the demands on a planner are such that they are required to fulfil multiple roles. This was recognised by those working in smaller councils that their role was not one of simple consent processing, but also in the review and update of plans themselves. In these situations, it is more likely that the process of consent processing is able to feed tangible changes to the plans under which they are written. For councils where planners act as both processors of consents as well as creators of plans, there is a pathway for normative effectiveness. For councils which have a separation of plan-making and consent processing this pathway is closed and leads to limited chances for normative effectiveness.

The routine nature of consents further erodes the ability for normative effectiveness. Among laypeople, the routine which planning takes often involves filling out a prescribed form. These prescribed forms can be modified by councils and therefore there is the ability for them to be modified. These prescribed forms though are often not changed which makes the process of impact assessment static in these instances. This is transactively effective, especially for the smaller scale of consent which is what primarily uses them. Thus, to enable normative effectiveness there would be a potential to reduce transactive effectiveness with a form that, for smaller-scale activities, is perfectly adequate.

The greater issue with routine is templates that are often used by professionals. These templates may be highly useful in terms of transactive effectiveness. However, they are static means that the exercise of impact assessment becomes not one of assessing environmental impacts, but simply one of filling in the blanks. The evidence above suggests this is not the case however there is a limited ability for such a static system, where it is so transactively effective from the perspective of a professional, to be modified. Planners recognise that there are some templates from professionals that can be difficult to process. In these instances, there are few ways for the planner to communicate that a change would be required. In this way, the positive or negative aspects of consents cannot be changed. Planners recognised that there were some templates that had issues though they did not comment on whether they had done anything to try and improve this.

While primarily there are obstacles in the region studied for normative effectiveness there are some elements that work toward affirming it. The primary form these take are through learning processes, specialisation, and sharing of experiences between planners. Learning processes for planners enable them to be more efficient in terms of processing consents but also in terms of the scrutinization of information which they receive. Planners recognised that the learning process helped to improve their abilities in dealing with more complex consents. In this way the process of learning, through the assessment of less complex consents, allows planners to better scrutinise complex consents into the future.

This process of learning can also be reinforced by formal and informal training. Informal training appeared to be the best way as formal training had both proponents and detractors. Formal training includes formalised training courses, as well as any education that planners bring to the role, such as university degrees. Some planners recognised that these helped to give a good foundation which could be developed with work experience. Others thought they were of questionable merit. Informal training was by far the most beneficial process which planners do. Communication within a department is good and, particularly in the less experienced staff members, there was a recognition that being able to talk with more experienced staff aided in the consent processing exercise.

Another element, which was particularly observed in the ORC and DCC, was for specialisation of skills. In this way planners in larger councils can specialise in certain types of consent. This process increases both the transactive effectiveness, in terms of time to process a given consent, as well as procedural, to be able to scrutinise the effects appropriately. A requirement for this kind of specialisation is a large planning department where there are enough consents of similar types and

enough planners for this specialisation to occur. Where these criteria apply this kind of specialisation can help immensely in the effective processing of consents.

A significant limitation of this research is the inability to assess normative effectiveness from the perspective of those applying. Instances of proponents changing their methodologies or practices in response to the writing of consent are the essence of normative effectiveness. Due to the limitation of this research, which only looks at the council's perspective, there is little ability to scrutinise the ways in which normative effectiveness is, or is not, applied from the practitioner's perspective. Additional study of the proponent's perspective would thus be necessary for a complete understanding of impact assessment in New Zealand.

5.7 Layperson – Professional Divide

As laid out in the results section above an important element of the research, particularly in the New Zealand context, is the difference between those AEE produced by professionals and those of laypeople. This divide is strongly felt through all matters of quality. Generally, all layperson created consents are of significantly lower quality. However, these reductions in quality do not necessarily lead to a reduction in effectiveness.

Procedural effectiveness can be quite binary for the layperson. Whilst the demands for laypeople are lower, and the scale on which they work is much smaller, they are still creating consents which lack quality. Some respondents felt that the informational requirements for laypeople were lower and that even though this was the case there is still a lack of information being provided. There also appears to be a divide between the smaller councils and the larger ones. The interviewees from both the DCC and ORC recognised that information received from laypeople was very poor. This sentiment, whilst also shared by those in the CDC and WDC appears to be of less significance. This could simply be a volume issue, with a greater number of consents resulting in greater exposure to poor consents. It is almost certainly fed by the inexperience that lay-people have with the planning field.

