
RESPONSIBILITIES AND FUNDING – CONSENTING PATHWAYS AND OPTIONS

Angus McKenzie (MNZPI, MRTPI)

Principal Planner, Latitude Planning Services, Hamilton

angus@latitudeplanning.co.nz

Angus is a Senior Planner with over 15 years of consultancy and local government experience. He is an accomplished resource management practitioner and has provided environmental management advice to a wide variety of private, local government and central government clients. Angus has significant experience in the development and implementation of biosecurity programmes and projects. His diverse skill set has seen them involved in a range of collaborative biosecurity projects to navigate legislative frameworks to improve the efficiency, including a national business case for simplifying the regulation of aerial 1080, a national permit for aquatic pest plant control and comprehensive consents for biosecurity programmes.

ABSTRACT

This presentation will outline the regulatory framework for biosecurity programmes within the Rotorua Lakes and explore a range of potential options for tackling the framework, drawing on my experiences with collaborative comprehensive consenting and national policy tools. Examples to be discussed will include:

- National aquatic weed consent. A multi-agency reassessment that has expanded the aquatic weed toolkit under HSNO and provided efficiencies through reducing administration costs.
- Comprehensive consenting in the Waikato region. Programme level consents for the Waikato Regional Council, their effectiveness, outcomes and relevance to the Rotorua Lakes context.

These examples showcase a range of alternative responses to regulatory requirements that have resulted in positive outcomes for the agencies involved and could provide a framework for the Rotorua Lakes programmes.

TRANSCRIPT

Kia ora koutou and thank you for the opportunity to speak, it is a real privilege with all the expertise that we have here today. I have seen some detailed presentations and great high level stuff, notably Guy Salmon's presentation just now which was very interesting. I am also interested in finding out more about the partnership approach that LINZ is taking. That is a great initiative and represents forward thinking regarding where we might take biosecurity.

I have also enjoyed the number of heritage buildings that we have been in at this Symposium. I have a bit of a heritage bent and think that back wall that we look at might be the exterior of an old building. This convention centre is a great example of what can be achieved and the Blue Baths last night is a wonderful example of the heritage we have in this country.

I am a planner by background sadly, but I am proud of that and in the last 5 years have become involved in the biosecurity area and I am very passionate about it. I am sure this passion is shared within this room. It is an area where we can collectively make some of

the biggest environmental gains for this generation and those to come. I applaud the work of those people who do it on a day to day basis at grassroots level. It is a challenging and at times very uncertain field. It is also an area of extensive scope for those a bit younger than me and notably in the cross over between planning and biosecurity.

I want to cover my views on how the planning world is implementing that wonderful piece of legislation called the RMA, and how we are going in respect of biosecurity. I will look at some of the key drivers to improve the implementation around the RMA. I do not profess to know in detail the planning context for the Rotorua Lakes but I will talk briefly on where I consider some of the consenting hurdles lie. There have been some interesting questions around this issue during the Symposium. I would also like to take you through a couple of consenting example in the Waikato Region that we have worked on as a possible tool to apply here. I will touch on some work that we did nationally with NIWA, and particularly Paul Champion, to expand the biosecurity toolkit and make more tools available. I will conclude with the benefits and explore some of the downsides of these approaches and the potential applicability to the Lakes' Programme.

Before I start I want to touch on a theme that has come through for me, and I know this amazing community group has done so much work in the last 15 years to get to this point. As the Hollies once wrote, 'The road is long and with many a winding turn'.



The road is long,
With many winding turns,
That leads us to who knows where,
Who knows where.



So we have to keep at it and this has resonated with me at this symposium. We need to carry on and we need strong leadership, we do not want to end up where England ended recently. AB de Villiers showed some good leadership, and Mr McCullum, and we do not want to end up on the Boeing 747 bound for Heathrow. So let's keep going.

Slide 1

RMA – its not always my fault!

