1 Approaches to Resource Management

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1.1 Introduction

Waikato Regional Council has chosen to develop a resource-based Regional Plan in a single process to acknowledge the interconnected nature of the environment. Adopting this approach has also kept costs to a minimum for all involved in the process.

The Waikato Regional Plan has been developed in an open consultative manner. The development process has involved the publication of a Draft Issues and Directions document in October 1996, and Outline Plan in April 1997, and a Consultative Draft Plan in December 1997. These documents were produced to enable people with an interest in the management of the natural and physical resources of the Waikato Region to express their views on, and contribute to, the directions being taken.

1.1.1 Area Covered by the Plan

The Waikato Regional Plan covers all the area within the Waikato Region down to mean high water springs (MHWS). Map [1-1] shows this area.

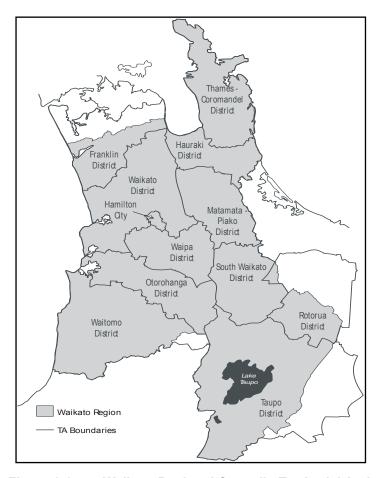


Figure 1-1 Waikato Regional Council - Territorial Authority Boundaries

1.1 Introduction 1-3

1.2 Approaches to Resource Management

1.2.1 Background

1.2.1.1 Purpose of this Plan

The purpose of a regional plan is to:

"...assist a regional council to carry out any of its functions in order to achieve the purpose of the RMA." (s63(1) of RMA)

The Waikato Regional Plan is an integrated plan, covering the key components of the environment for which the Waikato Regional Council has functions under s30 of the RMA for water, river and lake beds, land and soil, air and geothermal resources.

This chapter provides an overarching policy framework to provide the following:

- 1. Direction and certainty regarding the way Waikato Regional Council will exercise its policy and regulatory functions.
- Direction and certainty to resource users, tangata whenua and the general public, regarding the appropriate use, development, and protection of natural and physical resources in the Region.
- 3. Administrative efficiency regarding the regulatory processes that govern resource use.

1.2.1.2 Scope and Limitations of this Plan

This Plan does not address all resource management issues in the Region and should be viewed as an evolving document which, over time, will be reviewed in response issues arising. It is important to note that the Plan is only one of the mechanisms through which Waikato Regional Council will seek to meet its statutory obligations under the RMA. Some of the other important mechanisms (which may be derived from other legislation) include:

- i. Strategic and annual plans.
- ii. Asset management plans.
- iii. Monitoring and information gathering plans.
- iv. Education initiatives and strategies.
- v. Informal procedures and guidelines.
- vi. Iwi liaison initiatives.
- vii. Resource consents and monitoring.
- viii. Environmental Initiatives Fund.
- ix. New Projects Fund.

The Plan focuses on issues where the greatest 'value' can be added by addressing regionally relevant issues. Accordingly, the Plan does necessarily address or resolve specific, local issues. Local resource management issues not sufficiently well managed by the more general provisions of the Plan will be addressed through locality or resource specific Plan changes.

1.2.2 Issues

Issue 1:

The RMA requires a resource consent for certain activities, unless enabled by a permitted activity rule in a plan, while other activities are not restricted unless there is a rule in the Plan.

Many of these activities, either individually or cumulatively, are unlikely to have adverse environmental effects that are more than minor, while some, if uncontrolled, are likely to have adverse effects that are more than minor. Requiring resource consents for activities that have less than minor effects leads to unnecessary bureaucracy and costs. Failure to manage activities with more than minor effects will lead to poor environmental outcomes.

Issue 2:

The RMA does not always provide clear guidance for how the Region's natural and physical resources are to be managed. This:

- a) leads to increased costs and bureaucracy
- b) leads to potentially inconsistent decision-making
- c) will not achieve integrated management of the Region's natural and physical resources.

Issue 3:

Inadequate consultation increases the costs of the RMA process to both resource users and the wider community.

