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# STRATEGIES FOR SUSTAINABLE MANAGEMENT: THE USE OF NON-STATUTORY DOCUMENTS

ALTERNATIVES TO REGULATORY REGIONAL PLANS MAY BE MORE APPROPRIATE FOR ACHIEVING SOME RESOURCE MANAGEMENT OBJECTIVES AND PROMOTING SUSTAINABLE MANAGEMENT.

Regulation is not the only way local government can achieve sustainable resource management objectives. The Manawatu-Wanganui Regional Council (MWRC) has explored alternatives to regional plans. This was part of the *Resource Management Act* (RMA) section 32 analysis undertaken when scoping two possible regional plans. As a result of this analysis, the council chose to prepare non-statutory strategies instead. These documents commit local government and encourage their communities to undertake specified actions for achieving agreed environmental objectives.

## RMA AND THE ROLE OF GOVERNMENT

The RMA takes a strong regulatory approach, largely presuming government's role is to specify property rights by providing the rules of the market within which individuals and firms operate and address transgressions (Bromley, 1990). Within this framework, government is the "Blind Watchmaker", assuming a passive role once it sets the mechanism in motion. The MWRC is comfortable with this approach in some cases, for example, the Regional Air Plan, where it considered limited regulation most appropriate to meet the region's needs.

Regulation is only one tool available to government. Government options to implement policy include:

- Attempting to improve the working of the market by providing information to individuals;
- Requiring individuals and firms to behave in specified ways (regulation);
- Providing incentives that influence the decisions of private individuals and firms;
- Engaging directly in the provision of goods and services; or
- Moral suasion (Stokey & Zeckhauser, 1978).

The RMA acknowledges this range of tools primarily by default. Section 32 requires

government to consider all options, and section 67, which specifies what regional plans must contain, requires "methods being or to be used to implement the policies, *including any rules*" (section 67(1)(d) – emphasis added). This suggests the RMA's authors intended rules as a subset of methods councils can employ. The Act defines few other mechanisms besides regulation, except limited provision for consent holders to make financial contributions. Instead, it emphasises a framework for establishing, specifying and enforcing property rights.

## REGIONAL PLANS AND POLICY IMPLEMENTATION

The MWRC has begun to question whether regional plans are the best means to implement alternative methods.

The MWRC has now notified five regional plans. It has been reluctant to specify alternative methods in any detail in these plans. It is difficult to accurately predict all necessary actions required over a plan's 10-year life. This is important as the process to change notified plans is expensive and very time-consuming.

The RMA fails to address "alternative methods" in any detail. Councils may need to use other legislation to implement these methods, other than providing information. The *Local Government Act* (LGA), which regulates their expenditure, is probably the most useful for this.

We question whether using plans to "lock in" methods that impact on a regional council's budget for 10 years is appropriate. We consider the LGA is the proper vehicle for directing council expenditure. This Act provides for a three-year plan and now, under the *Local Government Act No 3 Amendment Act*, a 10-year horizon. The Act also provides for comprehensive public accountability for such expenditure. Duplicating the RMA checks and balances seems inefficient.

We also question why (theoretically) the Environment Court could decide a council's future expenditure, when a submitter appeals methods that have financial implications for the council. This is surely a political rather than a legal decision. The court is very aware of this, and in practice will return these matters to council for revision.

## THE STRATEGIES

The Whanganui River and Lake Horowhenua are natural resources in the Manawatu-Wanganui Region. Both resources have high cultural, amenity and ecological values affected by degraded water quality.

Lake Horowhenua is a freshwater coastal dune lake located on the west coast of the lower North Island. The lake's degraded water quality results principally from excessive nutrients causing accelerated eutrophication. The Horowhenua Lake Trustees own the lake, stream bed and some surrounding land. The surface water of the lake is a public domain.