The RMA does not have to;

- Result in long and complicated planning documents
- Make doing stuff unnecessarily complex.
- Prescribe ways of doing things.





I do want to acknowledge Hon Dr Smith. I thought his address yesterday was excellent and I am pleased he is the Minister in that portfolio with the background and experience and a really good grasp of regional issues, which I have not seen before in that portfolio before. **(Slide 1)** There are some major issues on the district side of planning and particularly in relating to housing. I am not sure that the wholesale changes to the RMA are the way to go, but I do agree it needs some tweaking. I was interested to hear the Minister's thinking about better co-ordination of funding with the regional planning as that is a need I have come across as well. We would love to see further work to co-ordinate and focus funding.

The RMA is just a tool, it does not result in long complicated planning documents, it does not make doing stuff unnecessarily complex. At a recent planning conference, a clause one of the planners from Northland highlighted was that you do not actually have to have any rules in regional or district plans, you can rely on policies and objectives. There is a lot of focus and angst around rules in planning but the RMA does not encumber this on planning, it is just the way it is being implemented at the moment. The RMA is not overly prescriptive; it has in fact a large amount of flexibility. In my view a lot of issues are created by a lack of quality implementation and are the reason planning is a dirty word.

There are some key drivers that have been around for the last 5 years for improving that implementation, increased need for co-governance and structures that you are well aware of in this community. Government is always calling for better integration between land use and infrastructure planning, not inundating our roads with commercial and housing developments and making sure we look across legislation more and the juncture of the RMA and Biosecurity Act is an example of this.

A number of cross boundary jurisdiction issues have also been touched on at this symposium as well as good partnerships happening with the Waikato Regional Council, the Bay of Plenty Regional Council, LINZ and DOC and other partners.

What are comprehensive resource consents? They generally cover a wide geographic area. They can go region wide or district wide. They can be programme level and generally on a wide geographic area for a long term. The RMA allows regional consents to be granted for a 35 year period and these consents can incorporate multiple activities, for example weed management activities alongside animal control activities. You need to think about these consents at a programme level.

I should acknowledge Wendy Mead who was a great driver for the Waikato Region wide consent that worked on all the RPMS priority aquatic weeds there. Consent was required for application of herbicide over water under the Regional Plan. The objective was a 'single long term comprehensive consent for aquatic weed control in the Waikato Region'. It was a multi-party application. MPI were applicants together with the Department of Conservation and the Waikato Regional Council. This shows that you can bring applicants together within a consent, even diverse groups with different drivers.

Slide 3 is an extract from a piece of consultation and gives a picture of how we communicated. Conceptually it is difficult to get one's head around, but we showed the history of the control in the Waikato for the last 10 years. It is not everywhere, there are sites we manage and it is a dynamic thing so we need flexibility within the tool. Conceptually it can be done.

Slide 3

What's proposed

The Waikato Regional Council is seeking a region-wide consent to apply agrichemicals over water to control aquatic weed infestations. The consent is proposed for a period of 20 years.

The council requires resource consent to use agrichemicals over water because this is a 'non-complying activity' under the *Regional Plan* and the *Regional Coastal Plan*. The council has a number of existing resource consents for aquatic weed control programmes throughout the region and the region-wide consent is a means of streamlining their management.