1.2.3 Objectives

Objective 1:

Controls exercised by the Plan are matched to the significance of adverse effects of the activitiy on the environment, either individually or cumulatively, and unnecessary bureaucracy and costs are avoided, so that:

- a) activities that do not have more than minor adverse environmental effects are allowed to occur; and
- b) activites that have more than minor adverse environmental effects are managed to avoid, remedy, or mitigate those adverse effects.

Objective 2:

Maximise certainty in the decision making processes.

Objective 3:

The role of resource use in the Waikato and its contribution to enabling people and communities to provide for their social, economic and cultural well being and for their health and safety recognised, while ensuring that the purpose of the Act is met.

Objective 4:

The resource consent process assisted by adequate and timely consultation between parties.

Principal Reasons for Adopting the Objectives

The issue statements identify process issues that may hinder the ability of the Plan to achieve the purpose of the RMA. The first three objectives address aspects of both Issues 1 and 2. They identify Council's overall goals in undertaking the development of

this Plan. The manner in which these objectives will be achieved will include enabling rules that permit activities that have only minor adverse effects, while providing certainty about standards to be met, assessment criteria and information requirements for those activities that require resource consents.

Objective 1 identifies that the degree of management exerted over activities by the Plan will be relative to the potential for adverse effects to arise from those activities. As further information is gathered the degree of management can be adjusted if this is shown to be appropriate by the monitoring of environmental indicators. The focus is on achieving sound environmental outcomes while minimising costs and bureaucracy.

Issue 3 is addressed by Objective 4. That objective recognises that one barrier to successful implementation of the RMA through the resource consent process is a lack (where it is necessary) of effective consultation. Implementation of the policies and methods contained in this Plan will encourage better consultation practice amongst resource users, and amongst members of the community with an interest in consent applications.

The general approach and philosophy of this Plan as outlined by Objectives 1 to 3 derives directly from the definition of sustainable management in the RMA, and from the Waikato Regional Policy Statement (RPS). This Plan, implements the framework that the RPS provides by adopting a philosophy of seeking to allow resource use while maintaining and, where possible, enhancing environmental standards to promote sustainable management of the Region's natural and physical resources. Waikato Regional Council has embedded this philosophy in the objectives of the Plan.

In addition, Waikato Regional Council acknowledges that scientific knowledge of cause and effect relationships is continually evolving, and this, combined with ongoing environmental monitoring, means that policy responses to identified issues will evolve over time. Through the Plan, Waikato Regional Council has sought to provide certainty to resource users, but still allow flexibility in the assessment of activities that affect natural resources, and require resource consents. In many cases, at an objective or policy level, the Plan has taken a risk-based approach. This approach acknowledges that in some instances there is a level of risk of adverse effects occurring that is able to be accepted, and still achieve the objectives of the Plan. This risk-based approach also allows decision-makers to explicitly acknowledge scientific uncertainty as part of the process of managing environmental effects.

1.2.4 Policies

Policy 1: Regional Rules for Activities Restricted by the RMA

Adopt regional rules for resource use activities that are restricted under Part III of the RMA, pursuant to s13(1), s14(1) and s15(1) that (taking into account scientific uncertainty and lack of information):

- permit all activities that are likely to have no more adverse effects on the environment provided that specified conditions are met
- b) regulate those activities that are likely to have more than minor effects, either individually or cumulatively, on the environment and require site specific consent conditions to ensure that the effects are avoided, remedied or mitigated
- c) prohibit those activities for which there is clear evidence that the activity is likely to have adverse effects that are so significant that they could not be adequately avoided, remedied or mitigated under any circumstances.

Policy 2: Regional Rules For Activities Not Restricted by the RMA

For resource use activities that are provided for by Part III of the RMA pursuant to s9, s13 (2), s14(3) (b) and s15(2) to intervene by way of regional rules only where (taking into account scientific uncertainty and lack of information):

- a) information that can be verified, shows that the activity is likely to cause adverse effects on the environment
- b) regional rules, either on their own, or in combination with other methods, are the most appropriate means of managing those adverse effects.

Policy 3: Encourage Best Practice

Use a combination of enabling rules (where appropriate) and non-regulatory methods such as advocacy, environmental education, economic incentives and the development of good practice guides to give resource users incentives to adopt best practice.