The degraded water quality of the Whanganui River results from low clarity, high sediment levels, and bacterial contamination. The land in the catchment suffers from widespread accelerated soil erosion. The erosion degrades the water quality in the Whanganui River. It also indicates ongoing loss of part of the soil resource, ultimately reducing the productive capability of the land.

The *Regional Policy Statement for Manawatu-Wanganui* contains policies committing the MWRC to consider preparing regional plans for both catchments. Staff concluded, as a result of section 32 analysis, that regional plans were not necessary to achieve the purpose of the Act and that management strategies would be more efficient and effective.

Existing region-wide plans regulate vegetation clearance and soil disturbance in the Whanganui catchment, and point discharges in the Horowhenua catchment. Existing resource consents address point source discharges of concern. Remaining non-point source discharges are not readily amenable to control. Lack of information defining cause and effect relationships makes targeting regulation difficult.

Alternative methods, implemented through the council's Annual Plan, were considered more likely to succeed in achieving policy objectives. These include:

- *Improving* the market by undertaking basic research, and providing information to land occupiers so that they can make informed resource use decisions benefiting both them and the environment;
- *Providing* incentives to land owners in the Whanganui catchment, through council's regional grants, supporting approved soil conservation projects; and
- *Moral* suasion by encouraging the catchments' communities to accept responsibility for their actions, and showing commitment to the strategy process and outcomes.

The council sought greater ownership and responsibility by preparing the *Horowhenua Catchment Management Strategy* as a joint document with three other organisations. The scope of the *Whanganui Catchment Strategy* is limited, complementing previous interventions, including: sewage discharges into the river, minimum flow regime, the Waitangi Tribunal claim on the river, and provisions of regional plans. Because the strategies are not subject to the extensive First Schedule process for change once operative, the process is more responsive to change and new information. We found the strategies quicker to prepare than regional plans, each was prepared within one year, allowing their rapid implementation.

## CONCLUSION

We cannot yet show that these strategies will ultimately succeed. However, our experience suggests alternatives to regulatory regional plans may be appropriate for achieving some resource management objectives and promoting sustainable management. Strategies can be more effective where:

- community ownership and buy-in is vital for success;
- non-point source impacts make property right specification (ie, regulation) impractical; and
- cause and effect relationships are not clear.

We conclude non-regulatory strategies provide means for positive intervention to achieve resource management policy objectives.

Their apparent success raises a question over the proper role of regional plans. Should they be comprehensive and definitive policy documents, providing a complete picture of how a council is addressing a resource management issue? Alternatively, should they be brief documents containing regulation only. Our present preference is for the latter.