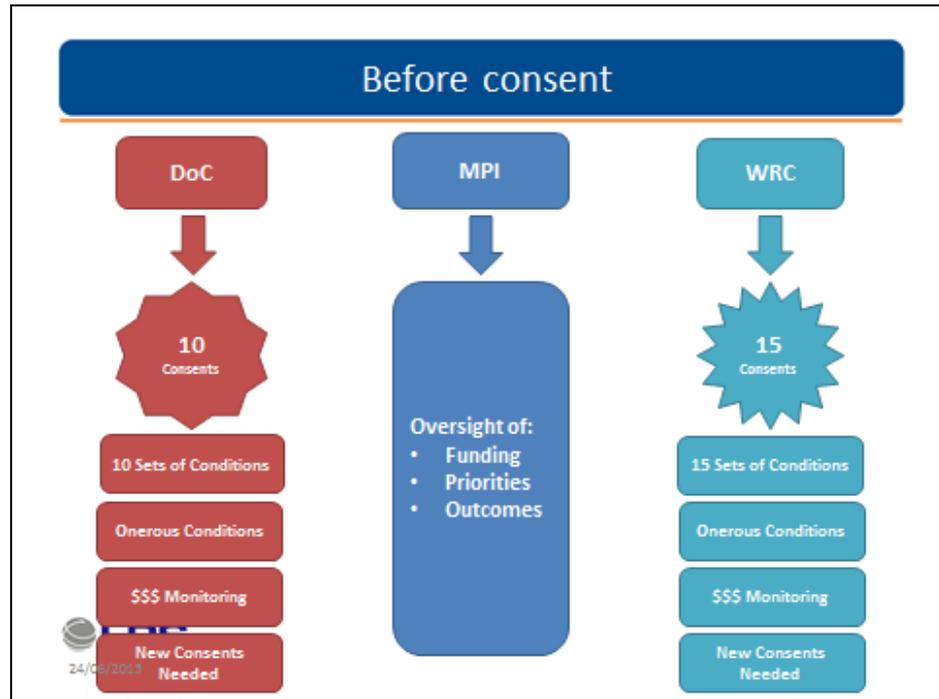
Aquatic weeds that could become widespread in the region will be targeted through the consent. The key locations identified are shown on the map opposite.

Legend

- Alligator weed
- Mancharian
- Serjegal tea
- Spartina

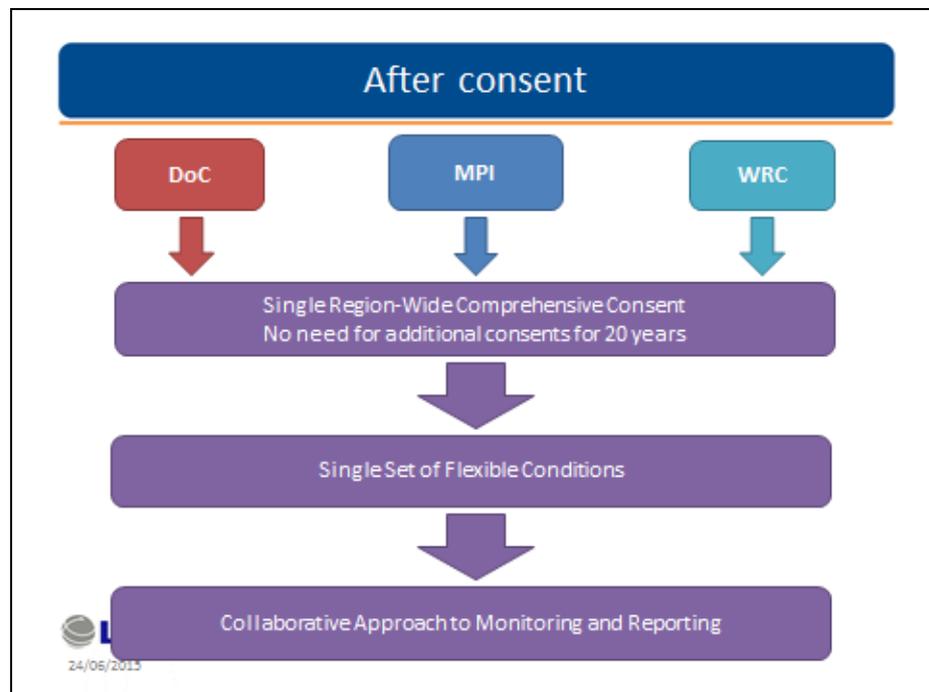
Before the consent there were three agencies operating under different consent frameworks. DOC had around 10 separate consents, meaning 10 sets of conditions to comply with, 10 lots of monitoring, and more money spent on monitoring. **(Slide 4)** MPI had the oversight role in this case. WRC had around 15 to 20 consents, with all the sets of conditions and monitoring requirements and an ongoing need to get consent on a site by site basis.