Policy 4: Monitoring and Enforcement

Where activities are permitted in accordance with Policies 1 and 2, monitor the adverse effects of these activities, and ensure that they are managed in accordance with the conditions in the Plan and:

- if there is non-compliance with a permitted activity rule or an activity has adverse effects that are inconsistent with the policies and methods, including conditions of rules of the Plan, use appropriate enforcement mechanisms under s17 and Part XII of the RMA to ensure compliance
- b) where the adverse effects of the activity are widespread across the whole or part of the Region change the Plan to ensure that the adverse effects are adequately managed.

Policy 5: Assessment Criteria

Provide clarity and certainty by way of assessment criteria that will be considered as part of the consent process.

Policy 6: Consent Duration

When determining consent duration, there will be a presumption for the duration applied for unless an analysis of the case indicates that a different duration is more appropriate having had regard to case law, good practice guidelines, the potential environmental risks and any uncertainty in granting the consent.

Policy 7: Assessing Effects for Sites with Multiple Discharges

Assess and manage the effects of discharges from a site to take into account the cumulative effects of all the discharges occurring from the site, proposal or project.

Policy 8: Resource Consents for Sites with Multiple Discharges

Provide consent applicants the opportunity to combine all issues or activities undertaken at a site, project or proposal into one resource consent.

Policy 9: Elements of Good Consultation

Where consultation is considered to be necessary Council will have regard to the following matters:

- a) Whether all the parties likely to be affected by the proposed activity have been identified and consulted.
- b) Whether the parties have provided all relevant information on the proposal.
- c) Whether reasonable time was allowed for consideration of and response to material provided.

- d) Whether any further value can be added to the decision-making process by further consultation.
- e) The degree to which the views of affected parties have been take into account by modifying the original proposal.
- f) Any written approvals from parties likely to be affected.

Advisory Note:

Council's view is that consultation is a means to an end, not an outcome in its own right.

Policy 10: Consultation with Tangata Whenua

In addition to the requirements of Policy 9, ensure that assessments of environmental effects on resource consent applications include, where appropriate:

- a) a record of consultation conducted with tangata whenua
- b) information on how the activity will affect the relationship of tangata whenua with the natural and physical resources that Waikato Regional Council is responsible for managing in this Plan.

Explanation and Principal Reasons for Adopting the Policies

Policies 1 and 2 collectively achieve Objectives 1 to 4. They acknowledge that in developing this Plan, a key consideration has been the extent to which a regulatory approach (i.e. rules) is appropriate in achieving the Plan's objectives. The scale thresholds and/or conditions that demarcate permitted and controlled/discretionary activity rules under these policies identify the point at which the risks become significant based on Council's experience of managing these activities and technical information. It should be noted for the purposes of Policy 1(a) that activities may be permitted by the Plan if they are likely to have no more than minor adverse effects, or if non-site specific conditions on the permitted activity rules result in the effects being avoided, remedied, or mitigated to the extent that they are no more than minor.

For resource use activities that are provided for by Part III of the RMA without the need for consents unless regulated by a rule in the plan, a combination of enabling rules (permitted and controlled activity rules) and non-regulatory methods will be used where appropriate. Examples of non-regulatory methods include advocacy, environmental education, economic incentives and the development of good practice guides to give resource users incentives to adopt best practice.

Policy 3 identifies that where an activity is enabled as a consequence of Policies 1 and 2, that simply enabling an activity will not achieve the Plan's objectives for the management of natural and physical resources. Where activities are enabled by the Plan, a suite of non-regulatory methods such as environmental education or incentives will be required to ensure that the Plan's objectives are still achieved.

Policy 4 identifies that in order to achieve Objective 1, Waikato Regional Council has made as many activities as practicable, permitted or controlled. This relies on activities being carried out using good practice, which the Council believes is the intention of most people. However, it is also necessary to be able to take action when activities permitted by the Plan have harmful effects.

On a similar note, Policy 4 identifies that the step of permitting a wide range of previously restricted activities carries the risk that thresholds will be set too low, or that conditions on permitted activity rules will not ensure that adverse effects of activities are not more than minor. In order to ensure that the Plan is effectively achieving its objectives for the management of the Region's natural and physical resources, Council will need to proactively monitor and enforce permitted activities and review the Plan on a regular basis.

Policies 5, 6 and 7 act together to provide greater certainty to resource users, thereby achieving Objective 4. The provision of clear assessment criteria along with guidance on the granting of consent terms and on how cumulative effects will be addressed are all important issues for consent applicants. Implementation of these policies will resolve many of the uncertainties inherent in the RMA.

