

2 Administration

This chapter details how Horizons Regional Council will deal with some of its administrative responsibilities under the Resource Management Act 1991.

2.1 Cross-Boundary Issues

Ruapehu, Wanganui, Rangitikei, Manawatu, Tararua and Horowhenua districts are all contained within the Manawatu-Wanganui Region, along with small parts of Waitomo, Stratford and Taupo districts. Horizons Regional Council also shares boundaries with Greater Wellington Regional Council, Hawke's Bay Regional Council, Taranaki Regional Council and Environment Waikato.

The environmental effects of some resource uses in the Region's catchments and coastal marine area are experienced by more than one local authority. This can happen when:

- a property straddles a boundary between local authorities, for example, when a dairy shed located in one local authority discharges waste into another
- the effects of an activity cross district council boundaries – for example, when hillcountry erosion in one district adversely affects water quality in the district downstream
- an activity crosses Regional Council boundaries – for example, water is taken and diverted from the Manawatu-Wanganui Region for electricity generation and discharged into the Environment Waikato Region.

Horizons acknowledges that it needs to work with other organisations with resource management responsibilities or interests to achieve its objectives. These include:

- iwi authorities
- Department of Conservation
- Ministry for the Environment
- district health boards
- Fish and Game
- Maritime Safety Authority
- Ministry of Fisheries
- other Government departments.

In general, Horizons will deal with cross-boundary issues through consultation, collaboration and continuing to build relationships with other resource management organisations. Specific approaches include:

- (a) using the protocols for communication and co-ordination with Territorial Authorities outlined in the Triennial Agreement for the Manawatu-Wanganui Region (LGA 2002, s15)
- (b) clearly defining the responsibilities of Horizons and Territorial Authorities for:
 - (i) maintaining indigenous biological diversity (refer Policy 7-1)
 - (ii) managing coastal resources (refer Policy 9-1)
 - (iii) managing natural hazards (refer Policy 10-1)
 - (iv) managing hazardous substances (refer Policy 3-10).

- (c) transferring functions to Territorial Authorities in the Manawatu-Wanganui Region when this is agreed to be appropriate
- (d) providing Regional Council resources to manage the relationship between the Regional Council and Territorial Authorities within the Region
- (e) using the protocol for joint applications and hearings set out in the Horizons Regional Council Protocol Manual – Consents Section
- (f) encouraging consultation and submissions from other resource management organisations to Horizons' planning documents
- (g) consulting with and making submissions to the planning documents of other resource management organisations
- (h) participating in Regional Council peer group forums
- (i) participating in other inter-agency forums where this will enhance relationships with resource management organisations.

2.2 Plan Monitoring

Horizons Regional Council will regularly check the effectiveness of the policies and methods in this Plan in achieving anticipated environmental results. This will be done every three years at the same time as reporting progress made by the community in achieving community outcomes for the Region (LGA 2002, s92). This amalgamation of reporting is logical because:

- (a) the anticipated environmental results in this Plan and the community outcomes developed for the Horizons' Community Plan (LTCCP) under the Local Government Act 2002 are very similar
- (b) there is a strong connection between the policies and methods in this Plan and the projects and targets identified in Horizons' Community Plan. The methods in this Plan are identified as projects in Horizons' Community Plan.

This means that information needed for plan effectiveness monitoring is almost identical to that needed to evaluate progress toward achieving community outcomes.

Monitoring and reporting on the effectiveness of this Plan will be based on the following process:

- (a) evaluation of Horizons' Annual Reports (LGA 2002, s98) and the policies and methods in this Plan to assess which policies and methods have been implemented
- (b) evaluation of Horizons' Community Plan and Annual Reports to assess actual work done to implement this Plan compared to the intended level of work each year, including consent, compliance and environmental incident response activity
- (c) evaluation of the results of environmental monitoring carried out under the Regional Monitoring Strategy to assess the condition and trends of the Region's environment, with an emphasis on those parts of the environment where specific work has been done to make improvements. (Note that a state of the environment report or update will be required every three years to meet the information requirements of this process)

- (d) assessment of whether changes need to be made to policies and methods where there is slow or no progress toward achieving anticipated environmental results.