Slide 4



After the comprehensive consultation there was one consent for a 20 year period for the whole region with a single set of flexible conditions. **(Slide 5)** You may not agree with that Wendy, but from a planning perspective it was a pretty good deal. There has also been a collaborative approach to monitoring and reporting thereafter and this has led to roll out of national monitoring programme.

Slide 5

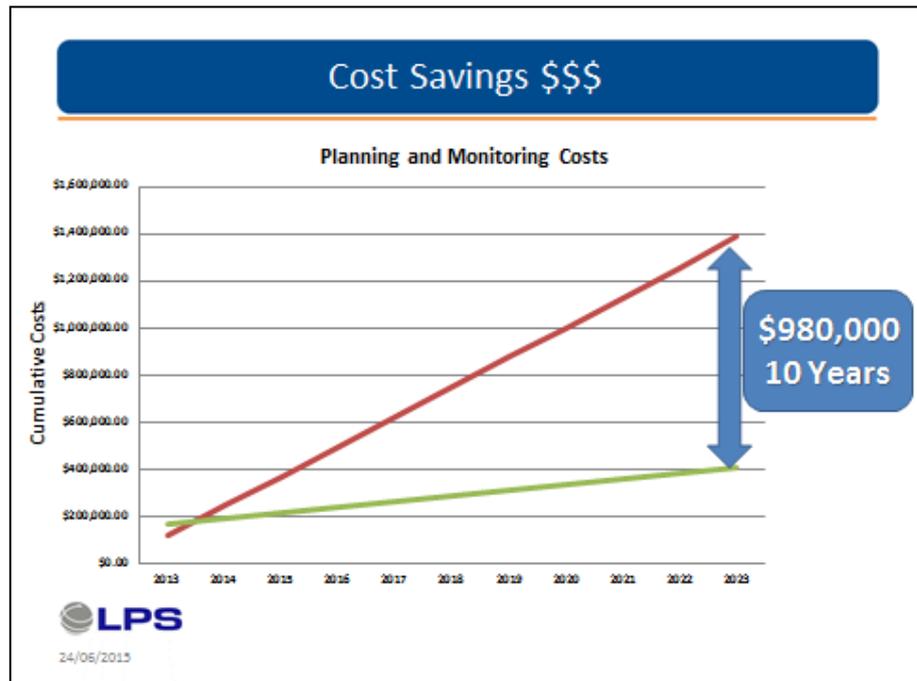


There were a number of benefits to this approach. We were able to access the extensive consultation networks of these applicants. DOC and WRC have a long history of good consultation in the Waikato. It provided a forum for those parties to come together and talk about their shared operations and what they were doing. We were able to use technical

information efficiently as well, using NIWA for that single assessment of environmental effects. The process benefits meant that the joint applicants rather than the submitters in the process addressed the issues up front not during the process to resolve issues within that process.

Slide 6 shows the cost savings for another comprehensive consent investigation we have undertaken for the New Zealand Transport Agency. NZTA hold around 450 consents in the Waikato. We looked at some rationalisation around that by reducing to about 8 to 10 consents. There were quite considerable cost savings if we can.

Slide 6



What are the downsides to a comprehensive approach? The biggest risk is that not all key stakeholders grasp the concept and/or get their head around the scale. Most notably this relates to the consent authority planner - you have to get that planner on board. It takes time and resource upfront to get everyone on that same page and generally you need more time, but the long term gain is what you are after. There is a need to develop robust and workable conditions for operations in the future that will balance of management environmental effects. Allow for that future input and review that gives the community some certainty if things change. Resource up front pre-application discussions, consult widely and get the strategy together before pursuing any of these pathways.

