

14 October 2011

Far North District Council
Private Bag 752
Kaikohe 0440

Te Kaunihera o Tai Tokerau Ki Te Raki

Far North District Council (FNDC) thanks the Ministry for the Environment for the opportunity to make this submission in relation to "Measuring up Environmental Reporting – A Discussion Document".

GENERAL COMMENTS

1. Introduction

FNDC supports the initiative to deliver a more independent, standardised and robust environmental monitoring and reporting system at a national level but urge that any such reporting is not only applicable across the whole of New Zealand but that it can be paid for out of national budgets.

The discussion document lacks the finer detail to identify the full implications of the proposal. There is little recognition in the document that councils already have prescribed functions under the RMA and accordingly have existing monitoring frameworks that have been designed to reflect these. It is inappropriate to imply criticism for not delivering nationally when that is not the designed purpose of local [and regional] scale monitoring. National reporting is not a function of councils. Implicit in the report is that councils are not currently doing a good job whilst ignoring the responsibility that the Ministry for the Environment has to develop appropriate national environmental indicators.

Recognition is needed that councils already collect a significant amount of environmental data that can and has been utilised for national reporting purposes. There may be opportunities to build on existing programmes to better contribute to national reporting requirements but because national monitoring is not a function of councils a critical question is how will it be funded if there are requirements for data over and above existing programmes?

2.0 Specific comments

2.1 Cost

FNDC currently undertakes environmental monitoring and reporting in relation to the functions prescribed under the Act. The majority of the cost is serviced by ratepayers.

A key question is who will bear the cost of national environmental reporting if it is undertaken by councils. Is national environmental reporting to be paid for by central government and is there to be rationalisation of this monitoring?

As the provision of data for national reporting is a new responsibility and function for councils this needs to be addressed as the reporting framework is developed. Does the Act need to be amended (section 31 is relevant to FNDC) in addition to s360 – the regulation making power? If section 31 is not amended the regulation(s) to be developed may not be underpinned to the body of the Act.

This very important area has not been addressed in the discussion document and without reasonable information about likely variables the full implications for this council are impossible to determine. We suggest that a benefit cost analysis would be a pre-requisite to developing any new legislation much less standardised reporting.

2.2 Functions of local government

FNDC has been fulfilling its prescribed role, as provided for under sections 31 and 35 of the RMA. The monitoring currently undertaken is in relation to the functions and duties of territorial authorities. FNDC undertakes and reports on monitoring in response to the *"Monitoring Strategy for the Far North District Council 2008"*.

2.3 Role of PCE

The Parliamentary Commissioner for the Environment has no regulatory capacity to generate data. It is therefore assumed that it will be entirely dependant on MfE for this (or will proposed changes to the Environment Act cover this?). The Parliamentary Commissioner would have to request that a regulation is developed to require the collection of data and it is unclear what process will be required when changes are required to the specific variables. Will the regulation need to be amended?

2.4 Collaboration and consistency

National Environmental Standards require some level of consistency in measurement and data collection e.g. freshwater quality. There is also a level of collaboration and consistency in monitoring of biodiversity. Any future framework needs to capture work already underway and not undermine or duplicate it.

In the past councils worked with MfE on the Environmental Performance Indicators Programme (1996 - 1998); and Environmental Information Sharing Protocols, including the development of national indicators and the implementation of the start of monitoring for national reporting purposes (2003). This work was abandoned by the Ministry. What systems will be in place for future sharing of resources and information? Is there any further intention to develop national indicators? Is there a role for culturally based environmental monitoring?

2.5 Change to regulation

What processes will be in place to:

- (a) establish indicators to be monitored; and
- (b) enable changes to be made to keep up with changes in technology and issues?

2.6 Environmental domains

The document states that there are a range of views on what the PCE should be required to report on. The environmental domains listed are: fresh water; land; oceans; air; biodiversity.