The inexperience of the layperson consent-writer is an issue that is not easily addressed, as the majority of people will only very seldom interact with planning instruments. In these cases, it is of little value in teaching a layperson through the process as it is often a one-off. Similar obstacles to effective AEE writing by laypeople is the misunderstanding of the purpose of the legislation. Planners recognised that the layperson does not understand the language being used or its ubiquity. Furthermore, they are less able to read or scrutinise the legislation itself. So, while the quality and

effectiveness of consents from lay-people are lower there are also systematic barriers to obtaining a more effective AEE from them as well.

Layperson consents are smaller in scale, this is recognised by all of those interviewed. This smaller scale leads to a higher level of transactive effectiveness. These consents do not demand a high quality of information as their scale is limited. In this way, there could be an argument that these consents are, at least transactively, effective. However, this transactive effectiveness can be limited in the ways that laypeople can input unnecessary information into their consents. Those interviewed recognised the points above where lay-people misunderstand the requirements of the planning process. This can lead to unnecessary information being included in consents.

While there is a lack in transactive effectiveness from lay-people it does appear, from the evidence of the NMS survey data, that these can be ameliorated due to the limited scope of the consents which lay-people apply for. As both Taylor and Meredith mentioned the way in which a consent is written is of least importance to them. This recognises that the information is most important for these two respondents. It also suggests that planners are able to interpret ineffective consents as long as the scale of those consents is limited. So while there are complaints of ineffectiveness, they are nonetheless able to be processed within statutory timeframes.

Planners recognised that when lay-people apply for larger consents that they are recommended, by planners, to engage a planning professional. This type of attitude was shared by several participants. The preferred scale for those AEE of limited quality, written by lay-people, is for small activities. Whilst this suggestion is not always adhered to, it does show that planners are aware of the limitations of laypeople writing consents and that these issues become greater with a more difficult or larger scale activity.

Resource consents and associated AEE written by professionals are of a much higher quality than those written by lay-people. There appear to be much fewer issues amongst all councils with applications prepared by professionals. In a general sense, there are no glaring issues and the proportion of professionals writing ineffective AEE is much lower. Curiously however there were exceptions, particularly in the experiences of those working at DCC. These respondents found that within this council there were some professionals, who for larger consents, were surprisingly ineffective. This appears to be an outlier but could be further confirmed by studies of similar city councils in other places in New Zealand.

Generally, layperson consents are of significantly lower quality. This is ameliorated somewhat by the small scale of activities that laypeople apply for, and the prescribed forms that they use for their applications.

5.8 Towards a model for New Zealand

Throughout this discussion there have been significant overlaps in several areas of effectiveness. The ubiquity of the use of impact assessment and the wide range of individuals who both process and write impact assessments in New Zealand show that the standard understanding of effectiveness needs to be altered for the New Zealand context. The ideas of procedural, substantive, transactive and normative effectiveness have been found to be an appropriate way of categorising the different forms of effectiveness. However, any model considering them to be separate needs to be reconsidered.

This kind of adaptation follows on from other studies of effectiveness which similarly modify the work of Chanchitpricha and Bond (2013). Studies such as that done by Bond et.al. (2015) show that adaptation is necessary to apply the framework to a specific context. Work by Pope et.al. (2018) makes similar modifications as well, incrementally developing the field of effectiveness assessments. This model is thus an attempt to modify the framework of Chanchitpricha and Bond (2013) to the context of this research and in so doing contribute to the development of models of impact assessment effectiveness.

Figure 5.1 below shows an adapted model of effectiveness where each of the four categories interact with one another. Substantive effectiveness is found to be the most important, in the New Zealand context, as it determines the matters which are primarily assessed. This is due to the way in which environmental elements are all contextualised within a plan or plans which are then assessed for compliance. Procedural and transactive matters are related to one another, and to substantive matters, and are both secondary to the importance of substantive goals. Normative effectiveness becomes much less important in the context of planners processing a consent. This is due to the limited ways in which this analysis can interact, as well as systematic boundaries in the application of the lessons learned through consent processing.

