

OPTION ONE: National Environmental Standard (NES)

Description

The Governor-General may, by Order in Council, make regulations, to be known as National Environmental Standards (NES). These regulations are made under Section 43 of the Resource Management Act 1991 and prescribe technical standards, methods or requirements for land use and subdivision, water take and use, use of the coastal marine area, discharges and noise matters.

National Environmental Standards can:

- Provide certainty about requirements across the country by setting out minimum requirements for particular activities, and can protect public health and the environment.
- Can require monitoring, particularly if the standard is aimed at improving the environment.
- Can set either a national standard, so that there is no local variation, or a minimum standard which councils cannot go below.
- A National Environmental Standard can also be developed that only applies to a certain area or matter.

To do this a national environmental standard may:

- Prohibit an activity
- Allow an activity. It may say that it is permitted without the need for a resource consent as long as it doesn't have a significant adverse effect on the environment
- Specify that a resource consent is required; whether the activity is to be controlled, restricted discretionary, discretionary or non-complying; and what matters the relevant council will consider when assessing the resource consent
- Be absolute – meaning that a council's rules and resource consent processes can be neither more lenient nor more strict than the standard
- Restrict a council from making a rule about, or granting resource consent to, matters or activities specified in the standard
- Require a person to obtain a certificate stating that an activity complies with a term or condition imposed by a [National Environmental Standard](#)
- Specify those activities which a consent authority must publicly notify, and those it is not allowed to publicly notify.

Application to business case

The partners would seek an NES that would best meet their investment objectives which are.

1. Improve the effectiveness of 1080 operations by establishing nationally consistent environmental compliance measures within the next two years.
2. Improve the efficiency of aerial pest control operations by removing unnecessary RMA compliance costs by 80% within the next 5 years.

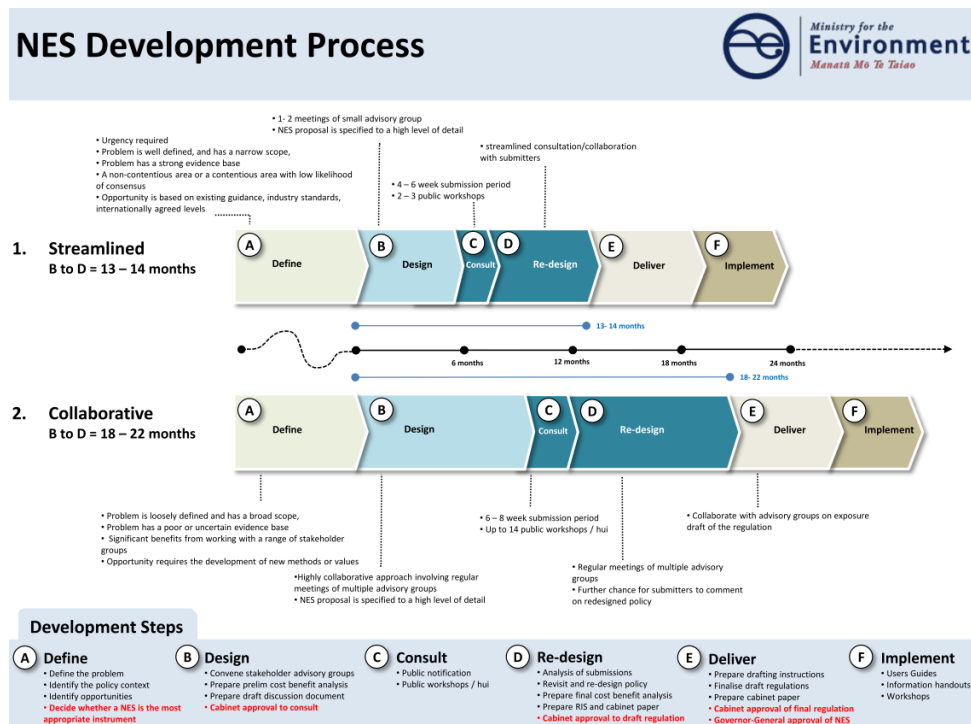
This NES would;

- Provide for the aerial application of 1080 and Pindone as a permitted activity nationally without the need to obtain resource consent provided compliance with HSNO is achieved and other relevant conditions are met.
- The NES is proposed to be modelled on Regional Plans that currently have permitted activity rules for aerial VTAs,
- Key examples include Taranaki Regional Council and Manawatu Wanganui Regional Council. A summary of these is provided in Attachment A.

Implementation of Option

1. NES development process

- A summary of the key NES development process steps (RMA section 44), along with indicative timings is set out in Figure 1 below.
- The partners are seeking a streamlined development process and the business case is developed in Part A of the process.