What the actual reporting variables are within each domain will determine implementation constraints and potential costs. It is assumed that the MfE will be responsible for designing and implementing the national indicators but this is unclear.

This section of the report on the environmental domains is very disappointing. It seems reasonable to assume there has been some analysis of possible variables which could be reported within each domain but this has not been discussed in the discussion document. This leaves a vacuum of information and makes it very difficult to provide feedback on the proposal, for example, without knowing what might fall under "land" it is impossible to determine what the implications might be, even whether there are implications for territorial authorities.

Some territorial authorities already undertake monitoring and reporting of biodiversity in their districts and this is not acknowledged in the discussion document with its focus on regional authorities. Some direction may have been provided by the environmental performance review by the OECD (Organisation for Economic Co-operation and Development) – at least for discussion at a high level.

It is also likely the PCE will be subject to pressure to report on a range of matters from different sectors of the population. It is MfE which has control of the regulation making power (not PCE) and it is likely to be councils which will be responsible for collecting the data. There is no ability for the PCE to require MfE to do something so it is unclear how this will work in practice.

2.7 Data storage and access

An important matter is how data will be stored and viewed. We recommend considering this for inclusion in the regulation. The principles of "open data" should be applied when this is being developed. It is critical that this is considered alongside the development of any new regulation. Access to source data is fundamental to establishing a seamless approach to raw data acquisition if that is required. Alternatively web based reporting of collated data through a federated data system could be enabled and minimise the duplication of effort.

Any set up cost should not fall onto councils.

2.8 Regulation making power

FNDC is opposed to the proposed Environmental Reporting Bill expanding the regulation-making power under section 360 of the RMA until:

- (a) there has been a proper cost benefit analysis to determine the cost to local government to align or develop monitoring programmes to support national reporting requirements; and
- (b) there has been meaningful dialogue on how any new or additional costs should be offset.

Delaying the conducting of a full cost benefit analysis until after deciding to proceed with regulations is inconsistent with good decision making.

Sites and parameters currently monitored have been selected to meet the needs of a particular council – i.e. section 35(2)(a) of the RMA requires councils to monitor “... *the state of the whole or any part of the environment of its region or district to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act.*” For the Government to dictate how, what and where the council should monitor, based upon national needs, may not be appropriate at a local level.

FNDC is supportive of exploring opportunities for alignment and aggregating statistics (standardising data) to contribute to national state of the environment monitoring and reporting. However, depending upon what is required to meet the Government's national reporting needs, there is potential for substantial new or added costs on councils to expand or fine tune their programmes. It would be inappropriate for additional costs resulting from national reporting requirements to be borne by the local ratepayers.

Additional central government resourcing will be required to provide the extent of additional monitoring that is being considered.

3. Conclusion

1. *FNDC* thanks the Ministry for the Environment for the opportunity to make a submission on the discussion document.
2. Any reform must address the whole system and not just that part that applies to the local government sector.
3. The reliance on regulation to achieve national environmental monitoring will impose costs on the local government sector to meet national needs. Funding is a critical matter which needs to be addressed.

SPECIFIC ANSWERS TO CONSULTATION QUESTIONS IN DISCUSSION DOCUMENT:

1. Do you agree with the issues identified above? Have the main issues been defined accurately?

We agree with the Issue (1) regarding the current lack of statutory obligation.

Issue 2: Inconsistent regional state of the environment monitoring programmes.

There is no requirement for consistency as the focus is on regional priorities and no prescribed function with respect to national monitoring. Issue 2 needs to focus on the whole system of national environmental reporting and not solely on the part relating to local government. Council also questions, where is the evidence that a problem exists?

Whilst it has been acknowledged in the discussion paper that other agencies responsible for collecting environmental data have been deliberately excluded, all agencies contributing towards national environmental monitoring and reporting should have been considered as part of this reform so as to identify efficiencies and or opportunities for alignment or integration of monitoring information between the different agencies (or identify information gaps). Of note, while regional councils might be the principal source of environmental statistics relating to fresh water, land, and air domains, for the oceans

and biodiversity domains, national agencies such as the Ministry of Fisheries and the Department of Conservation are likely to play a leading role.