Policy 8 identifies that where resource users wish to apply for a single consent for all their activities on site, Waikato Regional Council will provide an opportunity for that approach to be taken. Such an approach should reduce costs to resource users thereby helping to achieve Objective 2.

Policies 9 and 10 identify the need for good quality consultation with both resource users and submitters participating fully and openly if the purpose of the RMA is to be achieved. The policies provide a checklist of assessment criteria to assist hearings committees to determine if consultation has been adequate. This will assist in providing all parties certainty and clarity. The separate policy for consultation with tangata whenua is necessary as s6, s7 and s8 of the RMA give extra weight to the concerns of tangata whenua when considering resource consents. Good consultation with tangata whenua where they have an interest in a consent can go a long way towards minimising the costs of the resource consent process in the longer term.

1.2.5 Implementation Methods

In addition to specific rules and implementation methods identified in the resource based modules of the Plan, Waikato Regional Council will implement the following process based methods to achieve the objectives of this chapter:

1.2.5.1 Monitoring of Permitted Activities

Monitoring of permitted activities will be undertaken by:

- a) complaints monitoring, and either
- b) audits of a statistically significant number of resource users in particular parts of the Region, or
- c) focused investigations into the adverse effects of particular activities permitted by the Plan.

1.2.5.2 Good Practice Guides

Produce and regularly review, on a prioritised basis, a range of good practice guides for resource users to outline how to comply with activity rules in the Plan.

1.2.5.3 Environmental Education

Develop, implement and regularly review an environmental education strategy that prioritises the programmes identified in this Plan.

1.2.5.4 Economic Incentives

Develop, implement and regularly review a strategy that prioritises economic incentive methods in the Plan.

1.2.5.5 Assessment Criteria

Provide assessment criteria to be used when deciding on resource consents and specify the information likely to be necessary for the consents process.

1.2.5.6 Principles of Good Consultation

Promote the adoption by consent applicants and potentially affected parties of the following elements of good consultation:

- a) consulting at an early stage in the development of the proposal
- b) genuinely listening to alternative points of view
- being prepared to amend proposals, where practicable, in response to concerns raised
- d) providing sufficient time for consultation
- e) providing adequate information to enable the consultee to make an informed response to the proposal
- f) providing further information or time following consultation for the consultees to consider their response (that is, not expecting an instant response)
- g) responsible participation and responses from the parties consulted with.

Explanation and Principal Reasons for Adopting Methods 1.2.4.1 to 1.2.5.6

The monitoring of permitted activities outlined in **Method 1.1.5.1** is necessary to ensure that when giving effect to Policies 1 and 2, Council has set the thresholds in the permitted and controlled activity rules appropriately and is using the most effective and efficient available means to manage environmental issues. As such, this method flows directly from Policy 4. The methods of monitoring for permitted activities identified here are the most cost effective for both Waikato Regional Council and resource users. It is expected that costs of implementation can be minimised as the person undertaking an activity permitted by rules in the Plan should be able to prove that they comply with the conditions specified in the rule at any time. This is consistent with the concept of self monitoring that is promoted by some sectors. The results of these monitoring techniques will be used to review the appropriateness and necessity of the permitted activity rules, and if necessary amend the rules.

The methods relating to good practice guides, environmental education and economic incentives act together to provide certainty and clarity for resource users regarding the main types of non-regulatory methods to be used in this Plan. The methods support the use of a mixture of regulatory and non-regulatory methods anticipated by Policy 3. A number of the methods indicate that Waikato Regional Council will not be able to move forward on all issues at once, but through prioritisation processes involved in the development of strategic and annual plans will progressively implement the methods. This again provides clarity to resource users and the community so that unrealistic expectations are not generated.

The types of economic incentives that could be provided for by the strategies in **Method 1.2.5.4** may include subsidising works and waiving consent fees and charges for projects that are consistent with the aim of the economic incentive funds.

Method 1.2.5.5 is necessary to provide absolute certainty to Plan users that the policies and information requirements of this Plan fulfil the function of assessment criteria and should be referred to as a starting point when preparing consent applications.

Method 1.2.5.6 identifies that consultation processes are critical to the successful implementation of this Plan. While the Plan can make some difference to resource users costs by reducing the burden of the consent process, the exercise of genuine consultation by all parties to the consent process represents an equally significant source of costs. The promotion, by Waikato Regional Council of genuine consultation between all parties will help to reduce these costs.