2.3 Plan Review

Horizons Regional Council intends to manage this Plan as a living document and to ensure its content is responsive to the performance of policies and methods in achieving anticipated environmental outcomes. Changes to the Plan will be sought when:

- (a) plan effectiveness monitoring identifies the need to enhance progress toward achieving anticipated environmental results
- (b) major resource management developments arise such as significant amendments to the RMA or the adoption of national policy statements or national environmental standards by Government that have major implications for the contents of this Plan
- (c) the results of new scientific work enhance this Plan and make plan provisions more certain for resource users.

Changes to Part I (the Regional Policy Statement) of this Plan may be started by a Minister of the Crown, the Regional Council or any District Council within, or partly within, the Region. Changes may also be triggered after a review of Part I of this Plan, initiated because an approved management plan for a foreshore and seabed reserve has been lodged with Horizons Regional Council (Foreshore and Seabed Act 2004, ss 43 and 44).

Changes to Part II (the Regional Plan) of this Plan may be requested by any person.

The process used to review and change this Plan is set out in the First Schedule of the Resource Management Act 1991.

A full review of Parts I and II of this Plan will be initiated by Horizons Regional Council on the ninth anniversary of the Plan being made operative, unless there has been reason to do so earlier.

2.4 Consent conditions, duration, review and enforcement

Issue 2-1: Consent duration, review and enforcement

Uncertainty for resource users regarding resource consent durations, review provisions, and enforcement actions undermines their ability to conduct their businesses efficiently.

2.5 Objectives

Objective 2-1: Consent duration, review and enforcement

The provisions of the RMA dealing with the duration of resource consents, review of consent conditions, and enforcement procedures will be implemented in a manner that provides the maximum reasonable certainty to resource users.

Where appropriate, Horizons will provide user friendly, long duration consents and will carefully monitor and manage compliance.

Whāinga 2-1: Te roa o te whakaaetanga, te arotake me te whakaū

Ka whakatinanahia ngā wāhanga o te RMA – e pā ana ki te roa o te whakaaetanga, te arotake i ngā āhuatanga o ngā whakaaetanga, me ngā tikanga whakaū – i runga i te tuku whakatau āhua tūturu ki te hunga whakamahi rauemi.

I ngā wā e tika ana, mā Horizons ngā whakaaetanga ngāwari noa te whakamahi – roa hoki te whakatau e tuku, e āta aroturuki tautukunga – whakahaere tautukunga hoki.

2.6

Policies

Policy 2-1: Consent conditions

- (a) Horizons will grant consents with conditions identified as necessary during the resource consent process, including conditions proposed by the applicant as a result of pre-application consultation agreements.
- (b) In respect of (a) above, Horizons will draft consent conditions that ensure:
 - (i) the applicant is certain how compliance will be achieved and monitored
 - (ii) the conditions are specific to the activity being undertaken
 - (iii) the conditions are fair, reasonable and practical
 - (iv) the conditions are in plain English.

Policy 2-2: Consent durations

- (a) Horizons will generally grant resource consents for the term sought by the applicant unless reasons are identified during the consent process that make this inappropriate.
- (b) Consent expiry dates will be set to the closest common catchment expiry or review date* to the date identified in (a).
- (c) Matters to be considered in determining a shorter or longer consent duration than requested under (a):
 - (i) whether it is necessary for an activity to cease at a specified time
 - (ii) the extent to which an activity is carried out in accordance with a recognised code of practice, environmental standard or good practice guideline
 - (iii) whether the activity has effects that are unpredictable and potentially serious for the locality where it is undertaken and a precautionary approach is needed
 - (iv) the risks of long-term allocation of a resource whose availability changes over time in an unpredictable manner, requiring a precautionary
 - (v) the most appropriate balance between environmental protection and investment by the applicant
 - (vi) in the case of existing activities, whether the consent holder has a good or poor compliance history.