## LAKE HOROWHENUA AND HOKIO STREAM CATCHMENT MANAGEMENT STRATEGY

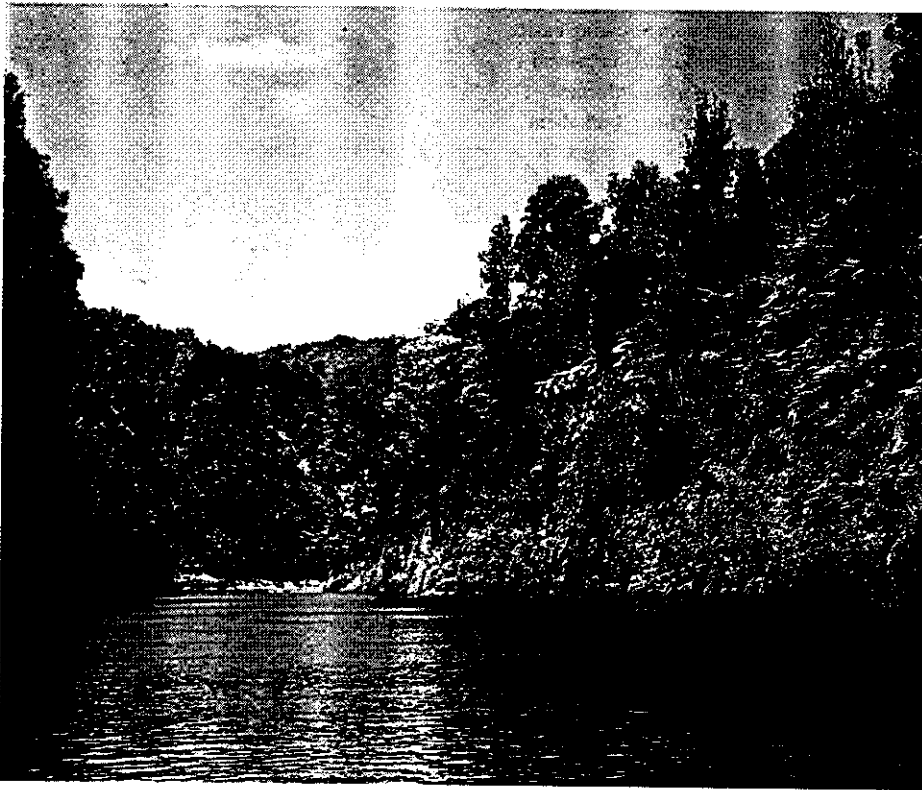
The *Lake Horowhenua and Hokio Stream Catchment Management Strategy* addresses degraded water quality.

The Draft Strategy, notified in July 1997, is a joint document prepared by a working party consisting of the Regional Council, the Horowhenua District Council, Department of Conservation and the Horowhenua Lake Trustees. All organisations have adopted the strategy.

The strategy goal is to improve water quality in the lake. Strategy objectives include:

- undertaking further research;
- avoiding adverse effects on water quality from discharges; and
- encouraging the public to take responsibility for the effects of their activities on water quality in the catchment.

Particular actions are specifically assigned to each of the four organisations responsible for the strategy. These have resourcing and capital expenditure implications for the two councils. The strategy commits the working party to meet annually and review it in five years. This also provides accountability for the strategy. Both councils will provide financial commitment to the strategy in their annual plans.



## WHANGANUI CATCHMENT STRATEGY

The council prepared the *Whanganui Catchment Strategy* to address land management and its effects on water quality in the catchment. The council released the strategy in July 1997 and has invited public submissions.

The strategy contains two goals, three objectives and actions to support the objectives. The goals are to maintain water quality at a standard that protects its cultural and amenity values and life supporting capacity; and to achieve land management that minimises the extent of accelerated soil erosion.

Objectives include: measuring water quality, conducting studies to better understand effects on clarity, and increasing the amount of land in the catchment managed within its inherent capability.

Specific actions support each objective. Actions commit the council (among other things) to extend its monitoring programme, encourage landowners to take responsibility for control of erosion, provide information and advice and provide regional grant assistance.