2. Policy Implementation

- A National Environmental Standard may apply immediately, or have a transitional period to enable the councils to make sure it can comply by a certain date
- Plans must recognise and give effect to National Environmental Standards (section 44A). Changes to plans to achieve this can be done without the need to go through the formal plan change process (ie RMA Schedule I).
- Section 44A sets out the extent that Local Authorities must recognise an NES and is provided in ATTACHMENT B.

3. Consent Implementation

- Councils must put it into making resource consent decisions and through their plans, and then enforce it.
- A new National Environmental Standard does not affect existing resource consents. However, councils can review the conditions of existing water, coastal and discharge permits once a National Environmental Standard has been set.

Key Stakeholders

The following organisations will be primarily involved the development and implementation of the NES;

- The partners – The Department of Conservation, TB Free New Zealand, Ministry of Primary Industries and Regional Council Biosecurity Departments.
- Ministry for the Environment.
- Cabinet.
- Regional Council Policy and Consents Departments.

Relevant Examples of National Environmental Standards

ATTACHMENT C contains summaries of cost-benefit analysis produced for adopted NES's;

- National Environmental Standards for Assessing and Managing Soil Contamination to Protect Human Health 2011.
- National Environmental Standards for Electricity Transmission

OPTION TWO: Section 360(h) Regulation

Description

The Governor-General, by Order in Council, make a regulation under s360(h) of the RMA that;

“Prescribes exemptions from any provision of [section 15](#), either absolutely or subject to any prescribed conditions, and either generally or specifically or in relation to particular descriptions of contaminants or to the discharge of contaminants in particular circumstances or from particular sources, or in relation to any area of land, air, or water specified in the regulations”

Application to business case

The partners would seek a s360 regulation that would best meet their investment objectives which are;

1. Improve the effectiveness of aerial pest control operations by establishing nationally consistent environmental compliance measures within the next two years.
2. Improve the efficiency of aerial pest control operations by removing unnecessary RMA compliance costs by 80% within the next 5 years.

The regulation under 360 would therefore seek to exempt the use of aerial 1080 and Pindone from any provision of [section 15](#), either absolutely or subject to any prescribed conditions.

Implementation of Option

1. Development process

The basic development process for a section 360 regulation is set out as follows;

- identifying the need for regulations (through departmental monitoring and consideration of the relevant statute);
- developing the policy behind the regulations (if necessary), including [regulatory impact analysis](#);
- [consultation \(as required\)](#) with:
 - relevant departments
 - government caucus(es)
 - other parties represented in the House and independent members of Parliament
 - affected groups if required by legislation or if otherwise appropriate;
- submitting the policy to a Cabinet committee and Cabinet for approval;
- drafting by parliamentary counsel;
- submitting the proposed regulations to the Cabinet Legislation Committee and Cabinet for authorisation for submission to the Executive Council (see the notification in the [New Zealand Gazette](#); - refer Figure 2

- a 28-day period before the regulations come into force
- Publication in the Legislative Instruments series.

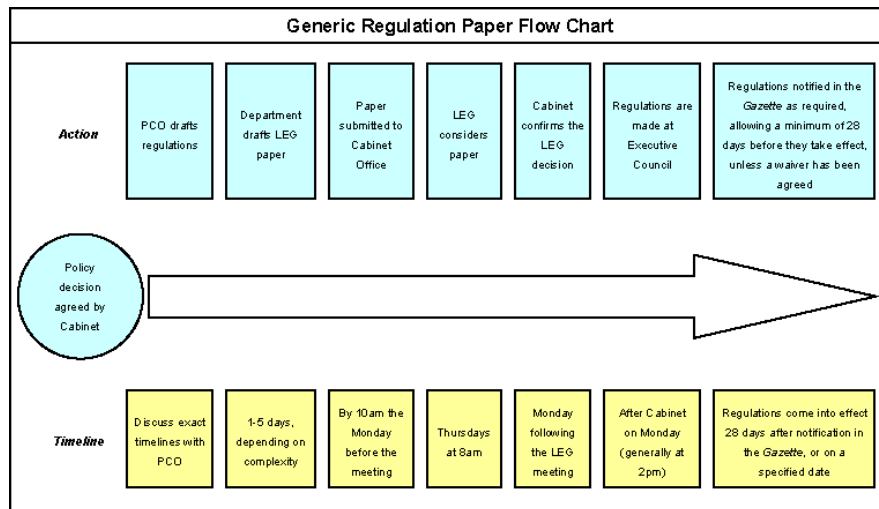


Figure 2.