1.2.6 Environmental Results Anticipated

- 1. Reduced costs and bureaucracy for resource users.
- 2. Reduced number of consents being required by Waikato Regional Council.
- 3. Greater monitoring by Waikato Regional Council of adverse effects of resource use.
- 4. Fewer appeals of consents to the Environment Court on grounds that consultation was inadequate.
- 5. In the first few years of the Plan being operative, an increased number of enforcement proceedings taken by Waikato Regional Council, but this number reducing over time.

1.3 Monitoring the Effectiveness of the Plan

Each chapter of this Plan sets out the specific monitoring options for the issue being addressed, which are intended to measure the achievement of objectives and policies relating to that issue. The reader is referred to those sections for the detailed monitoring proposals, which also include the specific measurements and information sources.

Waikato Regional Council's regional monitoring programmes, will need to focus on the following key areas:

a) Regional Environmental Trend Monitoring

Ongoing general environmental monitoring including evaluating the **status** of various ecosystems to assess the health and condition of the Region's natural and physical resources, and identifying any **changes or trends** in the quality or quantity of resources in the Region. This includes social, cultural and economic information that is relevant to the sustainable management of natural and physical resources.

b) Compliance and Effects Monitoring

Monitoring the use of resources within the Region and the effects of those uses on physical, chemical, biological and intrinsic quantities and values of the environment. This will help assess the extent and way in which resources are being used, identify the likely **pressures and threats**, and detect any changes or trends in resource use over time. This will be done through monitoring compliance with resource consents conditions, recording responses to complaints and monitoring permitted activities to ensure that they are in compliance with the rules in the Plan and that any effects that are occurring are consistent with the Plan objectives.

c) Performance Monitoring

Monitoring of the effectiveness of actions, activities, or methods introduced to address environmental issues. This monitoring assesses the effectiveness of **responses** to environmental issues.

d) Community Monitoring

Monitoring undertaken by community groups such as Care Groups to help develop targets, understand the local environment and monitor achievements.

e) Research, Investigations and Surveys

Investigations or studies of specific issues, which can be one-off studies, generally identifying **pressures**, **state and response** in the same study. This provides the technical or scientific understanding that underpins environmental monitoring and reporting programmes. Perception surveys are providing important information on the communities awareness, values, attitudes and actions.

f) Plan Implementation Monitoring

Monitoring to ensure that the Plan is being effectively implemented. Means of monitoring will include reviews of the quality of staff reports on consent applications to ensure that they consistently implement the objectives and policies of the Plan. Plan effectiveness monitoring will also include assessment of whether non-regulatory methods have been implemented and the degree to which they have contributed to achieving the Plan's objectives.

1.4 Review of the Plan

The information gathered as a result of this Plan by Waikato Regional Council or other agencies, will feed back into the 'Information \rightarrow Policy Development \rightarrow Implementation \rightarrow Monitoring \rightarrow Review \rightarrow Information' loop, enabling an effective and efficient review of this Plan. Review of the Plan will take place no later than ten years after this Plan has become operative. Plan review may be initiated earlier than this, should there be a perceived need to do so.

The monitoring results will be analysed and reported on in a way that will provide a basis for assessing the effectiveness of the Plan in achieving its objectives and policies. The information and knowledge built up through targeted monitoring and research will also help to identify the best means (method) of achieving resource management objectives over time, and will provide a valuable feedback into s32 obligations. The information will also serve a variety of other purposes such as supporting Waikato Regional Council's State of the Environment reporting, and directly assisting in consent processing and the development of other regional plans.

In addition to evaluating monitoring information, Waikato Regional Council will also consult with various organizations and groups (e.g. DoC, territorial authorities, consent holders, industry groups and representatives, tangata whenua), and the results of that consultation will also feed into the review of this Plan.

1.4 Review of the Plan 1-13

1.5 Processes to Address Cross-Boundary Issues

This Plan addresses a number of resource management issues that have cross-boundary implications. The implementation methods relating to these issues specifically set out how Waikato Regional Council intends to address the cross-boundary aspects of these issues. This section summarises the cross-boundary issues addressed in this Plan. The reader is referred back to the relevant section of the Plan (indicated in [Table 1-1]) for the specific detail of the processes to be put in place to address the issues.