Policy 2-3: Consent review

In addition to the reasons specified in s 128 RMA, Horizons will use a review of consent conditions during the term of the consent for:

- (a) reviewing the appropriateness of any condition requiring the consent holder to supply the consent authority with information relating to the exercise of the resource consent
- (b) reviewing any unknown or uncertain adverse effects caused as a result of planned or required changes or upgrades to the activity
- (c) reviewing the conditions of a consent at the same time as review of other consents within the same water management zone - for example, at a common catchment expiry or review date*.

Horizons will initiate reviews of conditions when monitoring results or other evidence demonstrates a review is required.

Policy 2-4: Sites with multiple activities, and activities covering multiple sites

For applications made to Horizons for either:

- (a) a site with a number of different activities requiring consent, or
- (b) a particular type of activity that will be undertaken by the consent holder at a number of sites.

consent applicants may combine some or all activities or sites under umbrella consents, and Horizons will establish consent conditions, durations and review provisions which enable an integrated approach to be taken for managing environmental effects from the site or activity as a whole.

Policy 2-5: Enforcement procedures

- (a) Horizons will generally use abatement notices, infringement notices, enforcement orders or prosecution in response to non-compliance with this Plan or the RMA, unless an alternative approach will achieve a better outcome.
- (b) In determining the type of enforcement tool to be used, the following factors will be taken into account:
 - (i) the environmental outcome or behaviour change required
 - (ii) the cause or non-compliance
 - (iii) the actual or potential scale of the adverse effects
 - (iv) whether the non-compliance is due to an ongoing activity or an isolated incident
 - (v) any proactive response by the person who has committed the offence
 - (vi) the person's previous compliance history
 - (vii) whether urgent remedial action is required
 - (viii) which enforcement tool is most likely to produce the desired environmental outcome or change in behaviour.

2.7

Methods

The policies in this chapter will be implemented through the exercising of Horizons Regional Council's functions as a consent authority, and through the policies and methods of Part II of this Plan.

2.8 Anticipated Environmental Results

Anticipated Environmental Result	Link to Policy	Indicator	Data Source
This Plan is perceived as even-handed by resource users in the way it deals with resource use and development versus resource protection.	Policies: 2-1, 2-2, 2-3 2-4 and 2-5	<ul style="list-style-type: none"> • Satisfaction index • Number of appeals by consent applicants to Horizons' decisions and Territorial Authority decisions where this policy has to be given effect. 	<ul style="list-style-type: none"> • Horizons' customer surveys. • Horizons' consents database. • Territorial Authority consents databases.
Responsible resource users benefit under this Plan, but irresponsible resource users are punished.	Policies: 2-2 and 2-5	<ul style="list-style-type: none"> • Number of resource users receiving "benefits" due to good compliance records or other responsible resource use activities such as use of codes of practice. • Number of consent non-compliances and environmental incidents. • Ratio of formal enforcement actions taken in response to consent non-compliance and environmental incidents. 	<ul style="list-style-type: none"> • Horizons' consents database. • Horizons' non-compliance/enforcement action and environmental incident reports to council.

2.9 Explanations and Principal Reasons

The Resource Management Act 1991 (RMA) allows consents to be granted for up to 35 years, or indefinitely for some activities. It is often not appropriate to allow an activity to continue for such an extended period of time. There should be the opportunity for reconsideration of how the activity should be managed. Nevertheless, consent holders should be entitled to as much certainty as is reasonably possible.

Objective 2-1 and Policies 2-1 to 2-5 have been adopted to clarify how the provisions of the RMA will be used, in most circumstances, for dealing with the duration of resource consents, review of consent conditions and the use of enforcement procedures. The policies are intended to give the maximum reasonable certainty to resource users while maintaining good environmental outcomes.