

Local Authorities should avoid unnecessary delay processing resource consents

Legislation	Ombudsmen Act 1975, Resource Management Act 1991
Agency	Local authority
Ombudsman	Sir Brian Elwood
Case number(s)	C4677
Date	1997

Time limits for decisions made in respect of resource consent applications—ss 21 and 115 of the Resource Management Act—processing delays—responsibility of local authorities to avoid unreasonable delays

This complaint concerned a five-month delay in processing an application for a resource consent to alter and upgrade a residential building.

Section 115 of the *Resource Management Act* provided the time limits for decisions on resource consent applications. In this case the application was a non-notified one and the Act required the decision to be given no later than 20 working days after the application has been received, or after receipt of further details sought pursuant to section 92. Furthermore, section 21 of the Act provides local authorities with a statutory obligation to avoid unreasonable delays in exercising its functions, powers and duties under the Act.

Although the local authority acknowledged that there had been a significant delay in this case, it denied that it had taken five months. Statistical information relating to the authority's performance in processing consent applications showed that for the period in question applications were not processed within the statutory time frames. The authority was monitoring the situation, but said that delays were inevitable.

The most obvious reason for delays was the limited number of qualified staff available to process applications, particularly when applications for major works were received. Applicants also contributed to delays by postponing interviews with little or no notice and failing to provide appropriate information.

The local authority did not charge applicants the full cost of processing resource consent applications, and in the subdivision and land use consent area ratepayers subsidised 50 percent of the processing costs. It was clear that unless more ratepayers' money was allocated or cost recoveries increased, the local authority would not be able to engage additional staff to speed up the processing of applications.

While the local authority might increase its capacity to process applications in a more timely manner by increasing efficiency and improving work practices, there is a limit to what can be achieved having regard to the high growth and development in the district. Clearly, all the competing demands placed on the local authority have to be prioritised and balanced against the funds available. The local authority undertook to continue to monitor the situation and, to the extent that limited resources permitted, to make every effort to meet the statutory time-frames for processing resource consent applications. It also sent a letter of apology to the complainant for the delay. In the circumstances, although the complaint was sustained, there was no basis for recommending compensation for inconvenience and hardship resulting from the delay.

Comment

The investigation served to highlight the on-going problems that beset most local authorities and particularly those in fast developing regions.

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