As discussed earlier, regional variation is entirely appropriate as it reflects regional priorities. Similarly district councils will have varying priorities depending on their location.

2. Are there any other issues that have not been considered?

Quality Assurance, training and qualifications, and analytical capacity/capability.

3. What is the scale of the problem? Which is the bigger issue: the lack of statutory obligation requiring regular independent state of the environment reporting OR inconsistent state of the environment monitoring?

These are not mutually exclusive. It is important to be clear that what is being discussed is national state of the environment monitoring.

4. Do you agree with these objectives? Please give reasons.

The objectives need to refer to national state of the environment monitoring.
The objectives also need to refer to indicator selection and funding.

5. Do you agree with the assessment criteria? Please give reasons.

The assessment criteria appear to be objectives not criteria. Criteria also need to include:

- capability of the organisations to undertake the respective roles
- funding/cost

As stated earlier – there is **no** discussion of the potential costs and resourcing requirements to local government. There is a lack of detail on this in the discussion document. The potential for the variables to be changed and for this to have cost implications to local government are of most concern.

6. Do you agree with the preferred options? Please give reasons.

The preferred option identifies the need to improve consistency at the local level. As identified earlier, local and regional programmes must deliver the local and regional needs, which may be compromised by national level objectives. Identification of the national level monitoring is first and foremost required; how this is developed to avoid duplication at the local and regional level is part of the national level collaboration.

7. Is there an alternative option that has not been considered?
8. To what extent do the options address the identified problems?
9. Are you aware of any other costs and benefits of the options?

The value of SOE monitoring and reporting is not clearly identified; there is a lack of context to show the benefit of reporting at a national level.

10. Do you have any comment about which option would deliver the highest level of net benefit?

11. What are the pros and cons of the proposed Environment Act amendment?
12. Is five-yearly reporting an appropriate reporting timeframe? If not, what time period would you recommend?

Trends in environmental indicators can occur over longer timeframes, consideration should be given as to what indicators are useful at the 5 yearly intervals as opposed to a longer duration. For example reporting on vegetation state or land use change may not be adequately reflected in a time period such as five years. Clearly the frequency of reporting will be in part identified through the objectives that are identified.

13. What do you think about the proposed environmental domains that the Parliamentary Commissioner for the Environment should report on in the state of the environment report? What topic areas or requirements (if any) would you suggest?

The domains do not identify the built, social or cultural components that accompany them, nor do they represent contiguous relationships that may exist across domains. These are clearly natural resource domains; if these are the domains to be used then objectives must be clear.

14. Outline any problems you perceive with the proposed RMA amendment? s360 needs to be accompanied by changes to s30 and s31
15. Which environmental domains (e.g., fresh water, land, oceans) do you think should be prioritised for improvements in consistency?

Without a clear articulation of the objectives for each domain and identification of the variable/indicator to be measured we are not in a position to prioritise. There are also relationships between domains which may require multi-criteria prioritising i.e. it is not simply a case of prioritising a domain but rather inter and intra relationships need to be considered.

16. Have we accurately reflected the high level costs and benefits arising from the proposals for an Environmental Reporting Bill? Please give reasons.
17. Can you identify any other high level costs and benefits?

There is a value to NZ of being able to validate the NZ Brand (NZ pure, NZ Inc) position in the global marketplace e.g. it has been estimated that \$184bn of ecosystem services is provided from NZ's marine resources.

18. Do you have any information you would like to see included in the final cost-benefit analysis that will be carried out after the submissions are received and analysed?

The value of SOE monitoring (\$); the cost of development and implementation; and where the cost of implementation will fall.

If you require any further information please do not hesitate to contact me on our freephone number

Yours sincerely