2. Policy Implementation

- It is likely that the regulation will require amendments to Regional Plans to clarify that aerial VTAs are no longer considered a 'discharge'.
- This is likely to require the provision of information to the public on the changes.

3. Consent Implementation

- A new regulation will not affect existing resource consents. However, councils can review the conditions of existing water, coastal and discharge permits once the regulation has been set.

Key Stakeholders

The following organisations will be primarily involved the development and implementation of the option;

- The partners – The Department of Conservation, TB Free New Zealand, Ministry of Primary Industries and Regional Council Biosecurity Departments.
- Ministry for the Environment.
- Cabinet.
- Regional Councils

Relevant Examples

Examples of Section 360 regulations include;

- [Resource Management Act forms](#)
Forms prescribed by the Resource Management (Forms, Fees and Procedure) Regulations 2003.
- [Resource Management \(Discount on Administrative Charges\) Regulations 2010](#)
Regulations requiring local authorities to provide for a discount on administrative charges where a resource consent application is not processed within the timeframe(s) set out in the RMA.
- [Resource Management \(Measurement and Reporting of Water Takes\) Regulations 2010](#)
Regulations requiring qualifying consent holders to meet minimum requirements to measure their water takes and to report water-use data to regional councils.
- [Resource Management \(Marine Pollution\) Regulations 1998](#)
Regulations controlling the dumping and discharges from ships and off-shore installations in the coastal marine area.

OPTION 3: Regional Solutions

Overview

This option is a programme of work focussed on the use of regional tools to achieve the partner's investment objectives which are to;

1. Improve the effectiveness of aerial pest control operations by establishing nationally consistent environmental compliance measures **within the next two years.**
2. Improve the efficiency of aerial pest control operations by removing unnecessary RMA compliance costs by 80% **within the next five years.**

Description

The option comprises a mix of Regional approaches over a two year period in two stages as set out below.

STAGE ONE

- Establishing a centralised team across the partners to implement the regional solutions programme in a consistent way.
- Developing best practice conditions based standard operating procedures to guide and inform resource consent preparation and negotiations.
- Developing standard templates and collating technical support documents to guide the consistent preparation of resource consent applications.
- Developing a common advocacy approach for engagement on Regional Plan reviews, outcomes sought and technical support requirements.

STAGE TWO

- Partner led submissions on Regional Plan reviews that are to be undertaken within the next two years, with the objective of securing permitted activity status for the discharge of aerial VTAs.
- Partner led submission of comprehensive resource consents in those regions where plan reviews are not being undertaken within the next two years. The objective would be to secure long term consents over all operational areas within each Region with consistent conditions.
- Improving plan and consent administration for aerial VTAs consent through advocacy for more efficient consent processing systems and standardised conditions on consents linked to established best practice and the partners standard operating procedures.

Approach by Region

An assessment of Plan Reviews programmed within the next two years has been undertaken to inform the approach by Region for the option which is summarised within Table 1. Overall the option would involve submissions on 2 Regional Plan Review processes, alongside the current work on the Auckland Unitary Plan and the preparation and submission of 8 comprehensive resource consents.

Region	Plan review likely within next 2 years?	Approach	Status
Northland	N	Comprehensive consent.	No current project.
Auckland	Y	Submission on Auckland Unitary Plan Review.	DOC team currently active on Auckland Unitary Plan
Waikato	N	Comprehensive consent.	No current project. Current consent held by contractors – expires in 2016 – will need to secure before expiry.
Bay of Plenty	N	Comprehensive consent.	No current project.
Taranaki	N	Has permitted activity status for VTAs.	No further action required.
Gisborne	N	Comprehensive consent.	No current project.
Hawkes Bay	N	Comprehensive consent.	No current project.
Manawatu-Wanganui	N	Has permitted activity status for VTAs.	No further action required.
Greater Wellington	Y	Submission on Regional Plan Review.	No current project.
Nelson	N	Has permitted activity status for VTAs.	No further action required.
Tasman	N	Comprehensive consent.	No current project.
Marlborough	Y	Submission on Regional Plan Review.	No current project.
West Coast	N	Comprehensive consent.	No current project.
Canterbury	N	Permitted activity status for VTAs achieved (Rule 5.20) following recent changes to the Canterbury Land and Water Plan.	No further action required.
Chatham Islands	N	Has permitted activity status for VTAs.	No further action required.
Otago	N	Comprehensive consent. Region wide consent lodged by TBFree NZ May 2014.	TBFree consent lodged.
Southland	N	Comprehensive consent.	No current project.

