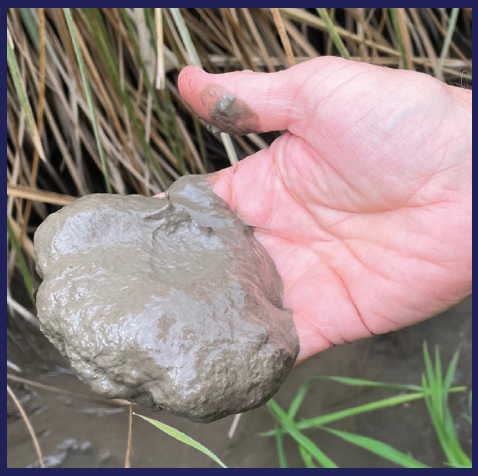
LIVING WATER

Regulatory Barriers and Frameworks to Promote Better Environmental Outcomes On-Farm in New Zealand

June 2023

Through its Living Water Partnership with Department of Conservation and Sustainable Catchments Programme, Fonterra identified a specific challenge to achieving better environmental outcomes in New Zealand's agricultural sector due to regulatory barriers. We outline some examples from our work and suggest options for improving the process for applications. By highlighting the challenges and suggesting solutions, we are aiming to primarily assist the regional and district authorities in simplifying their regulatory processes.

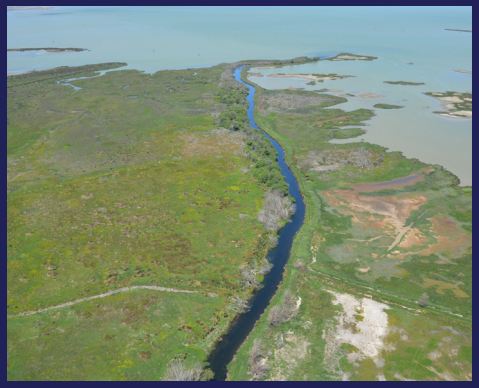
Canterbury specific examples of regulatory hurdles



As part of the Living Water Ararira/LII project two sediment traps where constructed. These simple inline structures allow sediment to collect in one point on a stretch of drain and restrict mechanical removal of the silt to this one area rather than the entire reach. The environmental benefits in not disturbing habitat and reducing sediment discharges are significant. The resource application process necessitated three resource consent applications at a cost of $11,837, including a $730 cost for compliance monitoring to approve the erosion and sediment plan proposed in the application. This is in comparison to the $2500 cost of the actual works occurring. Ownership of these consents at the end of this trial is also an issue and may require the consents to be surrendered and sediment traps left to fill in naturally.

The proposed Opihi College Wetland project located in Temuka, South Canterbury, requires multiple consents for works in the waterway, dam and diversion, and water take. The process for obtaining these consents is expected to take several months, and the estimated cost for both the consent and consultant needed for the actual construction is $25,000. The applicant could have potentially improved their application by providing more detailed information on the project's potential environmental impact and proposed mitigation measures. In terms of consultation with Environment Canterbury/councils, while they were willing to provide assistance with earthworks, they were limited in their ability to help with the consents. Overall, the project has received outstanding community support, and consents have been identified as the biggest barrier to initiating the works.

A proposal for a 4-hectare wetland in the Ararira/LII catchment of Selwyn District required multiple consents and took almost 12 months to complete the consenting process. The estimated cost for both consent and consultant fees exceeded $40,000. The application could have been improved with more detailed information and alternative cost-saving solutions.
The Consents department had no prior experience with similar applications, and the inclusion of Niwa wetland guidelines added to the project's expenses. Despite positive consultation with the Council, the project is unlikely to proceed due to cost constraints.



Potential mechanisms for change

Obtaining resource consents and making plan changes can be a complex and lengthy process that requires careful preparation and engagement with local councils and stakeholders. The following are suggestions for groups to continue to engage with and encourage their councils to consider.

Application Guidebooks/ Checklists

Resource consent application guidebooks and checklists provide information and guidance on how to prepare and submit a resource consent application in New Zealand. They can be useful tools for ensuring that applications are complete and meet the requirements of the Resource Management Act. Many local councils and government agencies offer pre-application advice services to help applicants tailor their applications to specific requirements. A resource consent form in checklist format could be useful for small-scale restoration activities. Further development of guidebooks for works in waterways, sediment traps, and two-stage channels could help farmers and community groups navigate the application process.
These resources can reduce regulatory impediments and ensure a streamlined process while covering statutory obligations.

Plan Changes and Submissions

The plan change process in New Zealand is a legal process used to amend a local council's district plan, which regulates land use and development within a council's jurisdiction. The process involves preparing a draft plan change, publicly notifying the proposed changes, receiving submissions, holding hearings if necessary, making a decision, and allowing appeals. While intended to promote sustainable development and ensure plans align with changing community needs, there are risks such as delayed decision-making, increased costs, and reduced flexibility. It is important for community and catchment groups to engage collectively and partner with industry where there is alignment. Early engagement with local councils and other stakeholders is crucial to address concerns and shape the future of local communities and the environment.

Global Consents

Global consents allow an applicant to undertake multiple activities in a defined geographical area under a single consent, streamlining the consenting process and reducing regulatory burden. However, they can result in a cumulative impact on the environment, limit public participation, and may not provide adequate oversight and enforcement mechanisms. To address these risks, it is important to carefully consider potential environmental and social impacts, engage in robust consultation with stakeholders, and put in place monitoring and enforcement mechanisms to ensure compliance with consent conditions and environmental standards.

Permitted Activity Status

A range of environmental activities can be undertaken without a resource consent if they meet permitted activity standards. Normally this applies to activities where the risk of environmental harm is low. Where known solutions for standard on-farm mitigations are developed, there is an option to include these within the permitted activity status, to allow the works to process without a consent.

Promoting Funding Sources

New Zealand offers various incentives to support environmental restoration projects. These include funding sources, community conservation initiatives, conservation covenants, and certification schemes. These aim to encourage and support activities such as planting trees, controlling pests, and restoring wetlands to protect the country's unique biodiversity and natural resources. However, the application process for these incentives can be onerous and may require third-party assistance to complete, further work could be undertaken in the area.

Community Group Engagement Process

Facilitating groups to undertake environmental restoration projects can be a valuable way to engage communities and promote environmental stewardship. By facilitating groups to undertake environmental restoration projects, we can often derive alternate funding and in-kind assistance to reduce the regulatory burden.

Advocacy

Ongoing advocacy for policy changes and initiatives that protect and conserve the environment is important. Ways to advocate include working with advocacy groups, making submissions to government consultations, and lobbying MPs. Advocacy can promote change and enable environmental restoration in New Zealand by raising public awareness and engaging policymakers and industry leaders.

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