Table 1-1 References to Cross-Boundary Methods Addressed in this Plan

Cross-Boundary Issue	Plan Method	Relevant Authority
Land use planning to manage effects on water flow/levels.	3.3.4.2	Territorial Authorities
Identification of solutions to local on-site sewage problems.	3.5.7.2	Territorial Authorities and Public Health Boards
Development of implementation of good practice for onsite sewage disposal.	3.5.7.3	Territorial Authorities
Notification of relevant territorial authorities when dye tests undertaken.	3.5.9.1	Territorial Authorities
Development and implementation of good practice for stormwater discharges.	3.5.11.1	Territorial Authorities
6. Integrated management of stormwater discharges	3.5.11.2	Territorial Authorities
Liaison/information-sharing regarding the damming/diverting of water.	3.6.4.1	Territorial Authorities
8. Interagency approach to managing wetlands.	3.7.4.1	Territorial Authorities, Iwi Authorities, Public Health Boards and DoC
Environmental education programmes about wetlands	3.7.4.3	Territorial Authorities and DoC
10. Water or bed level setting exercise for significant peat lakes and wetlands.	3.7.4.5	Territorial Authorities, Iwi Authorities, Fish and Game Councils and DoC
Integrated management of effects of land use on water bodies.	3.9.4.3	Territorial Authorities, Public Health Boards
12. Cave and karst management.	5.1.4.7	Territorial Authorities, DoC
Preparation and implementation of joint plans to address accelerated erosion issues.	5.1.4.7	Territorial Authorities
14. Comments and advice on land use consent applications to address accelerated erosion issues.	5.1.4.8	Territorial Authorities
15. Provision of refuse transfer stations and hazardous waste collection services.	5.2.4.2	Territorial Authorities, Public Health Boards
16. Contaminated site management and establishment and maintenance of a contaminated sites database.	5.3.4.1	Territorial Authorities, Public Health Boards
17. Encouraging territorial authorities to require site assessments of potentially contaminated sites prior to subdivision or redevelopment.	5.3.4.3	Territorial Authorities, Public Health Boards
18. Managing the discharge of contaminants to air from transport sources.	6.1.7.2	Territorial Authorities, Transit New Zealand
19. Definition of roles and responsibilities and consideration of transfer of powers for air quality.	6.1.7.1	Territorial Authorities

Cross-Boundary Issue	Plan Method	Relevant Authority
20. Land use planning tools that control adverse effects of land use on air quality.	6.1.7.2	Territorial Authorities
21. Integration with agencies who have responsibilities in dealing with spray drift.	6.2.4.4	Territorial Authorities, Public Health Boards
22. Land use planning tools that control adverse effects from off-target spray drift.	6.2.4.5	Territorial Authorities
23. Integrated management of geothermal systems that extend into adjoining regions	7.5.3	Regional Councils
24. Integrated management of land use activities that adversely affect Significant Geothermal Features.	7.5.3, 7.5.4	Territorial Authorities

1.6 Responsibilities of Resource Users Under the RMA

Section 1.2 of the Plan sets out Council's enabling approach to resource management. A key element of this approach is a substantial increase in the number of activities that are to be permitted without the need for a resource consent.

By enabling previously restricted activities, this plan places a greater emphasis on the duty of resource users to ensure that they comply with the rules in the Plan. It is Waikato Regional Council's expectation that persons undertaking any activity that is permitted or otherwise restricted by any of the rules in this Plan will comply fully with conditions or restrictions imposed. In particular:

- a) It is the responsibility of any person undertaking a permitted activity or any activity that is otherwise restricted to ensure that they are aware of the conditions or requirements of the rules and carry out those activities in accordance with them.
- b) Persons undertaking activities should, in the event of any uncertainty regarding the status of the activity or the meaning of conditions, contact Waikato Regional Council staff for advice. On application under s139 of the Resource Management Act, 1991, Council may issue certificates of compliance for permitted activities.
- c) Where an activity may affect a waahi tapu site, local hapu or iwi should be contacted. Waikato Regional Council can provide contact details. Territorial authorities may also be a source of advice. If a waahi tapu site is identified by tangata whenua to Waikato Regional Council, permitted activity conditions require that the activity ceases. Waikato Regional Council will follow the process as described in Method 2.3.4.22 and will advise in writing the basis on which the activity can be recommended.
- d) Persons undertaking any activity under this Plan should also check the requirements of the relevant district plan.