Table 1: Approach by Region

Regional Plan Review Process

A summary of the key steps involved in a Regional Plan review processed are set out in Figure 1.

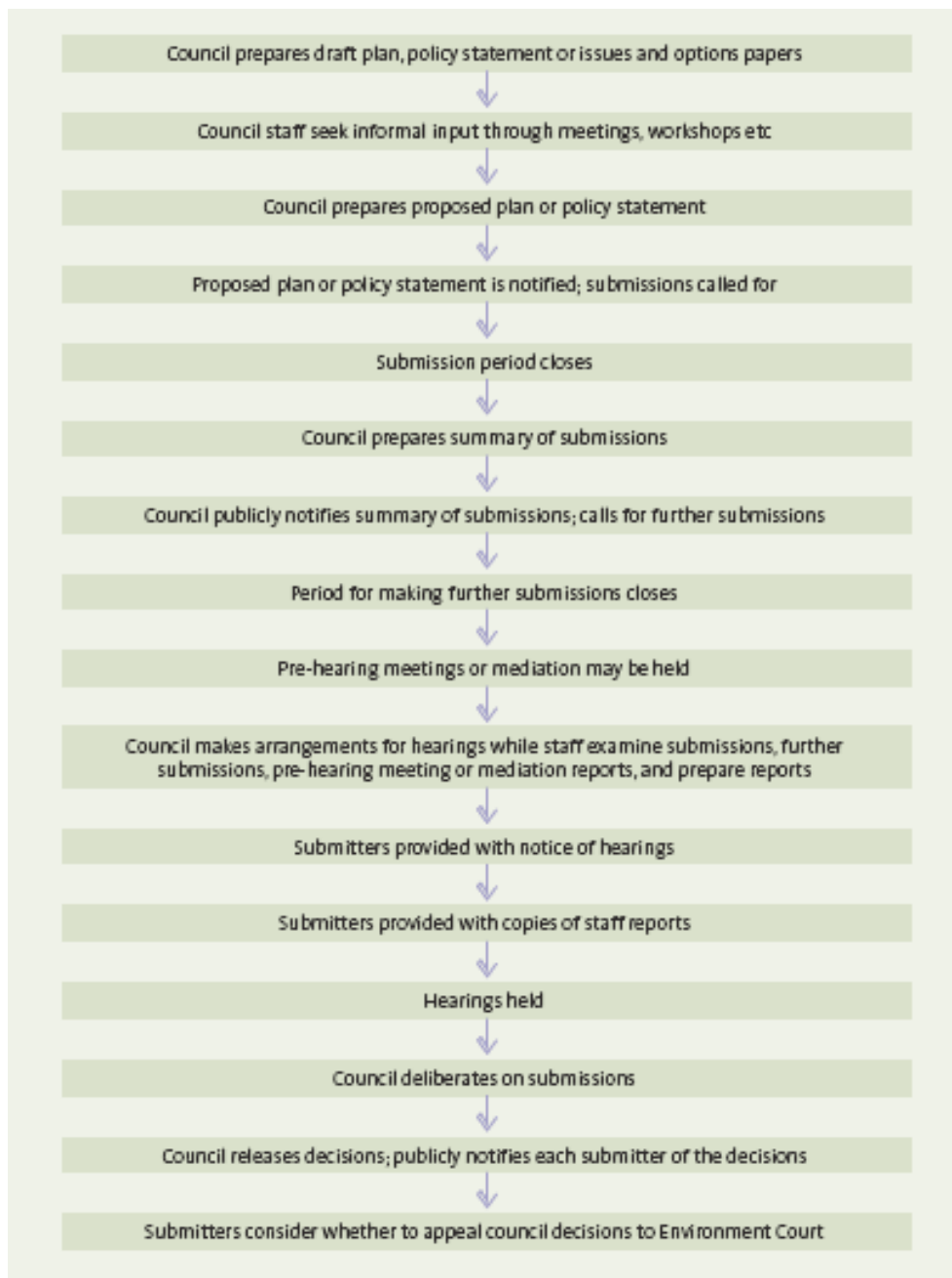


Figure 2: Summary plan review process

Comprehensive Consent Process

A summary of the key steps involved in a resource consent process is set out in Figure 2. It is assumed that all consents submitted by the partners would be notified given it is very unlikely that the applications would meet the threshold tests set in Section 95 of the RMA regarding non-notification.