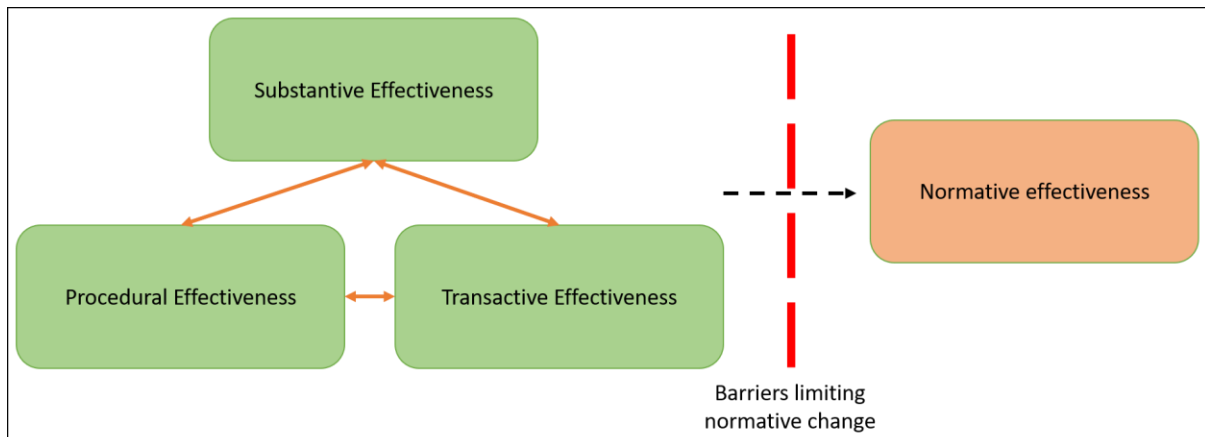


Figure 5.1: Representation of effectiveness features in the context of Otago, New Zealand

The relationship between substantive, transactive, and procedural matters, are all important in New Zealand. Substantive objectives frame what must be applied for. The rules then dictate what needs to be assessed in the AEE. This AEE is scrutinised for effectiveness. The ways in which it is assessed are once again, given within the substantive framework. Transactive effectiveness is the ways in which these assessments are created given the scale of a consent.

Normative effectiveness in this study has been revealed to be limited, with few direct connections between it and the other forms of effectiveness. There are a number of systematic barriers which exist that limit normative effectiveness from the perspective of the councils studied. Primarily this is due to compartmentalisation of planning into two distinct forms, consent processing, and policy development. These separate planning departments limit the ways in which there can be normative changes to substantive rules.

The relationship of lay-people and professionals is also of particular importance. Due to the limited ways in which lay-people interact with the planning scheme normative changes from their applications are highly limited. Lay people will interact with the framework requiring AEE only a few times, and thus any lessons learned from their AEE will not be implemented. Professionals, in contrast, have a much more intimate relationship with AEE and the RMA (1991) in general. There should be a more substantial relationship for professionals between the normative effectiveness and the other forms of effectiveness. This study cannot easily identify if this is the case as an additional study of effectiveness from the proponent perspective is required.

Further study to confirm whether this framework applies in other regions of New Zealand is thus warranted. Of particular importance is to ascertain whether the framework given above is relevant from the proponent's perspective. A greater geographical study also needs to be conducted to ascertain whether the conclusions of this research are relevant to other regions of New Zealand.

This research has found that even the small number of councils studied there are significant differences in terms of the effectiveness of AEE. A greater number of councils studied could further elucidate the reality of differences and how they relate to creating a framework for effectiveness across all of New Zealand.

5.9 Limitations

This study has examined effectiveness only from a single perspective, that of planners working professionals for local and regional councils in the Otago Region. The research topic itself was very restrictive. This research is highly reliant on this information to be reliable and for planners to have a good understanding from the perspective of proponents. This cannot be reliably depended upon. This research would thus benefit greatly from an assessment from the proponent's perspective.

Other limitations have to do with the geographical scope of the research. The research was conducted only on a small selection of councils from Otago. It did not study all councils in Otago, with the Central Otago District Council and Queenstown Lakes District Council not included in this research. Any conclusions could require reconsideration with a greater, or different, geographical scope. Further studies of effectiveness in other councils should thus be carried out to determine whether the conclusions of this research are relevant in all instances in New Zealand.