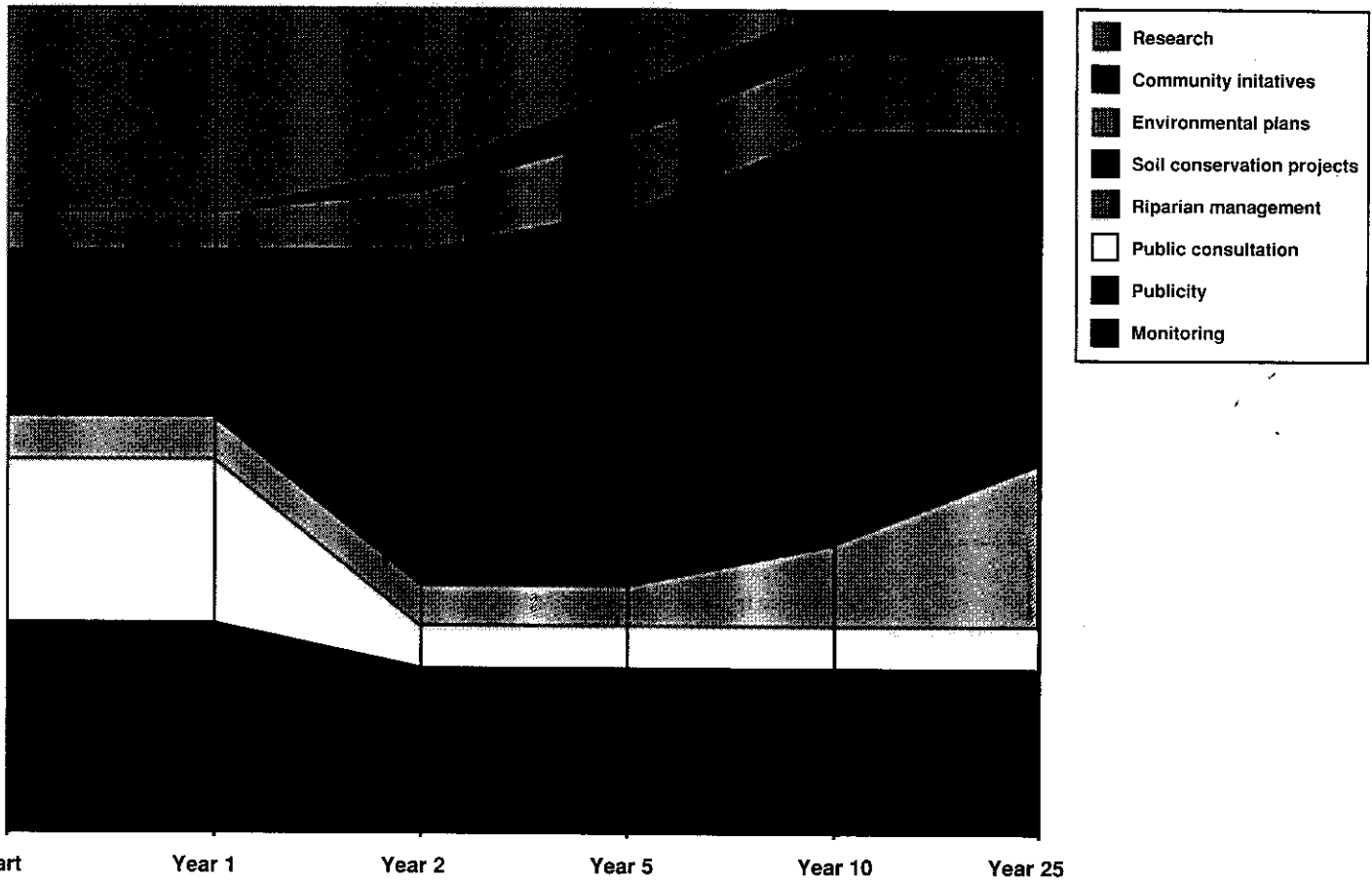
The strategy seeks wide support from individual landowners and groups, and sets an initial time-scale of 25 years for overall improvement to occur.



*Top: The Whanganui River.*

*Left: Lake Horowhenua.*

## Whanganui Catchment Strategy Implementation Plan



This chart contains eight different activities that are part of the strategy. It shows the approximate relative effort that the Regional Council plans to make over the next 25 years. The chart is indicative only.

The eight categories of activity are:

- **Research** – specific studies will have a significant early role and will be completed within 10 years.
- **Community initiatives** will take some time to develop but are expected to be established in 5-10 years.
- **Environmental plans** will be introduced at a rate limited by staff resources.

• **Soil conservation projects** will steadily increase in significance for many years.

• **Public consultation** will be ongoing with most emphasis at the beginning.

• **Publicity** will be ongoing with most emphasis at the beginning.

• **Riparian management** is part of the long-term solution and will be given additional emphasis following successful soil stabilisation measures.

• **Monitoring** is an ongoing responsibility of the council with constant effort over time.

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# Strategies for Sustainable Management

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