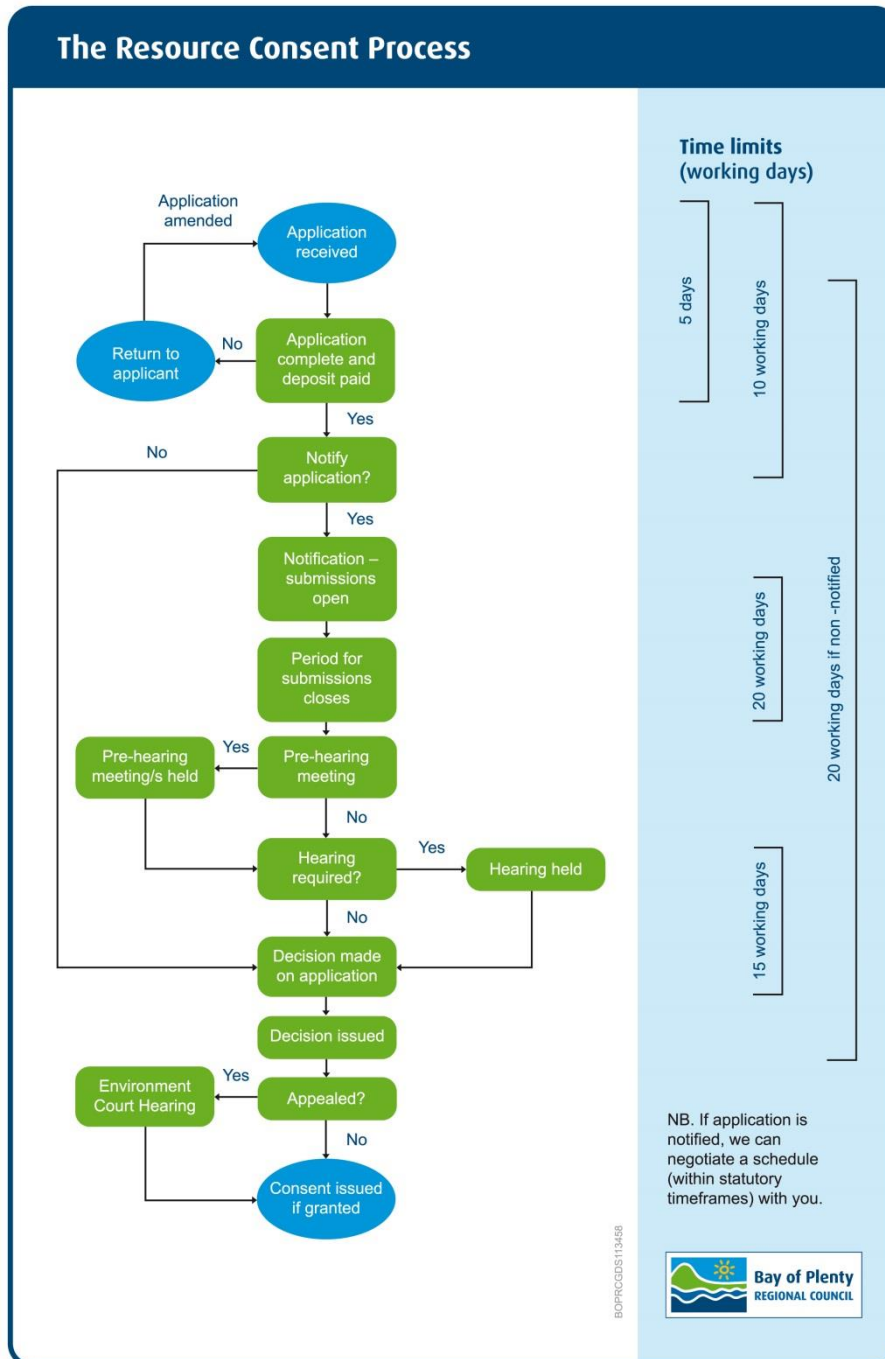


Figure 2: Summary resource consent process

Key Stakeholders

The following organisations will be primarily involved in the development and implementation of the Regional Solutions;

- The partners – The Department of Conservation, TB Free New Zealand, Ministry of Primary Industries and Regional Council Biosecurity Departments.
- Regional Council Policy and Consents Departments.
- Third parties involved in plan reviews and consent processes.

Resourcing and Estimated Costs

The programme of work would be undertaken by a specialist team of planners, technical support staff and consultants, funded by the partners.

Plan review process costs for the partners are estimated at \$100,000-\$150,000 per process. Consent costs for the partners are estimated at \$100,000 to \$200,000 per consent. Overall costs for programme Stage 2 to the partners are estimated at 1M to 1.9M.

The above excludes costs for Council and third party involvement in the processes and any costs associated with complimentary advocacy approaches (Stage 1).