5.10 Summary

This discussion has found that effectiveness, within each category, is generally good. The evidence from the case study and NMS data show that technically, consents are adequate, they can be processed within statutory timeframes, and their costs for processing are cheaper and the rest of New Zealand.

Procedural effectiveness of consents is divided strongly based on a separation of layperson consents, and professional consents. Consents conform and provide adequate information for planners to come to a decision, regardless of who has written it. The case study has shown that in medium-sized consents there was little contestation of procedural details.

Substantive effectiveness was found to be the most important form of effectiveness in New Zealand. The objectives of impact assessment, and of the RMA (1991) as a whole, dictate what must be applied for and how decisions are justified. Principles of good impact assessment are less important than the reasons for an application being required, which is determined by the rules of a plan.

Transactively, AEE is effective in that smaller scale consents are expected to have much less information, and thus time investment, than consents for larger activities. Normative effectiveness was limited in the context of the studied councils. There were systematic barriers preventing normative effectiveness from being applied on the level of processing planners.

The effectiveness framework, which was developed through the literature review, was found to not be wholly adequate for the purposes of this research. Procedural, substantive and transactive effectiveness all relate to one another rather intimately. Elements from substantive effectiveness dictate what is written, procedurally, who's scale is assessed, transactively. Normative effectiveness, in this assessment, is less related and has systematic barriers that prevent it from being as intimately interwoven as the other forms of effectiveness.

The research covers only the perspective of one region in New Zealand. A further study of New Zealand, and from the perspective of an applicant would give a better understanding of the appropriateness of the framework formed from this research.

6 Conclusion

6.1 Introduction

This research examines the effectiveness of Impact Assessment in the Otago Region of New Zealand. There has not been much research into the effectiveness of Impact Assessment in New Zealand. This research looks to understand whether Impact Assessments processed by regional and district councils are effective. Ongoing development in the literature of impact assessment effectiveness has taken place since previous studies of impact assessment in New Zealand. This research addresses two elements of effectiveness, the effectiveness of impact assessment in New Zealand, the development of effectiveness theory in a different environment. This research contributes to the lack of research regarding the effectiveness of Assessment of Environmental Effects in New Zealand. Simultaneously it contributes to effectiveness literature through the development of an effectiveness framework for the New Zealand context.

This chapter concludes this thesis by summarising the primary outcomes of the research. It also identifies future research opportunities in the study of impact assessment in New Zealand. It will recommend some tools which can be used to enable better effectiveness of AEE in New Zealand. Finally, the limitations of the research will be addressed.

6.2 Key Research Findings

The research has used the framework developed by Chanchitpricha and Bond (2013) whereby environment impact assessment is evaluated in relation to *Procedural*, *Substantive*, *Transactive* and *Normative* effectiveness. In addition, the effectiveness of the assessment process was examined in relation to consents submitted by lay-people and professionals. The research found that the four categories of effectiveness were an effective way of assessing effectiveness in the New Zealand context. In New Zealand, there is a unique relationship between the four elements.

6.2.1 Procedural effectiveness

Procedural effectiveness was found to be generally adequate. NMS data, as well as key informant interviews and the case study, indicate that AEEs provide enough information for councils. Key informant interviews showed that planners were, on the whole, satisfied that consents were providing adequate information. There were issues levelled at layperson applicants who often failed to effectively communicate with planners due to lack of familiarity with the planning system. In general, applications by planning professionals were of sufficient quality across all of the

councils studied. Differences between councils were observed with the number of consents and proportion requiring notification being different between councils. These differences between councils did result in different views of procedural effectiveness.

6.2.2 Substantive effectiveness

Substantive effectiveness was found to be the primary form of effectiveness which is used to make decisions in the councils studied. This is due to two reasons. The first: rules requiring consent are substantively based. The hierarchy of plans in New Zealand dictates that district and regional plans implement the objectives of the RMA as well as high level national and regional planning documents. Secondly: planners must justify decisions based upon the objectives, policies, and provisions of the plan under which they work. Planners are constrained in that they cannot necessarily incorporate their personal values. Their role as professionals restricts their decision making to substantive concerns.