You have a great strategic story here that could be used for a similar approach. Why are we here, why do we need to spray, why are we even doing this? Put it in strategic terms and filter it down to the detail. Assume you are going to be notified and assume that you may go to the Environment Court. Clearly you need to allow time for that. Work up conditions and get them in early so that you can influence the process as well. 70%-80% of that effort is upfront before you get into the actual consent process.

We have also worked with NIWA on the National Aquatic Weed Permit through the Environmental Protection Agency. Paul Champion schooled me on the weeds in the photos below for a few years now, Alligator weed is on the left and the other picture is in Northland with its wonderful riparian margin of Manchurian wild rice. That entire green margin along the river is an invasive pest.



This national consent was a much more collaborative framework, 15 Regional Councils were involved alongside other parties such as DOC and MPI. The consent was about securing approval for the use of herbicides over water under HSNO. All 4 herbicides are critical tools in the management programmes alongside other methods.

The table below shows the plant species managed nationally. The process allowed a stocktake of this information which has led to more national monitoring and national

Pest Plant Species	Freshwater Presence	Marine Presence	Eradication Areas
Alligator Weed	Yes	No	Bay of Plenty, Horizons, Waikato
Californian Bulrush	Yes	Yes	Horizons
Fringed Water Lily	Yes	No	Nationally eradicated
Manchurian Wild Rice	Yes	No	NIPR species, eradication targeted at all sites outside Kaipara Containment Zone
Marshwort	Yes	No	Auckland, Waikato, Bay of Plenty, Nelson-Tasman, Canterbury
Monkey Musk	Yes	No	Northland
Phragmites	Yes	No	NIPR species, national eradication targeted
Purple Loosestrife	Yes	No	Northland, Auckland, Waikato, Bay of Plenty, Horizons, Greater Wellington, Nelson-Tasman, Canterbury, Southland
Saltwater Paspalum	Yes	Yes	Waikato
Sagittaria	Yes	No	Auckland, Waikato
Salvinia	Yes	No	NIPR species, national eradication targeted
Senegal Tea	Yes	No	Northland, Auckland, Waikato, Bay of Plenty, Taranaki, Horizons, Nelson-Tasman, Marlborough, Canterbury
<i>Spartina</i>	No	Yes	Northland, Auckland, Bay of Plenty, Waikato, Gisborne, Horizons, Nelson-Tasman, Marlborough, West Coast, Canterbury, Otago, Southland
Water Hyacinth	Yes	No	NIPR species, national eradication targeted
Water Poppy	Yes	No	Auckland, Bay of Plenty, Northland
Yellow Flag Iris	Yes	Yes	Northland, Waikato

approval subject to conditions. I viewed the project as a tool kit expansion, previously we did not have the appropriate approvals for those herbicides, but the permit opened access to the tool kit and introduced a couple tools more into the mix.

The costs were shared and cost savings were achieved by sharing the burden. When looking at biosecurity tool kit expansions a collaborative approach is vital, particularly in terms of tackling the EPA. At this point I would like to acknowledge the Regional Council biosecurity managers for taking the lead on this project. This is an excellent forum for tackling these more strategic national issues and the EPA were very supportive of this approach. The permit has since led to a national monitoring programme for aquatic weed management which we are working on with the EPA at the moment.

Where to from here for the Lakes? My observations from these two days, and I do not confess to know masses of detail, but I have been learning the whole time. It seems you have the structures in place, a good strategic story and solid governance structure to run a high level consent for the tools required in the programme. You have a programme history, have built community trust and relationships, but the tool kit is a little limited by the RMA.

There is potential for large scale animal pest control in the future and could definitely look at some integrated consenting arrangement around that. This would provide a vehicle and opportunity to integrate across the two programmes of water quality and the aquatic weed management programme. Tackle it strategically and look at a joint consent and policy approach.

Thank you very much.