

BY DAVID WILLETTS ASSOCIATE, HARRISON GRIERSON CONSULTANTS LTD, WELLINGTON

A USEFUL PLANNING TECHNIQUE?

THE USE OF "GLOBAL" OR "BLANKET" CONSENT AS A RESOURCE MANAGEMENT TECHNIQUE.

The Ministry for the Environment, as part of its initiatives to raise awareness amongst resource management practitioners of innovative techniques, is interested in the global consent approach, and whether it has potential to become a more mainstream part of the planner's toolkit.

The Ministry for the Environment is sponsoring a workshop on the global consent approach to be held at this year's NZPI Conference, which is being held in Christchurch from the 17th to the 20th of May. I will be convening the workshop and hope that it will prove to be a forum for robust debate and the sharing of views and information about the global consent approach.

Left: River works such as these in the Wairarapa have been granted global consents by several regional councils. Below left: Global consents have been sought by several operational sections of regional councils, to assist them in carrying out river works to minimise floods.

Below right: Sandblasting is an activity that a number of regional councils have granted global consents for.

WHAT ARE GLOBAL CONSENTS?

There is no single definition of what constitutes a "global" or "blanket" consent. Because we are attempting to define a process, a description rather than a definition is appropriate. Global consents are resource consents that cover multiple activities in separate locations.

Global consents that have been granted usually relate to an organisation with interests across a local authority, or over a geographical feature such as a river or forest, rather than at one site. The consents normally cover a series of activities which, although often geographically separate, are similar enough to enable relevant consent conditions to be drawn up to relate to all the activities.

In other ways, global consents are just like other resource consents. The consents granted to date have included notified and non-notified examples. At least one consent (discussed below) has been appealed to the Environment Court. The applicants include the operational arms of local authorities, and small and large private sector companies.

The global approach is not just limited to resource consents. To my knowledge, at least eight territorial local authorities have granted global certificates of compliance to network utility operators rolling out network facilities across the district.

The table below provides a cross-section of known examples of the use of global consents as a resource management technique. The table is not exhaustive, either of the type of activities for which global consent has been granted, or of the number of councils which have used the technique.

NOT A MAINSTREAM APPROACH

Although there are examples of widely



Local Authority	Type of Consent	Activity	Consent Conditions
Canterbury RC	Discharge to Air	Sand blasting from a mobile abrasive blasting unit	Restricted to industrial and trade premises. Environmental standards are set Notice of particular activities required by Council Operator to maintain a complaints register Annual review Monitoring charges apply
Otago RC	Discharge to Air	Operating mobile aggregate screening plant at several sites	Location of operations restricted Performance standards are set Notice of activities required by Council Annual review
Wellington RC	Discharge to Land	Discharging composted sludge and greenwaste in the Wellington Region	Strict standards for contaminants Performance standards are set Aspects of plant management are controlled Product labels, advice notes and brochures are required to be made Review dates are set The consent holder must follow a specified monitoring programme
Taranaki RC	Discharge to Land	Spreading agricultural organic fertiliser	Monitoring fees apply Performance standards are set Right of cancellation retained
Manawau Wanganui RC	Discharge to water and air	Maintenance work on drains in the region.	Performance standards are set, including adherence to NZS DZ 8409 Months of operation are restricted Notice of activities is to be provided to various parties A Code of Practice is to be developed Monitoring fees apply
Porirua CC	Land Use Consent	Operate an underground cable network throughout the city.	Provide a likely programme of works. Provide 6 monthly report on scope and nature of works Environmental standards are set Reinstatement works required
Auckland CC	Land Use Consent	Operate a network of antennas for data transmission	Restricted to certain zones. Performance standards are set, including compliance with NZS 2772.1 Provide 6 monthly reports on installations. Monitoring fees apply. Five year duration of consent
Wellington CC	Land Use Consent	Install and operate an overhead cable network	Progress reports required Performance standards are set, including compliance with Council's Code of Practice for excavating trenches Review conditions are included
Gisborne DC	Land Use Consent	Election signs including a mobile trailer sign	Performance standards are set, including size and setback of signs Monitoring comprises spot checks

Table 1: Examples of "Global" or "Blanket" Consents

differing activities for which the global consent approach has been used, there is still an "ad-hoc" flavour to the technique. The approach is neither used widely enough or consistently enough to be considered mainstream.

There have been several councils that to my

knowledge have been reluctant to employ the global consents technique. Their legal advisers have queried whether or not you can address some concerns. One issue is the uncertainty of the description of the location in which the activity or activities occur, and whether that is a problem. Another issue raised is whether the consent conditions imposed on a global consent are able to be certain enough.

Other lawyers have been comfortable with the global resource consent applications that they have reviewed. Numerous global consents have been notified and have gone through the hearings process. For example, the application for a region-wide consent to discharge composted organic matter to land in the Wellington Region attracted legal submissions by the applicant and legal advice for the consent authority. The consent was granted in 1987 and was the subject of two appeals to the Environment Court.

In neither of the appeals (*Te Runanganui O Taranaki Whanui Ki Te Upoko O Te Ika A Maui Inc v Wellington Regional Council* W048/98, *Southern Environmental Association v Wellington Regional Council* W122/99) was the global consent granted, to the Living Earth Joint Venture Company Ltd questioned by the Environment Court.

While there have been some legal issues raised about global consents which have to my knowledge caused three local authorities to be reluctant to process particular global consent applications, a growing number of councils have simply gone ahead and done it in more than 12 by my last count (19 if global certificates of compliance are counted). There has been enough use of the technique for the Ministry for the Environment (MfE) to be interested in promoting a critical examination of the potential for the use of this innovative technique. While there does not appear to be any specific prohibition of the use of global consents under the Resource Management Act 1991, clearly care is needed in their application, and there are some circumstances where the global consent approach is more appropriate than others.

In order to tease out the issues further, MfE has commissioned me to prepare a report, including a stakeholder survey, to see whether useful guidelines can emerge from an examination of current practice. The workshop to be held at this year's NZPI Conference in Christchurch in May will be a forum to help foster debate on the global consent approach by resource management professionals.

Any feedback or queries on the global consent approach can be directed to: Harrison Grierson Consultants Limited, PO Box 11 048, Wellington, Attention: David Willetts, tel (04) 385 0005 email diw@wgm.hgcl.co.nz; or

Ministry for the Environment, PO Box 10 362 Wellington, Attention: Craig Mallett, email craig.mallett@mfe.govt.nz