More cohesive councils have a greater level of substantive effectiveness. A cohesive council can have more permissive plans which limit the number of consents which need to be applied for. From the perspective of planners, there is a sound understanding that plans do not exist to prohibit activities. They function more as a tool to frame that which must be mitigated by activities. In this way, planners appear cognisant of substantive concerns and incorporate these concerns into their decision making.

6.2.3 Transactive effectiveness

Transactive effectiveness across all of the studied councils was good. AEE was of an appropriate size and scale for the proposed activity. The expectations of planners, furthermore, are that AEE for smaller activities should contain less information. There were a variety of tools that enabled transactive effectiveness. These included checklists, informal communication tools, and professional relationships all aided in enabling greater transactive effectiveness. NMS data support a view of transactive effectiveness with the costs of processing consents in all councils being significantly lower than the national average.

One of the largest problems for transactive effectiveness was off-topic writing or bloated consents. Lay-people are likely to talk about matters which cannot be assessed by a resource consent. This is due to a fundamental misunderstanding of the requirements of an AEE. Professionals, on the other hand, can sometimes write overcomplex consents, which raise issues. Many of the issues

with transactive effectiveness were remedied by informal communication techniques allowing professionals to deal with small issues in a time-efficient manner.

6.2.4 Normative effectiveness

The implementation of normative effectiveness in New Zealand was very limited. This was primarily due to the ways in which planners who process consents, and those who make plans, are separated. This limits normative effectiveness to the ways in which formal training and work experience develop a planner's skills. Informal work experience was found to be highly beneficial in enabling planners to scrutinise AEE. Formal training was seen as both beneficial by some, and less so by others.

The significant problem with normative effectiveness is that significant institutional barriers exist in how plans are made in New Zealand. Particularly in larger councils, but present in all of those councils studied, there was a separate department which modified and reviewed council plans. This separation of planning tools means that the lessons learned by processing planners are not necessarily incorporated into new plans or plan reviews.

6.3 New Zealand Framework for Impact Assessment effectiveness

The results of the research, when compared to the literature, demonstrate a difference between the theoretical framework and the reality of planning in New Zealand. This difference was, in part, anticipated at the beginning of this research. Several studies showed that the framework of effectiveness which this research used requires development and contextualisation to each country's unique planning system. A new framework for effectiveness in New Zealand was thus developed. This framework is shown in Figure 5.1 above. This shows the hierarchy of elements in with substantive effectiveness being the most important. Many elements of procedural, substantive and transactive effectiveness relate to one another and feed one another. Normative effectiveness is separate from the other three forms, with limited ways in which it can be influenced. This is due to the institutional separation between those processing consents and those writing and modifying regional and district plans. There is also a limited ability for lay-people, the most likely to write ineffective consents, to learn from the process of impact assessment.

6.4 Recommendations

There are a number of recommendations for councils both within and without the region of Otago and New Zealand. Primarily these recommendations regard the ability of processing planners to have greater influence in plan reviews. Planners who process consents need to be better incorporated into the development of plans. There is a need for a clearer pathway for the lessons learned by processing planners to be incorporated into plan reviews.

Many of the existing guides and tools appear ineffective in enabling a greater understanding of impact assessment among laypeople. The education of laypeople needs to be carried out to enable a higher level of technical skill. Lay-people are the most likely to write consistently poor AEE. Greater education of laypeople by councils could enable far greater effectiveness for small scale activities.

Non-formal communication between planners and applicants was a valuable tool in enabling greater effectiveness. These non-formal communication methods should be encouraged. New planners should engage with proponents where issues in consenting appear. Professional relationships between planners would help to ensure that matters which they discuss do not warrant more formal communication forms. This would aid in the continued use of a highly effective tool. Proponents pro-actively engaging in non-formal communication should also be encouraged so that they have a better understanding of what is expected of them.

6.5 Limitations

Several limitations restricted this research. The scope of the research potentially limits the applicability of results to the Otago Region of New Zealand. The specific context of the councils studied may be highly different from other locations around New Zealand. No interviews or research was conducted from the perspective of proponents, either professionals or lay-people. There was only a single case study researched. The interviews did engage with a broad number of councils. Several councils were involved, each showing a different perspective. The usage of a triangulation method lent reliability to the research process. The breadth of the study should enable it to have wider relevance. The framework of effectiveness can be a useful tool in understanding effectiveness throughout New Zealand.

6.6 Future Research

This research acts as a first step in the study of the effectiveness of impact assessment conducted under the RMA in New Zealand. Significant limitations with the research justify further exploration of the topic. Further research into the topic of effectiveness is warranted. Other regions need to be studied to ascertain whether the results are isolated to Otago. A study of a greater number of councils would improve the study of effectiveness and help reveal whether different locations experience or assess effectiveness differently.

The proponent perspective is a very important one that has not been investigated by this research. Further research into the views of proponents, both professionals, and laypeople, would help to see what challenges arise. Similarly, a review of the public views of effectiveness would also help to ascertain the substantive and procedural effectiveness with respect to public participation.

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Appendix A: Participant information sheet



The effectiveness of Impact Assessment (Assessment of Environmental Effects) in Otago Local and Regional Councils.

INFORMATION SHEET FOR PARTICIPANTS

Thank you for showing an interest in this project. Please read this information sheet carefully before deciding whether or not to participate. If you decide to participate we thank you. If you decide not to take part there will be no disadvantage to you and we thank you for considering our request.

What is the Aim of the Project?

This project is being undertaken as part of the requirements for the University of Otago Master of Planning programme.

The aim of this project is to discover whether the quality of impact assessment (assessment of environmental effects, AEE) is sufficient to enable effective decision-making.

What Types of Participants are being sought?

For this research we would like to speak to those involved in the writing and assessment of AEE's effects for resource consents.

Participants will primarily be impact assessment administrators and decision makers. Both within council, and professional practice. This could include council planners, professional planners, environmental scientists involved in the production of AEEs and council decision makers.

You are being requested to participate, and we also request if you can recommend other potential participants.

What will Participants be asked to do?

Should you agree to take part in this project, you will be asked to participate in a semi-structured interview. This interview will be based around a number of thematic questions. These questions act as a starting point for additional conversation about the topic. Interviews typically take between 35 to 45 minutes. There will be a range of thematic questions asked associated with the quality of AEEs.

What Data or Information will be collected and what use will be made of it?

With your consent interviews will be audio recorded, and subsequently be transcribed for use in our research. The supervisor and the student undertaking the research will be the only ones to have access to the identifiable data. Once the interview data are transcribed, the audio files will be deleted. Aliases and pseudonyms will be used to protect your identity.

Direct quotations may be used to provide evidence supporting key points made in the report. Every effort will be made to ensure that individual identities are not revealed through these quotations, unless you have chosen not to remain anonymous. The data collected will be securely stored in such a way that only those mentioned below will be able to gain access to it. Data obtained as a result of the research will be retained for **at least 5 years** in secure storage. You have the right to withdraw part or all of the provided information before September 1st 2019.

Upon your request, the results will be made available to you through email. If you are hesitant or uncomfortable about answering any question, you are reminded of your right to decline to answer and also that you may withdraw from the project at any stage without any disadvantage to yourself of any kind.

Can Participants change their mind and withdraw from the project?

You may withdraw from the project at any time before September 1st 2019.

What if Participants have any Questions?

If you have any questions about our project, either now or in the future, please feel free to contact either:-

Dylan Cliff

School of Geography

0277 819 822

Clidy913@student.otgao.ac.nz

This study has been approved by the Department stated above. However, if you have any concerns about the ethical conduct of the research you may contact the University of Otago Human Ethics Committee through the Human Ethics Committee Administrator (ph +643 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

Appendix B: Ethical approval form



The effectiveness of Impact Assessment (Assessment of Environmental Effects) in Otago Local and Regional Councils.

CONSENT FORM FOR PARTICIPANTS

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time without any disadvantage;
3. Personal identifying information from audio recordings will be destroyed at the end of the transcription of interviews;
4. This project involves semi-structured interviews. The precise nature of the questions that will be asked has not been determined in advance, but will depend on the way the interview proceeds. In the event that the line of questioning develops in such a way that I feel hesitant or uncomfortable, I may decline to answer any particular question(s) and/or may withdraw from the project without any disadvantage of any kind;

5. I, as the participant: a) agree to being named in the research

Or

b) would rather remain anonymous.

I agree to take part in this project.

.....
(Signature of participant)

.....
(Date)

.....
(Printed Name)

Appendix C: Planner's Report

Appendix D: Commissioners Decision